

Decision No. C25-0015-I

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 24D-0534T

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IN THE MATTER OF THE PETITION FILED BY BOULDER REGIONAL EMERGENCY TELEPHONE SERVICE AUTHORITY, THE DOUGLAS COUNTY EMERGENCY TELEPHONE SERVICE AUTHORITY, AND THE EL PASO-TELLER COUNTY E911 FOR A DECLARATORY ORDER, OR IN THE ALTERNATIVE PETITION FOR RULEMAKING OF 4 CODE OF COLORADO REGULATIONS 723-2-2148(A)(II)(B) REGARDING ESTABLISHMENT OF THE AMOUNT OF THE 9-1-1 SURCHARGE AND DISTRIBUTION OF PROCEEDS OF THE 9-1-1 SURCHARGE TO TARIFFED OPTIONAL COMPONENTS OF BASIC EMERGENCY SERVICE.

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**INTERIM DECISION ACCEPTING PETITION  
FOR DECLARATORY ORDER AND ALTERNATIVE  
PETITION FOR RULEMAKING, ISSUING NOTICE,  
AND ESTABLISHING 30-DAY INTERVENTION PERIOD**

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Issued Date: January 9, 2025

Adopted Date: December 30, 2024

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

**I. BY THE COMMISSION**

**A. Statement**

1. By this Decision the Commission accepts and issues notice of the Petition for Declaratory Order, or in the Alternative Petition for Rulemaking (“Petition”) filed by the Boulder Regional Emergency Telephone Service Authority, the Douglas County Emergency Telephone Service Authority, and the El Paso-Teller County Emergency Telephone Service Authority (collectively, the “Petitioners”) on December 9, 2024. The Petition requests a declaratory order from the Commission removing an uncertainty affecting the Petitioners with respect to § 29-11-102.3(1)(b) C.R.S., and Rule 723-2-2148(a)(II)(B) of the Commission’s Rules

Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (“CCR”) 723-2, or in the alternative, requests the Commission open a rulemaking proceeding to clarify and modify Rule 723-2-2148(a)(II)(B).

2. This Decision establishes a 30-day notice and intervention period for the Petition. Interventions shall be due by **5:00 p.m. on February 10, 2025**. This Decision also establishes a deadline for initial comments to the Petition of **February 10, 2025**, at 5:00 p.m.

3. The Commission will determine whether to issue a declaratory order or a notice of proposed rulemaking and direct any further procedural steps after the Commission receives comments.

**B. Petition**

4. Petitioners explain that pursuant to § 29-11-102.3, C.R.S., and the Commission’s rules, individuals provided a 911 access connection in Colorado are charged a 911 surcharge, and the Commission distributes the proceeds of the 911 surcharge to Governing Bodies. The amount of the surcharge is determined by formula, must be calculated to meet the needs of the Governing Bodies to operate the 911 system, and is distributed based upon the number of concurrent sessions maintained by the Public Service Answering Points of each Governing Body. Petitioners further explain that to date, the Basic Emergency Service Provider’s (“BESP”) tariffed charges for Basic Emergency Service has established both the amount of the 911 Surcharge and the amount of the surcharge proceeds to be distributed to each Governing Body on a per-concurrent session basis. The Commission notes that the amount of the 911 Surcharge is determined through an annual proceeding under Rule 2148.

5. Petitioners state that there is currently a BESP advice letter and tariff amendment before the Commission in Proceeding No. 24AL-0397T, and that the issues in that proceeding

may include whether certain services introduced in the tariff filing should be optional or mandatory. Petitioners state that the parties' positions in that proceeding may depend on whether and how the Commission would determine optional services should be subsidized with proceeds of the 911 Surcharge. Petitioners also contend that certain procedural and timing considerations under existing rules may inhibit the tariffing of optional services and implementation of services that are in the public interest.

6. Petitioners request that the Commission issue an order (1) declaring that optional services may be tariffed, (2) declaring that the Commission will determine whether specific optional tariffed services will be funded with proceeds of the 911 Surcharge in the tariff approval proceeding in which the optional services and associated charges are approved, and (3) establishing the criteria for determining whether the optional services will be funded with proceedings of the 911 Surcharge. Alternatively, Petitioners request a Commission rulemaking proceeding to address these issues.

### **C. Findings and Conclusions**

7. The Commission may entertain a petition for declaratory order to terminate a controversy or remove an uncertainty regarding any tariff, statute, or Commission rule, regulation, or order. Rule 4 CCR 723-1-1304(i)(II). If a petition meets those requirements, the Commission then exercises its discretion to accept or dismiss the petition. Additionally, under Rule 1306(b), the Commission may accept a petition for rulemaking and set a schedule to receive comments on the petition from interested participants.

8. We find that entertaining the questions presented in the Petition may remove uncertainties surrounding the impact of the Commission's 911 Surcharge processes on certain services that may be included in a BESP's tariff. We therefore accept the Petition for Declaratory

Order and alternative Petition for Rulemaking and issue notice of the Petition to interested persons, firms, and corporations by service of this Decision. Additionally, the Commission seeks comment on whether this matter should be handled as a Petition for Declaratory Order or a Petition for Rulemaking.

9. The Petition is available for public inspection by accessing the Commission's E-Filings System under Proceeding No. 24D-0534T at:

[https://www.dora.state.co.us/pls/efi/EFI.Show\\_Docket?p\\_session\\_id=&p\\_docket\\_id=24D-0534T](https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=24D-0534T).

**This Decision is the Notice that the Petition for Declaratory Order, or in the alternative, Petition for Rulemaking, seeking clarification on the impact of the Commission's rules regarding the State 9-1-1 Surcharge on services that may be optional under a Basic Emergency Service Provider's tariff, has been filed by the Boulder Regional Emergency Telephone Service Authority, the Douglas County Emergency Telephone Service Authority, and the El Paso-Teller County Emergency Telephone Service Authority with the Commission.**

10. This Decision establishes a 30-day notice and intervention period for the Petition. The Commission's notice period for the Petition shall extend through and include **5:00 p.m. on February 10, 2025**. The intervention period will run concurrent with the notice period. Interventions shall be due by **5:00 p.m. on February 10, 2025**.

11. The comment period will run concurrent with the notice period. Comments to the Petition shall also be filed by **February 10, 2025**, at 5:00 p.m.

**II. ORDER**

**A. It Is Ordered That:**

1. The Petition for Declaratory Order, or in the Alternative, Petition for Rulemaking (“Petition”) filed by the Boulder Regional Emergency Telephone Service Authority, the Douglas County Emergency Telephone Service Authority, and the El Paso-Teller County Emergency Telephone Service Authority on December 9, 2024, is accepted.

2. Service of this Decision will provide notice of the Petition to all interested persons, firms, and corporations.

3. The notice period for the Petition shall extend through and include **5:00 p.m. on February 10, 2025**.

4. Any person desiring to intervene or participate as a party in this Proceeding shall file a petition for leave to intervene or, pursuant to the Commission’s Rules of Practice and Procedure, other appropriate pleadings to become a party by **5:00 p.m. on February 10, 2025**.

5. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments on or before **5:00 p.m. on February 10, 2025**, addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, or through the Commission’s E- Filings System under Proceeding No. 24D-0534T at [Colorado.gov/dora/puc](https://Colorado.gov/dora/puc).

6. Comments to the Petition shall be filed no later than **February 10, 2025**, at 5:00 p.m.

7. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 30, 2024.**

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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MEGAN M. GILMAN

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TOM PLANT

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Commissioners

Rebecca E. White,  
Director