

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

DOCKET NO. 03M-378T

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RULES PRESCRIBING THE IMPLEMENTATION OF ARTICLE 17 OF TITLE 40, C.R.S.  
THE TELECOMMUNICATIONS RELAY SERVICES FOR THE DISABLED TELEPHONE  
USERS, 4 CCR 723-28.

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**COMMISSION ORDER WAIVING RULE 4 CCR 723-28-10  
AND SETTING THE UNIFORM CHARGE FOR EACH  
APPLICABLE ACCESS LINE AT SIX CENTS PER  
MONTH TO SUPPORT THE COLORADO  
TELECOMMUNICATIONS RELAY SERVICES  
FOR DISABLED TELEPHONE USERS**

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Mailed Date: September 8, 2003  
Adopted Date: September 3, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. The Colorado Telecommunications Relay Services for Disabled Telephone Users (TRS) was established by the Colorado Legislature in 1989. *See* § 40-17-101 *et seq.*, C.R.S. The Commission, in 1994, adopted Rules Prescribing the Implementation of Article 17 of Title 40, C.R.S. Telecommunications Relay Services for Disabled Telephone Users, 4 *Code of Colorado Regulations* (CCR) 723-28. Pursuant to Rule 4 CCR 723-28-10, the Commission shall determine, and by appropriate order, impose a uniform charge on each business and residential access line in a uniform amount in order to fund the TRS program. Such charge may be adjusted on or before July 1 of each year. Rule 4 CCR 723-28-11 provides:

11.1 The uniform charge imposed pursuant to § 40-17-103(3)(a), C.R.S., shall be billed to each telephone access line provided by a local exchange provider.

- 11.2 The uniform charge shall not be included in each subscriber's bill as part of the subscriber's base rate. The uniform charge shall be listed as a separate item appearing on each customer's monthly billing statement as rendered by each local exchange provider. The charge shall be listed as the "Colorado Telecommunications Relay Service Fund".

2. Considering the current fund balance, revenue, and expenditure projections for FY2003-2004, and statutory fund balance requirements, the Commission finds it necessary to decrease the TRS uniform charge on each eligible access line beginning November 1, 2003. The current uniform charge of ten cents per access line per month shall be reduced to six cents per access line per month.

3. Rule 4 CCR 723-10 indicates that it is the intent of the Commission to adjust the uniform charge, if necessary, on or before July 1 of each year. Rule 4 CCR 723-13 allows the Commission to permit variance from these rules for good cause. The information required to make the appropriate determination about the fund balances was not available in time to adjust the uniform charge prior to July 1. Good cause has been shown and a partial waiver of Rule 10 shall be granted.

## **II. ORDER**

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

1. Effective November 1, 2003, the uniform charge imposed upon each business and residential access line to fund the Colorado Telecommunications Relay Services for Disabled Telephone Users program, is reduced from ten cents per access line per month to six cents per access line per month, to comply with the requirements of §§ 24-75-402(3)(a)(I) and (3)(a)(II)(c), C.R.S. which specify that for each fiscal year, the ending fund balance shall not exceed 16.5 percent of the previous year's expenditures. If the current monthly uniform charge of ten cents is not reduced, the Colorado Disabled Telephone Users Fund will not be in

compliance with the applicable statutory requirements for the fiscal year ending June 30, 2004. At ten cents per monthly access line, the projected ending fund balance will be \$1,581,400, which exceeds the allowable ending fund balance of \$767,006. If the uniform charge is reduced to six cents per telephone access line effective November 1, 2003, the projected ending fund balance will meet statutory requirements. With the uniform charge at ten cents per access line for four months and at six cents per access line for eight months, the FY2003-2004 ending fund balance is projected to be \$645,067.

2. That portion of Rule 4 *Code of Colorado Regulations* 723-28-10 which identifies that it is the intent of the Commission to adjust the uniform charge, if necessary, on or before July 1 of each year is waived.

3. The uniform charge of six cents per month shall be included in each applicable subscriber's bill as a separate line item and shall be listed as the "Colorado Telecommunications Relay Service Fund".

4. 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.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
September 3, 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