

(Decision No. C92-1349)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF PROPOSED)
RULES REGARDING BASIC)
TELEPHONE SERVICE,) DOCKET NO. 92R-282T
4 CCR 723-2)

Mailing Date: October 30, 1992
Adopted Date: October 28, 1992

NOTICE OF FURTHER RULEMAKING HEARINGS

BY THE COMMISSION:

On May 29, 1992, the Commission issued Decision No. C92-746 directing that a Notice of Proposed Rulemaking Regarding Basic Telephone Service, 4 Colorado Code of Regulations 723-2, be filed with the Secretary of State for publication in the Colorado Register. That Notice was published in the June issue of the Colorado Register, and notified interested parties that a rulemaking hearing on the proposed rules would be conducted beginning on August 24, 1992. On August 24, 25 and 28, 1992, the Commission held its hearing on the proposed rules, and numerous comments were received. In response to those comments, the Commission issued a further procedural order, Decision No. C92-1161, requesting comments regarding suggested modifications to the originally proposed rules. A number of parties filed comments to the amended proposed rules.

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Based upon the rulemaking hearings and the supplemental comments filed by the parties, the Commission has modified the proposed rules. A copy of the amended proposals is attached to this order as the Appendix. The Commission will give interested parties one more opportunity to submit comments on the current proposals.

Therefore, the Colorado Public Utilities Commission hereby gives notice of further rulemaking hearings to be conducted in this matter. As previously noticed, the intent of the proposed rules is to specify those telecommunications services which local exchange providers will offer on an ubiquitous basis as part of adequate basic telephone service. The revised proposed rules would require every local exchange provider to offer the listed services to all customers. For local exchange companies presently unable to comply with the proposed rules due to facility limitations, the rules would require compliance within two years of the effective date of the rules absent further order of the Commission. A copy of the revised proposed rules is attached to this order. The statutory authority for the revised proposals is set forth in rules and is hereby incorporated by reference. The statutory authority for the proposals includes §§ 40-2-108, 40-3-102, 40-4-101, 40-15-201, and 40-15-301, C.R.S.

The Commission will conduct an additional hearing in this docket on the attached proposed rules on December 3, 1992 beginning at 1:00 p.m. in Commission Hearing Room A, 1580 Logan Street, Office Level 2, Logan Tower, Denver, Colorado. Interested parties may file written comments or present these comments orally at the hearing unless

the Commission deems it unnecessary. The Commission requests that any who party wishes to prefile comments do so by November 23, 1992.

THEREFORE THE COMMISSION ORDERS THAT:

1. This Notice of Further Rulemaking Hearings shall be filed with the Secretary of State for publication in the November 10, 1992, copy of the Colorado Register. This notice shall also be filed in the Office of Regulatory Reform.

2. Further hearing on the revised proposed rules shall be held on December 3, 1992 beginning at 1:00 p.m. in the Commission's Hearing Room A.

3. Interested persons may file written comments and present comments orally at hearing unless the Commission deems oral comment unnecessary. Persons wishing to prefile their written comments should do so by November 23, 1992.

This Order is effective on its Mailed Date.

ADOPTED IN OPEN MEETING October 28, 1992

(SEAL)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT E. TEMMER

GARY L. NAKARADO

CHRISTINE E. M. ALVAREZ

Commissioners

ATTEST: A TRUE COPY

Bruce N. Smith
Bruce N. Smith
Executive Secretary

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4 CCR 723-2

AMENDMENTS TO THE
RULES REGULATING TELECOMMUNICATIONS SERVICE PROVIDERS
AND TELEPHONE UTILITIES

Basis, Purpose and Statutory Authority of Rules

STATUTORY AUTHORITY ~~The basis~~ for these amendments to the existing rules is found in SECTIONS 40-1-103, 40-3-101(2), 40-3-102, 40-3-106(1)(A) AND 40-4-101, C.R.S. which **EMPOWER THE COMMISSION TO ESTABLISH STANDARDS FOR THE ADEQUACY OF PUBLIC UTILITY SERVICES, INCLUDING BASIC TELEPHONE SERVICE AND REGULATED TELECOMMUNICATIONS SERVICES, AND** requires the Commission to prescribe rules and regulations for the performance of any service or the furnishing of any commodity by a public utility **AND TO ENFORCE THOSE RULES AND REGULATIONS.** In addition the Commission is authorized to promulgate rules **GENERALLY** by SECTION 40-2-108, C.R.S. **AND SPECIFICALLY FOR TELECOMMUNICATIONS SERVICES BY 40-15-201 AND 40-15-301, C.R.S., IN ORDER** to implement the provisions of Title 40, Article 15, part 2 AND 3, C.R.S. ~~concerning the provisions of basic local exchange service.~~

The **BASIS AND** purpose of these amendments is to update and revise certain rules within the Rules Regulating Telecommunications Service Providers and Telephone Utilities to ensure an adequate level of **BASIC TELEPHONE service AND REGULATED TELECOMMUNICATIONS SERVICE** is available to the public throughout the state. The update and revision of these rules is necessary to reflect the **PRESENT AND** continuing evolution of **AN ADEQUATE basic service standard FOR BASIC TELEPHONE SERVICE AND REGULATED TELECOMMUNICATIONS SERVICE** which is expected by the public and is available through the changing technology being deployed in the telecommunications industry. ~~THE RULES ESTABLISH in order to prepare for future evolution in services expected by the public from the expanded capabilities of the telecommunications network, a specific set of network enhancement goals are included with the~~ **STANDARDS FOR basic TELEPHONE service AND REGULATED TELECOMMUNICATIONS SERVICES IN LIGHT OF CURRENT TECHNOLOGY AND PUBLIC EXPECTATIONS standard within the framework of a universal service standard.** These amendments prescribe requirements for provision of certain **CAPABILITIES AND** services by Local Exchange Carriers.

The principal amendment repeals the existing Rule 17- Grades of Service within the existing Rules Regulating Telecommunications Service Providers and Telephone Utilities and replaces it with a new Rule 17 - **BASIC TELEPHONE Local Exchange Service Standard.** This and the other amendments to the rules are clear and simple and can be understood by any persons expected to comply with them. They do not conflict with any other provision of law and there are no duplicating or overlapping rules **WITH THE EXCEPTION OF THE REQUIREMENT UNDER AMENDED RULE 17.2 (B) THAT E911 SERVICE PROVISIONING BY A LEC BE MANDATORY UPON REQUEST OF A QUALIFIED CUSTOMER RATHER THAN PERMISSIVE AS CURRENTLY ALLOWED UNDER RULES**

PRESCRIBING THE PROVISION OF EMERGENCY REPORTING SERVICES FOR EMERGENCY TELECOMMUNICATIONS SERVICE PROVIDERS AND TELEPHONE UTILITIES, 4 CCR 723-29. IN THIS INSTANCE RULE 17.2 (B) EXTENDS THE SERVICE REQUIREMENTS OF A LEC PURSUANT TO 4 CCR 723-29. HOWEVER, 4 CCR 723-29 REQUIRES, UNDER RULE 3 (7), THAT BASIC EMERGENCY SERVICE IS TO BE PROVIDED IN ACCORDANCE WITH THE QUALITY OF SERVICE RULES AND REGULATIONS AS MAY BE LATER ADOPTED BY THE COMMISSION. THEREFORE, THIS EXTENSION OF THE REQUIREMENTS OF 4 CCR 723-29 IS CONSISTENT WITH INTENT AND ALLOWABLE WITHIN THE CONTEXT OF THOSE RULES.

RULE 2 - INTERPRETATIONAL DEFINITIONS FOR RULES

- 2.41 DUAL TONE MULTIFREQUENCY SIGNALING MEANS A METHOD OF SIGNALING USED ON A LOCAL ACCESS LINE WHICH USES A SIMULTANEOUS COMBINATION OF ONE OF A LOWER GROUP OF FREQUENCIES AND ONE OF A HIGHER GROUP OF FREQUENCIES TO REPRESENT EACH DIGIT OR CHARACTER TRANSMITTED FROM THE CUSTOMER'S STATION TO THE CENTRAL OFFICE.
- 2.42 ENHANCED 911 (E911) MEANS A TELEPHONE SYSTEM WHICH INCLUDES SUCH FEATURES AS AUTOMATIC NUMBER IDENTIFICATION, AUTOMATIC LOCATION IDENTIFICATION AND CALL ROUTING FEATURES TO FACILITATE PUBLIC SAFETY RESPONSE. THIS SYSTEM AND ITS REQUIREMENTS ARE FURTHER DESCRIBED WITHIN THE RULES PRESCRIBING THE PROVISION OF EMERGENCY REPORTING SERVICES FOR EMERGENCY TELECOMMUNICATIONS SERVICE PROVIDERS AND TELEPHONE UTILITIES.
- 2.43 GOVERNING BODY MEANS A BOARD OF COUNTY COMMISSIONERS, THE GOVERNING BODY OF A CITY OR TOWN, THE BOARD OF DIRECTORS OF A SPECIAL DISTRICT, ETC. RESPONSIBLE FOR RECEPTION OF E911 CALLS AS FURTHER DESCRIBED WITHIN THE RULES PRESCRIBING THE PROVISION OF EMERGENCY REPORTING SERVICES FOR EMERGENCY TELECOMMUNICATIONS SERVICE PROVIDERS AND TELEPHONE UTILITIES.
- 2.44 BASIC TELEPHONE SERVICE MEANS THOSE CAPABILITIES AND SERVICES LISTED IN RULE 17.1 (A THROUGH F).
- ~~2.44 CUSTOMIZED FREQUENCY AND AMPLITUDE MODIFICATION FOR VOICE SIGNALS SERVICE MEANS A SERVICE PROVIDED TO A CUSTOMER FROM THE LOCAL CENTRAL OFFICE WHICH MODIFIES THE FREQUENCY AND/OR AMPLITUDE OF A VOICE (SPEECH) SIGNAL TO SUITE THE HEARING CAPABILITIES OF THE CUSTOMER.~~
- ~~2.45 SIMULTANEOUS VOICE AND DATA TRANSMISSION SERVICE MEANS A SERVICE PROVIDED OVER A LOCAL ACCESS LINE WHICH PROVIDES DIGITAL CONNECTIVITY BETWEEN THE CUSTOMER'S STATION AND THE LOCAL CENTRAL OFFICE USING OUT OF BAND SIGNALLING AND~~

~~PROVIDING ADDITIONAL DATA/VOICE CHANNELS USING, TYPICALLY, THE 2B+D INTERFACE (TWO BEARER PLUS ONE DATA CHANNELS). (GENERALLY, THIS SERVICE IS KNOWN AS NARROWBAND INTEGRATED SERVICES DIGITAL NETWORK.)~~

RULE 17 - BASIC TELEPHONE LOCAL EXCHANGE SERVICE STANDARD

17.1 BASIC SERVICE STANDARD

AS PART OF ITS OBLIGATION TO PROVIDE ADEQUATE BASIC TELEPHONE SERVICE, EACH LEC SHALL CONSTRUCT AND MAINTAIN ITS TELECOMMUNICATIONS NETWORK SO THAT THE INSTRUMENTALITIES, EQUIPMENT AND FACILITIES WITHIN THE NETWORK SHALL BE ADEQUATE, EFFICIENT, JUST AND REASONABLE IN ALL RESPECTS IN ORDER AS TO PROVIDE EACH CUSTOMER WITHIN ITS JURISDICTIONAL SERVICE AREA WITH THE FOLLOWING SERVICES OR CAPABILITIES ~~WITHIN ITS TARIFFED RECURRING OR MONTHLY RATE FOR BASIC LOCAL EXCHANGE SERVICE:~~

- (A) INDIVIDUAL LINE SERVICE ON THE LOCAL ACCESS LINE;
- (B) DUAL TONE MULTIFREQUENCY SIGNALING CAPABILITY ON THE LOCAL ACCESS LINE;
- (C) FACSIMILE AND DATA TRANSMISSION CAPABILITY OF AT LEAST 2400 BITS PER SECOND ON ANALOG ACCESS LINES SERVED FROM THE PUBLIC SWITCHED NETWORK WHEN THE CUSTOMER USES MODULATION/DEMODULATION DEVICES RATED FOR SUCH CAPABILITY;
- (D) A LOCAL CALLING AREA THAT REFLECTS THE COMMUNITY OF INTEREST OF THE AREA IN WHICH THE CUSTOMER IS LOCATED;
- (E) ACCESS TO TOLL SERVICES;
- (F) CUSTOMER BILLING, PUBLIC INFORMATION ASSISTANCE, DIRECTORY LISTING, DIRECTORY ASSISTANCE AND INTERCEPT TO THE EXTENT DESCRIBED IN RULES 10, 11, 12 OF THESE RULES REGULATING TELECOMMUNICATIONS SERVICE PROVIDER AND TELEPHONE UTILITIES (4 CCR 723-2).

17.2 UNIVERSAL SERVICE AVAILABILITY STANDARD

IN ORDER TO MAINTAIN A REASONABLE UNIFORMITY BETWEEN ALL LOCALITIES IN THE STATE FOR ADEQUATE BASIC TELEPHONE SERVICE IN THE ORDINARY COURSE OF ITS BUSINESS PURSUANT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, EACH LEC SHALL CONSTRUCT AND MAINTAIN ITS TELECOMMUNICATIONS NETWORK SO AS TO PROVIDE FOR UNIVERSAL (I.E. UBIQUITOUS) AVAILABILITY OF THE FOLLOWING SERVICES OR CAPABILITIES WHEN REQUESTED BY A CUSTOMER WITHIN ITS JURISDICTIONAL SERVING AREA:

- (A) THE BASIC SERVICE STANDARD DEFINED IN RULE 17.1 (A THROUGH F) ~~SHALL BE UBIQUITOUSLY AVAILABLE UPON A REQUEST FOR SERVICE BY ANY CUSTOMER; AND~~
- (B) E911 SERVICE, EITHER BY PROVIDING THE NECESSARY FACILITIES AND IDENTIFICATION (NAME/NUMBER, ETC.) INFORMATION TO A BASIC EMERGENCY SERVICE PROVIDER OR AS PROVIDED BY THE LEC OR ~~OTHER CERTIFIED PROVIDER UNDER RULES PRESCRIBING THE PROVISION OF EMERGENCY REPORTING SERVICES FOR EMERGENCY TELECOMMUNICATIONS SERVICE PROVIDERS AND TELEPHONE UTILITIES~~, 4 CCR 723-29 SHALL BE UBIQUITOUSLY AVAILABLE TO ANY GOVERNING BODY UPON REQUEST;

THIS REQUIREMENT IS MANDATORY WITHIN THE SERVICE LIMITATIONS AND WITHIN 24 MONTHS OF THE ADOPTION OF THIS AMENDED TIME FRAMES STATED IN THIS RULE UNLESS THE LEC PROPOSES AN ALTERNATIVE SCHEDULE WHICH IS ADOPTED BY THE COMMISSION UNDER THE PROVISIONS OF RULE 1.3 OR AS SPECIFIED BY OTHER ORDER OF THE COMMISSION. ANY LEC INCAPABLE OF PROVIDING THE CAPABILITIES AND SERVICES LISTED UNDER RULE 17.1 (A THROUGH F) AT THE DATE OF ADOPTION OF THESE AMENDED RULES SHALL BEGIN IMMEDIATE EFFORTS TO ATTAIN COMPLIANCE WITH THIS RULE AND SHALL DEMONSTRATE TO THE COMMISSION CONTINUOUS PROGRESS IN MEETING THE IMPLEMENTATION DATE OF THIS RULE.

- ~~(C) CUSTOMIZED FREQUENCY AND AMPLITUDE MODIFICATION FOR VOICE SIGNALS SERVICE SHALL BE AVAILABLE TO CUSTOMERS UPON REQUEST WITHIN THE FOLLOWING TIME FRAME AND LIMITATIONS:~~
- ~~(1) FOR ALL LECS SERVING MORE THAN 50,000 ACCESS LINES, A TARIFF SHALL BE ON FILE WITH THE COMMISSION WITHIN ONE YEAR OF THE ADOPTION OF THIS RULE;~~
- ~~(2) WITHIN 48 MONTHS OF THE ADOPTION OF THIS RULE, THE SERVICE SHALL BE AVAILABLE IN ALL EXCHANGES SERVING MORE THAN 10,000 ACCESS LINES BY LECS MEETING THE CRITERIA OF 17.2(C)(1);~~
- ~~(3) WITHIN 60 MONTHS OF THE ADOPTION OF THIS RULE, THE SERVICE SHALL BE AVAILABLE IN ALL EXCHANGES SERVING MORE THAN 2,500 ACCESS LINES;~~
- ~~(4) WITHIN 72 MONTHS OF THE ADOPTION OF THIS RULE, THE SERVICE SHALL BE AVAILABLE IN ALL EXCHANGES SERVING MORE THAN 1,000 ACCESS LINES;~~
- ~~(5) WITHIN 24 MONTHS OF THE ADOPTION OF THIS RULE, LECS, MEETING THE CRITERIA OF 17.2(C)(2), SHALL BE ABLE TO DEMONSTRATE CONTINUOUS PROGRESS IN MEETING THE~~

- IMPLEMENTATION SCHEDULE FOR THIS SERVICE;
- ~~(D) SIMULTANEOUS VOICE AND DATA TRANSMISSION SERVICE ON A DIGITAL ACCESS LINE USING THE 2B+D PROTOCOL, COMPATIBLE WITH ANSI STANDARD T1-601-1992, SHALL BE AVAILABLE TO CUSTOMERS USING COMPATIBLE PREMISE EQUIPMENT UPON REQUEST WITHIN THE FOLLOWING TIME FRAME AND LIMITATIONS:~~
- ~~(1) FOR ALL LECS SERVING MORE THAN 50,000 ACCESS LINES, A TARIFF SHALL BE FILED WITH THE COMMISSION WITHIN 90 DAYS OF THE ADOPTION OF THIS RULE;~~
- ~~(2) WITHIN 12 MONTHS OF THE ADOPTION OF THIS RULE, THE SERVICE SHALL BE AVAILABLE WITHIN THE BASE RATE AREA OF AT LEAST 50 PERCENT OF THE TOTAL NUMBER OF EXCHANGES, HAVING MORE THAN 25,000 ACCESS LINES WITHIN THE EXCHANGE, SERVED BY LECS MEETING THE CRITERIA OF 17.2(D)(1).~~
- ~~(3) WITHIN 36 MONTHS OF THE ADOPTION OF THIS RULE, THE SERVICE SHALL BE AVAILABLE WITHIN THE BASE RATE AREA OF ALL EXCHANGES SERVING MORE THAN 25,000 ACCESS LINES SERVED BY LECS MEETING THE CRITERIA OF 17.2(D)(1) AND INTEROFFICE TRANSMISSION CAPABILITY FOR THIS SERVICE SHALL EXIST BETWEEN ALL SUCH EXCHANGES;~~
- ~~(4) WITHIN 72 MONTHS OF THE ADOPTION OF THIS RULE, THE SERVICE SHALL BE AVAILABLE IN THE BASE RATE AREA(S) OF ALL EXCHANGES SERVING MORE THAN 1,000 ACCESS LINES WITH INTEROFFICE TRANSMISSION CAPABILITY FOR THIS SERVICE. (IF NO BASE RATE AREA EXISTS IN AN EXCHANGE, SUCH SERVICE SHALL BE AVAILABLE WITHIN A RADIUS OF AT LEAST 1.5 MILES OF THE SERVING CENTRAL OFFICE WITHIN THE EXCHANGE.)~~
- ~~(5) WITHIN 12 MONTHS OF THE ADOPTION OF THIS RULE, LECS, MEETING THE CRITERIA OF 17.2(D)(2), SHALL BE ABLE TO DEMONSTRATE CONTINUOUS PROGRESS IN MEETING THE IMPLEMENTATION SCHEDULE FOR THIS SERVICE.~~