

Decision No. C23-0322-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0197T

IN THE MATTER OF THE APPLICATION OF LUMEN D/B/A CENTURYLINK QC FOR THE
2023 BASIC EMERGENCY SERVICE PROVIDER IMPROVEMENT PLAN.

**INTERIM COMMISSION DECISION
TAKING ADMINISTRATIVE NOTICE IN THIS
PROCEEDING OF ITEMS REPORTED BY LUMEN TO
THE FEDERAL COMMUNICATIONS COMMISSION IN
LUMEN’S ANNUAL 9-1-1 RELIABILITY SUBMISSION IN
PROCEEDING NO. 18M-0294T AND DEEMING THE
APPLICATION COMPLETE.**

Mailed Date: May 12, 2023
Adopted Date: May 10, 2023

I. BY THE COMMISSION

A. Statement

1. On April 24, 2023, Lumen, doing business as, CenturyLink QC (Lumen) filed its application for 2023 Basic Emergency Service Provider Improvement Plan (Application). Lumen filed its Application pursuant to the Commission’s Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1-1000 *et seq.*, and in response to Decision No. C23-0125 adopting amendments to 4 CCR 723-2-2143(b) and Decision No. C23-0250-I, extending the deadline for submission of 2023 improvement plans.

2. For its 2023 Improvement Plan, Lumen submitted a proposal that it states would present the State of Colorado with a unique opportunity to combine state and federal funds to

create redundancy, diversity, and resiliency along three routes, thereby enhancing 9-1-1 service for at least nine Public Service Answering Points (PSAPs).

3. Lumen states it considered how to best leverage 9-1-1 funding to maximize Colorado benefits. In this regard, Lumen identified potential complementary funding streams available from the National Telecommunications and Information Administration (NTIA), which was allocated \$1 billion to enable middle mile infrastructure through a one-time grant program targeted for broadband development, including to “promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network.”¹

4. Lumen has submitted three middle mile projects in Colorado that would directly benefit PSAPs by establishing network diversity. Lumen indicates it is still awaiting decisions from the NTIA on these applications, which it anticipates should come by June 2023. Lumen states the requirements for the NTIA grant are to utilize an IP-based network, which complements the provision of technology utilized for NG 9-1-1 services.

5. To the extent the NTIA approves Lumen’s applications, Lumen proposes to combine this federal money with state 9-1-1 funding to provide PSAPs serving communities in rural Colorado with more robust, resilient, and redundant 9-1-1 functionality. Lumen proposes to fund the three routes with 70 percent of costs received from NTIA, and 30 percent from state funding. Because of the federal subsidies, Lumen anticipates that the additional concurrent session charges for the three route proposals would be modest and temporary, spread over two years. To the extent the NTIA declines funding, the concurrent session charges would be greater.

¹ See, Application, p.2.

6. Lumen indicates it had hoped that the NTIA would have issued decisions on the three route applications by the time Lumen filed its Improvement Plan. But, because NTIA has not, Lumen's Improvement Plan application is submitted with the NTIA funding contingency. To the extent NTIA declines funding, Lumen affirms it will notify the Commission and withdraw the affected portions of this Application unless the Commission indicates an interest in funding the affected projects at 100 percent.

7. According to the Application, the Middle Mile Broadband Infrastructure Grant (MMG) Program provides funding for the construction, improvement, or acquisition of middle mile infrastructure. The amount of a middle mile grant awarded to an eligible entity through this program may not exceed 70 percent of the total project cost. Each applicant must submit a network design diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing that the applicant will complete build-out and the initiation of service within five years from the date on which the grant funds are made available to the eligible entity and will meet interim buildout requirements.

8. Lumen proposes three Middle Mile Projects. The first project is the Wray to Julesberg project (a map of the route is attached as Exhibit A-1 to the Application. The network connections are on single network paths. Lumen states that the project proposes to add path diversity in the event there is a network issue such as a fiber cut or natural disaster, which currently would isolate the PSAPs serving the communities of Yuma, Wray, Julesberg, and Phillips County.

9. The second project is the Springfield to Las Animas project (a map of the route is attached as Exhibit B-1 to the Application). The existing network path from Springfield to Las Animas would diversify the PSAP in Springfield and create resiliency and path diversity for the PSAPs located in Lamar and Las Animas. Lumen states that if there is currently a fiber cut or

natural disaster, PSAPs serving the communities of Lamar, Springfield, and Las Animas would be isolated.

10. The third project is the Georgetown to Dillon project (a map of the route is attached as Exhibit C-1 to the Application). The Georgetown wire center (housing the Clear Creek County Sheriff PSAP) is served by a single connection which goes to the Idaho Springs wire center. Improving the resiliency of this area would also benefit Gilpin County and Evergreen PSAPs. Lumen asserts that without the additional path diversity proposed by Lumen, if there is currently a fiber cut or natural disaster, PSAPs serving the community of Georgetown and surrounding areas would be isolated.

B. Discussion

1. Completeness

11. Pursuant to Rule 4 CCR 723-2-2143(a), “[a]ll Basic Emergency Service Providers (BESPs) providing Basic Emergency Service (BES) shall take reasonable measures to provide reliable BES including circuit diversity, central-office backup power, and diverse network monitoring. Where feasible, 9-1-1 circuits within the BES network shall be physically and geographically diverse.” *Id.*

12. Pursuant to Rule 2143(b), “[on] or before February 15, 2023, and each two years thereafter, each BESP shall file an improvement plan application or amendment. This application or amendment shall be subject to rule 2002.” *Id.* Subsection (I) states that an improvement plan shall consist of a list of enumerated items at a minimum.

13. Generally, Lumen provided most of the required information in its Application. However, it did fail to provide a list of service reliability items, including (but not limited to) items

reported to the Federal Communications Commission (FCC) in its annual 9-1-1 reliability submission as required under Rule 2143(b)(I)(A). Instead, Lumen stated:

Because this submission focuses on the unique opportunity created by the NTIA middle mile grant program, it does not contain a list of service reliability items. However, Lumen will be providing the list of items reported to the FCC in its forthcoming 9-1-1 contingency plan due May 1, 2023. To the extent the middle mile projects are not granted by the NTIA, and unless the Commission opts to fund the affected projects at 100%, Lumen could come back in February 2024 and submit reliability items related to those reported to the FCC and other relevant projects.²

14. However, on May 1, 2023, Lumen did in fact provide a list of items reported to the FCC in its 9-1-1 contingency plan with the FCC in another recent filing in their annual contingency plan filing in Proceeding No. 18M-0294T. In that Proceeding, the Commission issued Decision No. C18-0332 in which it opened a miscellaneous docket to serve as a repository for BESPs to file annual reports regarding contingency plans for the continuity of 9-1-1 service in the event of disruption. The information required pursuant to Rule 2143(b)(I)(A) begins on page 25 of that filing in Proceeding No. 18M-0294T.

15. Because Lumen notified the Commission that the information at issue would be provided in its filing in Proceeding No. 18M-0294T and given the fact the information was indeed filed on May 1, 2023, we will take administrative notice of the report in that proceeding as it complies with the required information under Rule 2143(b)(I)(A). As a result, we deem the Application complete. The Application will return to a later Commission Weekly Meeting for a determination on the merits.

² See, Application at p. 8.

II. ORDER

A. The Commission Orders That:

1. The Commission takes administrative notice of the list of items reported to the Federal Communications Commission (FCC) by Lumen, doing business as CenturyLink QC in its 9-1-1 contingency plan with the FCC in another recent filing in their annual contingency plan filing in Proceeding No. 18M-0294T.

2. As a result, the Application filed by Lumen contains all information required pursuant to Rule 4 *Code of Colorado Regulations* 723-2-2143(b)(I) and is therefore deemed complete.

3. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 10, 2023.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners