

Decision No. C02-584

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 02R-281T

IN THE MATTER OF PROPOSED AMENDMENTS TO THE RULES PRESCRIBING THE PROCEDURES FOR ADMINISTERING THE LOW-INCOME TELEPHONE ASSISTANCE FUND, 4 CCR 723-13.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: May 21, 2002
Adopted Date: May 15, 2002

I. BY THE COMMISSION:

Statement

1. The Colorado Public Utilities Commission hereby gives notice of proposed rulemaking regarding amendments to the Rules Prescribing the Procedures for Administering the Low-Income Telephone Assistance Fund ("LITAP Rules"), 4 *Code of Colorado Regulations* 723-13. The proposed rules would amend Rules 4.2, 5.4, and 5.5 of the LITAP Rules. The proposed amendments require telephone providers to remit excess collections (from the low-income telephone assistance surcharge) to the Commission on a quarterly basis. Related changes are suggested in the amendments to the rules. A copy of the proposed rules is attached to this notice of proposed rulemaking. The statutory authority for the proposed rules is found at §§ 40-2-108 and 40-3.4-106, C.R.S.

2. The Commission will conduct a hearing on the proposed rules and related issues at the below stated time and place. Interested persons may submit written comments on the rules and present these orally at hearing, unless the Commission deems oral presentations unnecessary. The Commission also encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before hearing, the Commission requests that such comments be filed ten days prior to the hearing date. The Commission will consider all submissions.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the June 10, 2002 edition of *The Colorado Register*.

2. Hearing on the proposed rules and related matters shall be held before an Administrative Law Judge as follows:

DATE: July 8, 2002
TIME: 9:00 a.m.
PLACE: Commission Hearing Room A
Office Level 2 (OL2)
Logan Tower
1580 Logan Street
Denver, Colorado

At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Commission deems oral comments unnecessary.

3. Interested persons may file written comments in this matter before the hearing. The Commission requests that such prefiled comments be submitted at least ten days before the scheduled hearing. All submissions, whether oral or written, will be considered by the Commission.

4. This Order is effective on its Mailed Date.

B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING May 15, 2002.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RAYMOND L. GIFFORD

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ATTEST: A TRUE COPY

Bruce N. Smith
Director

JIM DYER

Commissioners

723-13-4.2 Each provider of basic local exchange telecommunications services shall, in its annual report to the Commission state its estimate for the coming year of the number of eligible subscribers who will receive low-income telephone assistance ~~for the coming fiscal year~~, the number of business and residential subscribers to be subject to the uniform charge, and ~~the~~ its administration costs of the program as well as the historic monthly amounts of collections generated by the uniform charge, the ~~expenses~~ monthly amounts of revenue foregone due to the discount of the program, its monthly administration expenses and amounts ~~deposited with or withdrawn~~ reimbursed from or remitted to the Low-Income Telephone Assistance Fund as managed by the State Treasurer. However, providers of basic local exchange telecommunications services, having less than 500,000 subscribers, with an approved program, may report using an average cost to administer, with a minimum amount per local exchange carrier, and an amount per eligible subscriber access line, as determined by the Commission.

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723-13-5.4 Upon collecting the uniform charge, each provider may retain, from the total charges collected, an amount sufficient to reimburse such provider for its provision of low-income telephone assistance.

723-13-5.4.1 If the total collected is in excess of the amount sufficient to reimburse the provider, the provider shall by the 30th day following the end of each quarter (January 30, April 30, July 30, and October 30) remit the excess to the Commission. The Commission shall deposit

such amount with the State Treasurer, who shall credit the same to the Low-Income Telephone Assistance Fund.

723-13-5.4.2 If the total collected is insufficient to reimburse the provider, the provider shall request reimbursement from the fund by providing the required information of Rule 4.2 in its annual report to the Commission. The Commission, after examining same, shall calculate the amount due for reimbursements from the fund and request reimbursement from the State Treasurer, who shall debit the same to the Low-Income Telephone Assistance Fund.

723-13-5.5 ~~Each month,~~ tThe Department of Human Services shall file with the Commission ~~a~~ reports detailing its costs in administering the low-income telephone assistance program in accordance with § 40-3.4-101, et seq ., C.R.S. The Commission shall request reimbursement of the approved expenses of the Department of Human Services from the State Treasurer, who shall remit that amount and shall debit the same from the Low-Income Telephone Assistance Fund.