

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

DOCKET NO. 03R-303T

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IN THE MATTER OF PROPOSED AMENDMENTS TO THE RULES REGULATING  
OPERATOR SERVICES FOR TELECOMMUNICATIONS SERVICE PROVIDERS AND  
TELEPHONE UTILITIES, 4 CCR 723-18.

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**NOTICE OF PROPOSED RULEMAKING**

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Mailed Date: July 16, 2003

Adopted Date: July 16, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. The Colorado Public Utilities Commission hereby gives notice of proposed rulemaking regarding amendments to the Rules Regulating Operator Services for Telecommunications Service Providers and Telephone Utilities, 4 CCR 723-18. The proposed changes are necessitated to implement the provisions of SB 03-303, which deregulated inmate operator service. The Commission now proposes to amend its operator service rules to reflect the deregulation of inmate service:

- Deleting Rule 4 CCR 723-18-3.1.3, calls made by inmates at penal institutions. This change removes inmate calls from the set of non-optional operator services regulated by the Commission
- Including a new rule, section 4 CCR 723-18-4.1.7, which includes inmate calls in the set of optional operator services. Such calls are not regulated by the Commission
- Including a new rule, section 4 CCR 723.18.4.1.7.1, which sets procedural options for existing providers of inmate calling services to effectuate necessary changes in their tariffs and price lists, specifically; removal of inmate service prices, terms, and conditions from current tariffs and price lists

- Deletion of line 14, that delineates ‘Prison Inmate Operator Station Collect’ service and the rate therefore, from Rule 4 CCR 723-18-Appendix A, entitled “BENCHMARK MAXIMUM OPERATOR SERVICES RATES” and
- Deletion of Exhibit 1 from the Rule

2. A copy of the proposed rules is attached to this notice of proposed rulemaking.

The statutory authority for the proposed rules is found within §§ 40-2-108, 40-3-102, and 40-15-201(2)(b), C.R.S.

3. The Commission will conduct a hearing on the proposed rules and related issues at the below stated time and place. Interested persons may submit written comments on the rules and present these orally at hearing, unless the Commission deems oral presentations unnecessary. The Commission also encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before hearing, the Commission requests that such comments be filed 10 days prior to the hearing date. The Commission will consider all submissions.

## **II. ORDER**

### **A. The Commission Orders That:**

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the August 2003 edition of The Colorado Register.

2. Hearing on the proposed rules and related matters shall be held before an Administrative Law Judge of the Commission as follows:

DATE: September 5, 2003

TIME: 9:00 a.m.

PLACE: Commission Hearing Room A  
Office Level 2 (OL2)  
Logan Tower  
1580 Logan Street  
Denver, Colorado

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

3. Interested persons may file written comments in this matter before hearing. The Commission requests that such prefiled comments be submitted at least 10 days before the scheduled hearing. All submissions concerning the proposed rules, whether oral or written, will be considered by the Commission.

4. This Order is effective immediately upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING July 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

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POLLY PAGE

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JIM DYER

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Commissioners

THE  
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RULES REGULATING OPERATOR SERVICES FOR  
TELECOMMUNICATIONS SERVICE PROVIDERS  
AND TELEPHONE UTILITIES

4 CODE OF COLORADO REGULATIONS 723-18

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RULE (4 CCR) 723-18-3. NONOPTIONAL OPERATOR SERVICES.

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~~723-18-3.1.3 Calls made by inmates at penal institutions or other correctional facilities who are not permitted to use coins when placing calls at coin operated or coinless telephones or who are required to use an operator's services to complete a call because of the rules or regulations of said institutions or facilities.~~

723-18-3.1.3 [REPEALED - RESERVED FOR FUTURE USE.]

723-18-3.1.4 Calls made by individuals who identify themselves as disabled to the extent that they are functionally unable to complete a call (for example, unable to use rotary dial or Touch-Tone pad) without operator assistance. These calls include those made with telecommunications devices for the deaf.

723-18-3.1.5 Operator-assisted call reconnection for disconnection or poor transmission, and operator-handled credit requests.

723-18-3.1.6 [REPEALED - RESERVED FOR FUTURE USE.]

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**RULE (4 CCR) 723-18-4. OPTIONAL OPERATOR SERVICES.**

723-18-4.1 Optional operator services provided by operators to customers which offer individualized and select call processing include, but are not limited to:

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723-18-4.1.7 Calls made by inmates at penal institutions or other correctional facilities who are not permitted to use coins when placing calls at coin operated or coinless telephones or who are required to use an operator's services to complete a call because of the rules or regulations of said institutions or facilities.

723.18.4.1.7.1 Providers who have tariffs for inmate services on file with the Colorado Public Utilities Commission as of June 18, 2003, shall file an advice letter and/or a transmittal letter, as appropriate, which removes from existing tariff and/or price list any and all rates, terms, and conditions related to inmate service. These filings may be allowed to become effective on not less than 1 day notice to the Commission.

723-18-4.2 Persons who provide optional operator services and who provide the nonoptional operator services described in Rules 3.1.4 through 3.1.7 at no additional cost to the user in order to support the public switched network, and incidental to the primary business of providing optional operator services, shall not be considered nonoptional operator service providers subject to the Commission's jurisdiction.

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**RULE (4 CCR) 723-18-APPENDIX A -  
BENCHMARK MAXIMUM OPERATOR SERVICES RATES**

| <b><u>No.</u></b> | <b><u>Operator Service</u></b>  | <b><u>Rate</u></b> |
|-------------------|---|--------------------|
|                   | Usage Rates   |                    |
| 1.                | Flat (Message) Rate per call  | .11                |
|                   | Flat (Measured) Rate per minute   |                    |
| 2.                | Day   | .20                |
| 3.                | Evening/Night/Weekend   | .11                |
|                   | Calling Card Station Rates  |                    |
|                   | Customer Dialed   |                    |
| 4.                | Automated (Mechanized)  | .30                |
| 5.                | Operator Assisted   | .58                |
| 6.                | Operator Dialed   | 1.13               |
| 7.                | Operator Assistance   | .75                |
|                   | Operator (Assisted)   |                    |
| 8.                | Station-to-Station  | 1.25               |
| 9.                | Collect   | 1.85               |
| 10.               | Billed to Third Party   | 1.51               |
| 11.               | Person-to-Person  | 3.00               |
|                   | Busy Line   |                    |
| 12.               | Verification  | 1.25               |
| 13.               | Interrupt   | 2.00               |
| 14.               | <del>[RESERVED FOR FUTURE USE] Prison Inmate<br/>Operator Station Collect</del> | <del>1.85</del>    |
| 15.               | Pay Telephone Charge<br>(Facilities based providers only)                       | .26                |

~~RULE (4 CCR) 723-18-EXHIBIT 1~~

~~NOTES ON ORIGINAL SOURCES OF OPERATOR SERVICES RATES~~

| <u><del>No.</del></u> | <u><del>Operator Service</del></u>                | <u><del>Note</del></u> |
|-----------------------|---|------------------------|
|                       | Usage Rates                                       |                        |
| 1.                    | <del>Flat (Message) Rate per call</del>           | <del>1</del>           |
|                       | <del>Flat (Measured) Rate per minute</del>        |                        |
| 2.                    | <del>Day</del>                                    | <del>2</del>           |
| 3.                    | <del>Evening/Night/Weekend</del>                  | <del>2</del>           |
|                       | Calling Card Station Rates                        |                        |
|                       | <del>Customer Dialed</del>                        |                        |
| 4.                    | <del>Automated (Mechanized)</del>                 | <del>3a</del>          |
| 5.                    | <del>Operator Assisted</del>                      | <del>4</del>           |
| 6.                    | <del>Operator Dialed</del>                        | <del>3b</del>          |
| 7.                    | <del>Operator Assistance</del>                    | <del>3c</del>          |
|                       | <del>Operator (Assisted)</del>                    |                        |
| 8.                    | <del>Station-to-Station</del>                     | <del>4</del>           |
| 9.                    | <del>Collect</del>                                | <del>2</del>           |
| 10.                   | <del>Billed to Third Party</del>                  | <del>4</del>           |
| 11.                   | <del>Person-to-Person</del>                       | <del>4</del>           |
|                       | Busy Line   |                        |
| 12.                   | <del>Verification</del>                           | <del>4</del>           |
| 13.                   | <del>Interrupt</del>                              | <del>4</del>           |
| 14.                   | <del>Prison Inmate Operator Station Collect</del> | <del>2</del>           |
| 15.                   | <del>Pay Telephone Charge</del>                   | <del>2, 5</del>        |
|                       | <del>(Facilities based providers only)</del>      |                        |
| 16.                   | <del>Call Completion</del>                        | <del>6</del>           |

**~~RULE (4 CCR) 723-18-EXHIBIT 1-NOTES:~~**

- ~~1. U S WEST Communications, Inc. Exchange and Network Services Tariff, Colorado PUC No. 15, Section 5, Sheet 171.1~~
- ~~2. U S WEST Communications, Inc. Exchange and Network Services Tariff Colorado PUC No. 15, Section 6, Price List Sheets 1 and 2~~
- ~~3. U S WEST Communications, Inc. Statement of Generally Available Terms and Conditions; See Page 3 of this Exhibit.~~
  - ~~a. Rate is 18¢~~
  - ~~b. Rate is 46¢~~
  - ~~c. Rate is 36¢~~
- ~~4. AT&T Communications of the Mountain States, Inc., Local Exchange Services Tariff Colorado PUC No. 1, Price List, Page 2~~
- ~~5. AT&T Communications of the Mountain States, Inc., Telecommunications Services Terms and Conditions Tariff, Price List, Section 7, Page 1~~
- ~~6. AT&T Communications of the Mountain States, Inc., Consumer Local Services Tariff, Price List, Section 9, Page 1~~



~~RULE (4 CCR) 723-18-EXHIBIT 1-STATEMENT~~

~~U S WEST COMMUNICATIONS, INC.~~

~~STATEMENT OF GENERALLY AVAILABLE TERMS AND CONDITIONS~~

~~OPERATOR SERVICES RATES~~

~~FOR COMPARISON WITH BENCHMARK MAXIMUMS~~

| <del>No.</del> | <del>Operator Service</del>                       | <del>Rate</del>    |
|----------------|---|--------------------|
|                | Usage Rates                                       |                    |
| 1.             | <del>Flat (Message) Rate per call</del>           | <del>None</del>    |
|                | <del>Flat (Measured) Rate per minute</del>        |                    |
| 2.             | <del>Day</del>                                    | <del>.00283</del>  |
| 3.             | <del>Evening/Night/Weekend</del>                  | <del>.00283</del>  |
|                | Calling Card Station Rates                        |                    |
|                | <del>Customer Dialed</del>                        |                    |
| 4.             | <del>Automated (Mechanized)</del>                 | <del>.18</del>     |
| 5.             | <del>Operator Assisted</del>                      | <del>.46</del>     |
| 6.             | <del>Operator Dialed</del>                        | <del>.36+.46</del> |
| 7.             | <del>Operator Assistance</del>                    | <del>.36</del>     |
|                | <del>Operator (Assisted)</del>                    |                    |
| 8.             | <del>Station-to-Station</del>                     | <del>.84</del>     |
| 9.             | <del>Collect</del>                                | <del>.36+.84</del> |
| 10.            | <del>Billed to Third Party</del>                  | <del>.36+.84</del> |
| 11.            | <del>Person-to-Person</del>                       | <del>2.05</del>    |
|                | Busy Line   |                    |
| 12.            | <del>Verification</del>                           | <del>.72</del>     |
| 13.            | <del>Interrupt</del>                              | <del>.87</del>     |
| 14.            | <del>Prison Inmate Operator Station Collect</del> | <del>.36+.84</del> |
| 15.            | <del>Pay Telephone Charge</del>                   | <del>None</del>    |
|                | <del>(Facilities based providers only)</del>      |                    |
| 16.            | <del>Call Completion</del>                        | <del>.085</del>    |