

tion that was offered in a previous (Decision No. R92-1421)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Interim in their response to the application

* * *

The Colorado Public Utilities Commission (Commission)
RE: APPLICATION OF U S WEST)
COMMUNICATIONS, INC., FOR) DOCKET NO. 92A-349T
DECLARATORY ORDER, OR, IN THE)
ALTERNATIVE, FOR WAIVER FROM) HEARINGS COMMISSIONER
CERTAIN PROVISIONS OF THE RULES) ORDER APPROVING
CONCERNING EMERGENCY REPORTING) STIPULATION, AS MODIFIED
SERVICES.)

Commission in the proceedings of 1992-1993 and to request

Mailed Date: November 13, 1992
Adopted Date: November 6, 1992

BY THE HEARINGS COMMISSIONER:

On the Commission worked on the order, and on this order.
On November 5, 1992, the hearings commissioner began two
days of hearings in this Docket No. 92A-349T at 9 a.m.
However, various parties, including U S WEST Communications,
Inc. (U S WEST) and the Staff of the Colorado Public Utilities
Commission (Staff), announced that they had reached a stipula-
tion resolving the issues in this case. The parties requested
that the hearings commissioner delay the hearing, pending
further negotiations that morning, including showing the
proposed stipulation to representatives for Colorado Counties,
Inc. and the Weld County 911 Emergency Authority Board.

On November 6, 1992, the hearings commissioner reconvened

the hearing and gave her preliminary approval of the stipula-
tion. The stipulation was signed by the Colorado Municipal League (CML).
CML communicated its agreement with the terms of the stipulation to the
Commission for U S WEST.

tion that was offered as a unanimous resolution¹ of issues and concerns raised by U S WEST in its application, and by the Intervenors in their responses to the application.

The Colorado Public Utilities Commission ("Commission") adopted the Emergency Services Reporting rules on May 27, 1992. The Emergency Services Reporting rules became effective on June 30, 1992. The clearly stated objective of the Commission in the promulgation of those rules was to expedite the ubiquitous delivery of emergency reporting services to all people in the State of Colorado as economically as possible.

As the Commission worked on the rules, and on this waiver docket, we were aware that the stated goal might, at times, be contentious and difficult. The parties are to be congratulated for successfully molding their points of agreement and disagreement into a workable and unanimously acceptable solution.

The Commission has carefully reviewed the proposed stipulation (attached as Appendix A to this order); has carefully considered all the prefiled testimony and comments filed in this docket; has taken administrative notice of the E-911 filings made by the independent telephone companies

¹ The stipulation was not signed by the Colorado Municipal League (CML). However, CML communicated its agreement with the terms of the stipulation through counsel for U S WEST.

(list of filings attached as Appendix B to this order); and has carefully reviewed the Emergency Reporting Services rules, codified at 4 Code of Colorado Regulations 723-29. The Commission finds that:

1. The stipulation adequately addresses the issues raised by the parties in the pleadings filed in this docket;
2. The underlying purpose of the Commission's Emergency Reporting Services rules have been met; and
3. The health and safety of the people of the State of Colorado will be promoted by the terms of the stipulation.

Therefore the Commission will approve, with minor clarifications, the stipulation offered by the parties to the docket.

The minor clarifications are as follows:

1. The signed stipulation corrects the procedural matters set forth in Section I, paragraph 4, regarding the parties to this docket.

2. In Section II Substantive Matters:
- a. Paragraph 2. The parties have agreed to minimize certain paperwork requirements contained in Rules 3(3) through 3(6) by relieving U S WEST of the need to file documents which are duplicative of information already on file with the Commission. This paragraph is approved, but the Commission will impose an additional requirement: Within 60 days of the effective date of this order, U S WEST will provide Staff with the technical specifications defining the emergency reporting services that are currently being provided, or that will be provided in the new areas sought to be served or certificated under the rules. The Staff will not seek technical information from U S WEST that is already on file with the Commission.
- b. Paragraph 4. The Commission's intent in Rule 3(1) was that Basic Emergency Service, as defined in Rule 1(5), be provided in all of Colorado no later than December 31, 1992. The Commission was aware that while emergency reporting services might not be placed in service ubiquitously by that date, the authorized local exchange provider would be willing and able, except where technical specifications

have not been met, to offer the service by that date.

c. Paragraph 6. The Commission understands that the maximum time frames set forth in this paragraph are: for Basic 911, 6 months for a step-by-step office and 60 days for a stored program office. For E-911, six months for network and ANI without selective routing. These time frames for the provision of service by U S WEST shall be counted from the date a written request for service is made by the governing body as defined in Rule 1(A)(14). The Commission adds a requirement: the parties shall immediately notify the Commission of any anticipated delay in meeting these maximum time frames.

d. Paragraph 8. U S WEST will file an application, not an advice letter, by November 20, 1992. The purpose of this application will be to place into effect an averaged, statewide tariff for emergency reporting services and single billing. The tariff will reflect the factors agreed upon by the parties as set forth in paragraph 8.

The Commission understands that the stipulation does not yet provide an agreed upon rate for the tariff. However, U S WEST has agreed to provide Staff with complete information prior to filing its application so that any possible dispute regarding the rate may be addressed, and hopefully resolved, prior to the filing of the application. While Staff's initial calculations yield an increase in estimated rates of one cent per line per month, U S WEST is unable at this time, without completing its own cost studies to support or reject this estimate.

The Commission will anxiously await receipt of the privacy manuals and the quarterly reports required by the rules.

Again, the Commission congratulates the parties for their work in resolving this dispute, and for providing availability of 911 service for everyone in Colorado by December 31, 1992.

THEREFORE THE HEARINGS COMMISSIONER ORDERS THAT:

1. The Stipulation attached as Appendix A to this Decision, is hereby approved as modified.

2. The 20-day time period provided for by §40-6-109(2), C.R.S., to file exceptions begins on the first day after the

mailing or serving of this Decision and Order. If no exceptions are filed, this Decision will be the decision of the commission.

3. This Order is effective on its Mailed Date.

ADOPTED IN HEARING November 6, 1992.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Christine E. M. Moran
Hearings Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RECEIVED
STATE OF COLORADO
PUBLIC UTILITIES COMMISSION

* * *

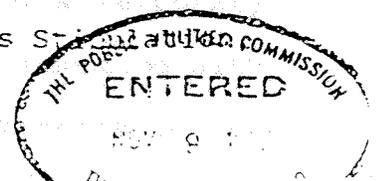
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THE APPLICATION OF U S WEST)
COMMUNICATIONS, INC. FOR A)
DECLARATORY ORDER, OR, IN THE)
ALTERNATIVE, FOR WAIVER FROM)
CERTAIN PROVISIONS OF THE)
RULES CONCERNING EMERGENCY)
REPORTING SERVICES.)

DOCKET NO. 92A-349T

STIPULATION

COMES NOW U S WEST Communications, Inc. ("USWC"), and the Staff of the Colorado Public Utilities Commission ("Staff"), Agate Mutual Telephone Exchange, Big Sandy Telephone Company, Bijou Telephone Cooperative, Columbine Telephone Company, Inc., Delta County Tele-Comm, Inc., Eastern Slope Rural Telephone Association, Inc., Farmers Telephone Company, Nucla-Naturita Telephone Company, Nunn Telephone Company, Phillips County Telephone Company, Sunflower Telephone Company, and Wiggins Telephone Association ("Agate et al."), and Haxtun Telephone Company, Peetz Cooperative Telephone Company, Pine Drive Telephone Company, Plains Cooperative Telephone Association, Inc., Rico Telephone Company, Roggen Telephone Cooperative Association, Stoneham Cooperative Telephone Corporation, Strasburg Telephone Company, Universal Telephone Company of Colorado, and Willard Telephone Company ("Haxtun, et al."), Colorado Counties, Inc., Weld County 911 Emergency Telephone Authority Board, El Paso and Teller County Authority Boards collectively "the parties", through their under-signed attorneys, agents, authorized representatives or themselves, and in consideration of the mutual covenants and agreements contained in this Stipulation



do hereby submit the following Stipulation for consideration by the Commission in accordance with Rule 83 of the Commission's Rules of Practice and Procedure. In the event that the Stipulation is approved, the parties request that an order be issued implementing the terms of the Stipulation.

I. PROCEDURAL MATTERS:

1. On June 2, 1992, the Commission released its "Statement of Adoption" of the Rules governing Emergency Reporting Services for Emergency Telecommunication Service Providers and Telephone Utilities.

2. On June 30, 1992, USWC filed its Application for Declaratory Order or in the Alternative for Waiver from certain of the Rules concerning Emergency Reporting Services. (Application No. 92A-349T).

3. The following parties intervened as a matter of right in this Application: Agate, et al. and Haxtun, et al.

4. The following parties filed Petitions to Intervene: Colorado Municipal League, Weld 911 Emergency Telephone Service Authority Board, and Staff of the Public Utilities Commission. ~~USWC has received no order granting the Petitions to Intervene.~~ RMH h) (LD @ J EA

II. SUBSTANTIVE MATTERS:

1. The parties agree that Compliance with certain provisions of the Emergency Reporting Services Rules by USWC is impossible, impracticable or unreasonable, and variance from the rules as provided in this Stipulation is appropriate and not otherwise contrary to law.

2. The parties agree that USWC should be granted a temporary waiver of Rules 3(3), 3(4), 3(5) and 3(6) for a period commencing with the effective date of the Rules (June 30, 1992) and terminating on

November 25, 1992. Before the end of the waiver period, USWC will have completed its filings in the manner agreed to herein. USWC will continue to provide Basic Emergency Service to all areas in which it now provides that service. The parties agree that the filing need include only notification of the areas sought to be served. Twenty (20) day notice will be requested.

3. The parties agree that in regard to its request for an extension of time to comply with Rule 9, USWC can now certify and does hereby certify to the Commission that it has prepared a manual containing procedures for non-disclosure of personal information consistent with Rule 9. USWC withdraws its request for an extension of time in which to so certify.

4. The parties agree that the Staff will recommend that the Commission clarify the meaning of Rule 3(1), which states that "Basic Emergency Service . . . shall be provided, as soon as reasonably practicable, but in no event later than December 31, 1992." Since the definition of Basic Emergency Service in Rule 1(5) requires a Public Safety Answering Point and referral to a Public Agency and since Basic Emergency Service in Rule 1(B)(1) requires aggregation and transport of 911 calls to a Governing Body, it is clear that Basic Emergency Service cannot be provided where there is no Public Agency or Governing Body involved. Thus, the Rule must be understood to require that Basic Emergency Service be available to be provided upon request by December 31, 1992.

5. The parties agree that since there is only one central office (Wiley) which is not now equipped to offer Basic 911 service and since the central office enhancements needed to make Basic 911 Service available in Wiley are scheduled for completion before the December 31,

¶ II 2 is modified
by this Decision.

¶ II 4 is modified
by this Decision.

1992, date stated in Rule 3(1), it is not necessary for USWC to obtain a waiver of Rule 3(1), as the Company previously requested. USWC hereby withdraws its request for a waiver of Rule 3(1).

6. USWC will make every effort to meet the following ^{MAXIMUM} time frames for provision of service: Basic 911, six (6) months for a step-by-step office; Sixty (60) days for a stored program office; Network and ANI without selective routing - six (6) months.

7. USWC will file a statewide tariff for E-911. USWC acknowledges this is not an exclusive offering that would preclude other providers of E-911 service.

8. USWC will file an ^{Application} ~~Advice Letter~~ by November 20, 1992, to amend its existing E-911 tariff on less than statutory notice, to be effective on December 1, 1992.

The tariff will be amended to reflect a statewide rate for E-911 transport and automatic number identification to create new rates that provide for a single bill when joint transport and automatic number identification service is being provided by USWC and other independents.

~~There will be no adjustments to USWC rates and charges for USWC exchange areas.~~

The rate of increase in the tariff will be the sum of the following amounts divided by the number of access lines in service:

(a) USWC's actual expense of paying the independent company charges for transport and ANI for actual systems now on line or anticipated to be on line by June 30, 1993.

(b) USWC's reasonable fees to reimburse USWC for the establishment and administration of the single bills.

¶ II 6 is modified by this Decision.

(c) USWC will pay all independent company bills for transport and ANI retroactive to July 1, 1992. This total amount, as identified by the independent companies, will be amortized over a period of one year and included in the tariff monthly rate. The tariff charges will include service provided pursuant to tariff after November 1, 1992. For the period between June 30, 1992, until November 1, 1992, the parties agree that by November 11, 1992, the independent companies will provide USWC with all statements for transport and ANI billed or tarified for the period between June 30, 1992 and November 1, 1992. Statements that are not provided in a timely fashion will not be included in the tariff rate and will not be paid, ~~by USWC~~. This billing will be the actual approved recurring tariff rates excluding any non-recurring charges. Any refunds due to counties who paid these charges will be the responsibility of the independent companies. RMH

(d) USWC's appropriate administration factors and business fees on all of the above items.

9. The USWC contact persons for E-911 service issues that cannot be resolved through company customer representatives are Karen Baird (503) 464-1767 and Tony Capers (303) 896-1610.

10. The parties agree that this Stipulation has been entered into solely for purposes of resolving issues in this proceeding. If this Stipulation is not approved by the Commission, its contents shall not be binding or serve as precedent in this proceeding, or in any other proceeding.

WHEREFORE, the parties request that the Commission accept this Stipulation, and issue a decision approving the terms of the Stipulation.

DATED this 5th day of November, 1992.

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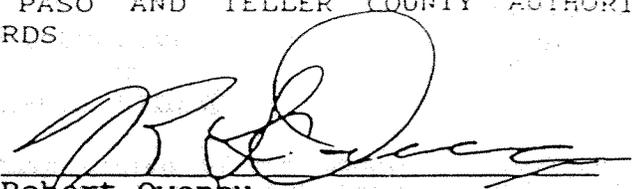
AGATE, ET AL.

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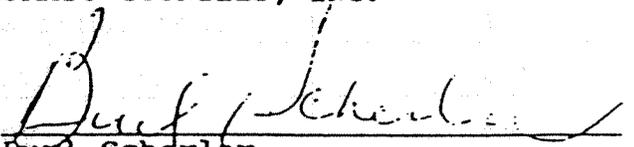
HAXTUN, ET AL.

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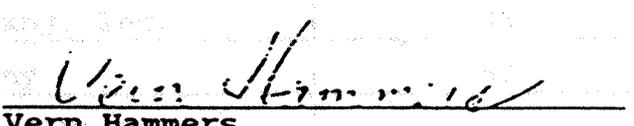
EL PASO AND TELLER COUNTY AUTHORITY
BOARDS

By: 
Robert Owenby

COLORADO COUNTIES, INC.

By: 
Earl Scherler

WELD COUNTY 911 EMERGENCY AUTHORITY
BOARD

By: 
Vern Hammers

Administrative Notice
of
E-911 FILINGS

The commission took administrative notice of two Commission dockets, Docket No. 92A-570T (Eagle Telecommunications, Inc.) and Docket No. 92A-590T (Phillips County Telephone Company) and the 24 recent advice letters as follows:

COMPANY	ADVICE LETTER NO.
Agate Mutual Telephone Company	14
Big Sandy Telecommunications, Inc.	34
Bijou Telephone Cooperative Assn.	43
Blanca Telephone Company	45
Columbine Telephone Company	34
Delta County Tele-Com, Inc.	45
Eastern Slope Rural Telephone Assn.	92
El Paso County Telephone Company	51
Farmers Telephone Company, Inc.	38
Haxtun Telephone Company	56
Nucla-Naturita Telephone Company	43
Nunn Telephone Company	40
Peetz Cooperative Telephone Company	39
Phillips County Telephone Company	34
Pine Drive Telephone Co.	35
Rico Telephone Company	22
Roggen Telephone Cooperative Company	23
Rye Telephone Company	77
Stoneham Cooperative Telephone Corp.	17
Strasburg Telephone Company	25
Sunflower Telephone Company, Inc.	43
Universal Telephone of Colorado	91
Wiggins Telephone Association	42
Willard Telephone Company	16