

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 91M-314T

RULES PRESCRIBING THE STANDARD PROCEDURES FOR ADMINISTERING THE
COLORADO LOW-INCOME TELEPHONE ASSISTANCE FUND, 4 CCR 723-13.

**COMMISSION ORDER AUTHORIZING
MODIFICATIONS TO LOW-INCOME TELEPHONE
ASSISTANCE PROGRAM TARIFFS BY LOCAL
EXCHANGE TELECOMMUNICATIONS PROVIDERS ON
NOT LESS THAN ONE DAY'S NOTICE**

Mailed Date: May 20, 2003

Adopted Date: May 16, 2003

I. BY THE COMMISSION

A. Statement

1. The Federal Communications Commission (FCC) on May 31, 2000, released its Sixth Report and Order in CC Docket Nos. 96-262 and 94-1, Report and Order in CC Docket No. 99-249, and Eleventh Report and Order in CC Docket No. 96-45 (the CALLS Order), order no. FCC 00-193. The CALLS Order, among other things, modified the End User Common Line Charge for all price-capped Local Exchange Carriers from \$3.50 to \$4.35 effective July 1, 2000 and gradually increasing to \$6.50. Effective July 1, 2003, the End User Common Line Charge is being modified from \$6.00 to \$6.50.

2. Additionally, the FCC on October 11, 2001, released its Second Report and Order and further notice of proposed rulemaking in CC Docket No. 00-256, Fifteenth Report and Order in CC Docket No. 96-45, and Report and Order in CC Docket Nos. 98-77 and 98-166 (the MAGS Order), order no. FCC 01-304. The MAGS Order modified the End User Common Line Charge for all rural local exchange providers from \$3.50 to \$5.00 effective January 1, 2002 and

gradually increasing to \$6.50. Effective July 1, 2003, the End User Common Line Charge is being modified from \$6.00 to \$6.50.

3. In 1990, the Legislature established the Colorado Low-Income Telephone Assistance Fund, called the "Lifeline Program". See § 40-3.4-101 *et seq.*, C.R.S. In establishing the amount of the discount that eligible low-income subscribers shall receive, that statute provides that: "In no event shall the discount provided be less than the end user common line charges imposed by the federal communications commission." See § 40-3.4-104, C.R.S.

4. In 1991, the Commission adopted Rules Prescribing the Procedures for Administering the Low-Income Telephone Assistance Fund. 4 *Code of Colorado Regulations* 723-13. Rule 3.1 provides:

Implementing tariffs shall consist of a twenty-five percent discount for a single local dial tone line and the flat rate usage charge in the principal residence of an eligible subscriber. Eligible subscribers who pay mileage charges associated with basic telephone service may be eligible for a twenty-five percent discount for these charges. In no event shall the discount provided be less than the end user common line charges imposed by the Federal Communications Commission.

5. The Commission is interested in assuring that low-income eligible subscribers receive the appropriate discounts on their basic local exchange service. The Commission on its own motion will provide authorization to all local exchange service providers to make the necessary modifications to the Low-Income Telephone Assistance section of its local exchange tariff on not less than one day's notice.

6. In the interest of ensuring that the tariff change is effective on July 1, 2003, the Commission will also approve and authorize a modified form of Notice of such tariff change. Each provider of Low-Income Telephone Assistance shall provide to each of its customers by message directly printed on the bill, by bill insert, or by separate first class mail, or any

combination of these alternatives, the customer Notice material as attached to this Order as Attachment A.

II. ORDER

A. The Commission Orders That:

1. Pursuant to § 40-3.4-104, C.R.S., and Rules 3.1 and 3.2 of the Commission's Rules Prescribing the Procedures for Administering the Low-Income Telephone Assistance Fund, 4 *Code of Colorado Regulations* 723-13, each local exchange service provider shall make all necessary changes to its tariff to effectuate the change in the amount of discount of the Low-Income Telephone Assistance on not less than one day's notice, citing this Order as authority to be effective July 1, 2003.

2. Each provider of Low-Income Telephone Assistance shall provide to each of its customers by message directly printed on the bill, by bill insert, or by separate first class mail, or any combination of these alternatives, the customer Notice material attached to this Order as Attachment A.

3. The 20-day time-period provided for by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration begins on the first day after the mailing of this Order.

4. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 16, 2003.**

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners