

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25R-0428T

IN THE MATTER OF PROPOSED AMENDMENTS TO 4 CODE OF COLORADO
REGULATIONS 723-2 MODIFYING COMMISSION RULES REGARDING
TELECOMMUNICATIONS RELAY SERVICE AND IMPLEMENTING HOUSE BILL
(HB) 25-1154.

NOTICE OF PROPOSED RULEMAKING

Issued Date: October 15, 2025

Adopted Date: October 8, 2025

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I. **BY THE COMMISSION**

A. **Statement**

1. By this Decision, the Colorado Public Utilities Commission (“Commission”) issues this Notice of Proposed Rulemaking (“NOPR”) to amend the Rules Regulating Telecommunications Services and Providers of Telecommunications Services contained in 4 *Code of Colorado Regulations* (“CCR”) 723-2-2001, 2011, 2122, 2138, 2150, 2803, and 2820 through 2827 (collectively, “the TRS Rules”).

2. The changes proposed are intended to reflect changes in Colorado statute enacted through the passage of House Bill 25-1154 (“HB 25-1154”), which moved the administration of the state’s Telecommunications Relay Services (“TRS”) program from the Commission to a newly formed Communications Services for People with Disabilities Enterprise (“Enterprise”) housed within the Colorado Department of Human Services. Additionally, HB 25-1154 changed the name of the TRS Surcharge to the Telephone Disability Access Surcharge (“TDAS”) and removed certain authorities previously granted to the Commission regarding regulatory enforcement of the Americans with Disabilities Act of 1990 (“the ADA”).

3. The statutory authority to promulgate these rules is found in § 40-2-108, C.R.S. and through the enactment of HB 25-1154 in § 26-21-103(11) and 26-21-103.5, and 26-21-106, C.R.S.

4. The proposed rules are attached to this Decision as Attachment A, the proposed rules in legislative format (strikeout/ underline), and Attachment B, the proposed rules in final format.

5. This matter is referred to an Administrative Law Judge (“ALJ”) for issuance of a recommended decision, consistent with the discussion below.

B. Background

6. On May 22, 2025, Governor Polis signed into law House Bill 25-1154, which creates the Communications Services for People with Disabilities Enterprise housed within the Colorado Department of Human Services, moves the administration of Telecommunications Relay Services from the Commission to the Enterprise, changes the name of the funding mechanism for TRS and other services previously funded by the TRS surcharge to the Telephone Disability Access Surcharge, and eliminates certain authorities previously granted to the Commission regarding the enforcement of the Americans with Disabilities Act of 1990.

7. The modifications of Commission rules proposed by the Decision are intended to bring the Commission’s rules into compliance with the statute following the passage of HB 25-1154.

8. Pre-rulemaking stakeholder engagement included circulating advanced drafts of rule amendments to 378 email contacts provided to Commission staff by the administrator of the Enterprise. Additionally, the draft rules were shared with participants in the Commission’s email distribution for individuals interested in equity issues related to the ongoing implementation of House Bill 21-272. Recipients of the draft rules represent a wide range of interests from individual citizens, advocacy groups, telecommunications service providers, and others. The draft rules were distributed on August 26 and 27, 2025, with a request for comment by September 19, 2025.

9. One set of comments were received from the pre-rulemaking participants, from the Colorado Cable Telecommunications Association (“CCTA”), on September 19, 2025. These comments recommended modifying the definition of “Service Supplier” in the draft rules, a recommendation which is discussed below.

C. Proposed Rule Changes

1. Rule 2001: Definitions

10. HB 25-1154 included an update to the definition of “telecommunications relay service.” The rules proposed by this Decision update this definition as well to match the new definition found in § 26-21-103(11), C.R.S. The new definition reads as:

"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.

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

11. Rule 2011 contains a schedule for penalties of various rules within the Commission’s Rules Regulating Telecommunications Services and Providers of Telecommunications Services that are no longer relevant following the enactment of HB 25-1154, and the proposed rules eliminate references to these rules from the schedule. Specifically, the proposed rules eliminate references in the schedule to Rule 2823, which required conformity with the Federal Americans with Disabilities Act of 1990, Rule 2824, which required conformity by the TRS provider to conform with the Commission’s quality of service rules, and Rule 2827, which applied potential penalties for telecommunications service providers failing to remit TRS surcharges in a timely and appropriate manner.

12. Rule 2823 is no longer relevant because HB 25-1154 removed specific language authorizing the Commission to enforce conformity with the ADA. Federally, the ADA is enforced by the U.S. Department of Justice.

13. Rule 2824 is no longer relevant or necessary because the Commission no longer administers the TRS provider, and the Enterprise has may ensure that the TRS provider meets quality of service rules through service level agreements in its contract with the TRS provider and through its own rulemaking authority.¹

14. Rule 2827 is no longer relevant because specific penalties for failure to remit TDAS in a timely manner are provided for in the statute, specifically, a 15 percent penalty for late remittances with a 1 percent per month additional penalty.²

15. While unrelated to the passage of HB 25-1154, we also take this opportunity to correct an error, which listed one rule in the penalty schedule found in Rule 2011 as “Rule (TBD)”. We correct this to correct rule number, Rule 2845.

3. Rule 2122: Tariffs, Advice Letters and Terms of Service Documents

16. One change is proposed to this rule, updating the term “Telecommunications Relay Services (TRS)” to “Telephone Disability Access”, consistent with the terminology used in HB 25-1154.

4. Rule 2138: Obligations of Payphone Providers

17. This rule requires that all payphone providers provide “dial tone, emergency calls, and telecommunications relay service calls for the deaf, hard of hearing, and individuals with

¹ The Enterprise provides for TRS to be available to the public by contracting directly with a provider to deliver TRS for all telephone users in the state. Additionally, the Enterprise has rulemaking authority as authorized in § 26-21-206(9)(b), C.R.S.

² See § 40-17-103(4)(b), C.R.S.

speech impairments” from all payphones at no charge to the caller. We propose updating this language as follows:

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).

18. This change is more specific by stating “9-1-1” instead of “emergency calls,” and “7-1-1” instead of referencing TRS, given that dialing “9-1-1” and “7-1-1” are how a consumer accesses emergency calling and TRS, respectively.

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

19. Proposed changes to paragraph (a) of this rule update the name of the TRS surcharge to the telephone disability access surcharge in two locations and update statutory references. A typo is also corrected in paragraph (e)(III).

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

20. The proposed change in this rule is to update the name of the TRS surcharge to the TDAS.

7. Preamble to Rules 2820 through 2827

21. Proposed changes to this text preceding Rule 2820 updates the name of the section to reflect that it now contains rules regarding the administration of the Telephone Disability Access Surcharge, simplifies the basis and purpose statement for the rules, and updates the statutory references.

8. Rule 2821: Definitions

22. Proposed changes to this rule include the creation of a definition for the term “Enterprise.” Additionally, the definitions of “telecommunications relay services,” “TRS contractor,” “TRS custodial receiver,” and “voice service provider” are modified.

23. The definition of “Enterprise” is stated as meaning “means the Communication Services for People with Disabilities Enterprise created in § 26-21-103.5, C.R.S.”

24. The definition of “voice service provider” is replaced with a definition of “service supplier,” meaning “a person providing voice telephone access lines to any service user in the state.” This definition closely matches the definition found in § 40-17-101(8), C.R.S., with the omission of the words, “either directly or by resale” at the end of the definition. Omitting these words was recommended by CCTA in its pre-rulemaking comments, a recommendation which is reflected in the proposed rules. CCTA argued that the inclusion of this phrase may create confusion and seems contradictory to the meaning of the definition as it is used in the statute, since only entities that sell service to an end user are expected to assess the TDAS and remit surcharges to the Commission. We seek comment on whether this change from the statutory language is appropriate.

25. The definition of TRS in this section is updated to refer back to the definition of TRS in Rule 2001, discussed above.

26. The definition of “TRS contractor” has been modified to instead say that the TRS contractor is an entity that must abide by the rules of the Colorado Public Utilities Commission, it instead an entity that must abide by the rules of the state, taking into account that the Enterprise has rulemaking authority regarding the provision of TRS.

27. The definition of “TRS custodial receiver” has been changed to just “custodial receiver,” and instead of this entity being described as performing “certain administrative functions of the TRS program,” it is now described as one that “receives and processes telephone disability access surcharge remittances from service suppliers on behalf of and under the direction of the Commission,” a statement that is much more descriptive of the role of the custodial receiver.

9. Rules 2823 through 2825

28. Rule 2823, “Conformity with the Federal Americans with Disabilities Act of 1990;” Rule 2824, “Conformity with the Commission’s Quality of Service Rules;” and Rule 2825, “Rates – Calls Included as Telecommunications Relay Calls” are all deleted in the proposed rules.

29. Rule 2823 seeks to regulate conformity of providers to the ADA, an authority provided to the Commission by statute but removed by the passage of HB 25-1154.

30. Rule 2824 requires that the TRS provider comply with the Commission’s Quality of Service Rules. Because the TRS provider is an entity contracted by the Enterprise, and due to the fact that the Enterprise has not only contract authority but rulemaking authority regarding the provision of TRS in Colorado, we propose to delete our own rules regarding quality of service for the TRS provider in order to avoid overlapping or conflicting with the Enterprise’s efforts in this regard.

31. Rule 2825 requires that TRS rates include intrastate local, intraLATA interexchange, and interLATA interexchange calls, and that TRS rates do not exceed the rate paid for functionally equivalent voice communication services. We propose to delete this rule as it may overlap or conflict with the rules and contractual requirements set by the Enterprise for the TRS provider.

10. Rule 2826. Commission Powers and Duties

32. This rule dealt with the setting of the TRS surcharge and the process for providers to collect and remit the surcharge to the Commission. We propose rewriting this Rule in its entirety with language that mirrors rules already in place for the collection and remittance of the 9-1-1 surcharge (Rule 2150) and the 988 surcharge (Rule 2802). Additionally, to avoid gaps in the rules, this rule will be renumbered as 2823.

11. Rule 2827. Administration of the Colorado Telephone Users with Disabilities Fund

33. This rule prescribes the handling of the Telephone Users with Disabilities Fund, which previously was used to fund TRS in the state as well as serve as a passthrough to other programs. The rest of the rule prescribes processes for setting the TRS rate, which is no longer relevant with the passage of HB 25-1154, or describes the process further for the collection and remittance of the TRS surcharge. To the extent that the collection of the TRS surcharge is replaced with the collection of the TDAS, this collection procedure would be described in the proposed revision of Rule 2826.

34. We propose to rewrite this rule in its entirety to instead describe the process for the auditing of service suppliers regarding the collection and remittance of TDAS. The proposed language largely mirrors similar rules for the 9-1-1 surcharge (Rule 2152) and the 988 surcharge (Rule 2803). Additionally, to avoid gaps in the rules, this rule will be renumbered as 2824.

D. Conclusion

35. Through this NOPR, the Commission solicits comments from interested persons on the new rules proposed in this Decision and its attachments. Interested persons may file written comments including data, views, and arguments into this Proceeding for consideration.

The Commission also welcomes submission of alternative proposed rules, including both consensus proposals joined by multiple rulemaking participants and individual proposals.

36. Participants are encouraged to provide redlines of any specific proposed rule changes.

37. The proposed rules in legislative (i.e., strikeout/redline) format (Attachment A) and final format (Attachment B) are available through the Commission's E-filing system at: https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=25R-0428T

38. The Commission refers this matter to an ALJ for a Recommended Decision. The ALJ will hold a hearing on the proposed rules at the below-stated time and place. In addition to submitting written comments, participants will have an opportunity to present comments orally at the hearing, unless the ALJ deems oral presentation unnecessary. The Commission will consider all comments submitted in this Proceeding, whether oral or written.

39. Initial written comments on the proposed rule changes are requested by November 10, 2025. Any person wishing to file comments responding to the initial comments is requested to file such comments by November 24, 2025. These deadlines are set so that the comments and responses may be considered at the public hearing to be conducted by the ALJ on December 1, 2025, at 11:30 a.m., nonetheless, persons may file written comments into this Proceeding at any time.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking including Attachment A (legislative format) and Attachment B (final format) attached hereto, shall be filed with the Colorado Secretary of State for publication in the October 25, 2025, edition of *The Colorado Register*.

2. This matter is referred to an Administrative Law Judge for the issuance of a Recommended Decision.

3. A hearing on the proposed rules and related matters shall be held as follows:

DATE: December 1, 2025

TIME: 11:30 a.m.

PLACE: By video conference using Zoom at a link to be provided on the calendar of events on the commission's website, and available at: <https://puc.colorado.gov/>.

4. At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the ALJ deems oral comments unnecessary.

5. Interested persons may file written comments in this matter. The Commission requests that initial pre-filed comments be submitted no later than November 10, 2025, and that any pre-filed comments responsive to the initial comments be submitted no later than November 24, 2025. The Commission will consider all submissions, whether oral or written. The Commission prefers comments be filed into this Proceeding using the Commission's E-filings System at: <http://www.dora.state.co.us/pls/efi/EFI.homepage>.

6. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 8, 2025.**

(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