

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0059T

IN THE MATTER OF ADJUSTMENT TO THE MONTHLY SURCHARGE FOR PROVIDING FUNDING TO THE COLORADO TELEPHONE USERS WITH DISABILITIES FUND.

COMMISSION DECISION REDUCING THE UNIFORM CHARGE FOR EACH APPLICABLE ACCESS LINE FROM 6 CENTS PER MONTH TO 3 CENTS PER MONTH TO SUPPORT THE COLORADO TELEPHONE USERS WITH DISABILITIES FUND

Mailed Date: February 6, 2023

Adopted Date: February 1, 2023

I. BY THE COMMISSION

A. Introduction

1. By this Decision, the Commission adopts a Telecommunications Relay Service Surcharge (“uniform charge”) rate of 3 cents, effective April 1, 2023.

B. History of the Fund and Statutory Changes.

2. The Colorado Telecommunications Relay Services for Telephone Users with Disabilities (TRS) was established by the Colorado Legislature (Legislature) in 1989. *See* § 40-17-101, *et seq.*, C.R.S.

3. In 2016, the Colorado General Assembly passed House Bill (HB) 16-1414 (the Bill). The Bill expanded the number of customers obligated to pay the Telecommunications Relay Service Surcharge from those customers receiving telecommunications services from voice service providers using traditional wired telephone to any residential or commercial end user customer receiving voice services by a voice service provider, regardless of the technology used to provide the service.

4. The statute places the jurisdiction for administering the TUDF and setting the uniform charge with the Commission as follows:

- Not to exceed 15 cents per line
- Reimburse the Commission for its costs in developing, implementing, and administering TRS
- Reimburse voice service providers for their administrative cost
- Cover the cost of providers rendering the TRS service

5. The statute further establishes these purposes for the TUDF:

- Reimburse the Department of Revenue for its administrative costs related to prepaid wireless services pursuant to 29-11-102.7
- Cover annual appropriations made pursuant to 40-17-104, to the reading services for the blind cash fund through the State Librarian, as set forth in 24-90-105.5, administered by the Colorado Department of Education
- Provide support for library services as authorized by 24-90-105 (1) (e)
- Cover annual appropriations made pursuant to 40-17-104, to the Colorado Commission for the deaf and hard of hearing cash fund, as set forth in 26-21-107, administered by the Colorado Department of Human Services
- Provide support for auxiliary services in rural areas as authorized by 26-11-106 (9)

6. The Commission, in 1994, as amended in 2016 by Decision No. R 16-0842, adopted Rules Prescribing the Implementation of Article 17 of Title 40, C.R.S. Telecommunications Relay Services for Telephone Users with Disabilities, now codified at 4 *Code of Colorado Regulations* (CCR) 723-2-2820, *et seq.*, of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services.

7. Pursuant to Rule 4 CCR 723-2-2827(a), the Commission "shall determine, and by appropriate order, impose a uniform charge on each commercial and residential access line in a uniform amount." Further, Rule 4 CCR 723-2-2827(b) provides:

(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.

(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.”

8. Pursuant to Rule 4 CCR 723-2-2827 (b) (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 day of the following month.” All uniform charge remittances along with the Combined Colorado telecommunications surcharge remittance form shall be submitted to the TRS custodial receiver directly.

C. Budget Projections

9. The current uniform charge of 6 cents has been in effect since October 1, 2019. *See* Decision No. C19-0643 in Proceeding No. 19M-0415T, issued July 17, 2019. Since the current uniform charge was in effect, certain trends and events have taken place, including an additional 1.1 million access lines began contributing to the TRS uniform charge annually, a reduction in administration costs of the TRS program, and an adjustment to the payment remittance schedule from quarterly to monthly resulting in a higher reserve balance at the end of the fiscal year. In addition, as of June 30, 2021, the TUDF is no longer exempt from § 24-75-402(2)(a), C.R.S., which establishes a maximum reserve balance for cash funds.

10. Commission rules indicate that it is the obligation of the Commission to adjust the uniform charge, if necessary.

11. Staff has projected revenues and expenses, including annual appropriations, for the next 12 months.

12. Considering the revenue and expenditure projections for Fiscal Year 2022 to 2023 and 2023 to 2024, the Commission finds it necessary and appropriate to reduce the uniform charge on each eligible access line beginning April 1, 2023. The current uniform charge of 6 cents per access line per month shall be reduced to 3 cents per access line per month to pay all expenses, as

well as transfer funds to the appropriate agencies as appropriated by the Legislature pursuant to § 40-17-103, C.R.S., and to maintain a fund balance compliant with § 24-75-402(2)(a), C.R.S.

II. ORDER

A. The Commission Orders That:

1. Effective April 1, 2023, the uniform charge imposed upon each telephone access line to fund the Colorado Telecommunications Relay Services for Telephone Users with Disabilities Program is reduced from 6 cents per access line per month to 3 cents per access line per month to comply with the requirements of § 40-17-103(3) and § 24-75-402(2)(a), C.R.S.

2. No later than 30 days after the end of each month, each voice service provider shall remit as directed by the Commission the amount due based on the preceding month and the completed Combined Colorado telecommunications surcharge remittance form.

3. The uniform charge of 3 cents per month shall be included in each applicable subscriber's bill as a separate line item and shall be listed as the "Colorado Telecommunications Relay Service Surcharge."

4. The 20-day time period provided for by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration begins on the first day after the mailing of this Decision.

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
ON FEBRUARY 1, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in black ink, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

Commissioners

COMMISSIONER JOHN GAVAN'S TERM
EXPIRED FEBRUARY 3, 2023.