

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03M-220T

IN THE MATTER OF THE INVESTIGATION INTO VOICE OVER INTERNET PROTOCOL
(VOIP) SERVICES.

ORDER COMPELLING PRODUCTION OF DOCUMENTS

Mailed Date: May 27, 2003
Adopted Date: May 21, 2003

I. BY THE COMMISSION

A. Statement

1. At our April 16, 2003, 2003 Weekly Meeting, we began an investigation into Voice Over Internet Protocol ("VOIP") services. VOIP is a means of using packet switching techniques, the same basic techniques used by internet backbone carriers and providers, to offer voice services traditionally provided by "switched-voice" technology, either analog or digital. The technology and its regulatory treatment by this Commission is an important matter since the application of that technology to certain services has raised a number of issues which may impact delivery of regulated telecommunications services in Colorado.

2. Commission Staff (Staff), on behalf and at the direction of the Commission, has been conducting an investigation into this matter, and as part of that investigation, served a number of audit requests upon various entities regulated by the Commission. Staff has now informed us that certain entities have expressed concern in providing certain documents in response to those audit questions, because some of these documents may be confidential (*e.g.*, contracts containing a confidentiality provision between the contracting parties). Because of

those concerns, Staff has requested that we issue an order requiring production of those documents under our authority to compel regulated entities to provide information to the Commission. Such an order will clarify that entities responding to Staff's audit request are doing so pursuant to Commission legal authority to compel the production of information and documents by regulated entities. Now being duly advised in the premises, we issue this order directing the entities listed on Attachment 1 to provide to the Commission and its Staff the documents discussed here.

3. The Commission has authority under §§ 40-6-106 and 107, C.R.S., and § 40-15-107 C.R.S. (2002), to compel public utilities, including regulated telephone companies, to provide information and documents to the Commission. Staff, acting on behalf of the Commission, is now investigating VOIP services to see whether such services are subject to the Commission's regulatory jurisdiction, and, if so, how VOIP providers should be regulated by the Commission. For example, Staff is investigating how emergency services (*i.e.*, 9-1-1 services) are furnished by VOIP providers; emergency service is regulated by the Commission under § 40-15-202(2)(a), C.R.S. As such, the information requested by Staff in its audit requests is relevant to matters under the Commission's jurisdiction.

4. At this juncture, the Commission seeks certain contracts or agreements believed to exist between entities regulated by the Commission and other parties pertinent to this inquiry. For example, the Commission desires to understand the process employed for the placement of customer telephone numbers and location information into the Qwest 9-1-1 Automatic Location Information database. The Commission will order these contracts, agreements, and amendments,

if such documents exist, to be made available to the Commission and its Staff. The entities required to provide the contracts to the Commission are listed in Attachment 1 to this decision. Each entity shall be required to produce one copy of each document requested. The exact documents and information to be produced are delineated in Attachment 2 to this decision. The parties may provide documents claimed to be confidential under seal, in accordance with the Commission's Confidentiality Rules, 4 *Code of Colorado Regulations* 723-16.

5. An appropriate order will enter.

II. ORDER

A. The Commission Orders That:

1. The parties listed in Attachment 1 are ordered to provide to Commission Staff the documents listed in Attachment 2.¹ The documents must be provided to Commission Staff no later than the close of business, five days from the effective date of this Order.

2. This Order is effective on its Mailed Date.

¹ These documents will not be filed in this docket, but will be given to Commission Staff directly.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
May 21, 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

Attachment 1

Qwest Corporation
XO Colorado, L.L.C.
SBC Telecom, Inc.
ICG Telecom Group, Inc.
Cbeyond Communications, L.L.C.
Time Warner Telecom of Colorado, L.L.C.
Level 3 Communications, L.L.C.
MCI WorldCom Communications, Inc.
McLeodUSA Telecommunications Services, Inc.
Sprint Communications Company LP
AT&T Communications of the Mountain State, Inc.
TCG Colorado
CenturyTel of Colorado, Inc.
CenturyTel Of Eagle, Inc.
Eastern Slope Rural Telephone Assn Inc.
Comcast Cable Communications, Inc.

Attachment 2:

Documents to be produced include: all Agreements, Contracts and Amendments between Colorado regulated telecommunications providers and Intrado Inc. related to the provision 9-1-1 customer name and location information services. Such contracts/agreements include, but are not limited to, National Data Services Center (NDSC) Services Agreements, E9-1-1 Clearinghouse Services, TelConnect Services E-Bonding, and E9-1-1 Enhanced Error Correction Service agreements.