

Decision No. R24-0012-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23R-0577T

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IN THE MATTER OF THE PROPOSED AMENDMENTS TO 4 CODE OF COLORADO REGULATIONS 723-2 MODIFYING THE COMMISSION RULES REGARDING BASIC EMERGENCY SERVICE OUTAGE PREVENTION, RESPONSE, AND REPORTING.

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**INTERIM DECISION OF  
ADMINISTRATIVE LAW JUDGE  
MELODY MIRBABA  
PROVIDING NOTICE THAT THE JANUARY 29, 2024  
HEARING WILL BE CONVENED AND CONTINUED**

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Mailed Date: January 9, 2024

**I. STATEMENT, SUMMARY AND PROCEDURAL HISTORY**

**A. Statement and Summary**

1. This Decision provides notice that the January 29, 2024 hearing scheduled to take public comment on the Rules proposed in this Proceeding will be convened for the sole purpose of continuing the hearing to a future date. This Decision also provides additional information to facilitate attendance at public comment hearings in this Proceeding and submitting written and verbal comments; and modifies deadlines to file initial and responsive written comments.

**B. Procedural History**

2. During its weekly meeting held on November 29, 2023, the Colorado Public Utilities Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Telecommunications Services and Providers of Telecommunications Services contained in 4 *Code of Colorado Regulations* 723-2-2131, 2134, 2136, 2143

(collectively, the Basic Emergency Service Rules) and 2335 (Quality of Service Rule).<sup>1</sup> That NOPR initiated this Proceeding. With the NOPR, the Commission provided the proposed Rules as Attachments A and B.

3. The NOPR scheduled a fully-remote hearing to receive public comment on the proposed Rules for January 29, 2024 at 11:30 a.m. In addition, the Commission established January 10, 2024 as the deadline to provide initial written public comments and January 19, 2024 as the deadline to file comments responsive to initial comments.

4. The NOPR also referred this Proceeding to an Administrative Law Judge (ALJ), which was subsequently assigned to the undersigned.

5. On December 6, 2023, the Commission filed the NOPR and Attachments with the Colorado Secretary of State. The NOPR was published in the December 25, 2023 edition of the Colorado Register.

## **II. FINDINGS, ANALYSIS AND CONCLUSIONS**

6. The ALJ is unavailable for the January 29, 2024 hearing date. Since this date was scheduled by the NOPR and published in the Colorado Register, the hearing will be convened as noticed on January 29, 2024.<sup>2</sup> The January 29, 2024 hearing will be convened for the sole purpose of continuing the hearing to a future date.<sup>3</sup> The final continued hearing date will be announced during the January 29, 2024 hearing, and scheduled by separate written decision after the January 29, 2024 hearing.

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<sup>1</sup> Decision No. C23-0800 (mailed December 5, 2023).

<sup>2</sup> Another ALJ will preside over the January 29, 2024 hearing.

<sup>3</sup> The anticipated continued hearing date is February 29, 2024 at 11:30 a.m.

7. Given the above, and to allow for robust stakeholder engagement, the ALJ will modify the January 10, 2024 deadline to file initial public comments and the January 19, 2024 deadline to file comments in response to initial comments to February 12 and 21, 2024, respectively.

### **III. METHODS TO SUBMIT PUBLIC COMMENTS**

8. Interested persons may provide written or oral comments. Although the Commission prefers written comments over oral comments, they are given the same weight.

9. Interested persons are encouraged to submit written comments through either: (a) the Commission’s Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this Proceeding; or (b) the Commission’s website at <https://puc.colorado.gov/> by clicking on the “FILE A COMMENT OR COMPLAINT” link. Anyone using the latter option should ensure that their comments include this Proceeding number.

10. Verbal comments can be provided during the scheduled public comment hearings, or by leaving a voice mail message at 303-869-3490. Voice mail public comments will be placed in the record of this Proceeding and should include a reference to this Proceeding number.

### **IV. OBSERVING OR PARTICIPATING IN PUBLIC COMMENT HEARING**

#### **A. Participating in Public Comment Hearing**

11. The January 29, 2024 hearing will be fully remote, using the web-hosted video conferencing service, Zoom. To ensure a clear record and orderly hearing progression, interested persons are strongly encouraged to participate by videoconference. Nevertheless, interested persons have the option to participate by telephone.

12. During the public comment hearing, the ALJ will take action as necessary to facilitate a clear and understandable record, and to ensure the orderly progress of the hearing. For the same reasons, all participants are required to: (a) mute their microphone during the hearing until called upon by the ALJ; (b) ensure they are participating from a location with minimal or no background noise; (c) not connect to the hearing using multiple devices located in the same room (which causes audio feedback), and (d) input their full name into Zoom when prompted to do so. Participants are encouraged to use a headset to listen to the hearing, as this may also help avoid background noise and feedback when they speak. Participants are encouraged to use a computer, smart phone, or tablet that is connected to the internet and has an operational microphone, speaker, and camera.

13. Attachment A to this Decision provides step-by-step technical instructions and requirements to participate by videoconference using a computer. This is intended to ensure that the remote hearing proceeds efficiently. Hence, it is important that video-conference participants carefully review and follow all requirements in this Decision and Attachment A.

14. The Commission strives to accommodate all members of the public at its hearings by providing services for foreign language users and persons with disabilities upon receipt of a reasonable accommodation request. Interested persons requesting an accommodation for the public comment hearing should complete the [Language Access Form](#) under the “How to Make Comments” tab at <https://puc.colorado.gov/how-to-participate> at least one week prior to the event. Requests for accommodation can also be made directly by contacting Holly Bise at (303) 894-2024 or [holly.bise@state.co.us](mailto:holly.bise@state.co.us).

**B. Observing Public Comment Hearing**

15. Consistent with Commission practice, the public comment hearing will be webcast on the Commission’s website. Persons wishing to observe, but not participate in the hearing may do so by observing the webcast of the rulemaking hearing and need not join the hearing by telephone or videoconference. To observe the hearing by webcast, enter this link in the web browser <https://www.youtube.com/@COPublicUtilitiesCommission/featured>. This link connects to the Commission’s YouTube webpage, where interested persons may observe live and recorded hearings.

**V. ORDER**

**A. It Is Ordered That:**

1. The January 29, 2024 11:30 a.m. public comment hearing scheduled in this matter will be convened for the sole purpose of continuing the hearing to a future date. The continued hearing date will be announced during the January 29, 2024 hearing and will be scheduled by separate written decision.

2. Members of the public who wish to participate in the public comment hearing must follow the requirements in this Decision and Attachment A, which is incorporated into this Decision.

3. Those wishing to observe but not participate in the public comment hearing may do so by observing the Commission’s hearing webcast at:  
<https://www.youtube.com/@COPublicUtilitiesCommission/featured>.

4. Members of the public who wish to provide written comments may do so by following the instructions in this Decision.

5. The Administrative Law Judge may schedule additional hearings if necessary.
6. The January 10, 2024 deadline to file initial public comments is modified to the close of business on February 12, 2024. The January 19, 2024 deadline to file public comments responsive to the initial comments is modified to the close of business on February 21, 2024.
7. This Decision is effective immediately.

( S E A L )



THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

MELODY MIRBABA

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Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Rebecca E. White'.

Rebecca E. White,  
Director