

Decision No. R15-0530-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 15R-0318T

IN THE MATTER OF THE PROPOSED RULES REGARDING BASIC EMERGENCY SERVICE, 4 CODE OF COLORADO REGULATIONS 723-2.

**SUPPLEMENTAL NOTICE OF
PROPOSED RULEMAKING,
VACATING AND RESETTING
PUBLIC COMMENT HEARING
TO COMPLY WITH REQUIREMENTS OF
§§ 24-4-103(2.5) AND (4.5), C.R.S.**

Mailed Date: June 5, 2015

I. STATEMENT

1. The Colorado Public Utilities Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) on May 13, 2015, by Decision No. C15-0453, regarding rules regulating basic emergency service, currently Rules 2130 through 2159 of the Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* (CCR) 723-2.

2. The purpose of the NOPR was to provide notice that the Commission is considering revisions to its 9-1-1 rules in response to recent legislation and in response to recent events which affected 9-1-1 network reliability in Colorado, including recent catastrophic fires and floods. The potential and actual entry into the market for 9-1-1 services by new and different providers to Public Safety Answering Points, as well as the addition of significant technological advancements also led the Commission to consider revisions to its rules.

3. Pursuant to the NOPR, the Commission set a schedule for the filing of comments, replies and a date for a public hearing on the proposed rules. The Commission requested that initial comments be filed no later than June 5, 2015. The Commission also requested that reply comments be submitted no later than June 19, 2015. The Commission established a public hearing date of June 26, 2015.

4. On May 19, 2015, the 9-1-1 Advisory Task Force,¹ as well as Qwest Corporation dba CenturyLink QC and several other parties,² filed a Joint Motion to Extend Hearing and Comment Cycle, and request to Waive or Shorten Response Time (Joint Motion). That Joint Motion was granted in part by Interim Decision No. R15-0505-I, issued May 27, 2015.

5. Pursuant to Interim Decision No. R15-0505-I, the rulemaking schedule was amended so that the deadline for interested parties to file initial comments was extended to June 25, 2015, and the deadline to file reply comments was extended to July 17, 2015. The Interim Decision also provided that in order to make the extension of time process as straightforward as possible, and to provide sufficient notice of a substantive public hearing on the proposed rules during which public comment would be taken, the original hearing date of June 26, 2015 would remain in effect. The Interim Decision indicated that original hearing date would be convened solely for the purpose of scheduling a subsequent hearing date,

¹ Attached to the Joint Motion was a Voting Member Roster for the Colorado 9-1-1 Task Force.

² The other parties joining in the Joint Motion included: Boulder Regional Emergency Telephone Service Authority, Intrado, Inc., MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services, Jefferson County Emergency Communications Authority, Arapahoe County E-911 Emergency Communications Service Authority, Adams County Emergency Telephone Service Authority, AT&T Corp. and Teleport Communications America, LLC, Sprint Communications Company LP, Sprint Spectrum LP, and Virgin Mobile USA, Larimer Emergency Telephone Authority, Douglas County Emergency Telephone Service Authority, Shirl Garcia (911 Advisory Task Force Member at Large), the Colorado Telecommunications Association, Comcast, and El Paso - Teller County Emergency Telephone Service Authority.

which would occur either on August 10 or August 17, 2015. It was determined that this procedure was within the letter and spirit of § 24-4-103, C.R.S.

6. On the same date Interim Decision No. R15-0505-I was issued (May 27, 2015), CenturyLink filed a request with the Department of Regulatory Agencies (DORA) requesting that DORA and the Commission prepare and distribute a cost-benefit analysis under § 24-4-103(2.5), C.R.S. for each and every rule proposed in this Rulemaking Proceeding. In addition, CenturyLink also, by a separate filing, requested that the Commission prepare and issue a regulatory analysis for each and every rule proposed in this Proceeding pursuant to § 24-4-103(4.5), C.R.S.

7. Section 24-4-103 (2.5)(a), C.R.S., provides, in part:

If the executive director, or his or her designee, determines that a cost-benefit analysis is required, the agency shall complete a cost-benefit analysis at least ten days before the hearing on the rule or amendment.... By filing an additional notice published in the Colorado register, the agency may postpone the hearing on the rule or amendment to comply with the requirement to complete the cost-benefit analysis at least ten days before the hearing.

8. Interim Decision No. R15-0505-I attempted to accommodate the requests for additional time contained in the Joint Motion as effectively as possible by extending the dates to file comments, but maintaining the original hearing date merely as a vehicle to schedule a later hearing date which was more amenable to the parties. However, because requests for a cost-benefit analysis and regulatory analysis have now been tendered, it has been determined that such analyses cannot be completed at least 10 days prior to the original public comment hearing, or by June 16, 2015. Therefore, good cause is found to postpone the hearing on the proposed 9-1-1 rules in order to provide the Commission sufficient time to comply with the requirement to complete the cost-benefit analysis as is permitted under § 24-4-103(2.5), C.R.S.

9. By this Decision, the public comment hearing scheduled for June 26, 2015 will be vacated and will be re-scheduled for August 17, 2015. Postponing the hearing date until August 17, 2015, not only meets the parties' request to extend the hearing date and amend the comment schedule, consistent with Decision No. R15-0505-I, but it also enables the Commission to prepare and distribute a cost-benefit analysis in compliance with § 24-4-103(2.5), C.R.S., in addition to preparing and issuing a regulatory analysis pursuant to § 24-4-103(4.5), C.R.S. Additional notice will be published in *The Colorado Register*.

10. The proposed rules are available through the Commission's website in the Commission's Electronic Filings (e-filings) system at https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=15R-0318T.

II. **ORDER**

A. **It Is Ordered That:**

1. This Supplemental Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the June 25, 2015 edition of *The Colorado Register*.

2. A public comment hearing on the proposed rules and related matters shall be held as follows:

DATE: August 17, 2015

TIME: 9:00 a.m.

PLACE: Hearing Room

Colorado Public Utilities Commission

1560 Broadway, Suite 250

Denver, Colorado

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

4. Interested persons may file written comments in this matter before hearing. As set forth in Interim Decision No. R15-0505-I, issued May 27, 2015, the deadline for interested parties to file initial written comments is June 25, 2015. The deadline for interested parties to file comments responsive to the initial written comments is July 17, 2015.

5. The Commission will consider all submissions, whether written or oral.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director