

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES

2001. Definitions.

The meaning of terms in Part 2 shall be consistent with general usage in the telecommunications industry unless specifically defined by Colorado statute or a more specific rule. In the event the general usage of terms in the telecommunications industry or the definitions anywhere in Part 2 conflict with statutory definitions, the statutory definitions control. In the event the general usage of terms in the telecommunications industry conflict with definitions anywhere within Part 2, the Part 2 definitions control. In the event another Commission rule of general applicability (such as in the Commission's Rules of Practice and Procedure) conflicts with Part 2 rules, the Part 2 rules control. Except as may be provided by applicable statute or more specifically applicable rule, the following definitions apply throughout this Part 2:

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[indicates omission of unaffected rules]

(nnn) "Telecommunications relay service" means any telecommunications services through a third party that allow an individual who is deaf, hard of hearing, or deafblind or who has a speech disability to communicate by any compatible telecommunications service with one or more individuals in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability.

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[indicates omission of unaffected rules]

2011. Regulated Telecommunications Utility Rule Violations, Civil Enforcement, and Civil Penalties.

An admission to or Commission adjudication for liability for an intentional violation of the following may result in the assessment of a civil penalty of up to \$2,000.00 per offense. Fines shall accumulate up to, but shall not exceed, the applicable statutory limits set in § 40-7-113.5, C.R.S.

Citation	Description	Maximum Penalty Per Violation
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Rule 2109(b),(e)-(g); text preceding (a)	Discontinuance of Regulated Services	\$2000
Rule 2110, text preceding (a) only	Applications to Transfer or Encumber	\$2000
Rule 2122	Keeping a Current Tariff on File with the Commission	\$2000
Rule 2135	Uniform System of Accounts, Cost Segregation and Collection	\$2000
Rule 2136	Obligations of Basic Emergency Service Providers	\$2000
Rule 2139	Obligations of Resellers of Basic Local Exchange Service	\$2000
Rule 2142	Nondisclosure of Name/Number/Address Information	\$2000
Rule 2143	Diverse Routing and Priority Service Restoration	\$2000
Rule 2150	Administration of the 9-1-1 Surcharge Trust Cash Fund	\$2000
Rule 2152	Audit of Service Providers Regarding Emergency Telephone Charge and 9-1-1 Surcharge Practices	\$2000
Rule 2186(a),(d), (e) and (f)	Relinquishment of Designation as Provider of Last Resort	\$2000
Rule 2302(a)-(c);(e)-(g)	Applications for Service, Customer Deposits, and Third Party Guarantees	\$500
Rule 2305, text preceding (a) only	Refund Plans	\$2000
Rule 2334	Construction and Maintenance Practices for Telecommunications Facilities	\$1000
Rule 2335	Provision of Service During Maintenance or Emergencies	\$2000

Rule 2337(a)	Standard Performance Characteristics for Customer Access Lines	\$1000
Rule 2413	Affiliate Transactions for Local Exchange Providers	\$2000
Rule 2533	Submission of Agreement and Amendments for Approval	\$2000
Rule 2742	Abbreviated Dialing Codes	\$2000
Rule 2812	Incarcerated People's Communications Services Provider Reporting and Testing Requirements	\$2000
Rule 2845	Timely or Completely Filing or Making Appropriate Payments to the HCSM Fund	\$100

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[indicates omission of unaffected rules]

2122. Tariffs, Advice Letters and Terms of Service Documents.

- (a) All tariffs and advice letters shall comply with rule 1210 of the Commission's Rules of Practice and Procedure.
- (b) All providers of basic emergency service shall file and maintain a tariff with the Commission.
- (c) All providers of switched access service shall file and maintain a tariff with the Commission.
- (d) HCSM recipients shall provide the Commission and publish on its website a Terms of Service document (TOS) for basic service offered in HCSM-supported areas. In addition to the requirements and contents in rule 1210, the following shall be included in a HCSM recipient's TOS, as applicable:
 - (I) a description of the provider's local calling areas, which shall include the exchange area and all other exchanges which are included in its local calling area;
 - (II) a currently applicable exchange area boundary map for each of its exchanges within the state in which the HCSM recipient has been granted authority to provide service. Each map shall identify clearly the boundary lines of the exchange area and shall include a map scale. Exchange boundary lines shall identify, by appropriate measurement, the boundary line if the boundary line is not otherwise located on section lines, waterways, railroads, or roads. Maps shall include detail equivalent to the detail provided on county highway maps;

- (III) the rates and charges for basic service pursuant to § 40-15-401(1)(b)(IV)(B), C.R.S.;
 - (IV) a description of subscribers' options regarding freezing their authorized local, intraLATA toll, and interLATA interexchange providers);
 - (V) a description of the High Cost Support Mechanism (HCSM) surcharge, consistent with paragraphs 2847(f) and (g);
 - (VI) a description of the Telephone Disability Access surcharge, consistent with rule 2823;
 - (VII) a description of all other state-mandated surcharges; and
 - (VIII) information sufficient to indicate that the HCSM recipient's terms of service comply with the requirements for basic service set forth in Rules 2300 through 2399.
- (e) All providers of telecommunications service proposing to introduce any jurisdictional service required to be tariffed shall file an advice letter and proposed tariff pages on not less than 30-days' notice to the Commission and to the public. The Commission may order the provider of telecommunications service to give additional notice of the proposed new service.
- (f) Notice requirements for all tariff and TOS changes.
- (I) Any provider of tariffed switched access or basic emergency services proposing to change any rate, or to change any rule, regulation, classification, term, or condition in a tariff that will result in an increase in rates or charges shall give notice in accordance with § 40-3-104, C.R.S.
 - (II) Any provider of tariffed switched access or basic emergency services proposing to change any rate in a tariff that will result in a decrease in rates or charges shall file an advice letter and tariff pages on not less than 14-days' notice to the Commission. No additional public notice shall be required.
 - (III) Changing tariff terms or conditions on not less than 14-days' notice. Any provider of tariffed switched access or basic emergency services proposing a change in its tariff terms or conditions shall file an advice letter and tariff pages on not less than 14-days' notice to the Commission. No additional notice is required, unless the Commission finds that it is in the public interest to order additional notice. If the Commission so orders, and to avoid rejection of the advice letter filing, the provider of telecommunications service shall extend the effective date of such advice letter to accommodate the additional notice.
 - (IV) A HCSM recipient shall notify the Commission of and publish on its website each change to its TOS document prior to that change taking effect, and shall notify the Commission at the same time it notifies its customers of each such change.
- (g) Changing tariffs upon less than 30-days' or 14-days' notice. A provider of tariffed switched access or basic emergency service may file an application for permission to change a tariff on less than 30-days or 14-days' notice, as applicable. The Commission, for good cause shown, under § 40-3-104(2), C.R.S., may grant permission to change a tariff without formal oral hearing on less than 30-days or 14-days' notice. No tariff change shall become effective unless the

Commission orders: a change in the manner in which the tariff shall be filed and published; the change to be made to the tariff; and the date when the change shall take effect. In providing notice of the application, the provider of telecommunications service shall comply with paragraph 1207(a) concerning less-than-statutory notice. The following shall be included in the application: details of the proposed change to the provider's tariff; the tariff pages that the provider proposes to change; justification for the proposed change becoming effective on less than 14-days' or 30-days' notice, as applicable; any prior Commission action, in any proceeding, pertaining to the present or proposed tariff; and financial data supporting the proposed change, if appropriate.

- (h) Customer notice. If the utility is required by statute, Commission rule or order to provide additional notice to customers of the advice letter filing, such customer notice shall include, without limitation, the following:
 - (I) information required by subparagraphs 2002(d)(I) – (XII); and
 - (II) identification of the advice letter number, if known at the time the customer notice is provided.
- (i) All existing tariffs or tariff language on file with the Commission for services deregulated pursuant to § 40-15-401, C.R.S., are null and void. All tariffs on file with the Commission offering rates, terms and conditions for basic emergency service and tariffs offering rates, terms and conditions for the offering of switched access service remain effective.

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[indicates omission of unaffected rules]

2138. Obligations of Payphone Providers.

All payphone providers must ensure that access to dial tone, 9-1-1, and 7-1-1 calls are available from all payphones at no charge to the caller, pursuant to 47 C.F.R. 64.1330(b).

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[indicates omission of unaffected rules]

2150. Administration of the 9-1-1 Surcharge Trust Cash Fund.

- (a) This rule does not apply to 9-1-1 access connections provided via prepaid wireless telecommunications services or emergency telephone charges remitted to governing bodies pursuant to § 29-11-102, C.R.S. The 9-1-1 surcharge is a statewide surcharge applied to all 9-1-1 access connections in the state of Colorado, and is separate from local emergency telephone charges that originating service providers are required to collect and remit pursuant to § 29-11-102 C.R.S., the wireless prepaid 9-1-1 charge imposed upon retail transactions of prepaid wireless service pursuant to § 29-11-102.5, C.R.S. and 1 CCR 201-5, Special Rule 43, the Colorado telephone disability access surcharge imposed pursuant to §§ 40-17-102 and 103, C.R.S., and 4 CCR 723-2-2826, and the prepaid telephone disability access charge imposed pursuant to § 40-17-104, C.R.S., and 1 CCR 201-5, Special Rule 43.

- (b) The Commission shall determine, and by appropriate order, impose a uniform 9-1-1 surcharge on each 9-1-1 access connection per month. The surcharge amount will be available on the Commission's web site at least 60 days prior to its effective date.
- (c) All originating service providers must register and provide appropriate contact information to the Commission within 30 days of operating in the state of Colorado using the combined Colorado telecommunications relay service and 9-1-1 surcharge registration form. This form is available from the Commission or on its website and shall be filed through the Commission's E-Filing System. Originating service providers shall provide an updated form within 15 days of any change of the information previously provided to the Commission including for any discontinuance of service. All TRS and 9-1-1 registration forms, including any updates, shall be filed in the Commission proceeding opened annually for such purpose.
- (d) 9-1-1 surcharge.
 - (I) Effective January 1, 2021, all originating service providers shall collect and remit the 9-1-1 surcharge assessed upon each service user whose primary service address, if known, or billing address, if service address is unknown, is within the State of Colorado. The surcharge shall be assessed on each 9-1-1 access connection provided to that service user. Such charges shall be collected monthly and remitted as directed by the Commission using the combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form, as discussed in paragraph (e).
 - (II) With respect to multi line telephone systems, the number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.
 - (III) If the originating service provider lists fees separately on its billing to the customer, the 9-1-1 surcharge shall be listed separately as the "Colorado 911 Surcharge." The listing for this charge and the local emergency telephone charge authorized by § 29-11-102, C.R.S. may not be combined on the bill presented to the customer.
 - (IV) The 9-1-1 surcharge is the liability of the service user and not of the originating service provider, except that the originating service provider is liable to remit all 9-1-1 surcharges that the originating service provider collects from service users. An originating service provider is liable only for the 9-1-1 surcharge collected until it is remitted to the Commission. The amount remitted by the originating service provider must reflect the state 9-1-1 surcharges actually collected on the number of 9-1-1 access connections provided in Colorado by the originating service provider.
 - (V) Each originating service provider may retain from the total 9-1-1 surcharges collected and timely remitted, a vendor fee in the amount of one percent of the total monthly charges collected by such provider.
 - (VI) Each originating 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. If the last day of the month is a legal holiday, then the remittance shall be due the next business day.

- (VII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (e) Remittance procedure.
 - (I) Originating service providers shall submit a return and remit payment as instructed by Commission staff.
 - (II) Originating service providers shall submit all surcharge remittances to the custodial receiver directly.
 - (III) If payments are made by physical check, a printed copy of the completed return described in subparagraph (I) shall also be enclosed with the check.
- (f) From the remittances of the 9-1-1 surcharges received by the Commission pursuant to this section, the portions comprised of the 9-1-1 enterprise fees as described in § 29-11-108(8)(a), C.R.S., shall be transmitted to the 9-1-1 services enterprise cash fund created pursuant to § 29-11-108(10)(a), C.R.S.
- (g) All remittances of 9-1-1 surcharges, excluding the amounts from them as described in paragraph (f) and transmitted to the 9-1-1 enterprise service cash fund created pursuant to § 29-11-108(8)(a), C.R.S., shall be deposited in the 9-1-1 surcharge trust cash fund established pursuant to § 29-11-102.3(3)(c)(I), C.R.S.

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[indicates omission of unaffected rules]

2803. Audit of 9-8-8 Originating Service Providers Regarding 9-8-8 Surcharge Practices.

- (a) The Commission may conduct an audit of a 9-8-8 originating service provider's books and records regarding the collection and remittance of the 9-8-8 surcharge.
 - (I) All expenses related to audits initiated by the Commission shall be paid for by the Commission from the administrative retention fund as authorized by § 40-17.5-102(3)(c)(II), C.R.S.
 - (II) 9-8-8 originating service providers shall make relevant records available to auditors at no charge.
 - (III) Audits shall be limited to the collection and remittance of the 9-8-8 surcharge. However, audits regarding the collection and remittance of 9-8-8 surcharges may be conducted concurrently with audits regarding the collection and remittance of 9-1-1 surcharges, emergency telephone charges, and telephone disability access surcharges.
 - (IV) Any delinquent remittance of 9-8-8 surcharges received by the Commission, including penalties and interest, shall be deposited into the 9-8-8 receipt account and transferred to

the 9-8-8 surcharge trust cash fund, less allowable administrative expenses, as prescribed in rule 2802.

- (b) 9-8-8 originating service providers shall maintain a record of the amount of each 9-8-8 surcharge collected and remitted by service user address for three years after the time that it was remitted.
- (c) If a 9-8-8 originating service provider fails to file a combined Colorado telecommunications surcharge remittance form and remit 9-8-8 surcharges in a timely manner, the Commission may assess the 9-8-8 originating service provider for the delinquent remittance in the following manner.
 - (I) The Commission shall estimate delinquent remittance based on available information.
 - (II) The Commission shall issue a notice of assessment to the 9-8-8 originating service provider within three years of the original due date of the remittance, unless the three-year period is extended, in writing, in accordance with this rule.
 - (III) Before the expiration of the three-year period, the Commission and the 9-8-8 originating service provider may extend the period for assessment by agreement, in writing. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. Any party seeking extension from the Commission shall do so by filing a petition.
 - (IV) The Commission shall impose an additional 15 percent penalty in addition to the estimated amount of the delinquent remittance.
 - (V) The Commission shall assess an additional one percent interest monthly, assessed against the original principal owed, from the original due date until the delinquent remittance has been paid by the 9-8-8 originating service provider.
 - (VI) If the assessment was properly noticed within three years of the original due date of the remittance, or prior to the expiration of the period of time agreed to by the Commission and 9-8-8 originating service provider in writing, the Commission may file a lien, issue a distraint warrant, institute a suit for collection, or take other action to collect the amount up to one year after the expiration of said time period.

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[indicates omission of unaffected rules]

Telecommunications Relay Services and Telephone Disability Access Surcharge Administration

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to implement Article 17 of Title 40, C.R.S., Telephone Disability Access.

The statutory authority for the promulgation of these rules is found at §§ 26-21-103.5(1)(a)(II), (III) and (IV); 40-15-502(3)(a); 40-17-102 and 103; and 40-2-108, C.R.S.

2820. Applicability.

Rules 2820 through 2839 are applicable to all providers of voice services to the general public within the state.

2821. Definitions.

- (a) “Enterprise” means the Communication Services for People with Disabilities Enterprise created in § 26-21-103.5, C.R.S.
- (b) “Service supplier” means a person providing voice telephone access lines to any service user in the state.
- (c) “Telephone access line” means each voice grade channel or its equivalent assigned to a residential or commercial end user customer by a voice service provider, regardless of the technology used to provide the service.
- (d) “Telecommunications relay services” (TRS) has the same meaning as provided in paragraph 2001(nnn).
- (e) “TRS contractor” means the company that provides telecommunication relay services in accordance with the state’s TRS request for proposal and all state and Federal Communication Commission’s rules and regulations for TRS.
- (f) “Custodial receiver” means a designee selected by the Commission that receives and processes telephone disability access surcharge remittances from service suppliers on behalf of and under the direction of the Commission.

2822. Incorporation by Reference.

References in rules 2820 through 2839 to Part 64 are references to rules issued by the FCC and have been incorporated by reference, as identified in rule 2008.

2823. Administration of the Telephone Disability Access Surcharge.

- (a) This rule does not apply to:
 - (I) prepaid wireless telecommunications services, which are instead subject to the prepaid telephone disability access charge, which is administered by the Colorado Department of Revenue pursuant to § 40-17-104, C.R.S.; or
 - (II) federally supported lifeline services, pursuant to § 40-17-102(6), C.R.S.
- (b) No more than once per year, the Commission shall collaborate with the Enterprise to assist the Enterprise in its establishment of the telephone disability access surcharge and the prepaid telephone disability charge, including, but not limited to, providing the Enterprise with relevant information regarding the number of phone lines and prepaid wireless transactions in the state. After the Enterprise’s annual establishment of the telephone disability access surcharge rate, the

Commission will publish the rate on its website and notify service suppliers of the effective date of the new surcharge rate.

(c) Telephone disability access surcharge.

- (I) All service suppliers shall collect and remit the telephone disability access surcharge assessed upon each service user whose primary service address, if known, or billing address, if service address is unknown, is within the state of Colorado. The surcharge shall be assessed on each separate telephone access line provided to that service user. Such charges shall be collected monthly and remitted as directed by the Commission, as described in paragraph (d).
- (II) With respect to multi-line telephone systems, the number of telephone disability access surcharges to be assessed is determined by the configured capacity for simultaneous outbound calling.
- (III) Pursuant to § 40-17-102(2)(b), C.R.S., the surcharge shall be listed as a separate item that appears on a service user's monthly billing statement as "State Accessibility Surcharge".
- (IV) The telephone disability access surcharge is the liability of the service user and not the service provider, except that the service provider is liable to remit all telephone disability access surcharges that the service provider collects from service users. A service supplier is liable only for the portion of the telephone disability access surcharge collected until it is remitted to the Commission. The amount remitted by the service supplier must reflect the surcharges actually collected from service users in Colorado by service supplier.
- (V) Each service supplier may retain from the total telephone disability access surcharges collected and timely remitted, a vendor fee in the amount of one percent of the total monthly charges collected by such provider.
- (VI) Each service supplier shall remit the telephone disability access surcharges the supplier collected for the previous month, less the applicable vendor fee, no later than the last calendar day of the following month, even if that day falls on a holiday or weekend.
- (VII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.

(d) Remittance procedure.

- (I) Service suppliers shall submit a return and remit payment as instructed by Commission staff.
- (II) Service suppliers shall submit all telephone disability access surcharge remittances to the custodial receiver directly.

- (III) If payments are made by physical check, a printed copy of the completed remittance form described in subparagraph (I) shall also be enclosed with the check.
- (IV) All remittances of the telephone disability access surcharge received by the Commission pursuant to this rule shall be deposited in a receipt account established for that purpose.
- (e) The Commission may withdraw from the receipt account an amount up to four percent of the total amount of the fund necessary for the direct and indirect costs of administering the collection and remittance of the telephone disability access surcharge, including costs related to conducting audits of service suppliers. Funds deducted for this purpose will be kept in an administrative retention account until expended.
- (f) On a monthly basis, the Commission shall coordinate with the Colorado Department of Human Services and the Colorado Department of Education to effectuate the transfer of the amount of funds received into the receipt account to the Colorado Division for the Deaf, Hard of Hearing, and Deafblind Cash Fund created pursuant to § 26-21-107(1)(a), C.R.S., and the Reading Services for the Blind Cash Fund created pursuant to § 24-90-105.5(5), C.R.S. less the administrative retention fee authorized in paragraph (e).
- (g) The portion of the money to be transferred to the Colorado Department of Human Services and the portion of the money to be transferred to the Colorado Department of Education shall be coordinated with the Enterprise and the Department of Education. These portions may be adjusted no more than once per year.

2824. Audit of Service Suppliers Regarding Telephone Disability Access Surcharge Practices.

- (a) The Commission may conduct an audit of a service supplier's books and records regarding the collection and remittance of the telephone disability access surcharge.
 - (I) All expenses related to audits initiated by the Commission shall be paid for by the Commission from the administrative retention fund as authorized by § 40-17-102(3)(c)(II), C.R.S.
 - (II) Service suppliers shall make relevant records available to auditors at no charge.
 - (III) Audits shall be limited to the collection and remittance of the telephone disability access surcharge. However, audits regarding the collection and remittance of telephone access disability surcharges may be conducted concurrently with audits regarding the collection and remittance of 9-1-1 surcharges, emergency telephone charges, and 9-8-8 surcharges.
 - (IV) Any delinquent remittance of telephone disability access surcharges received by the Commission, including penalties and interest, shall be deposited into the telephone disability access surcharge receipt account and transferred as prescribed in rule 2826.
- (b) Service suppliers shall maintain a record of the amount of each telephone disability access surcharge collected and remitted by service user address for three years after the time that it was remitted.

- (c) If a service supplier fails to file a combined Colorado telecommunications surcharge remittance form and remit telephone disability access surcharges in a timely manner, the Commission may assess the service supplier for the delinquent remittance in the following manner.
- (I) The Commission shall estimate delinquent remittance based on available information.
 - (II) The Commission shall issue a notice of assessment to the service supplier within three years of the original due date of the remittance, unless the three-year period is extended, in writing, in accordance with this rule.
 - (III) Before the expiration of the three-year period, the Commission and the service supplier may extend the period for assessment by agreement, in writing. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. Any party seeking extension from the Commission shall do so by filing a petition.
 - (IV) The Commission shall impose an additional 15 percent penalty in addition to the estimated amount of the delinquent remittance.
 - (V) The Commission shall assess an additional one percent interest monthly, assessed against the original principal owed, from the original due date until the delinquent remittance has been paid by the service supplier.
 - (VI) If the assessment was properly noticed within three years of the original due date of the remittance, or prior to the expiration of the period of time agreed to by the Commission and service supplier in writing, the Commission may file a lien, issue a distraint warrant, institute a suit for collection, or take other action to collect the amount up to one year after the expiration of said time period.

2825. – 2839. [Reserved].