

Decision No. C16-0429

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 15R-0318T

IN THE MATTER OF THE PROPOSED RULES REGARDING BASIC EMERGENCY
SERVICE, 4 CODE OF COLORADO REGULATIONS 723-2.

DECISION SUSPENDING RULEMAKING PROCEEDING

Mailed Date: May 19, 2016
Adopted Date: April 26, 2016

I. STATEMENT

1. The Colorado Public Utilities Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) on May 13, 2015 by Decision No. C15-0453, regarding rules regulating basic emergency service, currently Rules 2130 through 2159 of the Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* 723-2.

2. The purpose of the NOPR was to provide notice that the Commission is considering revisions to its 9-1-1 rules in response to legislation and in response to recent events which affected 9-1-1 network reliability in Colorado, including recent catastrophic fires and floods. The potential and actual entry into the market for 9-1-1 services by new and different providers to Public Safety Answering Points, as well as the significant technological advancements in the provision of 9-1-1 service also led the Commission to consider revisions to its rules.

3. Administrative Law Judge Paul Gomez issued a Recommended Decision, Decision No. R16-0201, adopting rules on March 11, 2016. On March 31, 2016, AT&T Corp., CTIA – The Wireless Association, Comcast Phone of Colorado, LLC, MCImetro Access Transmission Services LLC, Boulder Regional Emergency Telephone Service Authority, and Bresnan Broadband of Colorado LLC filed exceptions to the Recommended Decision. Responses were filed on April 14, 2016.

4. On April 25, 2016, the Commission received a letter signed by Jacki Cooper Melmed, Chief Legal Counsel to Governor John Hickenlooper (Melmed letter). In this letter, the Governor’s legal counsel asks that the Commission “suspend its rulemaking indefinitely while the Commission and other stakeholders engage in a forward-looking process focused on the future of Colorado’s 9-1-1 system.”

5. On April 26, 2016, the Commission held a Commission Deliberations Meeting (CDM) to discuss the rulemaking proceeding.

II. DISCUSSION

6. At the CDM on April 26, 2016, the Commission discussed the Melmed letter, the posture of the exceptions filed by participants in the rulemaking, and avenues towards progress.

7. The Commission has broad constitutional and legislative authority to regulate public utilities in Colorado. *See, e.g., Integrated Network Services, Inc. v. Pub. Util’s Comm’n*, 875 P.2d 1373, 1377 (Colo. 1994). However, while “[t]he commission shall conduct its proceedings in such manner as will best conduce the proper dispatch of business and the ends of justice,” except where the Commission follows specific provisions of Title 40, all provisions of Article 4 of Title 24, C.R.S., apply to Commission proceedings. § 40-6-101(1), C.R.S.

8. We find good cause to allow for additional stakeholder discussions with the goal of protecting public safety and addressing challenges posed by emerging technologies. Therefore, on our own motion, we suspend Proceeding No. 15R-0318T indefinitely.

9. Section 24-4-103(4)(d), C.R.S., requires “Within one hundred eighty days after the last public hearing on the proposed rule, the agency shall adopt a rule pursuant to the rule-making proceeding or terminate the proceeding by publication of a notice to that effect in the Colorado register.” Pursuant to this statute, the Commission recognizes that the last day to adopt rules or terminate this proceeding is August 2, 2016. The Commission will make a determination prior to that date to ensure compliance with Title 24, C.R.S.

III. ORDER

A. The Commission Orders That:

1. Proceeding No. 15R-0318T is suspended indefinitely.
2. This Decision is effective immediately.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING
April 26, 2016.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean, Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

GLENN A. VAAD

FRANCES A. KONCILJA

Commissioners