

Decision No. C23-0784

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0509T

IN THE MATTER OF THE APPLICATION OF ASPEN-PITKIN COUNTY EMERGENCY TELEPHONE SERVICE AUTHORITY TO INCREASE THE EMERGENCY TELEPHONE CHARGE.

**COMMISSION DECISION GRANTING APPLICATION
IN PART**

Mailed Date: November 30, 2023
Adopted Date: November 29, 2023

I. BY THE COMMISSION

A. Statement

1. On October 16th, 2023, the Aspen-Pitkin County Emergency Telephone Service Authority (Applicant or Authority) filed its application pursuant to § 29-11-102(2)(c), C.R.S., for approval of an emergency telephone charge increase from \$2.00 to \$4.00 per service user per month (Application).

2. Consistent with the discussion below, we grant, in part, the Application as requested through February 1, 2029. The Authority may file subsequent applications to continue or increase funding as necessary.

B. Findings and Conclusions

3. On October 17, 2023, the Commission gave notice of the Application stating that parties wishing to participate in this Proceeding should file an Intervention or other appropriate

pleading within 30 days after the date of the Notice.

4. On November 3, 2023, the Applicant filed an Affidavit attesting that it had published notice of the Application in a local newspaper as required by Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR) 723-2-2147 (d).

5. No interventions were filed or public comments received in response to this Application. The matter is therefore uncontested, and considered pursuant to the Commission's modified procedure, § 40-6-109(5), C.R.S., and the Commission's Rules of Practice and Procedure, 4 CCR 723-1-1403.

6. The Applicant is a governing body as defined in § 29-11-101(16), C.R.S. The Company's status as a governing body is established by an Intergovernmental Agreement, a copy of which was included in the Application as Signed IGA.

7. A governing body may incur equipment, installation, and other costs directly related to the continued operation of emergency telephone service pursuant to § 29-11-102, C.R.S. Such allowable costs may be categorized as equipment directly related to the receipt and routing of emergency calls, monthly recurring charges for the emergency telephone service, reimbursement of costs for equipment changes necessary for the provision or transmission of wireless Automatic Number Identification or wireless Automatic Location Identification to a public safety answering point (PSAP), costs related to the provision of emergency notification service and emergency telephone service, and "other" directly related costs. Expenses for public safety radio equipment and personnel expenses necessarily incurred for a PSAP or governing body may also be paid with funds collected from 911 charges. § 29-11-104(2)(a), C.R.S.

8. A governing body is statutorily authorized to collect up to a threshold set annually by the Commission, per month per 911 access connection to cover such costs of service within its jurisdiction. The threshold for 2024 has been set by the Commission at \$2.05.¹ In the event that a governing body determines that a charge in excess of this threshold is necessary to provide adequate emergency telephone service, the governing body shall obtain the approval of the Commission before imposing such higher charge. § 29-11-102(2), C.R.S.

9. Currently, the monthly emergency telephone charge in the Applicant's service territory is \$2.00. The Application seeks to increase the charge to \$4.00 per month.

10. The Company is supported by the affidavit and verification of the information filed with the Commission by the Applicant.

11. The Applicant funds one Public Safety Answering Point (PSAP), the Pitkin County Regional Emergency Dispatch Center.

12. The Applicant has determined that an increase in the emergency telephone charge is needed for several reasons, including: (1) equipment expenses, specifically a replacement of the computer aided dispatch system; and (2) network and infrastructure improvement expenses to support satellite dispatch centers to address single points of entry and staffing challenges.

13. The increase requested by the Applicant will increase revenues for the Applicant by an average of roughly \$801,500 per year, or about \$4,007,100 over the next five years. Without any increase, the Applicant will either exhaust its funds in 2024, or be forced to forgo some of its planned expenses. With the requested increase, assuming no unforeseen costs, funding should be sufficient through 2027.

¹ See Decision C23-0641 in Proceeding No. 23M-0385T.

14. The Commission notes that the reasons for the request, as documented in the Application, are heavily due to one-time capital expenses, amounting to about \$6.1 million over the next five years. Because of this, the Commission finds that while it is in the public interest to provide the Applicant with the means to raise the funds necessary to meet the proposed capital expenses, the record here provides the emergency telephone charge rate to pay for one-time capital expenses, with supportive documentation, through 2028.

15. Based on the Application and associated filings, the Commission agrees with Applicant that the additional funding that would be raised by an emergency telephone charge rate of \$4.00 is necessary in order for the Applicant to make the proposed capital expenses allowed pursuant to § 29-11-104(2), C.R.S. Given that the request supports primarily one-time capital expenses with a documented five-year plan through 2028, the granted increase authorized shall expire on February 1, 2029, based on the filings provided.

16. The Applicant is not precluded from filing additional, future emergency telephone charge applications before February 1, 2029, including to request an ongoing or extended rate of \$4.00, or another rate above the currently approved rate of \$2.00.² Without such an application being filed, the Applicant's authority for assessment of an emergency telephone charge will revert to \$2.00 on February 1, 2029.

17. The Applicant is reminded that in order to obtain continued authorization for an emergency telephone charge rate above \$2.00, it will need to file an application with the Commission with sufficient time for the Commission to notice and consider the application, and

² For example, the applicant may reapply to potentially continue or increase funding, or the applicant can reapply for funding to continue effective February 1, 2029, with supporting documentation, consistent with Commission Rule 4 CCR 723-2-2147.

for the Applicant to provide 60-days notice to the telecommunications service providers as required by § 29-11-102(2)(b), C.R.S.

II. ORDER

A. The Commission Orders That:

1. The application of the Aspen-Pitkin County Emergency Telephone Service Authority (Applicant) seeking to increase the emergency telephone charge to \$4.00 per access line per month is granted, in part. The Applicant is authorized to assess an emergency telephone charge rate through February 1, 2029, consistent with the discussion above.

2. The Applicant shall notify each affected service provider of the increase in the emergency telephone charge at least 60 days prior to the new rate becoming effective.

3. The 20-day time period provided by § 40-6-114, C.R.S. to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 29, 2023.**

(S E A L)



ATTEST: A TRUE COPY

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

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

TOM PLANT

Commissioners