

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 04R-481T

RULES RELATING TO THE REGULATION OF OPERATOR SERVICES FOR
TELECOMMUNICATIONS SERVICE PROVIDERS AND TELEPHONE UTILITIES.

ORDER ADOPTING EMERGENCY RULES

Mailed Date: September 24, 2004

Adopted Date: September 22, 2004

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for adoption of an emergency amendment to the Rules Regulating Operator Services for Telecommunications Service Providers and Telephone Utilities, 4 *Code of Colorado Regulations* (CCR) 723-18 Appendix A (Benchmark Maximum Operator Services Rates). For the reasons set forth in this decision, we now adopt on an emergency basis (*i.e.*, without compliance with the rulemaking requirements for permanent rules set forth in § 24-4-103, C.R.S.) an amendment to the Benchmark Maximum Operator Services Rate for Pay Telephone Charge appended to this Order as Attachment A. We take this action in accordance with the provisions of § 24-4-103(6), C.R.S., and to implement directives of the Federal Communications Commission (FCC) in WC Docket No. 03-225, *In the Matter of Request to Update Default Compensation Rate for Dial-Around Calls from Payphones*, Report and Order, FCC 04-182 (released. August 12, 2004) (Report and Order).

2. Generally, the purpose of the amendment adopted by this order is to modify the default rate of payphone compensation for "dial-around" calls consistent with the FCC's Report

and Order. In that order, the FCC modified the default rate of payphone compensation for "dial-around" calls (from \$.24 to \$.494) set forth in 47 Code of Federal Regulations § 64.1300(c) of its rules, determining that the industry has changed from a growing industry to a shrinking industry, leading to a substantial increase in the local coin rate. The FCC initiated the proceeding to reexamine the "dial-around" compensation rate to ensure that the rate continues to provide "fair compensation" for each and every payphone call. Dial-around calls are those calls in which a caller makes a coinless call using a carrier other than the payphone's presubscribed long distance carrier. Generally, there are two types of dial-around calls. The first type is where a caller uses a code to access his or her preferred long distance carrier to complete the call (*e.g.*, "1-800-XXX-XXXX" or "10-10-XXX"). The second type is known as "toll-free" calls, where a company will pay a long distance carrier for a toll-free number that its customers can use to contact the company without incurring toll charges.

3. This amendment to the Operator Service Rules changes the rate for the default payphone compensation rate in Appendix A, which sets forth the benchmark maximum operator services rates. The prior maximum rate for dial-around compensation was \$.26. We now change that maximum rate to \$.494, consistent with the Report and Order. (Telephone companies wishing to change their existing rates for dial-around calls (*e.g.*, charging the new maximum rate of \$.494) must file new tariffs or price lists pursuant to Commission tariff procedures.)

4. We adopt the attached amendment to the rule as an emergency rule in accordance with the provisions of § 24-4-103(6), C.R.S. Immediate adoption of the amendment to the rule is necessary in order to comply with the new FCC's default payphone compensation for dial-around calls which becomes effective on September 26, 2004. Further, compliance with the rulemaking

requirements associated with permanent rules, as set forth in § 24-4-103, C.R.S., would be contrary to the public interest.

5. Failure to adopt this amendment to the rule on an emergency basis would delay action on this matter for several months. Therefore, emergency adoption of the attached rule is appropriate. The statutory authority for adoption of these rules is set forth in §§ 40-2-108, 40-3-101, 40-4-101, and 24-4-103(6), C.R.S. The amendment to the rule attached to this order shall become effective on September 26, 2004, and shall remain in effect until the permanent rule becomes effective or for 210 days, whichever period is less.

II. ORDER

A. The Commission Orders That:

1. The rule appended to this Decision as Attachment A is hereby adopted as emergency rule consistent with the above discussion.

2. This Order is effective on September 26, 2004.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 22, 2004.**

(SEAL)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

CARL MILLER

Commissioners

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Bruce N. Smith".

Bruce N. Smith
Director

4 CCR 723-18-APPENDIX A

BENCHMARK MAXIMUM OPERATOR SERVICES RATES

<u>No.</u>	<u>Operator Service</u>	<u>Rate</u>
	Usage Rates	
1.	Flat (Message) Rate per call	.11
	Flat (Measured) Rate per minute	
2.	Day	.20
3.	Evening/Night/Weekend	.11
	Calling Card Station Rates	
	Customer Dialed	
4.	Automated (Mechanized)	.30
5.	Operator Assisted	.58
6.	Operator Dialed	1.13
7.	Operator Assistance Operator (Assisted)	.75
8.	Station-to-Station	1.25
9.	Collect	1.85
10.	Billed to Third Party	1.51
11.	Person-to-Person	3.00
	Busy Line	
12.	Verification	1.25
13.	Interrupt	2.00
14.	Prison Inmate Operator Station Collect	1.85
15.	Pay Telephone Charge <u>.494</u>	-.26
	(Facilities based providers only)	