

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

#### **4 CODE OF COLORADO REGULATIONS (CCR) 723-2**

#### **PART 2**

### **RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES**

#### **2150. Administration of the 9-1-1 Surcharge Trust Cash Fund.**

- (a) This rule does not apply to 9-1-1 access connections provided via prepaid wireless telecommunications services or emergency telephone charges remitted to governing bodies pursuant to § 29-11-102, C.R.S. The 9-1-1 surcharge is a statewide surcharge applied to all 9-1-1 access connections in the state of Colorado, and is separate from local emergency telephone charges that originating service providers are required to collect and remit pursuant to 29-11-102 C.R.S., the wireless prepaid 9-1-1 charge imposed upon retail transactions of prepaid wireless service pursuant to 29-11-102.5 C.R.S. and 1 CCR 201-5, Special Rule 43, the Colorado telecommunications relay service charge imposed pursuant to 40-17-101 C.R.S., et seq., and 4 CCR 723-2-2827(b), and the prepaid wireless TRS charge imposed pursuant to 29-11-102.7, C.R.S., and 201-5, Special Rule 43.
- (b) The Commission shall determine, and by appropriate order, impose a uniform 9-1-1 surcharge on each 9-1-1 access connection per month. The surcharge amount will be available on the Commission's web site at least 60 days prior to its effective date.
- (c) All originating service providers must register and provide appropriate contact information to the Commission within 30 days of operating in the state of Colorado using the combined Colorado telecommunications relay service and 9-1-1 surcharge registration form. This form is available from the Commission or on its website and shall be filed through the Commission's E-Filing System. Originating service providers shall provide an updated form within 15 days of any change of the information previously provided to the Commission including for any discontinuance of service. All TRS and 9-1-1 registration forms, including any updates, shall be filed in the Commission proceeding opened annually for such purpose.
- (d) 9-1-1 surcharge.
  - (I) Effective January 1, 2021, all originating service providers shall collect and remit the 9-1-1 surcharge assessed upon each service user whose primary service address, if known, or billing address, if service address is unknown, is within the State of Colorado. The surcharge shall be assessed on each 9-1-1 access connection provided to that service user. Such charges shall be collected monthly and remitted as directed by the Commission, as discussed in paragraph (e).

- (II) With respect to multi line telephone systems, the number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.
  - (III) If the originating service provider lists fees separately on its billing to the customer, the 9-1-1 surcharge shall be listed separately as the "Colorado 911 Surcharge." The listing for this charge and the local emergency telephone charge authorized by § 29-11-102, C.R.S. may not be combined on the bill presented to the customer.
  - (IV) The 9-1-1 surcharge is the liability of the service user and not of the originating service provider, except that the originating service provider is liable to remit all 9-1-1 surcharges that the originating service provider collects from service users. An originating service provider is liable only for the 9-1-1 surcharge collected until it is remitted to the Commission. The amount remitted by the originating service provider must reflect the state 9-1-1 surcharges actually collected on the number of 9-1-1 access connections provided in Colorado by the originating service provider.
  - (V) Each originating service provider may retain from the total 9-1-1 surcharges collected and timely remitted, a vendor fee in the amount of one percent of the total monthly charges collected by such provider.
  - (VI) Each originating service provider shall remit the amount the provider collected for the previous month, less the applicable vendor fee, no later than the last calendar day of the following month, even if that day falls on a holiday or weekend.
  - (VII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (e) Remittance procedure.
- (I) Originating service providers shall submit a return and remit payment as instructed by Commission Staff.
  - (II) Originating service providers shall submit all surcharge remittances to the custodial receiver directly.
  - (III) If payments are made by physical check, a printed copy of the completed return described in subparagraph (I) shall also be enclosed with the check.
- (f) All remittances of 9-1-1 surcharges received by the Commission pursuant to this section shall be deposited in the 9-1-1 surcharge trust cash fund established pursuant to § 29-11-102.3(3)(c)(I), C.R.S.

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[indicates omission of unaffected rules]

**2802. Administration of the 9-8-8 Crisis Hotline Cash Fund.**

- (a) This rule does not apply to 9-8-8 access connections provided via prepaid wireless telecommunications services. The 9-8-8 surcharge is a statewide surcharge applied to all 9-8-8 access connections in the state of Colorado, and is separate from the wireless prepaid 9-8-8 charge pursuant to § 27-64-103(4)(b), C.R.S.
- (b) Annually prior to October 1, the Commission shall collaborate with the Enterprise to assist the Enterprise in its establishment of the 9-8-8 surcharge rate and prepaid wireless 9-8-8 charge rate, including but not limited to providing the Enterprise with relevant information regarding number of statewide 9-8-8 access connections and prepaid wireless transactions. After the Enterprise's annual establishment of the 9-8-8 surcharge rate to take effect on the following January 1, the Commission will publish the 9-8-8 surcharge rate on its website and notify 9-8-8 originating service providers at least 60 days prior to the effective date of the surcharge.
- (c) 9-8-8 surcharge.
  - (I) Effective January 1, 2022, all 9-8-8 originating service providers shall collect and remit the 9-8-8 surcharge assessed upon each service user whose primary service address, if known, or billing address, if service address is unknown, is within the state of Colorado. The surcharge shall be assessed on each 9-8-8 access connection provided to that service user. Such charges shall be collected monthly and remitted as directed by the Commission as described in paragraph (d).
  - (II) With respect to multi-line telephone systems, the number of 9-8-8 access connections is determined by the configured capacity for simultaneous outbound calling.
  - (III) The 9-8-8 surcharge must be listed separately or on the same line as the 9-1-1 surcharge established in § 29-11-102.3, C.R.S. If combined, the line item must be listed as "state 911 and 988 surcharges".
  - (IV) The 9-8-8 surcharge is the liability of the service user and not the 9-8-8 originating service provider, except that the 9-8-8 originating service provider is liable to remit all 9-8-8 surcharges that the originating service provider collects from service users. An originating service provider is liable only for the portion of the 9-8-8 surcharge collected until it is remitted to the Commission. The amount remitted by the 9-8-8 originating service provider must reflect the state 9-8-8 surcharges actually collected on the number of 9-8-8 access connections provided in Colorado by the 9-8-8 originating service provider.
  - (V) Each 9-8-8 originating service provider may retain from the total 9-8-8 surcharges collected and timely remitted, a vendor fee in the amount of one percent of the total monthly charges collected by such provider.
  - (VI) Each 9-8-8 originating service provider shall remit the 9-8-8 surcharge amount the provider collected for the previous month, less the applicable vendor fee, no later than

the last calendar day of the following month, even if that day falls on a holiday or weekend.

- (VII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (d) Remittance procedure.
- (I) Originating service providers shall submit a return and remit payment as instructed by Commission Staff.
  - (II) Originating service providers shall submit all 9-8-8 surcharge remittances to the custodial receiver directly.
  - (III) If payments are made by physical check, a printed copy of the completed remittance form described in subparagraph (I) shall also be enclosed with the check.
  - (IV) All remittances of the 9-8-8 surcharges received by the Commission pursuant to this rule shall be deposited in an 9-8-8 receipt account established for that purpose.
- (e) The Commission may withdraw from the 9-8-8 receipt account an amount up to four percent of the total amount of the fund necessary for the direct and indirect costs of administering the collection and remittance of the 9-8-8 surcharge, including costs related to conducting audits of 9-8-8 originating service providers. Funds deducted for this purpose will be kept in a 9-8-8 administrative retention account created by the Commission until expended. Any funds withdrawn by the Commission for this purpose will be returned to the 9-8-8 trust cash fund if the Commission determines that the funds are not necessary to pay administrative costs.
- (f) On a monthly basis, the Commission shall transfer the amount of funds received into the 9-8-8 receipt account to the 9-8-8 surcharge trust cash fund, less the administrative retention fee authorized in paragraph (e). This transfer shall be made via ACH bank transfer.

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[indicates omission of unaffected rules]

**2827. Administration of the Colorado Telephone Users with Disabilities Fund.**

- (a) Fund administration. The Commission shall determine, and by appropriate order, impose a uniform charge on each commercial and residential access line in a uniform amount. In order to adjust the uniform charge, the Commission requires certain information.

- (I) In compliance with annual state budget cycle timelines and requirements, the Commission shall estimate its administrative expenses incurred under §§ 40-17-101 through 104, C.R.S.
  - (II) The monthly uniform charge, per telephone access line, as determined by the Commission, shall not exceed 15 cents.
  - (III) All voice service providers must register and provide appropriate contact information to the Commission within 30 days of operating in the state of Colorado using the combined Colorado telecommunications relay service and 9-1-1 registration form. This form is available from the Commission or on its website and shall be filed through the Commission's E-Fiing System. Voice service providers shall provide an updated form within 15 days of any change in the information previously provided to the Commission including for any discontinuance of service. All TRS and 9-1-1 registration forms, including any updates, shall be filed in the Commission proceeding opened annually for such purpose.
- (b) Uniform charge.
- (I) All voice service providers shall collect and remit the TRS charge assessed on each telephone access line for which the primary service address, if known, or billing address, if service address is unknown, is within the state of Colorado. Such charges shall be billed monthly and remitted as directed to the Commission as discussed in paragraph (c).
  - (II) The uniform charge imposed pursuant to § 40-17-103(3)(a), C.R.S., shall be billed monthly to each access line provided by each voice service provider. Each multiline voice communication service that is capable of simultaneous outbound calling shall constitute a separate telephone access line; however, the number of telephone access lines for which a customer may be assessed a monthly charge cannot exceed the number of outbound voice calls that the voice service provider has enabled and activated to be made simultaneously.
  - (III) A seller of prepaid wireless service shall collect a prepaid wireless TRS charge from a consumer, pursuant to § 29-11-102.7, C.R.S. and remit the charge to the Department of Revenue. The Department of Revenue shall transmit the money collected to the State Treasurer for deposit into the Colorado Telephone Users with Disabilities Fund, created in § 40-17-104(1), C.R.S.
  - (IV) The TRS charge shall not be assessed or collected on any federally supported Lifeline service or customer. Each provider exempt from collecting the uniform charge on a Lifeline customer shall maintain complete documentation and shall make such documentation available to the Commission upon request.
  - (V) The uniform charge shall be listed as a separate item appearing on each customer's monthly billing statement as rendered by each voice service provider. The charge shall be listed as the "Colorado Telecommunications Relay Service Surcharge."

- (VI) Each voice service provider may retain, from the total charges collected, a vendor fee in the amount of three-fourths of one percent of the amount of total monthly uniform charges collected by such local exchange provider.
  - (VII) Effective January 1, 2021, each voice service provider shall remit the amount the provider collected for the previous month, less the applicable vendor fee, no later than the last calendar day of the following month, even if that day falls on a holiday or weekend.
  - (VIII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (c) Remittance procedure.
- (I) Originating service providers shall submit a return and remit payment as instructed by Commission Staff.
  - (II) Voice service providers shall submit all surcharge remittances to the TRS custodial receiver directly.
  - (III) If payments are made by check, a printed copy of the completed remittance form described in subparagraph (I) shall also be enclosed with the check.