

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

#### **4 CODE OF COLORADO REGULATIONS (CCR) 723-2**

#### **PART 2**

#### **RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES**

##### **2011. Regulated Telecommunications Utility Rule Violations, Civil Enforcement, and Civil Penalties.**

An admission to or Commission adjudication for liability for an intentional violation of the following may result in the assessment of a civil penalty of up to \$2,000.00 per offense. Fines shall accumulate up to, but shall not exceed, the applicable statutory limits set in § 40-7-113.5, C.R.S.

<b>Citation</b>	<b>Description</b>	<b>Maximum Penalty Per Violation</b>
Rule 2109(b),(e)-(g); text preceding (a)	Discontinuance of Regulated Services	\$2000
Rule 2110, text preceding (a) only	Applications to Transfer or Encumber	\$2000
Rule 2122	Keeping a Current Tariff on File with the Commission	\$2000
Rule 2135	Uniform System of Accounts, Cost Segregation and Collection	\$2000
Rule 2136	Obligations of Basic Emergency Service Providers	\$2000
Rule 2139	Obligations of Resellers of Basic Local Exchange Service	\$2000
Rule 2142	Nondisclosure of Name/Number/Address Information	\$2000
Rule 2143	Diverse Routing and Priority Service Restoration	\$2000

Rule 2150	Administration of the 9-1-1 Surcharge Trust Cash Fund	\$2000
Rule 2152	Audit of Service Providers Regarding Emergency Telephone Charge and 9-1-1 Surcharge Practices	\$2000
Rule 2186(a),(d), (e) and (f)	Relinquishment of Designation as Provider of Last Resort	\$2000
<u>Rule 2302(a)-(c);(e)-(g)</u>	<u>Applications for Service, Customer Deposits, and Third Party Guarantees</u>	<u>\$500</u>
Rule 2305, text preceding (a) only	Refund Plans	\$2000
<del>Rule 2335</del>	<del>Provision of Service During Maintenance or Emergencies</del>	<del>\$2000</del>
<del>Rule 2413</del>	<del>Affiliate Transactions for Local Exchange Providers</del>	<del>\$2000</del>
<del>Rule 2533</del>	<del>Submission of Agreement and Amendments for Approval</del>	<del>\$2000</del>
<del>Rule 2742</del>	<del>Abbreviated Dialing Codes</del>	<del>\$2000</del>
Rule 2334	Construction and Maintenance Practices for Telecommunications Facilities	\$1000
<u>Rule 2335</u>	<u>Provision of Service During Maintenance or Emergencies</u>	<u>\$2000</u>
Rule 2337(a)	Standard Performance Characteristics for Customer Access Lines	\$1000
<del>Rule 2302(a) (c);(e) (g)</del>	<del>Applications for Service, Customer Deposits, and Third Party Guarantees</del>	<del>\$500</del>
<u>Rule 2413</u>	<u>Affiliate Transactions for Local Exchange Providers</u>	<u>\$2000</u>
<u>Rule 2533</u>	<u>Submission of Agreement and Amendments for Approval</u>	<u>\$2000</u>

<u>Rule 2742</u>	<u>Abbreviated Dialing Codes</u>	<u>\$2000</u>
<u>Rule 2812</u>	<u>Incarcerated People's Communications Services Provider Reporting and Testing Requirements</u>	<u>\$2000</u>
Rule 2823(a),(c)-(e)	Conformity with the Federal Americans with Disabilities Act of 1990	\$100
Rule 2824	Conformity with the Commission's Quality of Service Rules	\$100
Rule 2827(b)	Timely or Completely Filing or Making Appropriate Payments to the TRS Fund	\$100
Rule (TBD)	Timely or Completely Filing or Making Appropriate Payments to the HCSM Fund	\$100

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[indicates omission of unaffected rules]

**2804. – 28109. [Reserved].**

### **Incarcerated People's Communications Services**

#### **Basis, Purpose, and Statutory Authority**

The basis and purpose of these rules is to prescribe the process and requirements for reporting and disclosures by incarcerated people's communications services (IPCS) providers.

The statutory authority for the promulgation of these rules is found at § 17-42-103, C.R.S.

#### **2810. Applicability.**

Rules 2810 through 2812 are applicable to incarcerated people's communications services providers, as defined in rule 2811.

#### **2811. Definitions.**

- (a) "Call", for the purposes of rules 2810-2812, means two-way, realtime electronic communication between an incarcerated individual and another person and does not include electronic mail or messaging services. Unless otherwise specified, such calls may be conducted by video or voice.
- (b) "Commissions" means any form of monetary payment, thing of value, in-kind payment, gift, exchange of services or goods, fee other than for direct cost recovery, or technology allowance paid to a correctional facility or other government entity by an IPCS provider.

- (c) “Correctional facility” means any building, structure, enclosure, institution, or place, whether permanent or temporary, fixed or mobile, where persons are or may be lawfully held in custody or confined and that is operated by a city, county, city and county, state government, or private entity, including but not limited to a jail or prison.
- (d) “Incarcerated people’s communications services (IPCS)” or “Penal communications services” means communications services, including but not limited to telephone, video, or electronic mail or messaging services provided to a correctional facility for use by end users.
- (e) “Incarcerated people’s communications services (IPCS) provider” or “Penal communications services provider” means a person or company that contracts with a correctional facility to provide IPCS or the means to access IPCS regardless of the technology used to provide the services. A person or company that provides one type of communications service but not others is also an incarcerated people’s communications services provider.

**2812. Incarcerated Person’s Communications Services Provider Reporting and Testing Requirements**

- (a) Within 14 days after the end of each quarter, each IPCS provider must submit the following records and data to the Commission for each correctional facility to which it provides IPCS:
  - (I) a copy of the existing contract between the IPCS provider and the government entity to provide IPCS to persons in custody in a correctional facility, unless this contract was provided in a previous quarterly report and is unchanged;
  - (II) the total number of video calls and total number of voice calls made from the correctional facility using the IPCS;
  - (III) the total number of video call minutes and total number of voice call minutes made from the correctional facility using the IPCS;
  - (IV) the total revenue, before any commissions payments, collected by the IPCS provider for providing IPCS, including revenue for voice calls, video calls, e-mail, and other electronic messaging, for both intrastate and interstate communications, broken out or combined as directed by Commission staff;
  - (V) a summary of all commissions paid to the correctional facility or any other government entity for all IPCS provided by the IPCS provider;
  - (VI) a copy of the IPCS provider’s unclaimed funds policy, unless a copy of this policy was provided in a previous quarterly report and is unchanged;
  - (VII) a list of the rates charged by the IPCS provider to persons in custody making calls to persons not in custody, regardless of whether those rates are paid directly by the person in custody or by the correctional facility on the person’s behalf, including any rates charged for:
    - (A) the first minute of an in-state call;

- (B) minutes subsequent to the first minute of an in-state call;
- (C) the first minute of an out-of-state call; and
- (D) minutes subsequent to the first minute for an out-of-state call;
- (VIII) a list of the fees charged to persons in custody making voice calls to persons not in custody, including fees charged for:
  - (A) initiating a call;
  - (B) depositing money into the incarcerated person's account for IPCS;
  - (C) opening, maintaining, funding, or closing an account with an IPCS provider;
  - (D) receiving a refund from an IPCS provider;
  - (E) receiving a paper bill from an IPCS provider; and
  - (F) making payments to the IPCS provider through a third-party company; and
- (IX) other information as may be requested by Commission staff regarding any other commissions, fees, and charges for the voice calls provided by the IPCS provider; and
- (X) the total number of complaints related to video quality.
- (b) Commission staff may provide a form to facilitate the quarterly reporting required in paragraph (a).
- (c) Starting on January 1, 2022, rate caps established by the Federal Communications Commission, including any updated rate caps, apply to all in-state debit, prepaid, and collect calls to or from a correctional facility.
- (d) IPCS providers shall cooperate, as necessary, with biannual trial tests conducted by Commission staff and correctional facilities on a statistically valid sample of communications services to and from correctional facilities served by the IPCS provider, including voice calls, at a minimum, but may also include video calls.
  - (I) Tests will include trial voice calls to staff phone numbers not already in the provider's system.
  - (II) Tests will assess and monitor the costs and quality of calls, including how the IPCS provider is charging and addressing consumer complaints regarding poor quality calls, including dropped calls.
  - (III) Tests will generally be conducted remotely.
- (e) IPCS providers shall include the following language on their website: "The Public Utilities Commission (PUC) gives consumers the opportunity to file informal complaints about problems

with the communications services that the PUC regulates. Complaints can be filed through <https://puc.colorado.gov/inmate-communication-services> or <https://puc.colorado.gov>.

- (I) Both “<https://puc.colorado.gov>” and “<https://puc.colorado.gov/inmate-communication-services>” in the statement shall be hyperlinked to allow visitors to the website to directly access the websites.
- (II) The language must be posted on the homepage or customer service page of the IPCS provider’s website. If posted to the customer service page, this page must be accessible with a single click from the homepage. The language must be displayed in an easy-to-read font, font size, and color.
- (III) Informal complaints received by Commission staff shall be handled in accordance with rule 1301.

**2813. – 2819. [Reserved].**

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[indicates omission of unaffected rules]

## **GLOSSARY OF ACRONYMS**

ABS	Alternate Billing Service
ALI	Automatic Location Identification
AMA	Automatic Message Accounting
AML	Actual Measured Loss
ANI	Automatic Number Identification
ANSI	American National Standards Institute
BER	Bit Error Rate
BESP	Basic Emergency Service Provider
BRI	Basic Rate Interface
BSA	Basic Serving Arrangement
BSE	Basic Service Element
CASB	Cost Accounting Standards Board
CCR	Code of Colorado Regulations
CEI	Comparably Efficient Interconnection
CFR	Code of Federal Regulations
CLASS	Custom Local Area Signaling System
CLEC	Competitive Local Exchange Carrier
CMRS	Commercial Mobile Radio Service
CNS	Complementary Network Service
CPCN	Certificate of Public Convenience and Necessity
CPNI	Customer Proprietary Network Information
CRCP	Colorado Rules of Civil Procedure
CRS	Colorado Revised Statutes
CSR	Customer Service Record
dB	Decibel
DMS	Data Management System

DS0,DS1,DS3 Digital Signaling levels 0, 1 and 3  
E9-1-1 Enhanced 911  
e-mail Electronic mail  
ENS Emergency Notification Service  
EP Eligible Provider  
ESP Enhanced Service Provider  
ETC Eligible Telecommunications Carrier  
ETS Emergency Telephone Service  
FCC Federal Communications Commission  
FDC Fully Distributed Cost  
FOC Firm Order Confirmation  
GAAP Generally Accepted Accounting Principles  
HCSM High Cost Support Mechanism  
Hz Hertz  
ICB Individual Case Basis  
IPCS Incarcerated People's Communication Services  
IEEE Institute of Electrical and Electronics Engineers  
ILEC Incumbent Local Exchange Carrier  
ISDN Integrated Services Digital Network kbit/sec kilobit per second (1,000 bits per second)  
LATA Local Access Transport Area  
LCA Local Calling Area  
LEC Local Exchange Carrier  
LIDB Line Identification Database  
LLC Limited Liability Company  
LNP Local Number Portability  
LOR Letter of Registration  
LRIC Long Run Incremental Cost  
LSR Local Service Request  
ma milliamps  
Mbps Megabits per second  
MLTS Multi-line Telephone System  
MSA Metropolitan Statistical Area  
MSAG Master Street Address Guide  
MTB Minimum Transport Bandwidth  
MTE Multi-Tenant Environment  
NANP North American Numbering Plan  
NANPA North American Numbering Plan Administrator  
NECA National Exchange Carrier Association  
NENA National Emergency Number Association  
NID Network Interface Device  
NIIF Network Interconnection Interoperability Forum  
NPA Numbering Plan Area  
NPAC Number Portability Administration Center  
OC1 Optical Carrier-Level 1 Signal  
ONA Open Network Architecture  
OSS Operational Support Systems  
PCS Personal Communications Service  
PIN Personal Account Identification Number  
POLR Provider of Last Resort  
PRI Primary Rate Interface

PSAP Public Safety Answering Point  
RBOC Regional Bell Operating Company  
RTEZ Rural Technology Enterprise Zone  
RTF Rich Text Format  
RUS Rural Utility Service  
SCP Service Control Point  
SGAT Statement of Generally Available Terms and Conditions  
SLU Subscriber Line Usage  
SS7 Signaling System #7  
STP Signal Transfer Point  
TDD Telecommunications Device for the Deaf  
TRS Telecommunications Relay Services  
TSLRIC Total Service Long Run Incremental Cost  
UCA Office of Consumer Advocate  
UNE Unbundled Network Element  
USF Universal Service Fund  
USOA Uniform System of Accounts  
WATS Wide Area Telephone Service