

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 91M-314T

RULES PRESCRIBING THE STANDARD PROCEDURES FOR ADMINISTERING THE
COLORADO LOW-INCOME TELEPHONE ASSISTANCE FUND, 4 CCR 723-13-4.

**COMMISSION ORDER WAIVING RULE 4 CCR 723-13-10
AND SETTING THE UNIFORM CHARGE FOR EACH
APPLICABLE ACCESS LINE AT TEN CENTS PER
MONTH TO SUPPORT THE COLORADO LOW-INCOME
TELEPHONE ASSISTANCE PROGRAM**

Mailed Date: November 26, 2003
Adopted Date: November 26, 2003

I. BY THE COMMISSION

A. Statement

1. The Colorado Low-Income Telephone Assistance Program (LITAP) was established by the Legislature in 1990. *See* § 40-3.4-101 *et seq.*, C.R.S. In 1991, the Commission adopted Rules Prescribing the Procedures for Administering the Low-Income Telephone Assistance Fund. 4 *Code of Colorado Regulations* (CCR) 723-13. Rule 3.1 provides:

Implementing tariffs shall consist of a twenty-five percent discount for a single local dial tone line and the flat rate usage charge in the principal residence of an eligible subscriber. Eligible subscribers who pay mileage charges associated with basic telephone service may be eligible for a twenty-five percent discount for these charges. In no event shall the discount provided be less than the end user common line charges imposed by the Federal Communications Commission.

2. Pursuant to Rule 4 CCR 723-13-4 the Commission shall determine, and by appropriate order, impose a uniform charge on each business and residential access line in a uniform amount, such charge to be adjusted on or before July 1 of each year. After accounting for the projected amounts in the Colorado Low-Income Telephone Assistance Fund (Fund) for

the first two quarters of 2003, the Commission finds the LITAP Uniform Charge on each eligible access line for fiscal year 2004 will need to be increased from eight cents to ten cents per month per line.

3. Colorado allows participating telephone service providers to be reimbursed from the LITAP fund for the Subscriber Line Charge (SLC) imposed by the Federal Communications Commission or a 25 percent discount of the local service charge, whichever is greater. Considering the current fund balance, revenue, and expenditure projections for Fiscal Year 2003-2004, the Commission finds it necessary to increase the LITAP Uniform Charge on each eligible access line beginning January 1, 2004. The increased SLC charge (now at \$6.50 per month) and the increase of the number of LITAP subscribers will both have an impact on the Fund and create a shortfall at the current uniform charge. An increase of \$.02 of the monthly per access line charge is necessary in order to maintain a positive projected balance in the Fund.

4. Rule 4 CCR 723-13-4 indicates that it is the intent of the Commission to adjust the uniform charge, if necessary, on or before July 1 of each year. Rule 4 CCR 723-13 allows the Commission to permit variance from these rules for good cause. The information required to make the appropriate determination about the fund balances was not available in time to adjust the uniform charge prior to July 1, 2003.

II. ORDER

A. The Commission Orders That:

1. Pursuant to § 40-3.4-108(1), C.R.S., and Rules 4 and 5 of the Commission's Rules Prescribing the Procedures for Administering the Low-Income Telephone Assistance Fund, 4 *Code of Colorado Regulations* 723-13-4, the Commission hereby establishes a uniform charge

on each eligible access line for the Colorado Low-Income Telephone Assistance Fund for the Fiscal Year 2003-2004. The uniform charge shall be ten cents per month per line effective January 1, 2004.

2. It may be unnecessary for basic local exchange telecommunications service providers who have Colorado Low-Income Telephone Assistance Fund Tariffs on file with the Commission to file revised tariffs changing the uniform charge per access line per month. However, if necessary, providers may file changes to their tariffs on not less than one day's notice, citing this Order as authority.

3. The Commission may enter subsequent orders should the estimates in the Table entitled "Colorado Low-Income Telephone Assistance Fund," appended as Attachment A to this Order, prove inaccurate.

4. The uniform charge of ten cents per month shall be included in each applicable subscriber's bill as part of the subscriber's base rate. As soon as practicable after January 1, 2004, each basic local exchange telecommunications provider who has on file a tariff providing for Low-Income Telephone Assistance, and is thus a part of the Colorado Low-Income Telephone Assistance Fund, shall print on each customer's bill a market informational note. The market informational note should state: "The basic rate contains a ten -cent monthly charge for the Low-Income Telephone Assistance Fund," and should be contained on the bill during one billing cycle.

5. The 20-day time-period provided for by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration begins on the first day after the mailing of this Order.

6. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 26, 2003**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners