

## 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

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[indicates omission of unaffected rules]

#### Basic Emergency Service

##### Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to: (1) define and describe basic emergency service as regulated by § 40-15-201, C.R.S.; (2) prescribe multi-line telephone system (MLTS) operator requirements regarding disclosure to end users of the proper method for accessing 9-1-1 service, and regarding the capability of the MLTS to transmit end users' telephone numbers and location information; (3) prescribe the interconnection environment and relationships between basic emergency service providers (BESPs) and originating service providers and other BESPs; (4) permit use of 9-1-1 databases for outbound wide area notifications in times of emergency; (5) prescribe reporting times of 9-1-1 outages and interruptions; (6) explicitly recognize the potential for multiple BESPs in Colorado; (7) prescribe the processes for the establishment of the annual threshold, surcharge, and charge amounts; and (8) prescribe the process for the collection and distribution of state 9-1-1 surcharge funds.

The statutory authority for the promulgation of these rules is found at §§ 29-11-101.5; 29-11-102; 29-11-102(2)(b); 29-11-102.3; 29-11-102.5 (2)(c); 29-11-102.7(2); 29-11-106(3); 40-2-108; 40-3-102; 40-3-103; 40-4-101(1) and (2); 40-15-201; 40-15-301; and 40-15-503(2)(g), C.R.S.

##### **2130. Applicability.**

- (a) Except as otherwise provided, rules 2130 through 2159 apply to BESPs.
- (b) Some of the provisions in these rules apply to MLTS operators whose systems do not have automatic number and automatic location identification capability, or whose systems require the dialing of an additional digit(s) to access the public switched network.
- (c) Rules 2147 through 2151 are applicable to 9-1-1 governing bodies and telecommunications service providers.

**2131. Definitions.**

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.
- (b) "9-1-1 access connection" means any communications service including wireline, wireless cellular, interconnected voice-over-internet-protocol, or satellite in which connections are enabled, configured, or capable of making 9-1-1 calls. The term does not include facilities-based broadband services. The number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.
- (c) "9-1-1 call" means a request for emergency assistance from the public by dialing 9-1-1 or addressing the E911 regardless of the technology used, and may include voice, text, images, and video, whether originated by wireline, wireless, satellite, or other means.
- (d) "9-1-1 facilities" means the facilities (e.g., trunks or transmission paths) that connect from the central office serving the individual telephone that originates a 9-1-1 call to the 9-1-1 selective router or functional equivalent and subsequently connects to a Public Safety Answering Point (PSAP). These may include, but are not limited to, point-to-point private line facilities owned, leased or otherwise acquired by a BESP. Common or shared facilities also may be used. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.
- (e) "9-1-1 outage" means a situation in which 9-1-1 calls cannot be transported from the end users to the PSAP responsible for answering the 9-1-1 emergency calls. 9-1-1 failures also include the inability to deliver location information to the PSAP from the 9-1-1 Automatic Location Identification (ALI) database or a loss of the 9-1-1 ALI functionality.
- (f) "9-1-1 selective router" means the telecommunications switch or functional equivalent dedicated to aggregation of 9-1-1 call traffic from public networks and proper routing of 9-1-1 call traffic to PSAPs.
- (g) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user placing a 9-1-1 call to the PSAP serving the caller's location. 9-1-1 service also includes any related caller location information routed to the PSAP, if any.
- (h) "9-1-1 surcharge" or "state 9-1-1 surcharge" means the surcharge established by § 29-11-102.3, C.R.S.
- (i) "Automatic Location Identification" (ALI) means the automatic display, on equipment at the PSAP, of the telephone number and location of the caller. ALI data includes non-listed and non-published numbers and addresses, and other information about the caller's location.
- (j) "ALI provider" means any person or entity that, on a for-profit or not-for-profit basis, provides ALI to basic emergency service providers and the governing body for a specific geographic area.

- (k) “ALI service” means all the services, features, and functionalities of elements and components used to provide ALI, including the applications, databases, management processes and services, selective routing, aggregation, and transport, without regard to the technology used, provided to the governing body or PSAP or a specific geographic area. ALI service does not include the provision of ALI by originating service providers, PSAPs, 9-1-1 governing bodies, or local governments.
- (l) "Automatic Number Identification" (ANI) means the automatic display of the caller’s telephone number at the PSAP.
- (m) "Basic emergency service" means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of ALI service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. Basic emergency service does not include:
  - (I) the portion of a 9-1-1 call provided by an originating service provider;
  - (II) the services provided by an intermediary aggregation service provider;
  - (III) the delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP;
  - (IV) the delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or
  - (V) the delivery of text-to-9-1-1 via interim methods.
- (n) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service.
- (o) “Concurrent session” means a channel for an inbound simultaneous 9-1-1 call.
- (p) “Demarcation point” means the physical point where the responsibility of a portion of a network changes from one party to another.
- (q) "Emergency notification service" (ENS) means a service in which, upon activation by a public safety agency:
  - (I) the 9-1-1 database or a database which may be derived in whole or in part from the 9-1-1 database is searched to identify all stations located within a geographic area;
  - (II) a call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.); and

- (III) a recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).
- (IV) ENS may also include the transmission of messages to individuals by other means, including text messages, e-mail, facsimile, or other mass alerting method or system.
- (r) "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., or established by § 29-11-102.5(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S.
- (s) "Enhanced 9-1-1" (E9-1-1) means 9-1-1 service that includes the association of ANI and ALI (including non-listed and non-published numbers and addresses), and selective routing.
- (t) "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- (u) "Governing body" means the organization responsible for establishing, collecting, and disbursing the emergency telephone charge in a specific geographic area, pursuant to §§ 29-11-102, 103, and 104, C.R.S.
- (v) "Intermediary aggregation service provider" means a person that aggregates and transports 9-1-1 calls for one or more originating service providers for delivery to a BESP selective router or the functional equivalent of such a router.
- (w) "Multi-line telephone system" (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
  - (I) Network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
  - (II) Systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- (x) "Multiple-line telephone system operator" means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- (y) "Originating service provider" (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.
- (z) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP.
- (aa) "Selective routing" means the capability of routing a 9-1-1 call to a designated PSAP based upon the location of the end user, as indicated by the ten-digit telephone number of the fixed location

subscriber dialing 9-1-1, the p-ANI (ESRK or ESQK), or otherwise permitted by FCC rule, regulation, or order.

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[indicates omission of unaffected rules]

**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 the 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 (TRS) 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 in a uniform amount. The surcharge amount will be available on the Commission's website 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 and 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 surcharges shall be billed monthly and remitted as directed by the Commission using the combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form, 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 bill 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 emergency service charges 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 Colorado 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 collects each month, less the applicable vendor fee, no later than the last day of the following month. If the last day of the month is a legal holiday, then the remittance shall be due the next business day.
  - (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) Combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form.
- (I) Each remittance shall be accompanied by a completed combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form that includes information for each month remitted. This form is available from the Commission or its website.
    - (A) The combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form must be signed and dated by a company representative authorized to do so. The name and telephone number of the most appropriate company representative to whom questions may be directed must also be included on the form.
    - (B) Regardless of the method of payment, the combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form shall be filed with the Commission through its E-Filings System into the proceeding opened for that purpose. The Commission, for good cause shown, may grant a waiver of the E-Filings requirement.
    - (C) Originating service providers shall submit all surcharge remittances to the custodial receiver directly.

(D) If payments are made by physical check, the completed combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form 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.

**2151. Use and Distribution of 9-1-1 Surcharge Trust Cash Fund**

(a) The Commission may withdraw from the 9-1-1 surcharge trust cash fund an amount up to four percent of the total amount of the fund necessary for direct and indirect costs of administering the collection and remittance of the 9-1-1 surcharge, including costs related to conducting audits of service suppliers. Any funds withdrawn by the Commission for this purpose must be returned to the 9-1-1 trust cash fund if the Commission determines that the funds are not necessary.

(b) Annually by October 1, the Commission shall calculate the percent of collected funds to be distributed to each governing body. This calculation shall be made by dividing the number of sessions to which a governing body subscribes by the total number of concurrent sessions statewide. The calculated percentages established on October 1 by the Commission shall be effective beginning on January 1 of the following calendar year.

(c) Commission staff shall obtain the number of concurrent sessions for each governing body used in the calculation referenced in paragraph (b) from the BESP. Reductions in the number of concurrent sessions shall be reflected in the calculation. Increases in the number of concurrent sessions shall only be reflected in the calculation following an application process as described in paragraph (f).

(d) On a monthly basis, the Commission shall distribute to each governing body the total funds received into the 9-1-1 surcharge trust cash fund, less the administrative retention fee authorized in paragraph (a), as percentages as determined by the method described in paragraph (b). These distributions shall be made via ACH bank transfer to each governing body.

(e) For the purposes of paragraph (b), the number of concurrent sessions at each governing body may only be adjusted annually at the time that the Commission establishes the formula for distribution for the following calendar year.

(f) A 9-1-1 governing body may file an application to adjust its number of concurrent sessions for the purposes of the distribution of funds under this section no more than once per year.

(I) Applications for adjustment of the number of concurrent sessions must be filed with the Commission by June 1 in order to be considered for in the distribution formula to be set on October 1. Applications received after June 1 will be considered for the next distribution to be established in the following year.

(II) Applications for this purpose shall be filed with this Commission and processed in accordance with the Commission's Rules of Practice and Procedure and in accordance with rule 1204. The Commission may provide a form for this purpose, consistent with

these rules. In addition to the information required by paragraph (b) of rule 2002, applications must contain the following information:

- (A) the current number of concurrent sessions at each of the PSAP(s) associated with the governing body;
  - (B) the total volume of calls delivered to the PSAP(s) associated with the governing body via the existing concurrent sessions over the previous 12 months of operation;
  - (C) peak volume statistics relevant to the governing body's request to change its number of concurrent sessions; and
  - (D) any other information that the governing body deems relevant to its request to change its number of concurrent sessions.
- (III) No public notice shall be required in conjunction with this application.

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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 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. 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 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 using the combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form, 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 no later than the last day of the following month and as directed by the Commission, the amount the provider collected for the previous month, less the applicable vendor fee.
  - (VIII) Prior to January 1, 2021, each voice service provider shall remit no later than 30 days after the end of each quarter and as directed by the Commission, the amount collected for the three months in the prior quarter, less the applicable vendor fee.
  - (IX) 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) Combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form.

- (I) Each remittance shall be accompanied by a completed combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form that includes information for each month remitted. This form is available from the Commission or its website.
  - (A) The combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form must be signed and dated by a company representative authorized to do so. The name and telephone number of the most appropriate company representative to whom questions may be directed must also be included on the form.
  - (B) Regardless of the method of payment, the combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form shall be filed with the Commission through its E-Filings System into the proceeding opened for that purpose. The Commission, for good cause shown, may grant a waiver of the E-Filings requirement.
  - (C) Voice service providers shall submit all surcharge remittances to the TRS custodial receiver directly.
  - (D) If payments are made by physical check, the completed combined Colorado Telecommunications Relay Service and 9-1-1 surcharge remittance form shall also be enclosed with the check.