

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20A-0447T

IN THE MATTER OF APPLICATION OF GILPIN 911 AUTHORITY BOARD FOR
APPROVAL OF EMERGENCY COMMUNICATIONS SURCHARGE INCREASE
PURSUANT TO C.R.S. 29-11-102(2)(B).

COMMISSION DECISION GRANTING APPLICATION

Mailed Date: December 3, 2020
Adopted Date: December 2, 2020

I. BY THE COMMISSION

A. Statement

1. On October 29, 2020, the Gilpin County 911 Authority Board (Applicant or Company) filed its application pursuant to § 29-11-102(2)(b) and (c), C.R.S., for approval of an emergency telephone charge increase from \$1.20 to \$3.00 per service user per month (Application).

2. On October 30, 2020, the Commission gave notice of the Application stating that parties wishing to participate in this Proceeding should file an Intervention or other appropriate pleading within 30 days after the date of the Notice.

3. Also on October 30, the Applicant filed supplemental documentation in support of its Application, specifically the current version of the Applicant's intergovernmental agreement and a signed copy of the Application narrative.

4. On November 30, 2020, the Applicant filed supplemental documentation of ongoing maintenance agreements in support of its Application.

5. Also on November 30, 2020, the Applicant filed an Affidavit attesting that it had

published notice of the Application in a local newspaper, as required by the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR) 723-2-2147(d).

6. No interventions were filed or public comments received in response to this Application.

II. FINDINGS AND CONCLUSIONS

7. Since the Application is now uncontested, the matter will be considered pursuant to the Commission's modified procedure, § 40-6-109(5), C.R.S., and the Commission's Rules of Practice and Procedure, 4 CCR 723-1-1403.

8. The Applicant is a governing body as defined in § 29-11-101(16), C.R.S. The Company's status as a governing body is established by an Intergovernmental Agreement, a copy of which was provided as an attachment to the Application.

9. A governing body may incur equipment, installation, and other costs directly related to the continued operation of emergency telephone service pursuant to § 29-11-102, C.R.S. As provided in paragraph (a) of subsection (2) of that statute, such allowable costs may be categorized as costs associated with the lease or purchase, installation, engineering, programming, maintenance, monitoring, security, planning and oversight of equipment, facilities, hardware, software, and databases used to receive and dispatch 9-1-1 calls; charges of Basic Emergency Service Providers (BESPs) for the provision of basic emergency service; costs related to the provision of the emergency notification service and emergency telephone service, including costs associated with total implementation of both services by emergency service providers, including costs for programming, emergency medical services provided by telephone, radio equipment within the PSAP, and training for PSAP personnel; costs associated with the

operation of emergency telephone service and emergency notification service, including recordkeeping, administrative, and facilities costs, whether the facilities are leased or owned; membership fees for state or national industry organizations supporting 9-1-1; and other costs directly related to the continued operation of the emergency telephone service and the emergency notification service. If money is available after the costs and charges enumerated above are fully paid in a given year, the money may be expended for public safety radio equipment outside the PSAP or personnel expenses necessarily incurred for a PSAP or governing body in the provision of emergency telephone service. § 29-11-104(2), C.R.S.

10. A governing body is statutorily authorized to collect up to an amount to be established by the Commission annually by October 1. In the event that a governing body determines that a charge in excess of this amount is necessary to provide adequate emergency telephone service, the governing body shall obtain the approval of the Commission before imposing such higher charge. § 29-11-102(2)(c), C.R.S. The current threshold at which Commission approval is required is \$1.72 per month per 9-1-1 access connection.¹ The amount of the charge must not be imposed on a service user that is a state or local governmental entity, and the amount of the charge must be uniform throughout the governing body's jurisdiction, regardless of the technology used to provide the 9-1-1 access connection. § 29-11-102(2)(a)(I) and (II), C.R.S.

11. Currently, the monthly emergency telephone surcharge is \$1.20 in the Applicant's service territory. The Application seeks to increase the charge to \$3.00 per month.

¹ See Decision No. C20-0690.

12. Governing bodies may choose an effective date for changes in the emergency telephone charge of February 1 or June 1. § 29-11-102(2)(b), C.R.S. The Applicant has requested an effective date of February 1, 2021.

13. The Company is supported by the affidavit and verification of the information filed with the Commission by the Applicant.

14. The Applicant funds two PSAPs, those being the PSAP operated by the Gilpin County Sheriff's Office and the PSAP operated by the City of Black Hawk.

15. The Applicant has determined that an increase in the emergency telephone charge is needed for in order to provide a direct subsidy to the operational costs of both PSAPs. Budgets for both PSAPs were provided as attachments to the Application to document eligible expenses at the PSAPs in excess of the subsidies that the Applicant proposes to provide.

16. The increase requested by the Applicant will increase revenues for the Applicant by an average of roughly \$140,000 per year, or about \$695,000 over the next five years. Without any increase, the Applicant will either exhaust its funds in 2021 or be forced to forgo proposed subsidies to the PSAPs. With the requested increase, assuming no unforeseen costs, funding should be sufficient for at least the next five years.

17. Based on this evidence, the Commission agrees with Applicant that additional funding that would be raised by an emergency telephone charge rate of \$3.00 is necessary in order to fund the Applicant's proposed expenses allowed pursuant to § 29-11-104(2), C.R.S.

III. ORDER

A. The Commission Orders That:

1. The Application of the Gilpin County 911 Authority Board (Applicant) seeking to

increase the emergency telephone charge to \$3.00 per 9-1-1 access connection per month effective February 1, 2021, is granted.

2. The Applicant shall notify each affected service provider of the increase in the emergency telephone charge at least 60 days prior to the new rate becoming effective, pursuant to § 29-11-102(b).

3. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 2, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners