COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES

BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis and purpose of these rules is generally to~~: regulate jurisdictional telecommunications providers, services, and products;~~ implement, administer and enforce the telecommunications provisions of Title 40 of the Colorado Revised Statutes; and regulate telecommunications proceedings and regulatory activities before the Commission. These rules address a wide variety of subject areas. Therefore, specific statements of Basis, Purpose, and Statutory Authority are found at the beginning of each subchapter of these rules.

The statutory authority for the promulgation of these rules is found at §§ 29-11-106(3); 38-5.5-101; 39-32-104; 40-2-108; 40-3-101; 40-3-102; 40-3-103; 40-3-107; 40-3-110; 40-3.4-106; 40-4-101; 40-7-113.5; 40-7-116.5; 40-15-101; 40-15-108(2); 40-15-109(3); 40-15-201; 40-15-203.5; 40-15-208(2)(a); 40-15-301; 40-15-302(1)(a) and (2); 40-15-302.5; 40-15-305; 40-15-404; 40-15-502(1), (3)(a), and (5)(b); 40-15-503; 40-17-103(2) and (3), C.R.S.

GENERAL PROVISIONS

2000. Scope and Applicability.

~~All~~ Rules 2000 through 2099 are rules ~~in this Part 2, the "2000" series, shall apply~~ of general applicability to ~~all telecommunications service providers, and to all~~be applied consistent with Commission ~~proceedings and operations concerning providers, unless a~~jurisdiction and rules 2100 through 2999. More specific ~~statute or rule provides otherwise. Other~~ applicability provisions are found in the various subchapters of this Part 2.

2001. Definitions.

The meaning of terms in Part 2 shall be consistent with general usage in the telecommunications industry unless specifically defined by Colorado statute or a more specific rule. In the event the general usage of terms in the telecommunications industry or the definitions anywhere in Part 2 conflict with statutory definitions, the statutory definitions control. In the event the general usage of terms in the telecommunications industry conflict with definitions anywhere within Part 2, the Part 2 definitions control. In the event another Commission rule of general applicability (such as in the Commission's Rules of Practice and Procedure) conflicts with Part 2 rules, the Part 2 rules control. Except as may be provided by applicable statute or more specifically applicable rule, the following definitions apply throughout this Part 2:

(a) "Access line" means the connection of a customer's premises to the public switched telephone network regardless of the type of technology used to connect the customer to the network.

(b) "Access to emergency services" means access to services, such as 9-1-1 ~~and enhanced 9-1-1,~~basic emergency service provided by local governments or other public safety organizations to the extent the local government or the public safety organization ~~in a LEC's service area~~ has implemented 9-1-1 ~~or enhanced 9-1-1 systems.~~.

(c) "Access to operator service" means access to a mechanized system or access through a real person to arrange for billing and/or completion of a telephone call.

(d) "Access to toll service" means the use of the network elements, including but not limited to loop, circuit, and switch facilities or their functional equivalents, necessary to access an interexchange ~~carrier's~~provider's network.

(e~~)~~ ~~[Reserved].~~

~~(~~f) "Base rate area" means the geographic area within an exchange service area, as defined in the tariff of a local exchange provider, wherein uniform rates that do not vary with distance from the central office apply to each class or grade of service.

(f~~g~~) "Basic local exchange service~~" (~~" or "basic service~~)~~" means the telecommunications service that provides:

(I) a local ~~access line, and~~ dial tone;

(II) local usage necessary to place or receive a call within ~~a local calling~~an exchange area; and

(III) access to emergency, operator, and ~~any other~~interexchange telecommunications services ~~or features that may be added by the Commission under § 40-15-502(2), C.R.S. Basic service is comprised of those capabilities, services, and features listed in paragraph 2308(a).~~.

(g~~h~~) "Busy hour" means the uninterrupted period of 60 minutes during the day when the traffic load offered to a particular switch, trunk, or network component is at its designed maximum load. The 60-minute periods are generally measured from hour-to-hour or from half-hour to half-hour.

~~(i) "Busy line interrupt service" means operator interrupt service.~~

~~(j) "Busy line verify service" means operator verification service.~~

(k~~h~~) "Busy season" means a month or several months that may be non-consecutive, within a consecutive 12-month interval, when the maximum busy hour requirements are experienced excluding days with abnormal traffic volume, such as Christmas or Mother's Day. The busy season generally is at least 30 days in length and generally does not exceed 60 days in length.

(l~~i~~) "Calls" means customers' telecommunications messages.

~~(m) "Carrier" means provider.~~

(n~~j~~) "Central office" means the plant, facilities, and equipment, including, but not limited to, the switch, located inside a structure of a provider of telecommunications service that functions as an operating unit to establish connections between customer lines, between customer lines and trunks to other central offices within the same or other exchanges, and between customer lines and the facilities of other providers of telecommunications service.

(~~o~~k) "Certificate of Public Convenience and Necessity" (CPCN) means the Commission-granted authority to provide ~~Part II regulated telecommunications~~ services, subject to terms and conditions established by the Commission in its decision granting the authority.

(~~p~~l) "Channel" means a transmission path for telecommunications between two points. It may refer to a one-way path that permits the completion of traffic from the first point to the second point, or from the second point to the first point. Alternatively, it may refer to a two-way path that permits the completion of traffic in either direction. Generally a channel is the smallest subdivision of a transmission system by means of which a single type of communication service is provided.

(~~q~~m) "Class of service" means a classification of a ~~telecommunication~~telecommunications service provided to a customer or group of customers, which denotes characteristics such as its nature of use (business or residence) or type of rate (flat rate, measured rate, or message rate).

(~~r~~n) "Collocation" means the following:

(I) ~~Physical~~physical collocation occurs when one provider of telecommunications ~~provider~~service owns interconnection facilities physically located within another provider of telecommunications ~~provider's~~service physical premises; or

(II) ~~Virtual~~virtual collocation occurs when one telecommunications provider extends its facilities to a point of interconnection within a reasonably close proximity to, but not physically located within, another telecommunications provider's physical premises. In virtual collocation, the provider requesting collocation (lessee) may request the type of equipment to be used from another provider who owns the space (lesser). In such case, the lessee may own or may lease and maintain the equipment.

(~~s~~o) "Commercial Mobile Radio Service" or "CMRS" means cellular or wireless service, personal communications service, paging service, radio common carrier service, radio mobile service, or enhanced specialized mobile radio service.

(p) "Common carrier" means a provider of telecommunications ~~services provider~~service that offers telecommunications services to the public, or to such classes of users as to be effectively available to the public, on a non-discriminatory basis.

(~~t~~q) "Community of interest" means an area consisting of one or more exchanges in which the general population has similar governmental, health, public safety, business, or educational interests.

(~~t~~r) "Competitive local exchange carrier" (CLEC) means a provider ~~that has been granted a CPCN to provide Part II regulated telecommunications services~~of local exchange service that is not the incumbent local exchange carrier in ~~the State of Colorado on or after February 8, 1996, pursuant to § 40-15-503(2)(f), C.R.S.~~an identified exchange area.

(~~v~~s) "Customer" means, to the extent consistent with the context of each definition or other rule, a person who is currently receiving a jurisdictional telecommunications service.

(I) "Business customer" means a customer whose use of telecommunications service is primarily of a commercial, professional, institutional, or other occupational nature.

(II) "Residential customer" means a customer whose use of telecommunications service is primarily of a social or domestic nature.

~~(III) "Small business customer" means a business customer with five or fewer voice-grade or voice-grade equivalent access lines at a single location.~~

(~~w~~t) "Customer proprietary network information" has the same meaning as the meaning given to such term in 47 U.S.C. § 222(h)(1).

(u) "Customer trouble report" means any oral or written report from a customer or from a user of telecommunications services relating to a physical defect with or relating to difficulty or dissatisfaction with the operation of the provider's facilities. Any subsequent report received from the same customer or user of telecommunications services in the same day shall be counted as a separate report, unless it duplicates a previous report or unless it merely involves an inquiry concerning progress on a previous report.

(~~x~~v) "Day" means a calendar day, consistent with the definition found in rule 1004(~~i~~o).

(~~y~~w) "Decibel" means the unit of measurement for the logarithmic ratio to the base ten of two power signals. The abbreviation dB is commonly used for the term decibel.

~~(z) "Decibel above reference noise level using C-message weighting" (dBrnCdBmC) means the reference noise level of one Pico watt that is defined as 0 dBrnC.~~ dBmC. ~~C-message weighting accounts for the frequency characteristics of a typical telephone set by weighting the noise signal at various frequencies to calculate the composite average noise signal value.~~

~~(aa) "Declaration of Intent to Serve" means a filing with the Commission in which a provider that holds a CPCN states its intent to provide local exchange telecommunications services within the service territory of a rural telecommunications provider.~~

~~(bb) "Dedicated transport facility" means a transmission path between locations used to transport traffic to which the end user is granted exclusive use, and which operates at DS1 or higher transmission speeds (high-bandwidth facility).~~

(~~cc~~x) "Deregulated telecommunications services" ~~(Part IV services or deregulated services)~~ means services and products exempted from regulation pursuant to Title 40, Article 15, Part 4, C.R.S., or by the Commission in accordance with § 40-15-~~305(1), C.R.S.~~(dd305(1), C.R.S.

(y) "Dial equipment minutes of use" (DEM) means the minutes of holding time of originating and terminating local switching equipment, as defined in 47 C.F.R., Part 36.

(~~ee~~z) "Dial tone or its equivalent" means:

(I) ~~The~~the signal placed on a local access line by the wireline provider signaling that the network is ready to receive a call from the subscriber; or

(II) ~~The~~the receipt by a wireless provider of the caller's dialed digits without a 'system busy' response.

~~(ff) "Dual tone multifrequency signaling" (Touchtone) means a method of signaling used on a local access line that uses a combination of one of a lower group of frequencies and one of a higher group of frequencies to represent each digit or character transmitted from the customer's station to the central office.~~

~~(gg~~(aa) "Effective competition area" (ECA) means a ~~wire center serving~~geographic area in which the Commission has ~~reclassified~~ determined that basic local exchange service is competitive and no longer eligible to receive HCSM pursuant to § 40-15-207, C.R.S.

~~(hh~~(bb) "Electronic mail" (e-mail) means an electronic message that is transmitted between two or more computers or electronic terminals. Electronic mail includes electronic messages that are transmitted within or between computer networks.

(cc) "Eligible telecommunications carrier" (ETC) means a common carrier that is authorized by the Commission to receive federal universal service support as required by 47 U.S.C. 214(e)(2).

~~(jj~~(dd) "Eligible Provider" (EP) means a provider who offers basic local exchange services and has been designated by the Commission as qualified to receive disbursements from the Colorado High Cost Support Mechanism.

~~(kk~~(ee) "Emerging competitive telecommunications services" (Part III services) means services and products regulated by the Commission in accordance with Title 40, Article 15, Part III, C.R.S.

~~(ll~~(ff) "End user" means, to the extent consistent with the context of each definition or other rule, a person, other than another ~~telecommunications~~ provider of telecommunications service, who purchases a jurisdictional telecommunications service from a telecommunications provider.

~~(mm~~(gg) "Enhanced 9-1-1" (E9-1-1) means a telephone system which includes such features as Automatic Number Identification (ANI), Automatic Location Identification (ALI), and call routing features to facilitate public safety response as described within rules 2130 through 2159.

~~(nn)~~(hh) "Exchange" means the totality of the telecommunications plant, facilities, and equipment including plant, facilities and equipment located inside and outside of buildings, used in providing ~~telecommunication~~telecommunications service to customers located in a geographic area defined by a ~~provider's~~provider of telecommunications service's tariff. An exchange may include more than one central office location or more than one wire center.

~~(oo~~(ii) "Exchange area" means a geographic area established by the Commission for the purpose of establishing a local calling area that consists of one or more central offices together with associated facilities and plant located outside the central office, used in providing basic local exchange service.

~~(pp~~(jj) "FCC" means the Federal Communications Commission.

~~(qq) "Flat rate service" means telecommunications service provided at a fixed, recurring charge without separate billing for the number, time of day, distance, or duration of calls placed or received during the month.~~

~~(rr~~(kk) "Governing body" means the board of county commissioners of a county; the city council or other governing body of a city, city and county, or town; or the board of directors of a special district.

~~(ss~~(ll) "Held service order"~~:~~

~~(I) For all LECs, except rural telecommunications providers, "held service order" means an application by a customer for basic local exchange service in the LEC's service territory that the LEC is unable to provide within ten days of the customer's application, except when the customer requests a later service date. The application shall be notice to the LEC that the customer desires~~

~~service. Oral or written requests, as well as requests made by secure website, shall all be considered applications.~~

~~(II) For rural telecommunications providers, "held service order"~~ means an application by a customer for basic local exchange service in a ~~the rural telecommunications provider's~~ HCSM recipient's or ETC's service territory that the ~~rural telecommunications provider~~HCSM recipient or ETC is unable to provide within 30 days after the date of the customer's application, except when the customer requests a later service date. The application shall be notice to the ~~LEC~~ HCSM recipient or ETC that the customer desires service. Oral or written requests shall both be considered applications.

(mm) "HCSM recipient" means a provider of basic service in a geographic support area that receives high cost support distributions pursuant to §§ 40-15-208 and 40-15-502(5), C.R.S.

(nn~~tt~~) "Incumbent local exchange carrier" (ILEC) means either:

(I) ~~With~~with respect to a geographic area, the LEC that, on the date of enactment of the Telecommunications Act of 1996 (February 8, 1996), provided telephone exchange service in such geographic area and that either:

(A) ~~On~~on such date of enactment, was deemed to be a member of the exchange carrier association pursuant to 47 C.F.R., 69.601(b) of the FCC's regulations; or

(B) ~~Is~~is a person or entity that, on or after such date of enactment, became a successor or assign of a member described in subparagraph (I)(A) of this paragraph; or

(II) ~~Any~~any comparable LEC that the Commission has, by rule or order, deemed to be an ILEC after finding that:

(A) ~~Such~~such carrier occupies a position in the market for telephone exchange service within a geographic area that is comparable to the position occupied by a carrier described in subparagraph (I) of this paragraph;

(B) ~~Such~~such carrier has substantially replaced an ILEC described in subparagraph (I) of this paragraph; and

(C) ~~Such~~such treatment is consistent with the public interest, convenience, and necessity.

(oo~~uu~~) "Individual line service or its functional equivalent" means a grade of basic local exchange service that permits a user to have exclusive use of a dedicated message path for the length of the user's particular transmission.

~~(vv) "Intercept service" means a service arrangement provided by the LEC that routes calls placed to a disconnected or discontinued telephone number to a recording or to an operator that:~~

~~(I) Informs the calling party that the called telephone number has been disconnected, discontinued, or changed to another number; or~~

~~(II) Informs the calling party that another telephone number is receiving calls.~~

(pp) "Information service" has the same meaning as set forth in 47 USC § 153.

(qqww) "Interexchange carrier" (IXC) or "Interexchange provider" means a person who provides interexchange telecommunications services.

(rr) "Interexchange telecommunications service" means telephone service between exchange areas that is not included in basic local exchange service.

(ss) "Internet-Protocol- enabled service" or "IP-enabled service means a service, functionality, or application, other than voice-over-internet protocol, that uses internet protocol or a successor protocol and enables an end user to send or receive a voice, data, or video communication in internet protocol format or a successor format, utilizing a broadband connection at the end user's location.

(ttxx) "Jurisdictional service"" means any telecommunications service, subject to the authority of the Commission under the statutes of the State of Colorado included in Title 40, Article 15, Part 2, Part 3, or Part 5, C.R.SArticle15, Part 2, Part 3 or Part 5, C.R.S. Jurisdictional service also includes basic local exchange service in areas where HCSM support is provided, and interexchange service only for the purpose of Commission jurisdiction over unauthorized charges on a subscriber's bill, or complaints of changing a subscriber's service without his or her consent.

(yyuu) "Letter of Registration" (LOR) means Commission-granted authority to provide Part IIIswitched access emerging competitive telecommunications services, subject to terms and conditions established in the Commission decision granting the authority.

(zz(vv) "Local Access and Transport Area" (LATA) means a geographic area designated at the time of the 1984the1984 divestiture of the American Telephone and Telegraph System. A LATA may encompass more than one contiguous local exchange area that serves common social, economic, or other purposes, even where such area transcends municipal or other local government boundaries.

(aaa) "Local access line" means a telecommunications channel or message path between a customer's service location and the serving central office switch that is used to provide local exchange service to a customer.

(ww) "Local call" means any call originating and terminating within the same local calling area.

(cccxx)"Local calling area" (LCA) means the geographic area approved by the Commission in which customers may make calls without payment of a toll charge for each call. The local calling area may include exchange areas in addition to the serving exchange area.

(dddyy) "Local exchange carrier" (LEC) or "local exchange provider" means any person authorized by the Commission to provide basic local exchange service.

(eeezz) "Local exchange telecommunications service" and "local exchange service" means basic local exchange service and other such services identified in § 40-15-201401, C.R.S., or defined by the Commission pursuant to § 40-15- 502(2), C.R.S., regulated advanced features, premium services, and switched access as defined in §§ 40-15-102(28) and 40-15-301(2)(a), (b), and (e), C.R.S.; or any of the above singly or in combination.

(fffaaa)"Local usage" means the usage necessary to place and receive calls within a local calling area in which the customer is located.

(ggg) "Master Street Address Guide" (MSAG) means the file of street names and ranges used to define emergency service agencies particular to a telephone number.

~~(hhh) "Measured rate service" means a service that depends on the measurement of actual usage (i.e., number, duration, time of day, or length of haul) to compute the charges that apply for outgoing completed calls.~~

~~(iii) "Message rate service" means a service that charges for each outgoing completed call in excess of a specified allowance of calls during the billing period.~~

(~~jjj~~bbb) "Network element" means a facility or equipment used in the provision of a telecommunications service including features, functions, and capabilities that are provided by means of such a facility or equipment, including subscriber numbers, databases, signaling systems, including information sufficient for billing and collection of such elements, and including facilities used in the transmission, routing, or other provision of a telecommunications service.

~~(kkk) "Non-listed service" means an optional service in which the customer's telephone number is not published in the telephone directory but is available through directory assistance.~~

~~(lll) "Non-optional operator services" means operator services requiring an operator for individualized call processing or specialized or alternative billing, including without limitation, credit card calls, calls billed to a third number, collect calls, and person to person calls.~~

~~(mmm) "Non-published service" means an optional service in which the customer's telephone number is neither published in the telephone directory nor available through directory assistance.~~

~~(nnn) "Operations support systems" (OSS) means the mechanisms and systems used to mutually exchange information between local exchange providers in order to efficiently transfer customers between the providers in a manner consistent with federal and Colorado statutes. These mechanisms and systems include, but are not limited to, the taking and receipt of service and repair orders, and the exchange of billing data and customer account data. This information is exchanged in a variety of ways that includes, but is not limited to, electronic interfaces, technical interfaces, and access to databases.~~

~~(ooo) "Operator interrupt service" means a service provided at the request of a customer to interrupt a conversation on another customer's line.~~

~~(ppp) "Operator services" means services, other than directory assistance, provided either by live operators or by the use of recordings or computer voice interaction, to enable customers to receive individualized and select telephone call processing or specialized or alternative billing functions. Operator services include non-optional operator services, optional operator services, and operator services necessary for the provision of basic local exchange service.~~

~~(qqq)"Operator service provider" means a person that sells optional and/or non-optional operator services.~~

~~(rrr)"Operator verification service" means a service provided at the request of a customer to determine if another customer's line is busy or not in service.~~

~~(sss) "Optional operator services" means operator services other than non-optional operator services and operator services necessary for the provision of basic local exchange service including, without limitation, operator services provided in connection with conference calling, foreign language translation, and voice messaging.~~

(~~ttt~~ccc) "Out-of-service trouble report" means a report by the customer of:

(I) ~~N~~no dial tone, inability to make calls, or inability to receive calls on the customer's local access line; or

(II) ~~Service~~service quality deterioration to such an extent that the customer is incapable of sending or receiving a facsimile or data transmission at voicegrade, or technology equivalent, transmission levels using the local access line.

~~(uuu) "Outside plant" means the telecommunications plant, equipment, and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between a central office and customers' locations or between central offices.~~

~~(vvv~~(ddd) "Part II service" means a service subject to regulation pursuant to Title 40, Article 15, Part 2, C.R.S.

~~(www) "Plain old telephone service" (POTS) means single-line, basic telephone service provided to a customer's premises.~~

~~(xxx) "Price list" means a provider's rate schedule, filed with the Commission by transmittal letter, listing current rates for regulated telecommunications services and products and does not include rate bands, ceilings, or floors.~~

~~(yyy~~(eee) "Private branch exchange" (PBX) means a private switchboard or switching system usually on the premises of customers such as campuses, large business offices, apartment buildings, or hotels, which, over a common group of lines from the central office, can receive calls, place outgoing calls, and interconnect intra-office extensions.

~~(zzz) "Private line service" means any point-to-point or point-to-multipoint service dedicated to the exclusive use of an end user for the transmission of any telecommunications services.~~

~~(aaaa) "Provider" means any person under the jurisdiction of the Commission engaged in the business of providing telecommunications services to the public. "Provider" includes telephone utilities and telephone corporations as described in § 40-1-103(1), C.R.S.~~

(~~bbbb~~fff) "Provider of last resort" (POLR) means a Commission-designated telecommunications provider that has the responsibility to offer basic local exchange service to all customers who request it within a geographic ~~area~~support area. All HCSM recipients are designated as POLRs in the geographic areas in which they receive HCSM support.

~~(cccc~~(ggg) "Public agency" means any city, city and county, town, county, municipal corporation, public district, or public authority located, in whole or in part, within this state that provides, or has the authority to provide, fire fighting, law enforcement, ambulance, emergency medical, or other emergency services.

~~(jjj) "Rate area" means the surrounding geographic area determined by wire center boundaries for which a particular rate center's vertical and horizontal coordinates apply when calculating long distance charges. A rate area may be comprised of a single wire center or multiple wire centers.~~

~~(eeee~~(hhh) "Rate center" means a geographic point which is defined by specific vertical and horizontal coordinates on a map used by telecommunication companies to determine interexchange mileage when calculating toll charges.

~~(ffff) "Regional Bell Operating Company" (RBOC) means an ILEC that was, or is a successor to, one of the seven bell operating companies created at the time of divestiture.~~

~~(gggg) "Reseller of basic local exchange service" means a certified provider of telecommunications services who purchases, pursuant to a Commission-approved contract or an interconnection agreement, or an effective tariff, local telecommunications services from a facilities-based telecommunications provider and then offers the services, either by themselves as a separate tariff offering, or in combination with other services, to an end user.~~

~~(hhhh~~(iii) "Rural telecommunications provider" or "rural provider" (RLEC) means a local exchange provider that meets one or more of the following conditions:

(I) ~~Provides~~provides common carrier service to any LEC study area, as defined by the Commission, that does not include either:

(A) ~~Any~~any incorporated place of 10,000 inhabitants or more or any part thereof, based on the most recent available population statistics of the United States Bureau of the Census; or

(B) ~~Any~~any territory, incorporated or unincorporated, included in an urbanized area as defined by the United States Bureau of the Census as of August 10, 1993;

(II) ~~Provides~~provides telephone exchange service, including exchange access to fewer than 50,000 access lines;

(III) ~~Provides~~provides telephone exchange service to any LEC study area, as defined by the Commission, with fewer than 100,000 access lines; or

(IV) ~~Has~~has less than 15 percent of its access lines in communities of more than 50,000 inhabitants.

~~(iiii) "Service" means any intrastate telecommunications product or service offered by providers of telecommunications service.~~

~~(jjjj~~(jjj) "Service affecting trouble report" means a report by the customer of:

(I) ~~Impairment~~impairment of the quality of the call such as noise, crosstalk, ringing, echo or diminished volume; or

(II) ~~Service~~service quality deterioration such that the performance characteristics of the customer's local access line fall within the substandard range as defined in rule 2337.

(kkk~~k~~) "Service territory" means a geographic area in which a provider of local exchange telecommunications services is authorized by the Commission to provide such services.

(lll~~l~~) "Station" means a device and any other necessary equipment at the customer's premises that allows the customer to establish and continue communication.

(mmm~~m~~) "Switched access" means the service or facilities provided by a local exchange provider of telecommunications service to interexchange providers, which allows them to use the local exchange network or the public switched network to originate, terminate, or both originate and terminate interexchange telecommunications services.

~~(nnnn) "Telecommunications" means the transmission, using optical or electronic media, between or among points specified by the user, of information of the user's choosing, without change in the~~

~~form or content of the information as sent and received regardless of the technology used to transmit the information.~~

(nnn)~~(oooo)~~ "Telecommunications relay service" means any telecommunications transmission service that allows a person who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability. Such term includes any service that enables two-way communication between a person who uses a telecommunications device or other nonvoice terminal device and an individual who does not use such a device.

~~(pppp~~(ooo) "Telecommunications service" ~~means~~and "telecommunications" have the ~~electronic or optical transmission of information between separate points by prearranged means.~~same meanings as set forth in 47 U.S.C. § 153(53), 47 U.S.C. § 153(50) and § 40-15-102(29), C.R.S.

~~(qqqq) "Toll blocking" means a service that permits customers to disallow the completion of outgoing 1+ toll calls from a customer's local access line.~~

~~(rrrr) "Toll control" means a service that allows a customer to specify a certain volume or dollar value of toll usage per month or billing cycle that may be incurred on a customer's access line.~~

~~(ssss) "Toll limitation" means the blocking or controlling of toll service.~~

~~(tttt) "Toll reseller" means any person who provides toll services to customers by using the transmission facilities, including without limitation wire, cable, optical fiber, or satellite or terrestrial radio signals of another person. A toll reseller may possess its own switching facilities.~~

~~(uuuu~~(ppp) "Toll service" (interexchange telecommunications service) means a type of telecommunications service, commonly known as long-distance service~~,~~ that is provided on an intrastate basis between LATAs and within LATAs and that:

(I) ~~Is~~is not included as part of basic local exchange service;

(II) ~~Originates~~originates and terminates in different local calling areas; and

(III) ~~Is~~was or is traditionally billed to the customer separately from basic local exchange service.

~~(vvvv)"Transmission insertion loss" means the ratio, expressed in decibels, of the power delivered to the load or station, in the case of an access line or channel, before and after activation of the channel. For the purposes of this Part 2, insertion loss shall be considered equivalent to transducer loss which is the ratio of available power from a power source connected to one end of a channel or access line to the delivered power at the load, station or standard impedance, connected to the other end of the channel.~~

~~(wwww)"Transmittal letter" means a letter, from a provider to the Director that accompanies each request by the provider to modify its price list for Colorado services.~~

~~(xxxx~~(qqq) "Unbundling" means the disaggregation of facilities and functions into network products or services so that they can be separately offered to other providers of telecommunications ~~providers~~service in a manner that allows requesting providers of telecommunications service to combine such elements in order to provide telecommunications services.

~~(yyyy~~(uuu) "Universal service", "Universal basic service", or "Universal basic local exchange service" means the availability of basic local exchange service to all citizens of Colorado at affordable rates.

(vvv) "Urban rate floor" means the basic local exchange service rate required to be charged in order to prevent a reduction in Federal high cost support.

(~~zzzz~~www) "USOA" means Uniform System of Accounts.

~~(aaaaa~~(xxx) "Voicegrade access" to the public switched network means the functionality than enables a user of telecommunications services to transmit voice communications within the frequency range of approximately 300 Hertz and 3,000 Hertz, for a bandwidth of approximately 2,700 Hertz. It also includes signaling the network that: the caller wishes to place a call; there is an incoming call; and the called party is ready to receive voice communications.

(yyy) "Voice-over-internet protocol" or VoIP" means a service that:

(I) enables real-time, two-way voice communications originating from or terminating at a user's in internet protocol or a successor protocol;

(II) utilizes a broadband connection from the user's location; and

(III) permits a user to generally receive calls that originate on the public switched network and to terminate calls to the public switched telephone network.

(~~bbbb~~zzz) "Wire center" means the structure that houses the equipment used for providing telecommunications services and that terminates outside cable plant and other facilities for a designated serving area.

(~~cccc~~aaaa) "Wire center serving area" means the geographic area of an exchange area served by a single wire center.

~~(ddddd) "Wireless carrier" means a cellular licensee, a personal communications services licensee, or certain specialized mobile radio providers designated as covered carriers by the FCC in 47 C.F.R. § 20.18.~~

2002. Applications.

(a) Any person may seek Commission action regarding any of the following matters through the filing of an appropriate application:

(I) ~~For~~for a CPCN to provide ~~Part II regulated telecommunications~~ service~~s~~, as provided in rule 2103;

(II) ~~For~~for the issuance of a LOR for ~~Part III emerging competitive telecommunications~~ services, as provided in rule 2103;

(III) ~~To~~to amend a CPCN or LOR, as provided in rule ~~2104;~~2105;

(IV) ~~To~~to change exchange area boundaries, as provided in rule ~~2105~~2106;

(V) ~~To~~to discontinue the provisioning of basic emergency service, switched access service, or basic local exchange service~~, as~~ provided by an ETC, EP, or HCSM recipient, as provided in rule ~~2108~~2109;

(VI) ~~To~~to transfer or encumber a CPCN, LOR, or assets, or to merge a provider with another entity, as provided in rule ~~2109~~2110;

(VII) ~~To~~to amend a tariff on less than statutory notice, as provided in subparagraph 2122~~(c)(IV);~~;

(VIII) ~~For~~for certification as a basic emergency service provider, as provided in rule ~~2134;~~2132;

(IX) ~~For~~for designation as a POLR, as provided in rules 2183 and 2184;

(X) ~~For~~ for relinquishment of the designation as a POLR, ETC, or EP, as provided in rule 2186;

(XI) ~~For~~for designation as an ETC, as provided in rule 2187;

(XII) ~~For relinquishment of designation as an EP or ETC,~~ for approval of a disaggregation of a study area of a rural ILEC, as provided in rule ~~2188;~~2189;

(XIII) ~~For approval of Path 2 disaggregation and targeting of federal high cost support~~for reclassification of a Part II service to a Part III service, as provided in rule ~~2190(b);~~2203;

(XIV) ~~For an alternative form of regulation, as provided in rule 2205;~~

~~(XV) To refrain from regulation of a Part II service, as provided in rule 2207;~~

~~(XVI) For reclassification of a service offering, as provided in rule 2208;~~

~~(XVII) For~~for deregulation of Part III ~~Emerging Competitive~~ Services, as provided in rule ~~2209~~2204;

(XV~~III~~) f~~F~~or approval of a refund plan, as provided in rule 2305; or

~~(XIX) For the expansion of a local calling area, as provided in subparagraph 2309(a)(III) and paragraph 2309(b)(IV);~~

~~(XX) For designation as an Eligible Provider (EP), as provided in rule 2847; or~~

~~(XXI) For~~

(XVI) for any other authority or relief provided for in these rules, or for any other relief not inconsistent with statute or rule and not specifically described in this rule.

(b) Unless otherwise noted in specific rules, all applications shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attached exhibits~~attachments:

(I) ~~The~~the name and address of the applicant;

(II) ~~The~~the name(s) under which the applicant is, or will be, providing telecommunications service in Colorado;

(III) ~~The~~the name, address, telephone ~~number, facsimile~~ number, and e-mail address of the applicant's representative to whom all inquiries concerning the application should be made;

(IV) ~~The~~the name, address, telephone ~~number, facsimile~~ number, and e-mail address of the applicant's contact person for customer inquiries concerning the application, if that contact person is different from the person listed in subparagraph (III);

(V) ~~A~~a statement indicating the town or city, and any alternate town or city, where the applicant prefers any hearings be held;

(VI) ~~A~~a statement that the applicant agrees to respond to all questions propounded by the Commission or its Staff concerning the application;

(VII) ~~A~~a statement that the applicant shall permit the Commission or any member of its Staff to inspect the applicant's books and records as part of the investigation into the application;

(VIII) ~~A~~a statement that the applicant understands that if any portion of the application is found to be false or to contain material misrepresentations, any authorities granted may be revoked upon Commission order;

(IX) ~~Acknowledgment~~acknowledgment that, by signing the application, the applying utility understands that:

(A) ~~The~~the filing of the application does not by itself constitute approval of the application~~.~~;

(B) ~~If~~if the application is granted, the applying utility shall not commence the requested action until the applying utility complies with applicable Commission rules and with any conditions established by Commission order granting the application~~.~~;

(C) ~~If~~if a hearing is held, the applying utility shall present evidence at the hearing to establish its qualifications to undertake, and its right to undertake, the requested action~~.~~; and

(D) ~~In~~in lieu of the statements contained in subparagraphs (b)(IX)(A) through (C) of this rule, an applying utility may include a statement that it has read, and agrees to abide by, the provisions of subparagraphs (b)(IX)(A) through (C) of this rule.

(X) An attestation which is made under penalty of perjury; which is signed by an officer, a partner, an owner, an employee of, an agent for, or an attorney for the applying utility, as appropriate, who is authorized to act on behalf of the applying utility; and which states that the contents of the application are true, accurate, and correct. The application shall contain the title and the complete address of the affiant~~.~~; and

(XI) ~~A copy of~~ the company's proposed notice to the public and its customers, if such notice is required.

(c) Applications shall be processed in accordance with the Commission's Rules Regulating Practice and Procedure.

(d) ~~Customer notice.~~ Except as required or permitted by § 40-3-104, C.R.S., if the applicant is required by statute, Commission rule, or order to provide notice to its customers of the application, the applicant shall, within seven days after filing an application with the Commission, cause to have published notice of the filing of the application in each newspaper of general circulation in the municipalities impacted by the application. The applicant shall provide proof of such customer notice within 14 days of the publication in the newspaper. Failure to provide such notice or failure to provide the Commission with proof of notice may cause the Commission to deem the application incomplete. The applicant may also be required by statute, Commission rule, or order to provide additional notice ~~to its customers of the application by first-class mailing or by hand-delivery.~~ . Both the newspaper notice and any additional customer notice(s) shall include the following:

(I) ~~The~~the title "Notice of Application by [Name of the Utility] to [Purpose of Application~~]".~~]";

(II) ~~State~~state that [Name of Utility] has applied to the Colorado Public Utilities Commission for approval to [Purpose of Application]. If the utility commonly uses another name when conducting business with its customers, the "also known as" name should also be identified in the notice to customers~~.~~;

(III) ~~Provide~~provide a brief description of the proposal and the scope of the proposal, including an explanation of the possible impact, including rate impact, if applicable, upon persons receiving the notice~~.~~;

(IV) ~~Identify~~identify which ~~customers~~customer class(es) will be affected and ~~identify~~ the monthly customer rate impact by customer class, if customers' rates are affected ~~product or service.~~by the application;

(V) ~~Identify~~identify the proposed effective date of the application~~.~~;

(VI) ~~Identify~~identify that the application was filed on less than statutory notice or if the applicant requests an expedited Commission decision, as applicable~~.~~;

(VII) ~~State~~state that the filing is available for inspection in each local office of the applicant and at the Colorado Public Utilities Commission~~.~~;

(VIII) ~~I~~identify the ~~docket~~ proceeding number ~~of the proceeding~~, if known at the time the customer notice is provided.

(IX) ~~State~~state that any person may file written comment(s) or objection(s) concerning the application with the Commission. As part of this statement, the notice shall identify both the address and e-mail address of the Commission and shall state that the Commission will consider all written comments and objections submitted prior to the evidentiary hearing on the application~~.~~;

(X) ~~S~~state that if a person desires to participate as a party in any proceeding before the Commission regarding the filing, such person shall file an intervention in accordance with the rule 1401 of the Commission's Rules of Practice and Procedure or any applicable Commission order~~.~~;

(XI) ~~S~~state that the Commission may hold a public hearing in addition to an evidentiary hearing on the application and that if such a hearing is held members of the public may attend and make statements even if they did not file comments, objections or an intervention. State that if the application is uncontested or unopposed, the Commission may determine the matter without a hearing and without further notice~~.~~; and

(XII) ~~S~~state that any person desiring information regarding if and when hearings may be held shall submit a written request to the Commission or shall alternatively contact the External Affairs section of the Commission at its local or toll-free phone number. Such statement shall also identify both the local and toll-free phone numbers of the Commission's External Affairs section.

(e) ~~Unless otherwise noted in a specific rule, an original plus ten copies of the application shall be filed.~~Filings shall be made in accordance with rule 1204.

2003. Petitions.

(a) Any person may seek Commission action regarding any of the following matters through the filing of an appropriate petition:

(I) ~~F~~for variance from a Commission rule, as provided in rule 1003;

(II) ~~F~~for issuance of a declaratory order, as provided in paragraph 1304(i);

(III) ~~F~~for the Declaration of Intent to Serve within the territory of a rural telecommunications provider, as provided in rule 210~~6~~7;

~~(IV) For expansion of a local calling area, as provided in paragraph 2309(c);~~

(IV) ~~F~~for arbitration of an interconnection agreement, as provided in rules 2562 through 2579; or

(V~~I~~) ~~F~~for use of N-1-1 abbreviated dialing codes, as provided in rules 274~~0~~2(e) ~~through 2799~~.

(b) Unless otherwise noted in specific rules, all petitions shall include, ~~in the following order and specifically identified, the following information, either in the petition or in appropriately identified attached exhibits~~the information contained in paragraph 2002(b)~~:~~.

~~(I) The name and address of the petitioner;~~

~~(II) The name(s) under which the petitioner is providing telecommunications service in Colorado;~~

~~(III) The name, address, telephone number, facsimile number, and e-mail address of the petitioner's representative to whom all inquiries concerning the petition should be made;~~

~~(IV) The name, address, telephone number, facsimile number and e-mail address of the petitioner's contact person for customer inquiries concerning the petition, if that contact person is different from the person listed in subparagraph (III) above.~~

~~(V) A statement indicating the town or city, and any alternate town or city, where the petitioner prefers any hearings be held;~~

~~(VI) A statement that the petitioner agrees to respond to all questions propounded by the Commission or its Staff concerning the petition;~~

~~(VII) A statement that the petitioner shall permit the Commission or any member of its Staff to inspect the petitioner's books and records as part of the investigation into the petition;~~

~~(VIII) A statement that the petitioner understands that if any portion of the petition is found to be false or to contain material misrepresentations, any relief granted may be revoked upon Commission order;~~

~~(IX) Acknowledgment that, by signing the petition, the petitioner understands that:~~

~~(A) The filing of the petition does not by itself constitute approval of the petition.~~

~~(B) If the petition is granted, the petitioner shall not commence the requested action until the petitioner complies with applicable Commission rules and with any conditions established by Commission order granting the petition.~~

~~(C) If a hearing is held, the petitioner shall present evidence at the hearing to establish its qualifications to undertake, and its right to undertake, the requested action.~~

~~(D) In lieu of the statements contained in subparagraphs (b)(IX)(A) through (C) of this rule, a petitioner may include a statement that it has read, and agrees to abide by, the provisions of subparagraphs (b)(IX)(A) through (C) of this rule.~~

~~(X) A statement which is made under penalty of perjury; which is signed by an officer, a partner, an owner, an employee of, an agent for, or an attorney for the applying utility, as appropriate, who is authorized to act on behalf of the petitioner; and which states that the contents of the petition are true, accurate, and correct. The petition shall contain the title and the complete address of the affiant. (XI) A copy of the petitioner's proposed notice to the public and its customers, if such notice is required.~~

(c) ~~Contents of notice to customers.~~ If the petitioner is required by statute, Commission rule or order to provide additional notice to its customers of the petition, such notice shall include the ~~following:~~same information as required by paragraph 2002(d).

~~(I) The title "Notice of Petition by [Name of the Utility] to [Purpose of Petition]".~~

~~(II) State that [Name of Utility] has petitioned to the Colorado Public Utilities Commission for approval to [Purpose of Petition]. If the utility commonly uses another name when conducting business with its customers, the "also known as" name should also be identified in the notice to customers.~~

~~(III) Provide a brief description of the proposal and the scope of the proposal, including an explanation of the possible impact upon persons receiving the notice.~~

~~(IV) Identify which customer class(es) will be affected and the monthly customer rate impact by customer class, if customers' rates are affected by the petition.~~

~~(V) Identify the proposed effective date of the petition.~~

~~(VI) Identify that the petition was filed on less than statutory notice or if the petitioner requests an expedited Commission decision, as applicable.~~

~~(VII) State that the filing is available for inspection in each local office of the petitioner and at the Colorado Public Utilities Commission.~~

~~(VIII) Identify the docket number of the proceeding, if known at the time the customer notice is provided.~~

~~(IX) State that any person may file written comment(s) or objection(s) concerning the petition with the Commission. As part of this statement, the notice shall identify both the address and e-mail address of the Commission and shall state that the Commission will consider all written comments and objections submitted prior to the evidentiary hearing on the petition.~~

(d) Filings should be made in accordance with rule 1204.

2004. Disputes.

For purposes of this rule, a dispute is a concern, difficulty, or problem needing resolution that a customer brings directly to the attention of the provider without involvement of the Commission staff. In any dispute that a customer initiates directly with a provider, and that concerns jurisdictional services, the provider shall give to the customer the current address and phone numbers (local and toll free) of the External Affairs Section of the Commission if the customer and provider are unable to resolve the dispute.

2005. Records.

(a) ~~Location of records. Unless otherwise authorized by the Commission, a~~All providers of jurisdictional services shall make available required records ~~shall be made available~~ to the Commission or ~~its authorized representatives~~Commission staff at any time upon request.

(b) ~~Retention of records.~~ Providers shall preserve and retain all ~~required~~ records related to jurisdictional services for not less than:

(I) ~~Two~~two years after the date of entry of the record; or

(II) ~~For~~for any longer period of time enumerated by a specific FCC or Commission rule, whichever is longer.

(c) Records to be maintained include, as applicable:

(I) ~~Service interruptions.~~ Each ~~LEC~~HCSM recipient shall keep a record showing all interruptions affecting service in an entire exchange area or any major portion of the exchange area that affects the lesser of 25 percent or 1,000 of the exchange's local access lines for one or more hours during the day. This record shall identify the date, time, duration, extent, and cause of the interruption. Each ~~LEC~~HCSM recipient shall also keep a record or all customers eligible for credits related to such interruptions, pursuant to subparagraph 2304(b)(IV).

(II) ~~Test equipment. Each provider shall keep records concerning testing of test equipment under paragraph 2334(f).~~

~~(III) Customer billing and dispute records. Each provider~~ Each HCSM recipient shall keep customer billing and dispute records ~~for a minimum period of two years~~.

~~(IV) Carrier change authorization records. Submitting~~

(III) ~~carriers~~Providers shall maintain and preserve carrier change authorization records of verification of subscriber authorization of service ~~for a minimum period of two years after obtaining such verification~~.

~~(V) Deposits. This rule applies only with respect to a LEC's residential and small business customers. Each provider shall keep a record of each deposit received from a customer until two years after the deposit is returned to the customer. The record shall identify the following:~~

~~(A) The name of each customer making a deposit;~~

~~(B) The amount and date of the deposit;~~

~~(C) Each premises occupied by the customer while the deposit is retained by the provider; and~~

~~(D) Each accounting transaction related to the deposit, such as the date the deposit was refunded and the amount of interest paid on the deposit.~~

(I~~V~~I~~I~~) Held service orders.

(A) ~~Applicability.~~ This rule applies ~~only with respect~~ to ~~a LEC's residential~~HCSM recipients and ~~small business customers~~ETCs.

(B) During periods of time when the provider is not able to establish new primary line service to customers in areas of an exchange currently served by the provider within the time frames set forth in the applicable definition of held service order in rule 2001 of this Part, or by Commission order, the provider shall keep a record, by wire center serving area, identifying the following:

(i) ~~The~~the name and address of each applicant for service;

(ii) ~~The~~the date of the application;

(iii) ~~The~~the class of service (e.g., residence, business);

(iv) ~~The~~the order number assigned to the application for service;

(v) ~~The~~the reason for the delay in providing service to the applicant;

(vi) ~~The~~the expected in-service date; and

(vii) ~~A~~a record of all provider contacts, whether written or oral, with the applicant.

(C) During periods of time when the provider is not able to supply service to ~~customers~~applicants within the time frames established by the applicable definitions of held service order in rule 2001 of this Part or by Commission order, the provider shall keep a record identifying:

(i) ~~A~~all expenses incurred in providing bill credits as a result of failure to timely provide service; and

(ii) ~~A~~all installation fees waived and credits issued in compliance with subparagraphs ~~2310~~2308(f)(III) and (IV).

(D) When the number of held service orders to establish new primary line service exceeds 50 access lines at a wire center providing service to 2,000 or more access lines, or the number of held service orders to establish primary line service exceeds 20 access lines at a wire center serving fewer than 2,000 access lines, the provider shall maintain records including information on each held service order showing the application date, the cause(s) for the delay and number of days for installation beyond ten days or the ~~customer's~~applicant's requested installation date, if later.

(V~~II~~) Each provider of jurisdictional service shall maintain records showing the monthly and annual performance of the provider to determine the level of service for each item included in rules 2330 through 2399.

~~(VIII) Maintenance and operations records. Each provider shall maintain records of the various tests and inspections, including but not limited to, non routine corrective maintenance actions and monthly traffic analysis summaries for network administration. Corrective maintenance records shall show the line or facility, such as a specific trunk, that was tested or inspected. The records shall also include the reason for the test, the general conditions under which the test was made, the results of the test, and any corrections made as a result of the test and inspection.~~

~~(IX) Plant facilities. Each provider shall keep complete maps and records showing the location and description of its plant and facilities, including, but not limited to, the number of interexchange circuits, the nature and amount of plant and equipment used in providing telecommunications services, and the areas served by the provider.~~

~~(X) Other records as required by this Part 2, but not specifically enumerated by this rule.~~

(V~~X~~I) Other records as the Commission may require.

(d) Accounting Records for Jurisdictional Services.

(I) Except as specifically provided by Commission rule, each provider shall maintain its books of accounts and records using Generally Accepted Accounting Principles (GAAP).

(II) Unless otherwise approved by the Commission, depreciation for book purposes shall be determined by applying the straight-line method of depreciation.

(III) ILECs shall use the Uniform System of Accounts (USOA) prescribed for Common Carriers, Classes A and B by the FCC, pursuant to 47 C.F.R. Part 32.

(IV) For all providers of jurisdictional service exempt by the FCC from USOA requirements, the system for keeping the books of account and associated records shall be capable of generating Colorado intrastate- specific information upon request. The books of account and records shall be maintained in sufficient detail to allow for a determination by the Commission that the provider complies with standards relating to cross-subsidization, affiliate transactions, separations, and other standards set forth by Commission order, rules, or applicable statute.

2006. Reports.

(a) Pursuant to § 40-2-109, C.R.S., all providers that are required by the Department of Revenue to file an annual DR525 form shall file with the Commission, on or before May 15 of each year, a copy of the DR525 form filed with the Department of Revenue pursuant to § 40-2-111, C.R.S., for use in the Commission's budgetary process.

(b) All providers that have been granted a CPCN or LOR by the Commission shall biennially file a completed Statement of Information, beginning on July 1, 2017 and every two years thereafter. Providers whose CPCN or LOR was granted after January 1, 2017, shall file the statement on the second July 1 anniversary following a Commission order granting the company a CPCN or LOR. The biennial statement shall contain any updates to the company's information previously provided to the Commission. The Statement of Information form is available on the Commission's website and shall be submitted through filing with the Commission's E-Filings System in the proceeding designated for this purpose.

~~Each provider shall submit reports to the Commission as follows:~~

~~(a) Annual reports of Colorado jurisdictional operations. Each provider shall file with the Commission, on or before April 30 of each year, an annual report for the preceding calendar year. The provider shall submit the annual report on forms prescribed and supplied by the Commission; shall properly complete the forms; and shall ensure the forms are verified and signed by a person authorized to act on behalf of the provider. All providers shall use the forms prescribed and supplied by the Commission and shall file the required number of copies pursuant to subparagraph 1204(a)(IV) of the Commission's Rules of Practice and Procedure. If the Commission grants the provider an extension of time to file the annual report, the provider shall nevertheless file with the Commission, on or before April 30, the provider's total gross operating revenue from intrastate telecommunications business transacted in Colorado for the preceding calendar year.~~

~~(b) If a certified public accountant prepares an annual report for a provider, the provider shall file two copies of the report with the Commission within 30 days after publication.~~

~~(c) Report of held local exchange service orders exceeding 90 days (90-day held orders) and not subject to any applicable exceptions in rule 2310. This paragraph only applies with respect to a LEC's residential and small business customers. Consistent with subparagraph 2310(f), when a LEC does not supply basic local exchange service to any customer in an exchange area currently served by the LEC within 90 days, the LEC shall file a report with the Director of the Commission, stating the circumstances causing the delay, explaining if such circumstances are beyond the LEC's control, and providing an estimate of the time necessary to provide service. This report shall identify: the name and address of each applicant; the date of application for service; the class type applied for (e.g., residence or business); the date the application became a 90-day held order; the wire center from which the customer will receive service; and the order number assigned by the LEC to the application for service. This report shall be filed with the Director by the last business day of the following month and shall identify all customers where the period to provide local exchange service exceeds 90 days.~~

~~(d) Report of service orders exceeding thresholds. This paragraph only applies with respect to a LEC's residential and small business customers. When the lesser of 50 or five percent of the total number of service applications in a wire center in a consecutive three month period are held orders, the provider shall, within five days of the close of the three month period, submit to the Commission a report identifying the information required by subparagraph 2005(c)(V)(D) and identifying the number of days service has been delayed for each held order. The provider shall further submit to the Commission, within 14 days of the close of the three-month period, a plan of its proposed action to reduce the number of these held service orders to fewer than the lesser of 50 or five percent of the total number of service applications in that wire center.~~

~~(e) Costs incurred and revenue foregone for failure to meet service requirements. This paragraph only applies with respect to a LEC's residential and small business customers. In compliance with subparagraphs 2310(e)(III) and (IV), a LEC shall report, on a monthly basis, all costs incurred and revenues foregone in providing bill credits and installation fee waivers. Such expenses, revenues foregone, bill credits and installation fee waivers shall be identified by class and type of service and duration. This report shall be filed with the Director by the last day of the following month.~~

~~(f) Reports related to E9-1-1 and 9-1-1 services, as required by paragraph 2143(h) and rule 2144.~~

~~(g) Reports related to Telecommunications Relay Services for Disabled Telephone Users, as required by subparagraph 2827(b)(IV).~~

~~(h) Reports related to administration of the Colorado High Cost Support Mechanism, as required by rule 2846.~~

~~(i) Reports from the Commission's designated agent who administers the No-call list, as required by rule 2893.~~

~~(j) Other reports as required by this Part 2, but not specifically enumerated by this rule.~~

~~(k) Other reports as the Commission may require.~~

2007. [Reserved].

2008. Incorporations by Reference.

(a) The Commission incorporates by reference the following standards issued by the National Emergency Number Association: the Recommended Formats & Protocols For Data Exchange (NENA-02-010), revised as of February 25, 2006; NENA Recommended Data Standards for Local Exchange Carriers, ALI Service Providers & 9-1-1 Jurisdictions (NENA-02-011), revised as of November 9, 2004; NENA Network Quality Assurance (NENA-03-001), original as of June 12, 1995; NENA Recommendation for the implementation of Enhanced MF Signaling, E9-1-1 tandem to PSAP (NENA-03-002), recommended June 21, 1998; and NENA Recommended Standards for Local Service Provider Interconnection Information Sharing (NENA-06-001), revised as of August 2004. No later amendments to or editions of these standards are incorporated into these rules.

(b) The Commission incorporates by reference 47 C.F.R., Parts 32, 36, 54, 68, 69 and Part 64 Subparts I and K (as published ~~October 1, 2006).~~ February 4, 2015). No later amendments to or editions of these regulations are incorporated in these rules.

~~(c) Except as provided in paragraph (a) of rule 2361, the~~

(c) The Commission incorporates by reference the regulations published in 47 C.F.R. §§Part 64.2003, 64.2005, 64.2007, 64.2008, and 64.2009 Subpart U as revised on October 1, 2006.June 8, 2007. No later amendments to or editions of the C.F.R. are incorporated into these rules.

(d) The Commission incorporates by reference the National Electrical Safety Code, C2-2007 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.

(e) The Commission incorporates by reference the regulations published in 47 C.F.R. 51.307 through 51.319, as revised on October 1, 2006.. January 28, 2013 No later amendments to or editions of these regulations are incorporated into these rules.

(f) The Commission incorporates by reference the rule promulgated by the FCC's *LNP First Report and Order,* Decision No. FCC 96-286 in CC Docket No. 95-116, released July 2, 1996. No later amendments to or editions of these requirements are incorporated into these rules.

(g) The Commission incorporates by reference the FCC's Truth in Billing Rules found at 47 C.F.R. § 64.2401, et seq. revised on October 1, 2006November 30, 2012. No later amendments to or editions of the C.F.R. are incorporated into these rules.

(h) The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library.

CIVIL PENALTIES

2009. Definitions.

The following definitions apply to rules 2009, 2010, and 28952011, unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

(a) "Civil penalty" means any monetary penalty levied against a public utility because of intentional violations of statutes in Articles 1 to 7 and 15 of Title 40, C.R.S., Commission rules, or Commission orders.

(b) "Civil penalty assessment" means the act by the Commission of imposing a civil penalty against a public utility after the public utility has admitted liability or has been adjudicated by the Commission to be liable for intentional violations of statutes in Articles 1 to 7 and 15 of Title 40, C.R.S., Commission rules, or Commission orders.

(c) "Civil penalty assessment notice" means the written document by which a public utility is given notice of an alleged intentional violation of statutes in Articles 1 to 7 and 15 of Title 40, C.R.S., Commission rules, or Commission orders and of a proposed civil penalty.

(d) "Intentional violation." A person acts "intentionally" or "with intent" when his conscious objective is to cause the specific result proscribed by the statute, rule, or order defining the violation.

2010. Regulated Telecommunications Utility Violations, Civil Enforcement, and Enhancement of Civil Penalties.

(a) The Commission may impose a civil penalty in accordance with the requirements and procedures contained in § 40-7-113.5, C.R.S., § 40-7-116.5, C.R.S., and paragraph 1302(b), 4 Code of Colorado Regulations 723-1, for intentional violations of statutes in Articles 1 to 7 and 15 of Title 40, C.R.S., Commission rules, or Commission orders as specified in §§ 40-7-113.5 and 40-7-116.5, C.R.S., and in these rules.

(b) The director of the commission or his or her designee shall have the authority to issue civil penalty assessments for the violations enumerated in § 40-7-113.5, C.R.S., subject to hearing before the Commission. When a public utility is cited for an alleged intentional violation, the public utility shall be given notice of the alleged violation in the form of a civil penalty assessment notice.

(c) The public utility cited for an alleged intentional violation may either admit liability for the violation pursuant to § 40-7-116.5(1)(c) or the public utility may contest the alleged violation pursuant to § 40-7-116.5(1)(d), C.R.S. At any hearing contesting an alleged violation, trial staff shall have the burden of demonstrating a violation by a preponderance of the evidence.

(d) In any written decision entered by the Commission pursuant to § 40-6-109, C.R.S., adjudicating a public utility liable for an intentional violation of a statute in Articles 1 to 7 and 15 of Title 40, C.R.S., a Commission rule, or a Commission order, the Commission may impose a civil penalty of not more than two thousand dollars, pursuant to § 40-7-113.5(1), C.R.S. In imposing any civil penalty pursuant to § 40-7-113.5(1), C.R.S., the Commission shall consider the factors set forth in ~~Rule~~paragraph 1302(b).

(e) The Commission may assess doubled or tripled civil penalties against any public utility, as provided by § 40-7-113.5(3), C.R.S., § 40-7-113.5(4), C.R.S., and this rule.

(f) The Commission may assess any public utility a civil penalty containing doubled penalties only if:

(I) the public utility has admitted liability by paying the civil penalty assessment for, or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted an intentional violation of a statute in Articles 1 to 7 and 15 of Title 40, C.R.S., a Commission rule, or a Commission order;

(II) the conduct for which doubled civil penalties are sought violates the same statute, rule, or order as conduct for which the public utility has admitted liability by paying the civil penalty assessment, or conduct for which the public utility has been adjudicated by the Commission in an administratively final written decision to be liable; and

(III) the conduct for which doubled civil penalties are sought occurred within one year after conduct for which the public utility has admitted liability by paying the civil penalty assessment, or conduct for which the public utility has been adjudicated by the Commission in an administratively final written decision to be liable.

(g) The Commission may assess any public utility a civil penalty containing tripled penalties only if:

(I) the public utility has admitted liability by paying the civil penalty assessment for, or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted two or more prior intentional violations of a statute in Articles 1 to 7 and 15 of Title 40, C.R.S., a Commission rule, or a Commission order;

(II) the conduct for which tripled civil penalties are sought violates the same statute, rule, or order as conduct for which the public utility has either admitted liability by paying the civil penalty assessment or been adjudicated by the Commission in an administratively final written decision to be liable, in at least two prior instances; and

(III) the conduct for which tripled civil penalties are sought occurred within one year after the two most recent prior instances of conduct for which the public utility has either admitted liability by paying the civil penalty assessment, or been adjudicated by the Commission in an administratively final written decision to be liable.

(h) When more than two instances of prior conduct exist, the Commission shall only consider those instances occurring within one year prior to the date of such alleged conduct for which tripled civil penalties are sought.

(i) Nothing in this rule shall preclude the assessment of tripled penalties when doubled and tripled penalties are sought in the same civil penalty assessment notice.

(j) The Commission shall not issue a decision on doubled or tripled penalties until after the effective date of the administratively final Commission decision upon which the single civil penalty was based.

(k) The civil penalty assessment notice shall contain the maximum penalty amount provided by rule for each individual violation noted, with a separate provision for a reduced penalty of 50 percent of the penalty amount sought if paid within ten days of the public utility's receipt of the civil penalty assessment notice.

(l) The civil penalty assessment notice shall contain the maximum amount of the penalty surcharge pursuant to § 24-34-108(2), C.R.S., if any.

(m) A penalty surcharge referred to in paragraph (l) of this rule shall be equal to the percentage set by the Department of Regulatory Agencies on an annual basis. The surcharge shall not be included in the calculation of the statutory limits set in § 40-7-113.5(5), C.R.S.

(n) Nothing in these rules shall affect the Commission's ability to pursue other remedies in lieu of issuing civil penalties.

2011. Regulated Telecommunications Utility Rule Violations, Civil Enforcement, and Civil Penalties.

An admission to or Commission adjudication for liability for an intentional violation of the following may result in the assessment of a civil penalty of up to $2,000.00 per offense. Fines shall accumulate up to, but shall not exceed, the applicable statutory limits set in § 40-7-113.5, C.R.S.

Citation	Description	Maximum Penalty Per Violation
Rule 2109(b),(e)-(g); text preceding (a)	Discontinuance of Regulated Services	$2000
Rule 2110, text preceding (a) only	Applications to Transfer or Encumber	$2000

Rule 2122	Keeping a Current Tariff on File with the Commission	$2000
Rule 2135	Uniform System of Accounts, Cost Segregation and Collection	$2000
Rule 2139	Obligations of Resellers of Basic Local Exchange Service	$2000
Rule 2142	Nondisclosure of Name/Number/Address Information	$2000
Rule 2143	Diverse Routing and Priority Service Restoration	$2000
~~Rule~~ ~~2164(b),(c)(V),(e),(f),(k), and (l)~~	~~Regulation of Non-optional Operator Services~~	~~$2000~~
~~Rule 2165(b)-(e)~~	~~Requirements for Non-optional Operator Service~~ ~~Providers~~	~~$2000~~
Rule 2186(a),(d), (e) and (f)	Relinquishment of Designation as Provider of Last Resort	$2000
~~Rule 2209(e)~~	~~Deregulation of Part III Emerging Competitive Services~~	~~$2000~~
Rule 2305, text preceding (a) only	Refund Plans	$2000
Rule 2335	Provision of Service During Maintenance or Emergencies	$2000
Rule 2413	Affiliate Transactions for Local Exchange Providers	$2000
Rule 2533	Submission of Agreement and Amendments for Approval	$2000
Rule 2742	Abbreviated Dialing Codes	$2000
~~Rule 2168~~	~~Access Codes of Non-Optional Operator Service~~ ~~Providers~~	~~$1000~~
~~Rule 2169~~	~~Access From Registered Equipment and Access to Common Carriers~~	~~$1000~~

Rule 2334	Construction and Maintenance Practices for Telecommunications Facilities	$1000
Rule 2337(a)	Standard Performance Characteristics for Customer Access Lines	$1000
~~Rule 2341(a),(b),(d)-(f)~~	~~Trouble Report Response, Interruptions and Curtailments of Service~~	~~$1000~~
~~Rule 2582(a),(c)-(f)~~	~~Regulation of Facilities-Based Telecommunications Providers~~	~~$1000~~
~~Rule 2894~~	~~Local Exchange Carriers' Responsibilities – Notification of Designated Agent~~	~~$1000~~
Rule 2302(a)~~,(b);(d)-(f)~~-(c);(e)-(g)	Applications for Service, Customer Deposits, and Third Party Guarantees	$500
Rule 2823(a),(c)-(e)	Conformity with the Federal Americans with Disabilities Act of 1990	$100
Rule 2824	Conformity with the Commission's Quality of Service Rules	$100
Rule 2827(b)	Timely or Completely Filing or Making Appropriate Payments to the TRS Fund	$100
Rule ~~2846~~(TBD)	Timely or Completely Filing or Making Appropriate Payments to the HCSM Fund	$100

201~~1~~2. - 2099. [Reserved].

OPERATING AUTHORITY

Authority to Offer ~~Local Exchange or Emerging Competitive Telecommunications~~ Services – Discontinuances – Transfers – ~~Toll Reseller~~Interexchange Provider Registration

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to establish regulations regarding: applications for a Certificate of Public Convenience and Necessity (CPCN) to provide ~~Part II regulated telecommunications~~basic emergency services; applications for Letters of Registration (LOR) to provide ~~Part III emerging competitive telecommunications~~switched access services; ~~petitions to offer local exchange telecommunications service within the territory of a rural telecommunications provider~~applications of providers of Part IV services for a CPCN or LOR; applications to discontinue ~~any telecommunications~~ services ~~or authorities~~; applications to execute a merger, encumbrance or transfer; and ~~registration as a toll reseller~~registrations.

The statutory authority for promulgation of these rules is found at §§ 24-4-103, 40-2-108, 40-15-111, 40-15-204, 40-15-301(2), 40-15-302(2), 40-15-302.5, 40-15-303, 40-15-305(2), 40-15-501, 40-15-502, 40-15-503(2), 40-15-503.5, and 40-15-509, C.R.S.

2100. Applicability.

Rules 2100 through 2119 apply to ~~all telecommunications providers applying for a CPCN to provide Part II regulated telecommunications services, a LOR to provide Part III emerging competitive telecommunications services, authority to offer local exchange telecommunications service within the territory of rural telecommunications provider~~CPCNs, LORs, registrations for interexchange telecommunications service providers, authority to discontinue ~~any Part II or Part III telecommunications service or Part II or Part III authorities~~service, and authority to execute a transfer, encumbrance, or any combination of these. ~~Rule 2110 shall apply to providers required to register as toll resellers.~~

2101. Definitions.

The following definitions apply only in the context of rules 2100 through 2119:

(a) "Alternate provider" means any provider of telecommunications ~~carrier~~service certified by the Commission that has an effective tariff on file to provide ~~local exchange telecommunications~~basic emergency service.

(b) "Encumbrance" means any liability, lien, claim or restriction placed on a ~~regulated~~provider of telecommunications ~~provider's~~service's CPCN or LOR.

(c) "Transfer" means any or all of the following:

(I) ~~A~~a transaction to convey, by sale, assignment, or lease: a CPCN; a ~~certificate to provide local exchange telecommunications services in existence on July 30, 2001; a~~ LOR; or ~~any~~ a combination of these;

(II) ~~A~~a transaction to obtain, whether by conveyance of assets or shares, controlling interest in a provider defined as a public utility;

(III) ~~A~~a conveyance of assets not in the ordinary course of business; or

(IV) ~~An~~an execution of a merger of a ~~telecommunications~~ provider of telecommunications service defined as a public utility.

2102. Application Procedures.

(a) The applicant shall submit ~~a verified original and four copies of an application~~filings in accordance with rule 1204 and any supporting documentation.

(b) ~~Commission notice.~~ Rule 1206 shall apply to applications made pursuant to this rule, except that the Commission need only give notice by electronic posting on its website within seven days of receipt of an application for a CPCN~~,~~ or a LOR~~, or a combined CPCN/LOR.~~. Unless otherwise ordered by the Commission, the notice period will expire 30 days after the notice is posted ~~on the Commission's website~~.

(c) No ~~CPCN, LOR, authority to discontinue~~discontinuance of basic emergency service~~,~~; switched access service; or ~~authority to execute a transfer~~basic local exchange service from HCSM recipients; or encumbrance of a CPCN, or LOR shall become effective until the Commission issues an order approving such application.

2103. Application for CPCN or LOR.

To request a CPCN to provide ~~Part II regulated telecommunications~~basic emergency services~~,~~ or a LOR to provide ~~Part III emerging competitive~~switched access services, ~~or both,~~ an applicant shall submit the required information by filing ~~either a pleading or a completed~~an application or the LOR form provided by the Commission on its website. No CPCN or LOR is required for services classified in Part IV of Article 15 of Title 40 of the Colorado Revised Statutes. A provider is not required to, but may apply for a CPCN to provide Part IV services pursuant to this section, unless otherwise required by law or Commission rule.

(a) ~~Contents.~~ The application shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attached exhibits~~attachments:

(I) ~~The~~the information required by paragraph 2002(b);

(II) ~~Name~~name, mailing address, toll free telephone number, facsimile number, and e-mail address of applicant's representative responsible for responding to customer disputes;

(III) ~~Name~~name, mailing address, telephone number, facsimile number, and e-mail address of applicant's representative responsible for responding to the Commission concerning customer informal complaints;

(IV) ~~A copy of~~ the applicant's applicable organizational documents, e.g., Articles of Incorporation; Partnership Agreement; Articles of Organization, etc.;

(V) ~~If~~if the applicant is not organized in Colorado, a current copy of the certificate issued by the Colorado Secretary of State authorizing the applicant to transact business in Colorado;

(VI) a description of the geographic service area for which the applicant seeks authority;

(VI~~I~~) n~~N~~ame and address of applicant's Colorado agent for service of process;

(VII~~I~~) a description of the applicant's affiliation, if any, with any other company and the name and address of all affiliated companies;

(~~VIII~~IX) ~~A copy of~~ the applicant's most recent audited balance sheet, income statement, and statement of retained earnings;

(~~I~~X) ~~If~~if the applicant is a newly created company that is unable to provide the audited financial information requested in subparagraph

(~~VIII~~XI) ~~D~~detailed information on the sources of capital funds that will be used to provide ~~telecommunications~~the services that are the subject of the application, including the amount of any loans, lines of credit, or equity infusions that have been received or requested, and the names of each source of capital funds~~;~~

(XII) t~~T~~he names, business addresses, and titles of all officers, directors, partners, agents and managers who will be responsible for the provisioning of ~~jurisdictional telecommunications~~ services in Colorado;

(XIII) ~~A copy of~~ any management contracts, service agreements, marketing agreements or any other agreements between the applicant and any other entity, including affiliates of the applicant, that relate to the provisioning of ~~jurisdictional telecommunications~~ services in Colorado;

(XI~~I~~V) ~~i~~Identification of any of the following actions by any court or regulatory body within the last five years regarding the provisioning of regulated telecommunications services by the applicant, by any of applicant's agents, officers, board members, managers, partners, or management company personnel, or by any of applicant's affiliates that resulted in:

(A) ~~Assessment~~assessment of fines or civil penalties;

(B) ~~Assessment~~assessment of criminal penalties;

(C) ~~Injunctive~~injunctive relief;

(D) ~~Corrective~~corrective action;

(E) ~~Reparations~~reparations;

(F) ~~A~~a formal complaint proceeding brought by any regulatory body;

(G) ~~Initiation~~initiation of or notification of a possible initiation of a disciplinary action by any regulatory body, including, but not limited to, any proceeding to limit or to place restrictions on any authority to operate, any CPCN, or any service offered;

(H) ~~Refusal~~refusal to grant authority to operate or to provide a service;

(I) ~~Limitation~~limitation, de-certification, or revocation of authority to operate or to provide a service; or

(J) ~~Any~~any combination of the above~~;~~.

(XV~~III~~) For each item identified in subparagraph (XIV~~I~~) of this paragraph: an identification of the jurisdiction, summary of any applicable notification of a possible initiation or pending procedure, including the docket/proceeding, case, or file number, and, upon the request of the Commission or ~~its Staff~~Commission staff, a copy of any written decision; and

~~(XIV) A list of the Part III emerging competitive telecommunications services to be provided in conjunction with its LOR; and~~

(XV~~I~~) ~~Acknowledgment~~acknowledgment that by signing the application, the applicant:

(A) ~~Certifies~~certifies that it possesses the requisite managerial qualifications, technical competence, and financial resources to provide the ~~telecommunications~~ services for which it is applying;

(B) ~~Understands~~understands that:

(i) ~~The~~the filing of the application does not by itself constitute authority to operate; and

(ii) ~~If~~if the application is granted, the applicant shall not provide service until: (a) the applicant complies with applicable Commission rules and any conditions established by Commission order granting the application; (b) has an effective tariff on file with the Commission; ~~and (c) the Commission approves its Declaration of Intent to Serve, if seeking to provide local exchange service in the service territory of a rural telecommunications provider~~unless ordered otherwise;

(C) ~~Agrees~~agrees to respond in writing, within ten days, to all customer informal complaints made to the Commission;

(D) ~~Agrees~~agrees to contribute, in a manner prescribed by statute, rule, or order of the Commission, to the funding of:

(i) ~~The Fixed~~ Telecommunications Utility Fund~~;~~

(ii) ~~The~~ Colorado High Cost Support Mechanism;

(iii) ~~The~~ Colorado ~~Disabled~~ Telephone Users with Disabilities Fund;

(iv) Emergency Telecommunications Services (e.g., 9-1-1 and E9-1-1); and

(v) ~~Any~~ any other financial support mechanism created by § 40-15-502(4), C.R.S., and adopted by the Commission, ~~as required by § 40-15-503(2)(b)(V), C.R.S.; and~~and

(E) ~~Certifies~~certifies that, pursuant to its tariff, it will not unjustly discriminate among customers in the same class of service~~.~~; and

(F) ~~Certifies~~certifies that the applicant will not permit any other person or entity to operate under its Commission-granted authority without explicit Commission approval.

(b) An applicant may additionally seek a Commission determination that the services they provide or seek to provide are telecommunications services. An applicant may submit evidence, such as a verified statement from an officer, director, or manager detailing those services.

(c) If an applicant is requesting ~~only~~ a LOR for ~~Part III emerging competitive services~~switched access services, its application shall include the information required by subparagraphs (a)(I) - (VII) and (XIII) – (XV).

2104. Registrations – Providers of Interexchange Telecommunications Service.

All new providers of interexchange telecommunications service shall initially register and provide any necessary updates to their registration within 15 days after any change, using the form provided by the Commission on its website. All forms shall be filed in the proceedings opened by the Commission for such purpose. All initial registrations will be effective 30 days from the date filed, unless the Commission orders otherwise.

2104~~4~~5. Application to Amend a CPCN or LOR.

To amend a CPCN or LOR, an applicant shall submit the required information by filing an application with the Commission.

(a) ~~Contents.~~ The application shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attached exhibits~~attachments, to the extent that information has changed since the original grant of authority:

(I) ~~The~~the information required for a CPCN or for a LOR by subparagraphs 2103(a)(I) – (III) and ~~(XV);~~(VI);

(II) ~~A list of~~the services affected by the proposed amendment; (III) ~~The~~the reason for requesting the proposed amendment;

(IV) ~~Acknowledgment~~acknowledgment that by signing the application, the applicant:

(A) ~~Certifies~~ certifies that it ~~possesses the requisite managerial qualifications, technical competence, and financial resources~~meets the requirements pursuant to ~~provide the telecommunications services for which it is applying;~~subparagraph 2103(a)(XVI)(A)

(B) ~~Understands~~understands that:

(i) ~~The~~the filing of the application does not by itself constitute approval to amend its authority;

(ii) ~~If~~if the application is granted, the applicant shall not provide the proposed service until~~: (a) the Commission approves the application; (b) the applicant has an effective tariff reflecting~~ the ~~amended authority on file with the Commission; and (c) the applicant complies with applicable Commission rules and any conditions established by Commission order granting the application;~~requirements pursuant to subparagraph 2103(a)(XVI)(B)(ii) are met.

(C) ~~Agrees~~agrees to contribute~~,~~ in ~~a~~the manner described in subparagraph 2103(a)(XVI)(D); and ~~prescribed by statute, rule, or order of the Commission, to the funding of:~~

~~(i) The Fixed Utility Fund;~~

~~(ii) The Colorado High Cost Support Mechanism;~~

~~(iii) The Colorado Disabled Telephone Users Fund;~~

~~(iv) Emergency Telecommunications Services (e.g., 9-1-1 and E9-1-1); and~~

~~(v) Any other financial support mechanism created by § 40-15-502(4), C.R.S., and adopted by the Commission, as required by § 40-15-503(2)(b)(V), C.R.S.; and~~

(D) c~~C~~ertifies that, pursuant to its tariff, it will not unjustly discriminate among customers in the same class of service.

~~(b) Combined applications. An applicant may file a combined application for amending the applicant's CPCN and LOR.~~

210~~5~~6. Application to Change Exchange Area Boundaries.

This rule applies to ILECs that seek to ~~To~~ change exchange area boundaries~~, an~~. An applicant shall submit the required information by filing an application with the Commission. If the exchange area boundary change affects more than one provider of telecommunications service, the affected providers shall file a joint application containing the information applicable to each provider.

(a) ~~Contents.~~ The application shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attached exhibits~~attachments:

(I) ~~The~~the information required by paragraph 2002(b);

(II) ~~The~~the specific boundaries described by metes and bounds that the applicant proposes to change;

(III) ~~A copy of~~ the proposed ~~advice letter and~~ exchange area maps;

(IV) ~~The~~the proposed effective date of the change;

(V) ~~The~~the facts (not in the form of conclusory statements) relied upon to show that the proposed change is consistent with, and not contrary to, the statements of public policy in §§ 40-15-101, 40-15-111(2), 40-15-501, and 40-15-502, C.R.S.; and

(VI) ~~Acknowledgment~~acknowledgment that by signing the application, the applicant understands and agrees ~~that:~~

~~(A) The filing~~to the requirements of ~~the application does not, by itself, constitute authority to implement the change;~~subparagraph 2002(b)(IX).

~~(B) The applicant shall not implement the change unless and until a Commission decision granting the application is issued; and~~

~~(C) If the application is granted, the grant is conditional upon:~~

~~(i) The existence of an applicable, effective tariff;~~

~~(ii) Compliance with all conditions established by Commission order; and~~

~~(iii) Filing of the approved advice letter and tariff pages upon not less than two business days' notice.~~

(b~~c~~) ~~Customer notice.~~ If a grant of the application will result in changing a customer's ~~service~~ provider of telecommunications service, phone number, local calling area, or rates, the applicant shall provide customer notice to affected customers as follows:

(I) ~~Concurrent~~concurrent with the filing of the application, the applicant shall ~~mail the~~provide notice ~~by a separate first-class mailing, or by hand delivery.~~to the affected customers; and

(II) ~~In~~in addition to the information required by paragraph 2002(d), the notice shall provide details of the proposed change, including a description of changes in ~~service~~the provider of telecommunications service, rates, phone numbers, and local calling areas.

2106~~6~~7. Declaration of Intent to Serve within Territory of Rural Telecommunications Provider.

A provider that has been granted a CPCN to provide Part II regulated telecommunications services, and that wishes to provide such services in the service territory of an incumbent rural telecommunications provider, shall file with the Commission, a petition stating its Declaration of Intent to Serve at least 45 days prior to offering such services.

(a) ~~Contents.~~ The petition shall include, in the following order and specifically identified, the following information, either in the petition or in appropriately identified ~~attached exhibits~~attachments:

(I) ~~T~~the information required by paragraph 2003(b);

(II) ~~i~~identification of the rural telecommunications provider(s) operating in the service territory proposed to be served;

(III) ~~A~~a description of the service territory proposed to be served including lists of exchange areas and local calling areas, and a copy of the exchange maps for the proposed service territory;

(IV) ~~A~~a description of the local telecommunications services to be provided;

(V) ~~T~~the method of providing each of the telecommunications services, i.e., resale, unbundled network elements, facilities-based, or a combination thereof; and~~,~~

(VI) ~~A copy of~~ the notice provided to the affected rural telecommunications provider(s) as required by paragraph (c) below.

(b) Commission notice. Within seven days of the receipt of the petition, the Commission shall provide notice by electronic posting on the Commission's website.

(c) Petitioner notice. Concurrent with the filing of the petition with the Commission, the petitioner shall send by first-class mail written notice to the affected rural telecommunications provider(s) within the proposed service territory. Such notice shall state that an intervention must be filed in accordance with the timelines and form specified by rule 1401 of the Commission's Rules of Practice and Procedure or any applicable Commission order.

(d) The Declaration shall become effective only upon order of the Commission.

~~(e) Once the Declaration becomes effective, the petitioner shall file an advice letter and proposed tariff, or modification of an existing tariff, which shall identify the exchanges, local calling areas, and service offerings. This filing shall be on not less than 30-days notice. The provider shall not offer or provide services until the tariff or tariff change, as applicable, is effective.~~

2107~~7~~8. CPCN or LOR Deemed Null and Void.

A CPCN or a LOR shall be deemed null and void without further action of the Commission, if the provider of jurisdictional service fails to file an applicable tariff ~~and optional price list~~, if required, within one year after the effective date of the Commission order granting the CPCN and/or LOR. For good cause shown, the provider of jurisdictional service may file a motion to extend the one-year filing deadline at least 30 days prior to the expiration of the one-year deadline.

21089. Discontinuance of Regulated Services.

To discontinue regulated basic local exchange telecommunicationsemergency service or switched access service, any service required for the provisioning of regulated basic local exchange telecommunicationsemergency service, or any basic local exchange service provided by an ETC or EP, in a selected service territory or portion(s) thereof, a provider of such service shall file an application with the Commission not less than 45 days prior to the effective date of the proposed discontinuance. The applicant may submit the required information by filing either a pleading or a completed application form provided by the Commission on its website.

(a) Exemptions. An application to discontinue service is not required if any of the following apply:

(I) Thethe provider has no customers in Colorado and has notified the Commission under paragraph 210802107(f) of this rule.;

(II) Thethe provider is discontinuing toll resaleinterexchange service and has notified the Commission under subparagraph 2110(b)(2109(a)(II);

(III) Tthe provider is discontinuing facilities-based long distance service and has notified the Commission and the provider's customers under subparagraph (g).);or

(IV) Thethe discontinuance is the result of a transfer, no interruption or change of service will occur, and the provider has filed an application to transfer under rule 210902108.

(V) The discontinuance is neither basic local exchange service nor a bundle nor a package that includes basic local exchange service.

(b) Compliance with reporting and regulatory funding requirements.

(I) If the application is for a discontinuance of all telecommunications jurisdictional services in Colorado the provider shall:

(A) Cancelseek authority to cancel its tariffs and price lists;

(B) Submit itssubmit any required annual reports and remit payments for all amounts due to all applicable funds for the period prior to the effective date of the order granting the discontinuance;

(C) Identifyidentify the name, title, address, phone number, facsimile number, and e-mail address of the officer or officers or agent responsible for completion of all subsequent reports and payments required by the Commission and an affidavit from the officers acknowledging their responsibility under this rule; and

(D) make all necessary and appropriate arrangements with underlying facilities-based provider of jurisdictional service regarding the discontinuation of services provided.

(II) If the application is for a discontinuance of all facilities-based local exchange telecommunications services in Colorado the provider shall notify NANPA and/or the Number Pooling Administrator of the pending return of numbers if the applicant has been assigned numbering resources.

(c) ~~Contents.~~ The application shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attached~~ attachments~~exhibits~~:

(I) ~~The~~the information required by paragraph 2002(b);

(II) ~~Identification~~identification of the service territory or portion thereof proposed for discontinuance.

(III) ~~A~~a statement as to whether the granting of the application will result in the cancellation of its tariff ~~and/or price list~~ in part or in its entirety, CPCN, and LOR.

(IV) ~~A~~a statement that the applicant has notified NANPA and/or the Number Pooling Administrator of the pending return of numbers, if applicable.

(V) ~~The~~the proposed effective date, which shall not be sooner than 45 days after the date on which the provider of telecommunications service files the application with the Commission.

(VI) ~~A copy of~~ the notice that will be provided to customers in accordance with paragraph (e) of this rule

(VII) ~~Acknowledgment~~acknowledgment that by signing the application, the applicant and its successors understand and agree that:

(A) ~~Filing~~filing of the application does not, by itself, constitute authority to discontinue any service;

(B) ~~I~~if the application is granted, any discontinuance is conditional upon fulfillment of conditions established by Commission order;

(C) ~~I~~if the application is granted, any discontinuance is conditional upon fulfillment of relevant statutory and regulatory obligations, including filing annual reports and remitting payments for all amounts due to all applicable funds for the period prior to the effective date of the order granting the discontinuance;

(D) ~~Acknowledgement~~acknowledgement that the officer or officers or agent named in its application may be held personally liable if reports are not completed and submitted and if payments are not submitted to the appropriate regulatory agency, in accordance with § 40-7-106, C.R.S., and that the officer or officers may be punished as provided in § 18-1-106, C.R.S.; and

(E) ~~I~~if the application is granted, the provider of jurisdictional service shall, on not less than two business days' notice, make a compliance advice letter filing citing the applicable Commission decision number that ~~includes, as necessary:~~cancels part or all of its tariffs.

~~(i) An advice letter to cancel part or all of its tariffs; and~~

~~(ii) A Transmittal Letter to cancel all or part of its price list.~~

(d) ~~Provider of last resort.~~ If the applicant has been designated as a POLR, it shall supplement its application by providing the information required by the Commission's rule relating to relinquishment of the POLR designation, in accordance with rule 2186.

(e) ~~Customer notice.~~ The applicant shall work with Commission ~~Staff~~staff on the content of the notice and shall provide such customer notice of the application to discontinue service~~, as follows:~~.

(I) At least 30 days prior to the effective date of the proposed discontinuance, the applicant shall mail by a separate first-class mailing, or by hand delivery, the notice to each of the applicant's affected customers. A list of ~~alternate~~ other providers of telecommunications service to include in the notice ~~pursuant to subparagraph (L) of this rule~~ shall be obtained from the Commission.

(II) Except as may otherwise be ordered by the Commission, the notice shall:

(A) ~~Include~~include the information required by ~~paragraphs~~subparagraphs 2002(d)(I) – (XII);

(B) ~~Provide~~provide details of the proposed discontinuance, including a description of the services affected;

(C) ~~State~~state the specific time period during which customers must select an alternate provider; and~~;~~

~~(D) Notify customers of their option to select another local exchange provider; and that a list of alternate local providers is attached and is available from the Commission;~~

(D~~E~~) n~~N~~otify customers that if a customer does not select an alternate local provider within the specified time period, the customer's basic local exchange service will be disconnected, the customer will be without dialtone and the customer may not be able to retain his telephone number~~; and~~.

~~(F) State that an alternate provider may refuse service to a customer if that customer owes an outstanding balance for jurisdictional services.~~

(III) The applicant shall file with the Commission an affidavit attesting to its compliance with this paragraph regarding notice not less than 15 days before the date of the proposed discontinuance. The affidavit shall state the date on which notice was completed and the method used to give notice. A copy ~~of each~~the notice given shall accompany the affidavit.

(f) ~~Discontinuance when no customers are affected.~~ If no customers are affected by the proposed discontinuance, the provider of telecommunications service is not required to file an application. However, at least 30 days prior to the proposed date of discontinuance, the provider of telecommunications service shall file with the Commission a written notification of discontinuance and an affidavit in the prescribed Commission format attesting that no customers will be affected.

~~(g) Discontinuance of regulated emerging competitive telecommunications (Part III) service(s). If the provider is discontinuing regulated emerging competitive telecommunications service(s), the provider is not required to file an application. However, at least 30 days prior to the proposed date of discontinuance, the provider shall file with the Commission a written notification of~~

~~discontinuance of the specific service(s) to be discontinued and an affidavit in the prescribed Commission format attesting that its customers were notified of the planned discontinuance.~~

(~~h~~g) ~~Amendment of tariff or price list.~~ If the proposed discontinuance requires an amendment of the provider's tariff ~~or price list~~, nothing in this rule shall be construed as a waiver or variance from statute or Commission rules regarding the provider's obligation to file an appropriate advice letter ~~or transmittal letter.~~.

21~~09~~10. Application to Transfer or Encumber.

To request authority to execute a transfer or encumbrance of a CPCN or LOR, the transferor and the transferee or lender for an encumbrance shall file a joint application with the Commission not less than 45 days prior to the effective date of the proposed transfer or encumbrance. If the transferee does not hold a Commission- issued CPCN and/or LOR, the transferee shall provide the Commission with the information required pursuant to rule 2103, and must receive an appropriate Commission grant of authority to assume the transferor's CPCN and/or LOR. The joint applicants may submit the required information by filing either a pleading or a completed application form provided by the Commission on its website.

(a) ~~Contents.~~ The application shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attached~~ attachments~~exhibits~~:

(I) ~~The~~the information required by paragraph 2002(b);

(II) ~~Name~~name under which the transferee or encumberer is, or will be, providing service in Colorado if the transfer or encumbrance is approved;

(III) ~~The~~the specific assets, including any operating authority or rights obtained under such operating authority that the applicants propose to transfer or encumber;

(IV) ~~A~~a statement of the facts (not in the form of conclusory statements) relied upon to show that the proposed transfer or encumbrance is consistent with, and not contrary to, the statements of public policy in §§ 40-15-101, 40-15-501, and 40-15-502, C.R.S.; and

(V) ~~Acknowledgment~~acknowledgment that by signing the application, the joint applicants understand and agree that:

(A) ~~The~~the filing of the application does not, by itself, constitute authority to execute the transfer or encumbrance;

(B) ~~The~~the applicants shall not undertake the proposed transfer or encumbrance unless and until a Commission decision granting the application is issued;

(C) ~~The~~the granting of the application does not constitute execution of the transfer or encumbrance, but only represents the Commission's approval of the request for authority to transfer or encumber;

(D) ~~I~~if a transfer is granted, such transfer is conditional upon:

(i) ~~The~~the existence of applicable, effective tariffs ~~or price lists~~ for relevant services, including any required adoption notices;

(ii) ~~Compliance~~compliance with the statutes and all applicable Commission rules, including the transferor's filing an annual report and remitting payment for all amounts due to all applicable funds or support mechanisms for the period up to the effective date of the transfer; and

(iii) ~~Compliance~~compliance with all conditions established by Commission order; and

(E) ~~If~~if the application to transfer or encumber is granted, the joint applicants shall notify the Commission if the transfer is not consummated within 60 days of the proposed effective date stated in the application or if the proposed transfer terms are changed prior to the consumption date. This notice shall include the ~~docket~~proceeding and decision number(s) which granted the authority to execute the transfer or encumbrance.

(b) ~~Provider of last resort.~~ If the Commission has designated either the transferor or the transferee as a POLR, the application shall also include the information required by ~~Commission~~ rule 2186 relating to relinquishment of POLR designation.

~~**2110. Toll Reseller Registration and Obligations.**~~

~~Toll resellers shall be regulated in the following manner:~~

~~(a) Registration. All toll resellers shall register using the form provided by the Commission on its website.~~

~~(b) Obligations. A toll reseller shall:~~

~~(I) Submit an annual report and other reports required by Commission rules;~~

~~(II) Agree to contribute, in a manner prescribed by statute, rule, or order of the Commission, to the:~~

~~(A) Fixed Utility Fund;~~

~~(B) Colorado High Cost Support Mechanism; and~~

~~(C) Any other financial support mechanism created by § 40-15-502(4), C.R.S., and adopted by the Commission, as required by § 40-15-503(2)(b)(V), C.R.S.~~

~~(III) File an updated registration form within 15 days of any change in the information previously provided to the Commission, including any discontinuance of service.~~

~~(c) Remedies for misconduct by toll resellers. For the purposes of enforcing § 40-15-112, C.R.S., the Commission may invoke all lawful remedies available under Title 40, Articles 1 through 7, C.R.S. Failure to comply with applicable statutes or Commission rules is cause for revocation of the registration, an order to cease and desist, an order to the appropriate local exchange providers to disconnect a toll reseller's service, or any other remedy deemed appropriate by the Commission.~~

2111. Financial Assurance.

The Commission may require a bond or other security as a condition of obtaining a Commission operating authority.

2111~~1~~2. – 2119. [Reserved].

Advice Letters, Tariffs, ~~Transmittal Letters, Price Lists, Promotional and Discount Offerings, and Promotional Letters~~and Terms of Service Documents

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to describe the process by which a provider ~~produces and~~ files tariffs, ~~price lists,~~ advice letters, ~~and transmittal letters~~or terms of service documents enabling the Commission to ensure that ~~jurisdictional~~ the rates, charges, terms, and conditions contained therein are just, reasonable, and not unduly discriminatory.

The statutory authority for the promulgation of these rules is found at §§ 40-3-101(1), 40-3-102, 40-3-103, 40-3-104, 40-3-104(1)(c)(V), and 40-2-108, 40-15-208 and 40-15-502 C.R.S.

2120. Applicability.

Rules 2120 through 2129 are applicable to ~~all providers, except toll resellers, regulated under Parts II or III or Article 15, Title 40, C.R.S.~~providers of switched access service, basic emergency service, and basic service provided by HCSM recipients in HCSM-supported areas as provided in each rule.

2121. Definitions [Reserved].

2122. Tariffs ~~and,~~ Advice Letters and Terms of Service Documents.

(a) All tariffs and advice letters shall comply with rule 1210 of the Commission's Rules of Practice and Procedure.

(b) All providers of basic emergency service shall file and maintain a tariff with the Commission.

(c) All providers of switched access service shall file and maintain a tariff with the Commission.

(~~b~~d) ~~Filing and contents of tariff.~~ HCSM recipients shall provide the Commission and publish on its website a Terms of Service document (TOS) for basic service offered in HCSM-supported areas. In addition to the requirements and contents in rule 1210, the following shall be included in a ~~provider's tariff~~HCSM recipient's TOS, as applicable:

(I) ~~A~~a description of the provider's local calling areas, which shall include the exchange area and all other exchanges which are included in its local calling area~~.~~;

(II) ~~Exchange maps. Each LEC shall have on file with the Commission, as part of its tariff,~~ a currently applicable exchange area boundary map for each of its exchanges within the state in which the ~~LEC~~HCSM recipient has been granted authority to provide service. Each map shall identify clearly the boundary lines of the exchange area and shall include a map scale. Exchange boundary lines shall identify, by appropriate measurement, the boundary line if the boundary line is not otherwise located on section lines, waterways, railroads, or roads. Maps shall include detail equivalent to the detail provided on county highway maps~~. In lieu of filing a separate set of exchange area boundary maps, the tariff~~

~~of a CLEC may incorporate by reference the exchange area boundary maps of a LEC or LECs , provided the CLEC's service territory mirrors the exchange area of the other LEC or LECs. This incorporation by reference shall be a listing of the exchange boundary area(s) in which the CLEC will provide service.~~;

(III) ~~The provider's~~ the rates and charges for ~~Colorado jurisdictional services or alternatively, the provider's maximum rates or range of rates if the provider is also filing a price list.~~basic service pursuant to § 40-15-401(1)(b)(IV)(B), C.R.S.;

(IV) a description of subscribers' options regarding freezing their authorized local, intraLATA toll, and interLATA ~~toll carriers~~ interexchange providers ~~consistent with subparagraph 2311(d), except that providers who are registered solely as toll resellers shall not be subject to this requirement.~~);;

(V) ~~The rates, charges, terms, and conditions for interconnection, consistent with rules 2500 through 2529.~~

~~(VI) A~~a description of the ~~Colorado~~ High Cost Support Mechanism (~~CHCSM~~HCSM) surcharge, consistent with paragraphs 2847(f) and (g~~).~~);

(VI~~I~~) a ~~A~~ description of the Telecommunications Relay Services (TRS) surcharge, consistent with rule 2827~~.~~;

(VII~~I~~) ~~A~~ a description of all other state-mandated surcharges;~~.~~ and

~~(IX) Initial Tariff. Each provider shall file an initial Tariff accompanied by an initial Advice Letter, in compliance with this rule and any relevant Commission order, on not less than 30 days notice to the Commission. If the provider chooses to also file a Price List, the Tariff shall state the provider's maximum or range of rates whereas the Price List shall identify the actual prices that will be charged to its customers.(XI)Changing existing tariffs.~~

~~(A) Introducing a new regulated service. Any ILEC~~(VIII) information sufficient to indicate that the HCSM recipient's terms of service comply with the requirements for basic service set forth in Rules 2300 through 2399.

(e) All providers of telecommunications service proposing to introduce any ~~new regulated~~jurisdictional service required to be tariffed shall file an advice letter and proposed tariff pages on not less than 30-~~days~~days' notice to the Commission and to the public. The Commission may order the ~~ILEC~~provider of telecommunications service to give additional notice of the proposed new service. ~~A new regulated service does not include new package offerings of existing services; adding new term periods and rates to existing services; or adding different configuration and rates to an existing service.~~

~~(B) Changing tariffs on 14 days notice. A provider that has been granted an alternative form of regulation for Part III emerging competitive services or that has been granted a form of price regulation other than rate-of-return regulation, or a CLEC that is providing service pursuant to a default form of regulation may propose a change in its tariff by filing an advice letter and tariff pages on not less than 14 days notice.~~

(~~C~~)f) ~~ILEC notice~~Notice requirements for all tariff and TOS changes.

(~~i~~I) ~~Changing tariffs on not less than 30-days notice. Any ILEC~~Any provider of tariffed switched access or basic emergency services proposing to change any rate, or to change any rule, regulation, classification, term, or condition in a tariff that will result in an increase in rates or charges shall give notice in accordance with § 40-3-104, C.R.S.

~~(ii) Changing tariffs to decrease rates. Any ILEC~~(II) Any provider of tariffed switched access or basic emergency services proposing to change any rate in a tariff that will result in a decrease in rates or charges shall file an advice letter and tariff pages on not less than 14-~~days~~days' notice to the Commission. No additional public notice shall be required.

(~~iii~~III) Changing tariff terms or conditions on not less than 14-~~days~~days' notice. Any ~~ILEC~~provider of tariffed switched access or basic emergency services proposing a change in its tariff terms or conditions shall file an advice letter and tariff pages on not less than 14-days' notice to the Commission. No additional notice is required, unless the Commission finds that it is in the public interest to order additional notice. If the Commission so orders, and to avoid rejection of the advice letter filing, the provider of telecommunications service shall extend the effective date of such advice letter to accommodate the additional notice.

(~~D~~IV) A HCSM recipient shall notify the Commission of and publish on its website each change to its TOS document prior to that change taking effect, and shall notify the Commission at the same time it notifies its customers of each such change.

(g) Changing tariffs upon less than 30-~~days~~days' or 14-~~days~~days' notice. A provider of tariffed switched access or basic emergency service may file an application for permission to change a tariff on less than 30-days or 14-days' notice, as applicable. The Commission, for good cause shown, under § 40-3-104(2), C.R.S., may grant permission to change a tariff without formal oral hearing on less than 30-days or 14-days' notice. No tariff change shall become effective unless the Commission orders: a change in the manner in which the tariff shall be filed and published; the change to be made to the tariff; and the date when the change shall take effect. In providing notice of the application, the provider of telecommunications service shall comply with paragraph ~~1206(f~~1207(a) concerning less-than-statutory notice. The following shall be included in the application: details of the proposed change to the provider's tariff; the tariff pages that the provider proposes to change; justification for the proposed change becoming effective on less than 14-days' or 30-days' notice, as applicable; any prior Commission action, in any proceeding, pertaining to the present or proposed tariff; and financial data supporting the proposed change, if appropriate.

(~~e~~h) Customer notice. If the utility is required by statute, Commission rule or order to provide additional notice to customers of the advice letter filing, such customer notice shall include, without limitation, the following:

(I) ~~i~~information required by ~~paragraph~~ subparagraphs 2002(d)(I) – (XII); and

(II) ~~i~~identification of the advice letter number, if known at the time the customer notice is provided.

(i) All existing tariffs or tariff language on file with the Commission for services deregulated pursuant to § 40-15-401, C.R.S., are null and void. All tariffs on file with the Commission offering rates, terms and conditions for basic emergency service and tariffs offering rates, terms and conditions for the offering of switched access service remain effective.

~~2203(c)(IV)~~2123. Customer-specific contracts and notice.

(a) Irrespective of any tariff requirement, the Commission may permit a provider to contract for jurisdictional services.

(b) A notice of contract shall be filed with the Commission under seal within 14 days of the date the contract is executed. The notice shall: disclose any early termination penalty to the customer; confirm that the charges exceed the company's costs; and confirm that the contract contains a provision acknowledging that it is subject to regulatory review. If a provider of jurisdictional service fails to timely make the required notice with the Commission, both parties of the contract may be subject to Commission sanctions, including civil penalties.

(c) The contract shall be subject to Commission review to determine if:

(I) the negotiated contract is nondiscriminatory;

(II) the contract terms are not inconsistent with the public interest; and

(III) the contract terms are not inconsistent with applicable Commission rules.

(d) The Commission may set the contract for hearing and, after hearing, may approve or disapprove the contract. At the hearing, the ~~applicant~~ provider of jurisdictional services shall bear the burden of proof with respect to the contract. If the Commission does not set the contract for hearing, the contract is effective according to its terms.

~~2123. Price Lists and Transmittal Letters.~~

~~Optional price list. Unless otherwise ordered by the Commission, a provider may file, in addition to its tariff, a price list for Part II regulated telecommunications service and Part III emerging competitive telecommunications services. A price list shall include only the current rates for services.~~

~~(a) General.~~

~~(I) Filing. A provider may file, in addition to its tariff, a price list for Part II regulated telecommunications service and Part III emerging competitive telecommunications services. A price list includes only the current rates for services.(II) Public inspection. The provider shall have its current price list available for public inspection at its principal place of business during normal business hours. The provider may also have its price list available on the provider's website.~~

~~(III) Number of copies.~~

~~(A) Unless otherwise ordered by the Commission, the provider shall file with the Commission:~~

~~(i) An original and ten copies of each transmittal letter;~~

~~(ii) An original and three copies of each price list page; and~~

~~(iii) An original and three copies of any supporting documentation, if applicable.~~

(B) If the provider desires a file-stamped copy of a price list or transmittal letter, such provider shall file one additional copy of the filing, and shall include a self-addressed envelope with adequate postage affixed thereto.

(IV) Format, required contents and processing. Providers shall file price lists using the form available from the Commission or from its website. Filings that do not conform to the Commission's format, do not comply with the required number of copies to be filed, or do not contain the required information may not be processed. If the Commission does not process the filing, the filing party will be notified within five days. Date stamping a filing does require the Commission to process the filing.

(V) Rejection. The Commission may reject any proposed price list that is not in the prescribed format or does not include the information required by statutes, rules, regulations, orders, or decisions of the Commission. Any price list rejected by the Commission shall be void and shall not be used. However, the Commission may, in lieu of rejection, suspend the effective date of the price list and set the matter for hearing.

(VI) Notice. Commission will provide notice by electronic posting on its website within seven days of the receipt of a transmittal letter and proposed price list.

(VII) Effective date calculation. In calculating the proposed effective date of a price list, the date filed with the Commission shall not be counted. The entire notice period must expire prior to the proposed effective date of the price list.

(VIII) Suspension and hearing. When a provider files a proposed price list, the Commission may suspend the proposed price list's effective date and, upon reasonable notice, set the matter for hearing. Pending hearing and decision, the price list shall not go into effect. The period of suspension shall not extend more than 120 days beyond the proposed effective date of the price list, unless the Commission, by separate decision, extends the period of suspension for an additional period not exceeding 90 days.

(b) Price lists.

(I) Contents. All of the following shall be included in the price list:

(A) A title page including:

(i) The provider's name, address, website address, and telephone number, including a toll free

(ii) The name and title of the provider's employee responsible for regulatory contacts with the Commission; and

(iii) A statement of the services to which the price list applies.

(B) A table of contents.

(C) A list explaining price list change symbols, in the format available from the Commission or from its website. At a minimum, the following symbols shall be used:

Symbol	Signifying
D	Discontinued service or deleted material.
I	Rate increase.
R	Rate reduction.
M	Material moved from or to another part of the provider's price list; a footnote indicating where the material was moved from and where the material was moved to shall accompany all "M" classified changes.
N	New product, rate, or material.
T	Change in text, but no change in a rate or charge in the price list.

(D) The provider's actual rates and charges for

(E) Return check charges consistent with § 13-21-109, C.R.S., if applicable.

(F) The following information shall be included on each price list page:

(i) Provider's name;

(ii) An identification of the document as a price list, by labeling it as a "Price List" and identifying the price list number ("Colorado PUC Price List No. xx");

(iii) The price list page numbers (e.g., "Original Sheet No. 34"); or, if the page cancels another page, a listing of the cancelled page number shall be included (e.g., "First Revised Sheet No. 34", "Cancels Original Sheet No. 34");

(iv) Relevant section or heading captions;

(v) An identification of the corresponding the transmittal letter number implementing the price list change and an identification of the corresponding Commission decision number, if applicable; and

(vi) The price list's effective date.

(II) Initial price list. The initial price list shall be filed upon 30-days notice to the Commission attached to an advice letter.

(III) Changing existing price lists. Changes to an existing price list shall be proposed by filing a transmittal letter on not less than 14-days notice. However, any ILEC proposing to change any rate in a price list that will result in an increase in rates or charges shall give notice that includes the requirements of paragraph 2002(d) and is in accordance with § 40-3-104, C.R.S., or Commission order.

~~(c) Transmittal letters.~~

~~(I) Filing with price list. A transmittal letter shall accompany each price list filed with the Commission.~~

~~(II) The transmittal letter shall be filed using the form available from the Commission or its website, and shall include, at a minimum:~~

~~(A) The provider's name and address;~~

~~(B) The sequentially numbered identification of the transmittal letter~~

~~(C) An identification of the corresponding price list number;~~

~~(D) A brief description of the proposed price list, including;~~

~~(i) The affected service;~~

~~(ii) The affected class of customers;~~

~~(iii) Whether the proposed price list contains an increase in rates, a decrease in rates, or both;~~

~~(iv) Whether the proposed price list changes terms or conditions; and~~

~~(v) Whether the proposed price list makes textual changes;~~

~~(E) An identification of price list page numbers included in the filing. The provider also has the option of including the identification of the price list page number on a separate sheet attached to the transmittal letter;~~

~~(F) The price list's proposed effective date;~~

~~(G) The name, telephone number, facsimile number, and e-mail address, of the person to contact regarding the filing; and~~

~~(H) The signature of the authorized agent of the provider.~~

~~(III) If the provider proposes to revise or to cancel existing price list pages, the transmittal letter shall also include:~~

~~(A) A listing of the revised sheet numbers;~~

~~(B) A listing of the cancelled sheet numbers;~~

~~(C) A listing of the titles of the revised sheets;~~

~~(D) The purpose and brief description of each proposed change;~~

~~(E) A statement of how customers will be notified of the changes; and~~

~~(F) The proposed effective date.~~

(IV) If there is a change in any information on the title page of the price list, the provider shall file a transmittal letter with the new information and the new title page. The transmittal letter and title page may be filed on not less than one day notice if the only revision to the price list is to provide the new information on the title page.

2124. Promotional and/or Discount Offerings.

Promotional and/or discount offerings may be offered by a provider. Providers shall not file these offerings with the Commission. However, all ILECs are required to comply with FCC 96-325 *First Report and Order* at ¶ 950 where it states, "To preclude the potential for abuse of promotional discounts, any *benefit* of the promotion must be realized within the time period of the promotion, *e.g.*, no benefit can be realized more than ninety days after the promotional offering is taken by the customer if the promotional offering was for ninety days. In addition, an incumbent LEC may not use promotional offerings to evade the wholesale obligation, for example by consecutively offering a series of 90-day promotions." A LEC foregoing revenues because of a promotional or discount offering will not be made whole for this loss.

2125~~4~~. – 2129. [Reserved].

* * *

[indicates omission of unaffected rules (Rules 2130 - 2159 - 9-1-1)]

Operator Services

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to identify and describe operator services that are subject to Commission regulation; to distinguish operator services subject to the Commission's jurisdiction from those not subject to the Commission's jurisdiction; to prescribe the regulatory treatment of jurisdictional services; and to identify alternative forms of regulatory treatment for such services and providers when appropriate.

The statutory authority for the promulgation of these rules is found at §§ 40-3-101; 40-15-112; 40-15-113; 40-15-201; 40-15-301(1) and (2)(g); 40-15-302(1)(a) and (5); 40-15-305; and 40-2-108, C.R.S.

2160. Applicability.

Rules 2160 through 2179 apply to all providers of telecommunications service that are regulated under Title 40, Article 15, Parts 2 and 3, C.R.S. Any provider of local exchange services that also provides non-optional operator services by contracting with a regulated interexchange carrier, that concurs in the tariff rates, charges, terms, and conditions of that carrier, and that notifies the Commission of that concurrence, shall be exempt from these rules.

2161. Definitions.

In addition to the statutory definitions, the following definitions apply only in the context of rules 2160 through 2179:

(a) "Access code" means a sequence of numbers that, when dialed, connects the caller to the provider of operator services associated with that sequence.

~~(b) "Aggregator" means any person that, in the ordinary course of operations, makes telephones available to the public or to transient users of its premises for telephone calls using a provider of operator services.~~

~~(c) "Billed party" means the person who is billed or charged by a provider for a call, regardless of whether such person is the calling party or the called party.~~

~~(d) "Call splashing" means the transfer of a telephone call from one provider of operator services to another provider of operator services in such a manner that the subsequent provider is unable or unwilling to determine the location of the origination of the call and, because of such inability or unwillingness, is prevented from billing the call on the basis of such location.~~

~~(e) "Called party" means the person receiving a call.~~

~~(f) "Calling card" means a card issued by an operator service provider that allows a customer to place calls using that card. A calling card may be used on either the card-issuer's network or billing system or on the network or billing system of another operator service provider.~~

~~(g) "Calling-card call" means a non-optional operator service where a call is placed using a calling card. The call accesses the public switched network by dialing an 800/888, 950, 10XXX, 1010XXX, or another form of access dialing arrangement.~~

~~(h) "Calling party" means the person initiating a call.~~

~~(i) "Collect call" means a non-optional operator service call in which:~~

~~(I) The called party may accept the charges for the call;~~

~~(II) The called party is permitted to inquire as to the rates, charges, terms, and conditions prior to accepting the charges for the call;~~

~~(III) No charge is levied against either the calling or called party if the called party refuses the charges;~~

~~(IV) The provider need not complete the call if the called party refuses to accept the charges; and~~

~~(V) The called party is responsible for payment of the charges if the called party affirmatively accepts the charges for the call.~~

~~(j) "Credit-card call" means any call that is billed to a credit card and that accesses the public switched network by dialing an 800/888, 950, 10XXX, 1010XXX, or another form of access dialing arrangement.~~

~~(k) "Customer" means a person paying for, initiating, or receiving any intrastate telephone call.~~

~~(l) "Debit-card call" means a call paid for by the use of a debit card issued to a customer after the customer establishes an account and places a deposit in that account or purchases a card with a predetermined balance. A debit card call is usually completed when the customer dials an access number or code, a personal account identification number (PIN), and the desired destination telephone number. The charge for the call is deducted in real time. A positive account balance may be maintained through additional payments to the account or may be exhausted after the prearranged balance has been fully consumed.~~

(m) "Direct dialing" means placing a telephone call using station equipment without the assistance or intervention of an operator, live or otherwise. Direct-dialed calls are often termed "dial station-to-station calls".

(n) "Foreign language translation" means an optional operator service used for the translation of one language to another, whether provided by a live operator, or otherwise.

(o) "Operator service provider" means a person that sells operator services without regard to the means of service provision. An operator service provider may sell all operator services as defined herein.

(p) "Payphone" means a telephone installed for public or semipublic use that may accept coins, credit cards, or similar methods of payment. "Payphone" includes, without limitation, both coin-operated and coinless telephones.

(q) "Person-to-person call" means a call, completed with the use of an operator, live or otherwise, where the calling party requests to speak with a specific individual at a specified number. If the called party is unable or unwilling to accept the call, no charges are incurred.

(r) "Presubscribed provider of operator services" means the provider of operator services to which the call is automatically connected when a customer places a call requiring the service of an operator, live or otherwise, without dialing an access code.

(s) "Travel card service" means a method of placing a call using a interexchange service provider that issues the account rather than using the operator service provider at the originating location. The call is usually completed when the customer dials an access number or code, a PIN, and the desired destination telephone number. The customer must have a prearranged account with the service provider. Standard telephone calling cards and commercial credit cards that may be accepted and billed by providers other than the desired interexchange service provider do not qualify as travel cards. Travel cards are also referred to as proprietary calling cards, as they can be used only with the presubscribed provider of the operator service.

2162. Non-optional Operator Services.

(a) Non optional operator services include, but are not limited to:

(I) Calls placed from payphones that require operator intervention, live or otherwise;

(II) Calls placed from a telephone that does not allow for direct dialing and that requires operator intervention, live or otherwise, to complete what would otherwise have been a direct-dialed call;

(III) Calls placed 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;

(IV) Operator-assisted call reconnection for disconnection or poor transmission, and operator-handled credit requests.

(V) Emergency services, including calls made to operators by customers seeking emergency assistance from authorized emergency agencies;

(VI) Credit-card calls;

(VII) Collect local or long distance calls;

(VIII) Local or long distance third-party billed calls;

(IX) Person to person calls; and

(X) Operator services provided to customers where the use of an operator is required in order to obtain a particular service or in order to complete a call.

(b) The Commission regulates non-optional operator services provided by or through:

(I) Hotels, motels, or other lodging-type entities that resell intrastate toll and wide area telephone services (WATS) to their lodging patrons;

(II) Any entities that resell long distance telephone services to the general public by using the tariff services and facilities of regulated providers; and

(III) Any customer-owned or leased payphone terminal equipment providers that resell local exchange and toll service by using the tariff services and facilities of regulated providers.

2163. Optional Operator Services.

(a) Optional operator services, which are not regulated by the Commission, include, but are not limited to:

(I) Services provided by an operator, live or otherwise, for foreign language translation;

(II) Services provided by an operator, live or otherwise, to connect customers for the purpose of an audio conference or videoconference;

(III) Services provided by an operator, live or otherwise, for voice messaging;

(IV) Services provided by an operator, live or otherwise, for electronic mail placement or retrieval;

(V) Debit card calls;

(VI) Travel card services;

(VII) Directory assistance; and

(VIII) 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.

(b) Persons or entities that provide non-optional operator services, which are incidental to the primary business of providing optional operator services and are provided at no additional cost to the customer, shall not be subject to the Commission's jurisdiction.

2164. Regulation of Non-optional Operator Services.

(a) The Commission regulates non-optional operator services, the associated rates, and providers of non-optional operator services.

(b) Prior to providing service in Colorado, non-optional operator service providers shall file an application for a LOR, shall receive authorization to provide service, and shall have an effective tariff on file with the Commission.

(c) The default form of regulation for non-optional operator service providers shall be as follows:

(I) No specific customer notice of proposed rate changes is required, provided that the rates, charges, terms and conditions are in compliance with the applicable Commission-approved benchmark rates.

(II) Providers may maintain their books of accounts according to generally accepted accounting principles rather than in accordance with USOA.

(III) The Commission's Cost Allocation Rules shall be waived for operator service providers whose primary telecommunications business is the provision of operator services and/or long distance services. However, the Commission retains authority to order providers of non-optional operator services to submit accounting and cost allocation information as deemed appropriate by the Commission.

(IV) Rules 2463 and 2464 shall be waived if the provider's rate proposal complies with the Commission-approved benchmark rates. However, the Commission retains authority to order providers to submit cost studies complying with these requirements.

(V) All maximum rates, charges, terms, and conditions for non-optional operator services shall be identified in tariffs on file with the Commission. Current rates for non-optional operator services shall be identified in tariffs or price lists on file with the Commission unless the Commission has deregulated a specific non-optional operator service. Rates, charges, terms, and conditions for deregulated or optional operator services shall not be included in tariffs or price lists.

(d) A provider of non-optional operator services may seek an alternative form of regulation or deregulation in accordance with rules 2205 and 2209.

(e) Providers of non-optional operator services shall charge just, reasonable, and non-discriminatory rates.

(f) In the absence of a specific order by the Commission, rates for non-optional operator services shall not exceed the benchmark maximum rates in the table below:

BENCHMARK MAXIMUM RATES FOR NON-OPTIONAL OPERATOR SERVICES		
No.	Operator Service	Rate
1	Message rate per call	$ .11
	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	Calling Card Station Rates – 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	[RESERVED FOR FUTURE USE]	
15	Payphone Charge (facilities based providers only)	$ .55

(g) A provider proposing rates above the benchmark rates established in this rule shall be required to prove that such rates are just, reasonable, and non-discriminatory, and shall provide cost studies as required by rules 2463, 2464 and 2465. The Commission may suspend and investigate the proposed rates.

(h) If the Commission approves a rate for a non-optional operator service that is above the applicable benchmark rate, the Commission may, at its discretion, require the provider to:

(I) Disclose to the customer the total charges for the call;

(II) Disclose to the customer that such charges exceed the Commission approved benchmark rate;

(III) Make such disclosures at no charge to the customer prior to connection; and

(IV) Allow the customer to decline the charges and to disconnect before incurring any charges.

(i) If the Commission finds, after notice and opportunity for hearing, that a non-optional operator service provider has violated an order adopted pursuant to paragraph (h) of this rule, the Commission, in addition to such other enforcement powers as may be authorized by statute, may order regulated providers to block access to the non-optional operator services provider for all intrastate operator-handled calls or order a local exchange provider to disconnect the non-optional operator services provider's service. A regulated telecommunications provider that blocks the access of or disconnects the service of a non-optional operator services provider in compliance with an order of the Commission and incurs attorney fees or costs to defend such action shall be entitled to recover its costs and attorney fees in each such proceeding. At the end of such proceeding the regulated provider shall provide an itemized list of these costs and attorney fees to the Commission. The Commission shall enter an order requiring the non-optional operator services provider whose services were blocked or disconnected to pay to the regulated provider such reasonable amounts as the Commission may determine.

(j) In the event the Commission increases a benchmark rate(s), or makes a change in any term or condition, any provider whose current tariff and/or price list is in compliance with the change(s) on the effective date of the revised benchmark rates will be allowed to have its tariff and price list remain in effect without further filings or proceedings.

(k) In the event the Commission decreases a benchmark rate, or makes a change in any term or condition, and a provider seeks to maintain a rate above the benchmark rate, the provider shall file an advice letter and/or transmittal letter with the Commission within ten days of the order modifying the benchmark rate or change to the term condition unless otherwise directed by the Commission. The advice letter or transmittal letter shall include the rate, term, or condition it seeks to maintain in its tariff and/or price list. Concurrent with the filing of the advice letter and/or transmittal letter, the provider shall submit cost studies complying with paragraph 2164(g) and shall include sufficient information for the Commission to determine that the provider's proposed rate, term, or condition is just, reasonable, and non-discriminatory. If the provider fails to meet this filing requirement, all of the provider's rates in excess of the new Commission-approved benchmark rate shall be deemed invalid without further action by the Commission, and any revenues collected pursuant to such excess rates shall be deemed illegally collected revenue. Upon filing of proposed rates under this rule, if filed within ten days of the effective date of the Commission order modifying the benchmark rate, term, or condition or as otherwise directed by the Commission, the provider's current rates will be allowed to remain in effect, subject to refund pursuant to order of the Commission, until the Commission determines if the provider's proposed rate is just, reasonable, and non-discriminatory. All rates in excess of the benchmark rates that have not been approved by the Commission are subject to refund pursuant to rule 2305.

(l) Each non-optional operator service provider shall include in its tariff, the requirements of rule 2165.

2165. Requirements for Non-Optional Operator Service Providers.

(a) For purposes of subparagraphs (b)(I) through (IX), the customer is the person who will be billed for the call.

(b) Each provider of non-optional operator services shall:

(I) Clearly identify itself to the customer at the beginning of each telephone call and before the customer incurs any charges for the call.

(II) Permit the customer to terminate the call at no charge before the call is connected.

(III) Immediately upon a customer's request and without charge to the customer, disclose:

(A) The rate(s) for the customer's intended call;

(B) The method by which such rate(s) will be billed; and

(C) The process by which informal complaints concerning rates, charges, or billing practices will be resolved.

(IV) Not bill for unanswered telephone calls. If such billing occurs, the charges shall be subject to refund.

(V) Not engage in call splashing unless the customer requests to be transferred to another provider. If a customer requests to be transferred, the provider shall, prior to transferring the customer:

(A) Inform the customer of any lawful charges;

(B) Disclose that the charge to the customer from the subsequent provider may not reflect the customer's actual originating location; and

(C) Receive the customer's consent to transfer the call.

(VI) Not bill for a call that does not reflect the location of the call origination except as provided in subparagraph (V) of this paragraph. If the provider charges for a call that does not reflect the location of the call origin, the charge shall be subject to refund.

(VII) Require, by contract or tariff, that each aggregator for which the provider is the presubscribed provider of non-optional operator services is in compliance with the requirements of rules 2166 and 2167.

(VIII) Withhold payment of any compensation the provider pays to an aggregator if the provider reasonably believes that the aggregator is not in compliance with rule 2167.

(IX) Not charge location or premises surcharges on behalf of a call aggregator.

(c) Upon receipt of an emergency telephone call, a non-optional operator service provider shall immediately connect the call to the appropriate emergency service provider and report the location of the emergency, if known. If the location of the emergency is not known, the non-optional operator service provider shall report the originating location of the call to the emergency service provider.

(d) Non-optional operator service providers, including those using automated equipment (e.g., store-and-forward equipment), shall provide the capability for the billed party to accept charges on collect and third-number billed calls. The provider shall not bill a customer for collect or third-number billed charges unless the customer has agreed to accept such charges. If the provider bills for these services without acceptance of charges by the customer, the charges to the customer shall be refunded.

(e) In cases where the non-optional operator service is provided using automated equipment (e.g., store-and-forward equipment) and the provider is technologically incapable of complying with

~~subparagraphs (b)(I) through (III) concerning acceptance of collect or third-party billed calls, the provider shall seek a variance until such compliance may be accomplished.~~

~~2166. Arrangements with Call Aggregators.~~

~~(a) Operator service providers shall require each call aggregator to display printed documentation plainly on, or in close proximity to, all telephones available for customer use. Failure to provide such documentation shall mean all charges collected by that aggregator may be refunded. The documentation shall include, at a minimum:~~

~~(I) The name, address, and toll free telephone number of the operator service provider(s);~~

~~(II) A statement that the rates of the operator service provider shall be quoted upon request;~~

~~(III) A written disclosure that informs customers that they have a right to obtain access to the carrier of their choice, and that they may contact their preferred carrier for information on accessing that carrier's service using that telephone; and~~

~~(IV) Specific instructions to obtain rates or charges for operator-assisted local calls, including any charges per minute and operator surcharges, if applicable.~~

~~(b) Operator service providers shall require that aggregators ensure that no charge by the aggregator to the customer for using an 800/888, 950, 10XXX, or 1010XXX access code is greater than the amount the aggregator charges for calls placed using the presubscribed provider of operator services. Charges in excess of the presubscribed rate shall be refunded to the customer.~~

~~2167. Call Blocking Prohibited.~~

~~(a) Call blocking occurs when an end user is prevented from accessing the preferred operator service provider through the access codes 800/888, 950, 10XXX, or 1010XXX.~~

~~(b) Non-optional operator service providers, call aggregators, and owners of payphones shall not require or participate in the call blocking of any customer's access to the customer's non-optional operator service provider of choice. Violation of this requirement:~~

~~(I) May result in a refund of all charges collected;~~

~~(II) Is sufficient grounds for revocation of any authority that was granted by the Commission; and~~

~~(III) May subject the persons engaging in such activity to penalty under § 40-7-105, C.R.S.~~

~~(c) Applicable contracts or tariffs shall be modified so as to effectuate the provisions of subparagraph (b)(I).~~

~~2168. Access Codes of Non-Optional Operator Service Providers.~~

~~(a) All providers of non-optional operator services, as defined above, shall establish an 800/888, 950, 10XXX, or 1010XXX access code.~~

~~2169. Access from Registered Equipment – Access to Common Carriers.~~

~~(a) Aggregators who provide payphones shall unblock 10XXX and 1010XXX access.~~

21~~7~~60. – 2179. [Reserved].

Designation of Providers of Last Resort, ~~and~~ Eligible Telecommunications Carriers and Eligible Providers and Relinquishment of Designations

The basis and purpose of these rules is to: establish regulations concerning the designation of providers of last resort (POLRs) in geographic support areas for which the Commission provides HCSM support; establish the obligations that attach to such designation; establish procedures for changing or relinquishing such designation; establish regulations concerning the designation ~~or termination~~and relinquishment of eligible telecommunications carriers (ETCs)~~;~~ and ~~establish regulations concerning the termination of~~ eligible providers (EPs).

The statutory authority for the promulgation of these rules is found at §§ 40-15-201, 40-15-301, 40-15-502(5) and (6), and 40-2-108, C.R.S. These rules are consistent with 47 U.S.C. 254 and 47 C.F.R., Part 54.

2180. Applicability.

Rules 2180 through 2199 are applicable to all providers~~:~~ seeking to be

~~(a) D~~designated as a POLR~~,~~ ~~or as an~~ ETC or EP;

~~(b) Seeking to be designated as a POLR or ETC;~~ or

~~(c) Seeking~~ to ~~remove~~ relinquish a designation as a POLR or as an ETC or EP.

2181. Definitions.

The following definitions apply only in the context of rules 2180 through 2199.

(a) "Geographic area" means a Commission defined geographic unit usually the same as or smaller than an existing provider's serving area.

(b) "Service area" means a geographic area established by the Commission for the purpose of determining federal universal service obligations and support mechanisms.

(I) A service area defines the overall area for which the carrier ~~shall~~ may receive support from federal universal service support mechanisms. In the case of a service area served by a rural telephone company, "service area" means such company's "study area", as defined in 47 C.F.R., Part 36, unless and until the FCC and the Commission, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c) of the Telecommunications Act of 1934, establish a different definition of service area for such company.

(II) If the Commission proposes to define a service area served by a rural telephone company to be other than such company's study area, the FCC will consider that proposed definition in accordance with the procedures set forth in 47 C.F.R. § 54.207(c).

2182. Incorporation by Reference.

References in rules 2180 through 2199 to Parts 36 and 54 are references to rules issued by the FCC and have been incorporated by reference as identified in rule 2008.

2183. Designation of Providers of Last Resort.

(a) A provider ~~who held a CPCN to offer basic local exchange service in a geographic area on or before July 1, 1996, shall be considered a POLR in those geographic areas~~of basic local exchange service that receives HCSM support in a geographic area shall be considered a POLR in those geographic areas.

(b) If multiple providers receive HCSM support in the same geographic area, the Commission:~~.~~

~~(b) Upon application by a provider, the Commission:~~

(I) ~~M~~may, in the case of an area served by a rural telecommunications provider, permit more than one POLR in a geographic area; and

(II) Shall, in the case of all other areas, permit more than one POLR in a geographic area.

(c) The Commission shall, upon request by a person within an unserved geographic area, or upon its own motion, designate a POLR for that unserved geographic area, based upon a determination of the provider best able to provide basic local exchange service to the area.

2184. Application for Designation as an Additional Provider of Last Resort.

(a) A provider of basic local exchange service seeking designation as an additional POLR shall file an application with the Commission requesting designation as such for a specific geographic area in which it receives HCSM.

(b) ~~Contents.~~ The application shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attached exhibits~~attachments:

(I) ~~T~~the information required by paragraph 2002(b)~~.~~;

~~(II) The decision number(s) of the Commission authorizing the applicant to provide basic local exchange service.~~

(II~~I~~) ~~A~~a description of the geographic area for which applicant seeks designation as a POLR~~. If a designation for a specific geographic area, rather than a statewide designation, is sought, the application shall~~ includ~~e~~ing a description of such geographic area by metes and bounds and a map displaying the service area~~.~~;

(I~~V~~II) ~~A~~an affirmative statement that the applicant will accept the responsibilities identified in rule 2185~~.~~;

(IV) ~~T~~the facts (not in the form of conclusory statements) relied upon by the applicant to demonstrate that it has the managerial, financial, and technical ability to provide basic local exchange service throughout that relevant geographic area notwithstanding whether there are other providers of basic local exchange service in that area~~.~~;

(V~~I~~) ~~T~~the facts (not in the form of conclusory statements) relied upon by the applicant to establish that the POLR designation for that geographic area serves the public interest by demonstrating that such designation is consistent with the legislative statements of intent in §§ 40-15-101, 40-15-501, and 40-15-502(7), C.R.S.;

(VII) ~~A~~a statement that the applicant understands that the filing of the application does not constitute, by itself, designation as a POLR~~.~~; and

(VIII) ~~A~~a statement that, if a designation is granted, applicant understands that such designation is conditional upon compliance with applicable Commission rules and any conditions established by Commission order.

2185. Obligations of Providers of Last Resort.

(a) A POLR shall offer basic local exchange service to every customer who requests such service within a designated geographic area, regardless of the availability of facilities, unless said customer has an outstanding balance owing to the POLR and no agreement for repayment has been established~~;~~.

(b) If a certified public accountant prepares an annual report for a provider of basic local exchange service, the provider shall file the report with the Commission within 30 days after publication.~~A POLR shall be subject to the evolving definition of basic service developed by the Commission pursuant to § 40-15-502(2); and~~

(c) A POLR shall advertise the availability of such service and charges using media of general distribution. ~~At a minimum, a POLR shall have customer guide pages in the "White Pages" directory within the POLR's geographic area. Such customer guide pages shall indicate that the provider will offer basic local exchange service to all who request such service within that area.~~

(d) Report of held local exchange service orders exceeding 90 days (90-day held orders) and not subject to any applicable exceptions in rule 2308. This paragraph only applies with respect to a POLR's residential and small business customers. Consistent with paragraph 2308(f), when a does not supply basic local exchange service to any customer in an exchange area currently served by the POLR within 90 days, the POLR shall file a report with the Director of the Commission, stating the circumstances causing the delay, explaining if such circumstances are beyond the POLR's control, and providing an estimate of the time necessary to provide service. This report shall identify: the name and address of each applicant; the date of application for service; the class type applied for (e.g., residence or business); the date the application became a 90-day held order; the wire center from which the customer will receive service; and the order number assigned by the POLR to the application for service. This report shall be filed with the Director by the last business day of the following month and shall identify all customers where the period to provide local exchange service exceeds 90 days.

(e) Report of service orders exceeding thresholds. This paragraph only applies with respect to a POLR's residential and small business customers. When the lesser of 50 or five percent of the total number of service applications in a wire center in a consecutive three-month period are held orders, the POLR shall, within five days of the close of the three-month period, submit to the Commission a report identifying the information required by subparagraph 2005(c)(IV) and identifying the number of days service has been delayed for each held order. The POLR shall further submit to the Commission, within 14 days of the close of the three-month period, a plan of its proposed action to reduce the number of these held service orders to fewer than the lesser of 50 or five percent of the total number of service applications in that wire center.

2186. Relinquishment of Designation as a Provider of Last Resort, Eligible Telecommunications Carrier or Eligible Provider.

(a) As of July 1, 2016, only providers of basic local exchange service with POLR obligations in geographic areas in which they receive HCSM support retain POLR obligations.

(b) Providers of basic local exchange service seeking to relinquish designation as a POLR, EP or an ETC ~~in geographic areas in which there are multiple POLRs or in an area designated as an ECA~~, shall file an application with the Commission, at least 45 days before the effective date of the proposed relinquishment.

(~~c~~b) ~~Contents.~~ The application shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attached exhibits~~attachments:

(I) ~~T~~the information required by paragraph 2002(b)~~.~~;

(II) ~~A~~a detailed explanation of the proposed relinquishment and the affected geographic area~~.~~;

(III) ~~A~~an explanation as to how the customers currently served by the applicant will continue to be served. A list of known telecommunications providers of basic local exchange service shall be provided~~.~~;

(IV) ~~A~~a plan for transition of customers to another provider of basic local exchange service, if the ~~POLR~~ applicant proposes to discontinue the provision of basic local exchange service. ~~Except in an ECA, t~~The transition plan shall include sufficient notice to permit the purchase or construction of adequate facilities by a remaining POLR, ETC, EP or other provider of basic local exchange service~~.~~; and

(V) the amount of support the provider of basic local exchange service receives from the federal universal service fund for the geographic serving area for which the relinquishment is sought.

(~~d~~c) If the ~~POLR~~ applicant proposes to discontinue the provision of basic local exchange service, the Commission~~, except in an ECA~~ shall establish a time, not to exceed one year after the approval of the discontinuance, within which such purchase or construction of adequate facilities by a remaining POLR, ETC, EP or other provider of basic local exchange service shall be completed.

(~~e~~d) During the transition period, the ~~POLR~~applicant shall ensure that customers do not experience a break in service as a result of the ~~POLR~~applicant discontinuing service.

(~~f~~e) ~~Notice to customers.~~ In addition to filing an application with the Commission, the ~~POLR~~applicant shall prepare a written notice regarding the proposed relinquishment and shall mail or hand-deliver the notice at least 30 days before the effective date to all currently served customers or subscribers, including all interconnecting telecommunications providers of basic local exchange service. The ~~POLR~~applicant shall separately provide notice to all potentially affected customers through publication for four consecutive weeks in a publication or publications that are distributed in the affected certificated area. A notice shall be mailed to the Board of County Commissioners of each affected county, and to the Mayor of each affected city, town or municipality.

(I) In addition to the requirements of paragraph 2002(d), the notice shall:

~~(A) State that any affected person may obtain lists of alternative telecommunications providers from the Commission;~~

~~(B) Explain that basic local telephone service will continue to be available regardless of the outcome of the Commission's determination on the application; and that if~~

~~the Commission grants the application, another carrier will be available to offer service;~~

(~~C~~A) ~~B~~be signed by an authorized officer of the provider or its representative; and

(~~D~~B) ~~I~~include said officer or representative's title and address.

(II) ~~Proof of notice.~~ At least 15 days before the date of the proposed relinquishment, the ~~POLR~~applicant shall file with the Commission a written affidavit stating its compliance with this paragraph. The affidavit shall state the date notice was completed and the method used to give notice. A copy of the notice shall accompany the affidavit.

(~~f~~g) No hearing needs to be held if no objection, protest, or intervention is filed. If a hearing is to be held on an application, the Commission shall endeavor, within its operating constraints, to hold the hearing, or a portion thereof, at a location within the local calling area of the affected community.

(~~g~~h) No proposed relinquishment shall be effective until the Commission issues an order approving it.

2187. Eligible Telecommunications Carrier Designation.

(a) The Commission shall, upon application, designate a common carrier that meets the requirements of 47 C.F.R. § 54.201(d) and § 54.202 and paragraph 2187(b) as an ETC for a service area designated by the Commission.

(b) Upon request and consistent with the public interest, convenience, and necessity, the Commission may, in the case of an area served by a rural telecommunications provider, and shall, in the case of all other areas, designate more than one common carrier as an ETC for a service area designated by the Commission, so long as each additional requesting carrier meets the requirements of 47 C.F.R. § 54.201(d) and § 54.202. Before designating an additional ETC for an area served by a rural telecommunications provider, the Commission shall find that the designation is in the public interest.

(c) Pursuant to Subpart E of 47 C.F.R., Part 54, as of January 27, 2015~~1, 1998~~ all ETCs shall make available Lifeline service, as defined in § 54.401, to qualifying low-income customers.

(d) ~~Contents.~~ The application for designation as an ETC shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attached exhibits~~attachments:

(I) ~~T~~the information required by paragraph 2002(b)~~.~~;

~~(II) A statement identifying the decision(s) of the Commission and/or the FCC authorizing the applicant to provide telecommunications service.~~

(II~~I~~) ~~A~~a description of the service area for which the applicant seeks designation as an ETC. The application shall include either a description of such service area by metes and bounds or the underlying carrier's exchange area map displaying the applicant's service area~~.~~;

(III~~V~~) ~~T~~the facts (not in the form of conclusory statements) relied upon by the applicant to demonstrate that it meets the requirements of 47 C.F.R. § 54.201(d) and § 54.202~~.~~;

(IV) An affirmative statement that the applicant will offer the services that are supported by the federal universal service support mechanisms under 47 U.S.C. § 254(c).;

(V) An affirmative statement that the applicant is a common carrier.;

(VI) An affirmative statement that the applicant (ETC) will advertise the availability of such service and charges using media of general distribution pursuant to 47 U.S.C. § 214(e)(1)(B) of the Communications Act of 1934 as amended by the Telecommunications Act of 1996.; ~~To meet the requirements of 47 U.S.C. § 214(e)(1)(B), the Commission establishes as guidelines that an ETC shall advertise in media ofgeneral distribution and shall place customer guide pages in the "White Pages" directory within the ETC's service area. Such customer guide pages shall indicate that the ETC offers the supported services identified by federal law within its ETC service area to all who request such service within that area.~~

(VII) An affirmative statement that the applicant will make available Lifeline service, as defined in 47 C.F.R. § 54.401, to qualifying low-income customers.;

(VIII~~IX~~) An affirmative statement that the applicant is in compliance with the Commission's rules.;

(IX) A demonstration of the applicant's ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations;

(X) A demonstration that the applicant will satisfy consumer protection and service quality standards. Wireless applicants that comply with the Cellular Telecommunications and Internet Association's (CTIA) Consumer Code for Wireless Service will satisfy this requirement;

(XI) A two-year build-out plan demonstrating how high-cost universal service support will be used to improve the applicant's coverage, service quality or capacity in every wire center for which it seeks designation and expects to receive universal service support. If a wire center is not part of the build-out plan and the applicant does not have existing facilities in the service area, a detailed explanation of how the applicant will provide service to a requesting customer in the service area for which it is seeking designation.;

(XII) common carriers seeking designation as an eligible telecommunications for purposes of receiving support only for low-income consumers other than for the purpose of receiving Lifeline broadband support must provide:

(A) a demonstration that it is financially and technically capable of providing the Lifeline service in compliance with 47 C.F.R. § 54.400, Subpart E;

(B) An affirmative statement that the applicant will offer local usage plans~~ comparable to those offered by the incumbent local exchange carrier (LEC).~~ that meet the minimum service standards as prescribed by the FCC in order to receive Lifeline support; and ~~A local usage plan offered must include:~~

~~(i) Unlimited calling or a plan with not less than 900 minutes of use per month; ;~~

~~(ii) A month-to-month term; and~~

~~(iii) A rate comparable to the underlying LEC's basic residential local exchange rate.~~

(C) an affirmative statement that the applicant will satisfy the requirements for an initial determination of a subscriber's eligibility and certification requirements pursuant to 47 C.F.R. § 54.400.

(e) Within one year of the effective date of the Commission's decision approving an application for ETC designation, the ETC shall offer the supported services. If the ETC does not offer the supported services within one year, its ETC designation shall be cancelled and deemed null and void.

(f~~e~~) ~~State certification for federal support.~~ As required by the FCC's universal service regulations found at 47 C.F.R. §§ 54.313 ~~and 54.314~~, and when appropriate, the Commission shall file an annual certification with the Administrator of the federal Universal Service Fund (USF) and the FCC on behalf of each ~~jurisdictional~~ ETC serving access lines in the state, stating that all federal high-cost support provided to such carriers within that state will be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The Commission ~~may~~ shall require a carrier to provide the information it finds necessary and convenient to make such a certification. At a minimum, carriers shall furnish requested ~~information~~ information outlined in paragraph (g). ~~on a form supplied by the Commission as part of the carrier's annual report.~~ ETCs that have LATAs that cross the Colorado state boundary and have the primary study area located within an adjacent state to Colorado, will be allowed to file a copy of the adjoining state regulatory commission's ETC certification to the FCC in lieu of information requested in paragraph (g) no later than October 1st of each year.

(g~~f~~) Annual ~~R~~reporting ~~R~~requirements for Eligible Telecommunication Carriers.

(I) In order for an ~~Eligible Telecommunication Carrier (~~ETC~~)~~ previously designated by the Commission, or previously designated by the ~~Federal Communications Commission (~~FCC~~)~~, to be certified to receive federal support for the following calendar year, or to retain its ETC designation, it shall submit the reporting information specified below no later than August 15th of each calendar year to the Commission. ETCs failing to meet these annual report filing requirements and deadlines may not be certified by the Commission to the FCC and the Universal Service Administrative Company (USAC) as eligible to receive federal support for the following calendar year.

(II) ~~Every ETC shall submit the following information in its report:~~ FCC forms 481, 497, and 690.

(III) In addition to the information and certifications included in subparagraph (II) and required in §§ 54.313(b),(c), (d) and 54.316, each ETC receiving federal high cost support shall provide the wire center names associated with each of the locations reported.

~~(A) The number of requests for service from potential customers within the ETC's service areas that were unfulfilled during the past year and a written explanation detailing how the ETC attempted to provide service to those potential customers, as set forth in 47 C.F.R. § 54.202(a)(1)(i).~~

~~(B) The number of complaints per 1,000 access lines or handsets.~~

~~(C) Detailed information on any outage lasting at least 30 minutes for any facilities that an ETC owns, operates, leases, or otherwise utilizes that potentially affects at least ten percent of the end users in a service area, or that could affect accessto 9-1-1. An outage is defined as a significant degradation in the ability of an end user to establish and maintain a channel of communications as a result of failure or degradation in the performance of a communications provider's network. The ETC must report the following information regarding each outage: date and time of outage; description of the outage and resolution; specific service(s) affected; specific geographic area(s) affected; steps taken to prevent it from happening again; and number of customers affected by the outage.~~

(~~D~~IV) Certification that the ETC is complying with the applicable service quality standards and consumer protection rules, e.g., the CTIA Consumer Code for Wireless Service.

(V~~E~~) Certification that the ETC is able to function in emergency situations as set forth in 47 C.F.R. § 54.202(a)(2).

~~(F) Certification that the ETC acknowledges the FCC may require it to provide customers with equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.~~

(VI~~G~~) The total amount of all federal high cost support received in the previous calendar year and year-to-date through June 30 for the current calendar year.

~~(H) For the previous two calendar years, a detailed schedule/exhibit showing the actual dollar amounts expended by the carrier in the provision, maintenance, upgrading, plant additions and associated infrastructure costs for local exchange service within the service areas in Colorado where the carrier has been designated an ETC. An explanation regarding any network improvement targets that have not been fulfilled. This information shall be submitted at the wire center level or at the authorized service area. If service improvements in a particular wire center are not needed, an explanation of why improvement is not needed and how funding will otherwise be used to further the provision of supported services in that area.~~

(~~I~~VII) Documentation the carrier offers and advertises the rate and availability of Basic Universal Service offerings, Lifeline, and Linkup programs throughout the service areas in Colorado where the carrier has been designated an ETC. Copies of written material used in newspaper advertisements, press releases, posters, flyers and outreach efforts and a log of when and where these materials were distributed. For newspaper advertisements, dated copies of the published newspaper advertisements may serve as copies of written material. For radio station advertising, a confirmation from broadcasters of when the public service announcement was aired.

~~(J) Documentation that a competitive ETC is offering a local usage plan comparable to that offered by the incumbent LEC in the relevant service areas.~~

~~(K) A map of the service areas where the carrier has ETC designation showing the locations of facilities or for wireless providers, maps showing the location of all cellular towers and the coverage area of these towers. Maps shall be submitted in 2007 and at least once every three years thereafter.~~

~~(L) Through June 30 of the current calendar year, a detailed schedule/exhibit showing the actual dollar amounts expended by the carrier in the provision,~~

~~maintenance, upgrading, plant additions and associated infrastructure costs for any local exchange service within the service areas in Colorado where the carrier has been designated an ETC. This shall include the carrier's build-out plans and budgets for projects, upgrades or installations planned but not yet completed during the current calendar year applicable to local exchange service. This information shall be submitted at the wire center level or at the authorized service area.~~

(~~M~~VIII) A copy of cost study filing made on July 31st to NECA for current year. If an ETC is not required to file cost study to NECA, then a copy of the line count filing made to the FCC and USAC Administrator shall be submitted.

(~~N~~IX) ~~A copy of the company's Colorado-specific trial balance for previous year.~~Each ETC shall file with the Commission, on or before April 30 of each year, an annual report for the preceding calendar year. The ETC shall submit the annual report on forms prescribed and supplied by the Commission; shall properly complete the forms; and, shall ensure the forms are verified and signed by a person authorized to act on behalf of the ETC.

(X) If a certified public accountant prepares an annual report for an ETC, within 30 days of publication, the ETC shall either file two copies of the report or shall file the report through the Commission's E-Filings System.

(XI~~O~~) An affidavit attesting to the fact that the information reported on the annual report and information submitted under this rule is true and correct. The affidavit must also state that the ETC is aware of the purpose of the support for the federal high-cost support and it is complying with the requirement set forth by the FCC in 47 U.S.C. § 254(e). An officer, director, partner, or owner of the company must sign the affidavit.

(~~P~~XII) If a review of the data submitted by an ETC indicates that the ETC is no longer in compliance with the Commission's criteria for ETC designation, the Commission may refrain from certifying the carrier to the FCC or revoke the carrier's designation as an ETC. In addition, ETCs must submit their reports on a timely basis.

~~**2188. Relinquishment and Cancellation of EP or ETC Designation.**~~

~~(a) Application to be filed with the Commission. When there are multiple EPs or ETCs in a service area, providers seeking to relinquish designation as an EP or ETC shall file an application with the Commission, at least 45 days before the effective date of the proposed relinquishment. Inaddition, if the applicant seeks to discontinue service, the requirements of rule 2108 must also be met.~~

~~(b) Contents. The application shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:~~

~~(I) The information required by paragraph 2002(b); and~~

~~(II) A complete explanation of the proposed relinquishment.~~

~~(c) The Commission shall establish a time, not to exceed one year after the approval of the relinquishment, within which such purchase or construction of adequate facilities by a remaining EP or ETC or other provider shall be completed.~~

~~(d) Notice to customers. In addition to filing an application with the Commission, the EP or ETC shall prepare a written notice regarding the proposed relinquishment and shall mail or deliver thenotice~~

~~at least 30 days before the effective date to all currently served customers or subscribers, including all interconnecting telecommunications providers. The EP or ETC shall separately provide notice all potentially affected customers through publication once each week for four consecutive weeks in a publication or publications of general circulation in the affected designated area. A notice shall be mailed to the Board of County Commissioners of eachaffected county, and to the Mayor of each affected city, town, or municipality.~~

~~(I) The notice shall, in addition to the requirements of paragraph 2002(d):~~

~~(A) Explain that basic local telephone service will continue to be available regardless of the outcome of the Commission's determination on the application;~~

~~(B) Be signed by an authorized agent or officer of the provider; and~~

~~(C) Include said agent or officer's title and address.~~

~~(II) Proof of public notice. Within 15 days before the date of the proposed relinquishment,the EP or ETC shall file with the Commission a written affidavit stating its compliance with this paragraph. The affidavit shall state the date notice was completed and the method used to give notice. A copy of the notice shall accompany the affidavit.~~

~~(e) No hearing needs to be held if no objection, protest, or intervention is filed. If a hearing is to be held on an application, the Commission shall endeavor, within its operating constraints, to hold the hearing, or a portion thereof, at a location within the local calling area of the affected community.~~

~~(f) No proposed relinquishment shall be effective until the Commission issues an order approving it.~~

~~(g) The Commission shall permit an EP or ETC to relinquish its designation as an EP or ETC in any area served by more than one EP or ETC when the Commission concludes that the requirements of paragraphs (a) through (d) have been met.~~

~~(h) Within one year of the effective date of the Commission's decision approving an application for ETC/EP designation, the ETC/EP shall offer the supported services. If the ETC/EP does not offer the supported services within one year, its ETC/EP designation shall be cancelled and deemed null and void.~~

2189~~8~~. Combined Applications.

Applicants may file to be designated as a POLR, to be designated as an ETC, and/or to be designated as an EP ~~(pursuant to rule 2847)~~ in a combined application. Applicants may file to relinquish designation as a POLR, to relinquish designation as an eligible provider, and to relinquish designation as an ETC in a combined application ~~pursuant to rule 2188~~. In a combined application, the applicant shall follow the application process and shall provide all information required for each separate component of the combined application.

~~**2190. Disaggregation and Targeting of Support by Rural ILECs.**~~

~~A rural ILEC that selects a disaggregation path pursuant to FCC regulations found at 47 C.F.R. § 54.315 shall file its disaggregation path selection with the Commission as required by paragraphs (a), (b), or (c). In study areas in which a CLEC has been designated as a competitive ETC prior to the effective date of the FCC's rule found at 47 C.F.R. § 54.315, the rural ILEC may only disaggregate support pursuant to paragraph (a) or (b), or subparagraph (c)(I)(C).~~

~~(a) Path 1: Rural ILECs not disaggregating and targeting federal High-Cost support:~~

~~(I) A rural ILEC's election of this path becomes effective upon filing by the rural ILEC with the Commission.~~

~~(II) This path shall remain in place for such rural ILEC for at least four years from the date of filing with the Commission except as provided in subparagraph (III) of this paragraph.~~

~~(III) The Commission may require, on its own motion, upon petition by an interested party, or upon petition by the rural ILEC, the disaggregation and targeting of support under paragraph (b) or (c).~~

~~(b) Path 2: Rural ILECs seeking prior regulatory approval for the disaggregation and targeting of support. The application shall include the information required by paragraph 2002(b) in addition to the requirements of this paragraph.~~

~~(I) A rural ILEC electing to disaggregate and target support under this subsection must file a disaggregation and targeting plan with the Commission.~~

~~(II) Under this subsection a rural ILEC may propose any method of disaggregation and targeting of support consistent with the general requirements detailed in 47 C.F.R. §54.315(e).~~

~~(III) A disaggregation and targeting plan under this paragraph becomes effective upon approval by the Commission.~~

~~(IV) A rural ILEC shall disaggregate and target support under this path for at least four years from the date of approval by the Commission except as provided in subparagraph (V) of this paragraph.~~

~~(V) The Commission may require, on its own motion, upon petition by an interested party, or upon petition by the rural ILEC, the disaggregation and targeting of support in a different manner.~~

~~(VI) Requests for disaggregation under Path 2 shall be filed as an application. Such applications shall be served by the applicant upon all providers that have obtained either ETC or EP status in the rural ILEC's study area at the same time they are filed with the Commission.~~

~~(c) Path 3: Self-certification of the disaggregation and targeting of support.~~

~~(I) A rural ILEC may file a disaggregation and targeting plan with the Commission along with a statement certifying each of the following:~~

~~(A) It has disaggregated support to the wire center level;~~

~~(B) It has disaggregated support into no more than two cost zones per wire center; or~~

~~(C) That the rural ILEC's disaggregation plan complies with a prior regulatory determination made by the Commission.~~

~~(II) Any disaggregation plan submitted pursuant to this paragraph must meet the following requirements:~~

~~(A) The plan must be supported by a description of the rationale used, including the methods and data relied upon to develop the disaggregation zones, and a discussion of how the plan complies with the requirements of this paragraph.~~

~~Such filing must provide information sufficient for interested parties to make a meaningful analysis of how the rural ILEC derived its disaggregation plan.~~

~~(B) The plan must be reasonably related to the cost of providing service for each disaggregation zone within each disaggregated category of support.~~

~~(C) The plan must clearly specify the per-line level of support for each category of high-cost universal service support in each disaggregation zone provided pursuant to 47 C.F.R. §§ 54.301, 54.303, 54.305, and/or Subpart F of Part 36 of47 C.F.R.~~

~~(D) If the plan uses a benchmark, the rural ILEC must provide detailed information explaining what the benchmark is and how it was determined. The benchmark must be generally consistent with how the total study area level of support for each category of costs is derived to enable a competitive ETC to compare the disaggregated costs used to determine support for each cost zone.~~

~~(III) A rural ILEC's election of this path becomes effective upon filing by the rural ILEC to theCommission.~~

~~(IV) A rural ILEC shall disaggregate and target support under this path for at least four years from the date of filing with Commission except as provided in subparagraph (V) of this paragraph.~~

~~(V) On its own motion, upon petition by an interested party, or upon petition by the rural ILEC, the Commission may modify the disaggregation and targeting of support selected under this path.~~

~~(d) Carriers failing to select a disaggregation path, as described in paragraphs (a), (b), or (c) of this rule, by the deadline specified in 47 C.F.R. § 54.315, will not be permitted to disaggregate and target federal high-cost support unless ordered to do so by the Commission.~~

219~~1~~89. ~~Uses of~~ Disaggregation Paths.

(a) The Commission shall use the disaggregation plans of each rural ILEC established pursuant to 47 C.F.R. § 54.315, November 30, 2001~~rule 2190 not only~~ for disaggregation of ~~Colorado HCSM support, but also for the disaggregation of~~ the study area of the rural ILEC pursuant to 47 C.F.R. 54.207 into smaller discrete service areas.

(b) A provider of telecommunications service must file an application to modify a disaggregation plan of a rural ILEC pursuant to paragraph (a). Such application shall include the information required by paragraph 2002(b) in addition to the requirements of this paragraph:

(I) a description of the geographic area to be disaggregated, other providers offering similar services in that geographic area, and the level of the proposed disaggregation;

(II) the proposed method of disaggregation and targeting of Universal service support plan, if applicable; and

(III) support in the form of a description of the rationale used, including the methods and data relied upon to develop the disaggregation area.

(c) The Commission shall make a determination as to whether the disaggregation plan is in the public interest.

~~b) Filing of petition. Where necessary, the Commission shall submit a petition to the FCC seeking the agreement of the FCC in redefining the service area of each rural ILEC as follows:~~

~~(I) Path 1: For rural ILECs not disaggregating and targeting support, no FCC filing is required;~~

~~(II) Path 2: For rural ILECs seeking prior regulatory approval for the disaggregation and targeting of support, the Commission shall submit a petition to the FCC within 60 days following the issuance of the Commission's final order in the provider's Path 2 disaggregation proceeding; or~~

~~(III) Path 3: For rural ILECs self-certifying disaggregation and targeting of support, the Commission shall submit a petition to the FCC within 60 days following the rural ILEC's filing of election of this Path with the Commission.~~

219~~2~~0. – 2199. [Reserved].

~~Default, Alternative, and Simplified Forms of Regulation; Refraining from Regulation; and~~ Regulation of Providers of Switched Access Services; Regulation of Providers of Interexchange Services; Reclassification of Parts II and III Services; and Effective Competition Areas.

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to ~~identify default forms of regulation for services subject to the jurisdiction of the Commission and to establish procedures and standards concerning: alternative forms of regulation; simplified regulatory treatment for rural telecommunications providers; refraining from regulation for competitive purposes; reclassifying a regulated telecommunication service as an emerging competitive service; and deregulation of emerging competitive services.~~ establish procedures and standards concerning: reclassifying a regulated telecommunications service as an emerging competitive service; deregulating an emerging competitive service; and conducting proceedings to determine effective competition areas.

The statutory authority for the promulgation of these rules is found at §§ 40-15-101, 40-15-203, 40-15-203.5, 40-15-207, 40-15-301, 40-15-302, 40-15-305, 40-15-501, 40-15-502, 40-15-503, and 40-2-108, C.R.S.

2200. Applicability.

~~Rules 2200 through 2299 are applicable to all providers of services pursuant to § 40-15-201, C.R.S., (Part II) or pursuant to § 40-15-301, C.R.S., (Part III or emerging competitive services); except that rule 2202 is only applicable to ILECs, rule 2203 is only applicable to CLECs, and Part III providers, rule 2206 is only applicable to rural ILECs, rule 2210 is only applicable to intraLATA interexchange telecommunications providers, and rule 2211 is only applicable to interLATA interexchange telecommunications providers. Nothing in rules 2200 through 2299, except rules 2210, and 2211, shall limit the Commission's authority to investigate the rates and charges assessed by providers.~~

Rules 2200 through 2299 are applicable to providers of Part II or Part III services pursuant to § 40-15-201, C.R.S. et seq., or § 40-15-301, C.R.S. et seq., and proceedings to reclassify Part II or Part III services or determine effective competition areas.

2201. Definitions.

The following definitions apply only in the context of rules 2200 through 2299.

(a) "Alternative forms of regulation" means those forms of regulation other than the default form of regulation, which may include any combination of the following elements: rate-of-return regulation, modified Tariff requirements, alternative reporting requirements, price bands, benchmark rates, detariffing, or any other such elements of alternative regulation as provided in § 40-15-302(1), C.R.S., that are consistent with the General Assembly's expression of intent stated in § 40-15-101, C.R.S.

(b) "Applicant" means any provider who files an application with the Commission pursuant to rule 2205.

(c) "Benchmark rate" means an element of alternative regulation, as established by the Commission, with an established price ceiling for a service.

(d) "Cost support" means data, information, methods, and analyses conducted in accordance with the rules 2400 through 2499, as applicable.

(e) "Detariffing" means offering a service to the public without using a Tariff to administer rates, charges, terms, and conditions. Detariffing is available as an element of alternative regulation.

(f) "Price band" means a range of rates defined by a Commission-established price floor (the lower boundary) a Commission established price ceiling (the upper boundary) and within which a provider of basic local exchange or emerging competitive telecommunications service may set a specific price for a service. Price bands are available as an element of alternative regulation.

(g) "Private telecommunications network" means "private telecommunications network", as that term is defined by § 40-15-102(23), C.R.S.

(h) "Reference provider" means any ILEC that has secured Commission approval for an alternative form of regulation under §§ 40-15-201(2) and 40-15-503, C.R.S.

(i) "Rural ILEC" means "rural telecommunications provider", as that term is used in § 40-15-203.5, C.R.S.

2202. Default Form of Regulation for ILECs.

(a) This rule applies to all ILECs.

(b) Part II services. Each ILEC shall be regulated using a rate-of-return form of regulation for its Part II services, except call delivery to a Basic Emergency Service Provider (BESP), in the absence of another Commission-approved alternative form of regulation.

(c) Part III services. Each ILEC shall be regulated using rate-of-return regulation for its emerging competitive services, except non-optional operator services, in the absence of a Commission-approved alternative form of regulation.

~~(d) The Commission shall regulate the terms and conditions, including rates and charges, under which Part III services are offered and provided to customers exclusively in accordance with the provisions of §§ 40-4-101(1), 40-4-111, 40-4-112, 40-5-105, 40-15-302, 40-15-303, 40-15-306, and 40-15-307.~~

~~(e) Prices for residential basic local exchange service. Consistent with § 40-15-502(3)(b)(I) and except as otherwise provided by law, prices for residential basic local exchange service, including zone charges, if any, shall not rise above the levels in effect on May 24, 1995, for comparable services regardless of the form of regulation of the ILEC, except for prices and price levels as determined by the Commission pursuant to § 40-15-301, C.R.S, et seq., or § 40-15-502, C.R.S.~~

~~(f) Switched access prices. . Consistent with § 40-15-105(1), C.R.S., and except as otherwise provided by law, ILECs' access charges:~~

~~(I) Shall be cost-based, as determined by the Commission;~~

~~(II) Shall not exceed the average price by rate element and type of access in effect on July 1, 1987; and~~

~~(III) Each ILEC's switched access charges by rate element shall be capped at that ILEC's tariffed rate as of January 1, 2012. The capping of rates does not affect any required implementation of rate changes pursuant to federal requirements.~~

~~(g) Customer-specific contracts and notice.~~

~~(I) The Commission may permit an ILEC to provide a customer with regulated services, under contract, irrespective of any Tariff or Price List requirements.~~

~~(II) A notice of contract shall be filed with the Commission under seal within 14 days of the date the contract is executed. The notice shall: disclose any early termination penalty to the customer; confirm that the contract is a non-discriminatory offering; confirm that the charges exceed the company's cost; and confirm that the contract contains a provision acknowledging that it is subject to regulatory review.~~

~~(III) The contract shall be subject to Commission review to determine if:~~

~~(A) The negotiated contract is nondiscriminatory;~~

~~(B) The contract terms are not inconsistent with the public interest; and~~

~~(C) The contract terms are not inconsistent with applicable Commission rules.~~

~~(IV) The Commission may set the contract for hearing and, after hearing, may approve or disapprove the contract. At the hearing, the applicant shall bear the burden of proof with respect to the contract. If the Commission does not set the contract for hearing, the contract is effective according to its terms.~~

~~**2203. Default Forms of Regulation for CLECs.**~~

~~(a) Requirements of all CLECs.~~

~~(I) Prices for residential basic local exchange service. Consistent with § 40-15-502(3)(b)(I) and except as otherwise provided by law, prices for residential basic local exchange service, including zone charges, if any, shall not rise above the levels in effect on May 24, 1995, for comparable services regardless of the form of regulation of the provider, except for prices and price levels as determined by the Commission pursuant to § 40-15-301, C.R.S., et seq., or § 40-15-502, C.R.S.~~

~~(II) Switched access prices. Consistent with § 40-15-105(1), C.R.S., and except as otherwise provided by law, providers' access charges:~~

~~(A) Shall be cost based, as determined by the Commission;~~

~~(B) Shall not exceed the average price by rate element and type of access in effect on July 1, 1987; and~~

~~(C) Each CLEC's switched access charges by rate element shall be capped at that CLEC's tariffed rate as of January 1, 2012. The capping of rates does not affect any required implementation of rate changes pursuant to federal requirements.~~

~~(III) To enable the Commission to track the progress of competition and to monitor the delivery of basic, premium and advanced services to all areas of the state, it is in the public interest for CLECs to provide the Commission with information in annual reports and/or other special reports, pursuant to rule 2006.~~

~~(b) A CLEC may elect to opt into one of two forms of default regulation in their entirety. A new CLEC shall designate at the time of application for a CPCN and/or LOR under which form of default regulation it requests to be regulated or apply for an alternative form of regulation pursuant to rule 2205. An existing CLEC certified at the effective date of this rule shall notify the Commission by letter addressed to the Director of the Commission if they wish to change to the Option Two form of default regulation. If an existing carrier desires to be regulated under an alternative form of regulation, this must still be accomplished by application pursuant to rule 2205.~~

2201. Regulation for Providers of Switched Access Service.

(a) Except where FCC rules and orders require otherwise or as otherwise provided by law, the Commission shall regulate the terms and conditions, including rates and charges, under which switched access service is offered and provided to customers exclusively in accordance with the provisions of §§ 40-4-101(1), 40-4-111, 40-4-112, 40-5-105, 40-15-301, 40-15-302, 40-15-303, and 40-15-307.

(b) All tariffs and advice letters shall comply with rule 1210 of the Commission's Rules of Practice and Procedure.

(c) In addition to the requirements and contents in rule 1210, providers of switched access service shall comply with the following:

(I) Consistent with § 40-15-105(1), C.R.S., and except where FCC rules and orders require otherwise or as otherwise provided by law~~:, providers' access charges:~~

(A) a provider's access charges ~~Shall~~shall be cost-based, as determined by the Commission; and

(B) ~~Shall~~shall not exceed the ~~average price by~~ rate ~~element~~of the competing ILEC, unless the provider of telecommunications service is determined to be a rural CLEC pursuant to FCC 47 C.F.R. §§ 61.26 and ~~type of~~ 61.3. A rural CLEC competing with a non-rural ILEC, shall not file rates for its intrastate access above the rates prescribed in ~~effect on July 1, 1987; and~~the NECA access tariff.

(C) Each ~~CLEC's~~ switched access provider's charges by rate element shall be capped at that ~~CLEC's~~provider of telecommunications service's tariffed rate as of January 1, 2012. The capping of rates does not affect any required implementation of rate changes pursuant to federal requirements.

~~(c) Default Form of Regulation: Option One.~~

~~(I) This default form of regulation shall apply to all jurisdictional products and services offered by a CLEC provider, with the exception of the rates, terms and conditions for 9-1-1 call delivery to a BESP. Each CLEC shall establish rates, terms and conditions governing 9-1-1 call delivery to a BESP, as directed in rule 2138.~~

~~(II) Pursuant to rule 2122, each CLEC shall file an initial Tariff that contains the rates, terms and conditions governing its Part II and Part III services and products.~~

~~(III) Tariff changes. For products and services subject to this default form of regulation, changes to the Tariff may be made upon 14-days notice to the Commission. Additional notice to customers shall not be required unless ordered by the Commission. If the Commission does not suspend the effective date of the proposed Tariff change, the Tariff change shall become effective according to its terms.~~

~~(IV) Customer-specific contracts and notice.~~

~~(A) The Commission may permit a provider to provide a customer with regulated services, under contract, irrespective of any Tariff or Price List requirements.~~

~~(B) A notice of contract shall be filed with the Commission under seal within 14-days of the date the contract is executed. The notice shall: disclose any early termination penalty to the customer; confirm that the contract is a non-discriminatory offering; confirm that the charges exceed the company's cost; and confirm that the contract contains a provision acknowledging that it is subject to regulatory review.~~

~~(C) The contract shall be subject to Commission review to determine if:~~

~~(i) The negotiated contract is nondiscriminatory;~~

~~(ii) The contract terms are not inconsistent with the public interest; and~~

~~(iii) The contract terms are not inconsistent with applicable Commission rules.~~

~~(D) The Commission may set the contract for hearing and, after hearing, may approve or disapprove the contract. At the hearing, the applicant shall bear the burden of proof with respect to the contract. If the Commission does not set the contract for hearing, the contract is effective according to its terms.~~

~~(d) Default Form of Regulation: Option Two.~~

~~Option Two default form of regulation recognizes that the Commission found in Docket No. 04A-411T that sufficient competition exists to warrant a reduction in the regulatory oversight of certain products and services.~~

~~(I) Customer specific contracts. Customer specific contracts may be negotiated and entered into without notice or filing to the Commission. CLECs shall maintain a log of such contracts and give Staff and the OCC reasonable access to the contracts upon request.~~

~~(II) There shall be minimal Commission oversight of certain telecommunications products and services under Market Regulation. Market Regulation includes:~~

~~(A) Detariffing;~~

~~(B) The ability to geographically deaverage prices;~~

~~(C) The ability to withdraw or cease offering a product or service to new customers without initial Commission review or approval; and~~

~~(D) The ability to make changes in rates, terms and conditions for services and products without any initial Commission review or approval.~~

~~(III) Customer specific notice. CLECs shall provide 14 days notice to customers of price increases and price-affecting changes in terms and conditions using customer-specific mechanisms such as direct letter contact, postcards, bill inserts and/or bill messages. CLECs are neither required nor prohibited from providing customer specific notices of price decreases.~~

~~(IV) Commission notice. CLECs shall provide the Supervisor of the Consumer Affairs section of the Commission with an e-mailed copy of all customer specific notices, including promotional material, at the same time the customers receive those notices. In addition, CLECs shall e-mail a one-day notice of all changes to rates, terms and conditions for all services subject to Market Regulation to a designated Staff person in the Fixed Utilities Section of the Commission.~~

~~(V) CLECs are required to post on their website the rates, terms and conditions associated with the services under Market Regulation in a timely and easily accessible manner and update such information regularly. CLECs shall maintain an archive of the website postings for a period of not less than two years from the time the rates, terms or conditions for that service are rescinded or changed. This archive data must be available to the Commission upon request.~~

~~(VI) The services subject to Market Regulation are:~~

(A) Additional residential access lines located within the following exchange wire centers the Denver Metro Exchange: Aberdeen, Arvada, Aurora Main, Capitol Hill, Columbine, Curtis Park, Denver International Airport, Dry Creek, Denver East, Denver Main, Denver North, Denver Northeast, Denver South, Denver Southeast, Denver Southwest, Denver West, Englewood, Golden, Highland Ranch, Lakewood, Littleton, Monaghan, Montbello, Smoky Hill, Sullivan and Westminster; the Boulder Exchange: Boulder Main, Table Mesa and Gun Barrel; the Longmont Exchange: Longmont and Niwot; the Lafayette/Louisville Exchange: Cottonwood; the Broomfield Exchange: Broomfield and Northglenn; Erie; and Parker and the Colorado Springs exchange: Air Force Academy, Colorado Springs East, Colorado Springs Main, Gatehouse, Fountain, Monument, Pikeview, Security and Stratmoor (known as the zones of competition).

(B) Residential features and services except for the public interest features and services described in Modified Existing Regulation;

(C) Six and above flat rated, message or measured business access lines;

(D) Advanced features or services provided on business lines as defined in § 40-15-102(2) including hunting on six and above flat-rated, message or measured business access lines except public interest features and services;

(E) All other business services except for one to five flat-rated, message or measured business access lines and hunting on those lines;

(F) Premium services as defined by § 40-15-102(21), C.R.S., other than non-listed and non-published services;

(G) All packages and bundles (which include any combination of access lines and/or features or services subject to Commission jurisdiction) with a price cap.

(i) Prices for packages and bundles shall not exceed the sum of the highest prices of the a la carte components of the package.

(H) Non-optional operator services except busy line verify and busy line interrupt. The Commission approved statewide benchmark rate applies to all non-optional operator services, as required by § 40-25-302(5) C.R.S.

(VII) Modified existing regulation. Products and services regulated under Modified existing regulation shall have the same tariffing and notice requirements as those under Option One default regulation.

(VIII) The services subject to Modified existing regulation are:

(A) Residential primary access lines;

(B) Additional residential access lines in area other than the zones of competition identified above;

(C) Public interest features and services on residential and business access lines defined as per call and per line blocking; call trace; busy line verification; busy line interrupt; non-listed service; and non-published service;

(D) One to five flat-rated, message or measured business access lines and hunting on those lines;

(E) Payphone service offerings;

(F) Line extensions; and

(G) 9-1-1, E9-1-1 and N-1-1 services.

2204. General Requirements.

(a) This rule is applicable to any provider subject to an alternative form of regulation, including the simplified regulatory treatment of rural ILECs.

(b) If a provider is granted Commission approval for an alternative form of regulation for its Part III emerging competitive services, the Commission shall not consider the provider's overall rate of return or overall revenue requirements when determining the just and reasonable rate for a particular product or service.

(c) Accounting plan. The Commission may require a provider subject to an alternative form of regulation to file an accounting plan that segregates assets, liabilities, revenues, and expenses between services. In the event the Commission orders an applicant to file an accounting plan, the applicant shall not offer the service prior to Commission's approval of the accounting plan and shall modify its cost separation manual to conform to such an accounting plan.

(d) If the provider is required by the Commission to file an accounting plan, the provider shall bear the burden of proving that the accounting plan submitted is sufficient to segregate assets, liabilities, revenues, and expenses, which permits the Commission to define the regulated rate base and to implement the alternatives to rate of return regulation.

(e) Providers exempted from filing a cost separation manual pursuant to rules 2400 through 2459 shall not be required to file accounting plans or updates, but shall be required to follow the cost segregation rules.

(f) In any proceeding before the Commission to investigate any tariff, tariff rate, price, or price list, the provider shall have both the burden of going forward and of proving that any price, term, or condition included in a tariff, price list, or contract, or sold under any alternative form of regulation is fair, just, reasonable, and non-discriminatory.

(g) Revisions of terms. The Commission, on its own motion or upon the application of the provider which has been granted an alternative form of regulation, and after notice and opportunity to be heard, may revise a form of regulation granted pursuant to rule 2205 if it finds that continued use of the approved form of regulation is contrary to, or inconsistent with, statements of public policy in §§ 40-15-101, 40-15-501, 40-15-502, and 40-15-503(2)(c), C.R.S.

2205. Application for Alternative Form of Regulation.

(a) A provider seeking to obtain a form of regulation other than the applicable default form of regulation shall file an application with the Commission.

(b) Contents. The application shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:

(I) The information required by paragraph 2002(b);

(II) The services for which the alternative form of regulation is requested;

(III) A list of all currently effective tariff and price list pages, as applicable, for each relevant service;

(IV) A description of the form of regulation requested on a service basis and on a geographic area basis;

(V) The proposed price bands, if applicable, including ceilings and floors for each relevant service;

(VI) The proposed benchmark rates, if applicable, for each relevant service;

(VII) The proposed detariffing, if applicable, for each relevant service;

(VIII) Any other proposed element of alternative regulation requested by the applicant;

(IX) The conditions that the applicant believes exist to permit the Commission to ensure that telecommunication services continue to be available to all customers at fair, just, and reasonable rates, if an alternative form of regulation is granted;

(X) The estimated market share information, demand data, and cost support data, as applicable, for each relevant service;

(XI) A list of other known providers of similar or substitutable services in the affected geographic area(s) identified in subparagraph (IV), and any significant, functional differences between the applicant's service and other known available services;

(XII) An identification of the accounting method that will be used to account for services subject to the alternative form of regulation and an explanation of how the accounting method meets the requirements of rules 2405 through 2407; and

(XIII) The facts relied upon by the applicant to show that a grant of an alternative form of regulation is consistent with, and not contrary to, the statements of public policy contained in §§ 40-15-101, 40-15-501, 40-15-502, and 40-15-503(2)(c), C.R.S., as applicable.

(c) Applicant notice of application. Concurrent with the filing of an application, the applicant shall provide notice of the application to all existing customers pursuant to § 40-3-104, C.R.S., unless the Commission approves an alternate notice procedure. The applicant shall also provide notice by first-class mail to all providers of telecommunications services that are regulated by the Commission under Title 40, Article 15, Part II or Part III, C.R.S. The notice shall include the requirements of paragraph 2002(d).

(d) Commission notice of application. The Commission shall provide notice of the application in accordance with rule 1206. Additionally, if the Commission institutes a proceeding upon its own motion, it shall provide notice to the public pursuant to § 40-6-108(2), C.R.S.

(e) Criteria for Commission consideration. In determining whether to grant an application, the Commission will consider whether granting the requested regulation:

(I) Is suitable and appropriate under the circumstances;

(II) Is consistent with, and advances, the public policies contained in §§ 40-15-101, C.R.S., for an application for an alternative form of regulation;

(III) Is consistent with, and advances, the public policies contained in §§ 40-15-101, 40-15-501, 40-15-502, and 40-15-503(2)(c), C.R.S., for applications for a form of price regulation other than rate-of-return regulation for providers of local exchange service;

(IV) Ensures that telecommunication services continue to be provided to all consumers in the state at fair, just, and reasonable rates consistent with § 40-15-503(2)(c) (I); and

(V) Is not contrary to law or to Commission policy.

(f) If the Commission approves the application, the applicant shall file an advice letter and initial tariff and a transmittal letter and initial price list, if applicable, on not less than 30-days notice, to implement the terms of the alternative form of regulation approved by the Commission.

2206. Simplified Regulatory Treatment for Rural ILECs.

(a) Simplified regulatory treatment. The simplified pricing procedures provided for in these rules are applicable to rural ILECs electing simplified regulatory treatment and only to Part III products and services. Each rural ILEC that takes no action under these rules shall remain, on a default basis, subject to continuing rate-of-return regulation.

(b) Notice of election for simplified regulatory treatment. A rural ILEC that elects to be subject to simplified regulatory treatment for its Part III regulated retail services and products shall file a notice with the Commission advising of its election to be so regulated and shall also provide 30-days notice to its customers by direct mailing, bill stuffer, or billing statement notification. The provider's election is effective 30 days from the date of filing, and shall remain effective until revoked.

(c) Election of simplified regulatory treatment. Election by a rural ILEC of simplified regulatory treatment has no effect upon the existing prices of any of its Part III services unless and until the provider elects to seek a change in the price of one or more of its products or services under the procedure specified in these rules. If at the time of electing simplified regulatory treatment, a rural ILEC's prices for one or more Part III products or services exceeds the price ceiling that would be established as provided in paragraph (d), its then current pricing shall remain in effect as the price ceiling until the provider seeks a change. Additionally, any price change secured by a rural ILEC for a Part III product or service shall remain in force and effect even if the benchmark rate for the product or service is lowered either voluntarily by the reference provider or by Commission action.

(d) Price ceilings. Price ceilings for products and services under this regulatory treatment shall be established by reference to the prices for such products and services that are in effect under an alternative form of regulation for any one reference provider that has been approved by the Commission.

(e) Procedure for price change up to price ceiling. On not less than 14-days notice prior to the desired effective date for a change in one or more of the prices contained in its associated price list, a rural ILEC subject to simplified regulatory treatment shall file a transmittal letter with the Commission describing the proposed change(s) and containing its revised price list. The rural ILEC may, but need not, provide notice to its customers of any proposed price change provided that the price as changed is at or below the price ceiling. In its transmittal letter, the rural ILEC shall include a statement to the effect that the change does not exceed the price ceiling for the

affected product(s) or service(s) that the Commission has approved in a reference provider's alternative form of regulation plan and shall set forth the name of the provider and the provider's approved product or service price ceiling for each product or service addressed by the transmittal letter. Unless suspended by the Commission, the revised price list will become effective according to its terms.

(f) Procedure for price change above price ceiling. On not less than 30-days notice prior to the desired effective date for a change in one or more of the prices contained in its tariffs, a rural ILEC seeking to increase the price of a product or service above the price ceiling rate of any reference provider or seeking to establish a rate for a product or service not provided by any reference provider shall file an advice letter with the Commission describing the proposed price changes or initial price setting and containing its revised tariff rate. The rural ILEC shall additionally file together with its advice letter a service-specific or product-specific cost analysis supporting the proposed rates and demonstrating that the proposed rate or rates are cost-based and otherwise just and reasonable.

(g) Customer specific contracts and notice.

(I) The Commission may permit a rural ILEC to provide a customer with regulated services, under contract, irrespective of any tariff or price list requirements.

(II) If permitted, a notice of contract shall be filed with the Commission under seal within 14-days of the date the contract is executed. The notice shall disclose: any early-termination penalty to the customer; whether the contract is a non-discriminatory offering; whether the charges exceed the company's cost; and a statement confirming that the contract contains a provision acknowledging that it is subject to regulatory review.

(III) The contract shall be subject to Commission review to determine if:

(A) The rate negotiated is nondiscriminatory and the customer did not receive an inappropriate rate;

(B) The contract terms are consistent with the public interest; and

(C) The contract terms are consistent with applicable Commission rules.

(IV) The Commission may set the contract for hearing and, after hearing, may approve or disapprove the contract. At the hearing, the applicant shall bear the burden of proof with respect to the contract. If the Commission does not set the contract for hearing, the contract is effective according to its terms.

(h) Revoking election of simplified regulatory treatment on existing rates.

(I) A rural ILEC may elect to revoke its election to be subject to simplified regulatory treatment by providing notice of such revocation to the Commission. No customer notice of revocation is required. A notice of revocation is effective as of its date of filing and returns the rural local exchange provider to default regulation.

(II) If a rural ILEC revokes its election under this paragraph (h), the rates for the products and services of the rural ILEC in effect at the time that notice of revocation is filed with the Commission shall continue in effect until the effective date of a Commission order establishing new rates.

~~(III) If a rural ILEC revokes such election under this paragraph (h), that provider may not elect to become subject to simplified regulatory treatment for a period of at least three years from the date its notice of revocation is filed with the Commission.~~

~~(i) Supplemental information for application to increase rates for Part II services. In any proceeding in which a rural ILEC subject to simplified regulatory treatment makes a filing with the Commission putting an increase of its rates for Part II services at issue, the provider agrees that it will file together with its application, relevant cost allocation information pertaining both to its Part II services and products, and to its Part III services and products subject to simplified regulatory treatment under these rules. The filing of such information shall be subject to any applicable Commission rules and orders concerning confidentiality and shall not constitute a waiver of the provider's rights under §§ 40-15-201 and 40-15-302, C.R.S.~~

2202. Regulation of Providers of Interexchange Service.

(a) An Interexchange provider shall:

(I) agree to contribute, in a manner prescribed by statute, rule, or order of the Commission, to the:

(A) Telecommunications Utility Fund; and

(B) Colorado High Cost Support Mechanism; and

(C) any other financial support mechanism created by § 40-15-502(4), C.R.S., and adopted by the Commission, as required by § 40-15-503(2(b)(V), C.R.S.; and

(II) file an updated registration form within 15 days of any change in the information previously provided to the Commission, including any discontinuance of service.

(b) For the purposes of enforcing § 40-15-112, C.R.S. and § 40-15-113, C.R.S, the Commission may invoke all lawful remedies available under Title 40, Articles 1 through 7, C.R.S. Failure to comply with applicable statutes or Commission rules is cause for revocation of the registration, an order to cease and desist, an order to the appropriate local exchange providers of telecommunications service to disconnect an interexchange provider's service, or any other remedy deemed appropriate by the Commission.

~~**2207. Refraining from Regulation of a Part II Service.**~~

~~(a) The Commission, upon its own motion or upon application by a provider of Part II services, and in compliance with the requirements of § 40-15-203, C.R.S., may refrain from regulation for competitive purposes and authorize a provider to provide all or a portion of a private telecommunications network service under stated or negotiated terms to any person or entity that has acquired, is contemplating the acquisition of, or is operating a private telecommunications network.~~

~~(b) Any application under this rule shall comply with the requirements of § 40-15-203(3)(a), C.R.S. and shall include the information required by paragraph 2002(b).~~

~~(c) Commission notice of application. The Commission shall notice the application by inclusion of an appropriately identified item for discussion on its next weekly meeting agenda. No applicant notice is required.~~

220~~83~~. Reclassification of a Part II Service to a Part III Service.

(a) The Commission, if it finds that effective competition exists in the relevant market for a Part II service and that reclassification of such service to a Part III service will promote the public interest and the provision of adequate and reliable service at just and reasonable rates, may reclassify such service upon its own motion or upon application by any Part II provider. Such reclassification shall be in compliance with the requirements of § 40-15-207, C.R.S.

(b) Any application under this rule shall comply with the requirements of § 40-15-207, C.R.S. and shall include the information required by paragraph 2002(b).

(c) ~~Filing of testimony by applicant.~~ At the time the application is filed, the applicant shall file its direct testimony and ~~copies of exhibits~~attachments to be offered at the hearing.

(d) ~~Customer notice.~~ Concurrent with the filing of an application, the applicant shall provide notice of the application to all existing customers pursuant to § 40-3-104, C.R.S., unless the Commission approves or requires an alternative notice procedure. ~~The applicant shall also provide notice by first-class mail to all providers of telecommunications services that are regulated by the Commission under Title 40, Article 15, Part II or Part III, C.R.S.~~ The notice shall include the requirements of paragraph 2002(d).

220~~94~~ Deregulation of Part III ~~Emerging Competitive~~ Services.

(a) The Commission, if it finds that effective competition exists in the relevant market for a Part III service and that deregulation of such service to a Part IV service will promote the public interest and the provision of adequate and reliable service at just and reasonable rates, may deregulate such service upon its own motion or upon application by any Part III provider~~.~~ of telecommunications service. Such deregulation shall be in compliance with the requirements of § 40-15-305, C.R.S.

(b) Any application under this rule shall comply with the requirements of § 40-15-305, C.R.S., and shall include the information required by paragraph 2002(b).

(c) ~~Filing of testimony by applicant.~~ At the time the application is filed, the applicant shall file its direct testimony and ~~copies of exhibits~~attachments to be offered at the hearing.

(d) ~~Customer notice.~~ Concurrent with the filing of an application, the applicant shall provide notice of the application to all existing customers pursuant to § 40-3-104, C.R.S., unless the Commission approves or requires an alternative notice procedure. ~~The applicant shall also provide notice by first-class mail to all providers of telecommunications services that are regulated by the Commission under Title 40, Article 15, Part II or Part III, C.R.S.~~ The notice shall include the requirements of paragraph 2002(d).

~~(e) If the Commission deregulates a service under § 40-15-305, C.R.S., all providers of the deregulated service shall submit to the Commission an accounting plan, account-by-account, to segregate the assets, liabilities, revenues, and expenses (including common and joint assets, liabilities, expenses, and revenues) assigned and allocated to the deregulated service to ensure compliance with § 40-15-108, C.R.S. The accounting plans shall be filed with the Commission within 30 days from the effective date of the final order granting the deregulation.~~

2210. Deregulation of IntraLATA Interexchange Telecommunications Services.

To apply for deregulation of intraLATA interexchange telecommunications services (intraLATA toll services), pursuant to § 40-15-108, C.R.S. The accounting plans shall be filed with the Commissionapplicant may complete the Commission issued application form, or may file a separate pleading with the information and documentation set forth below.

(a) Contents of Application. The application shall contain the following information:

(I) Applicant's name, complete mailing address (street, city, state and zip code), telephone number, and the name(s) under which the applicant is providing intraLATA toll services in Colorado, the name of the person filing the application, the representative's title or relationship to the applicant and e-mail address of the representative;

(II) Name, mailing address, telephone number and e-mail address of the person to contact for questions about the application;

(III) Commission Decision number that granted the applicant the authority to provide intraLATA toll services (the Decision that granted a CPCN and/or LOR, whichever is applicable);

(IV) Whether the applicant provides toll service on a resale basis from another facilities-based provider;

(V) Whether the applicant has effective tariffs on file with the Commission for the offering of intraLATA toll;

(VI) Acknowledgement that within ten days of Commission approval to deregulate the applicant's intraLATA toll authority, the applicant shall make a compliance filing(s) in the form of an Advice Letter and/or Transmittal Letter (whichever is applicable), effective on not less than 14-days notice, to modify its effective tariff and/or price list by deleting all reference to intraLATA toll offerings or identify intraLATA toll offerings as deregulated by the Commission; and

(VII) An affidavit signed by an officer, partner, owner, or authorized agent, who is authorized to act on behalf of the applicant, stating that the contents of the application are true, accurate, and correct and that the applicant will fully comply with all of the requirements in the Decision which grants the authority to deregulate its intraLATA toll services.

(b) Providers of IntraLATA interexchange telecommunications services shall continue to comply with all Commission rules and applicable statutes not expressly excluded by C.R.S. § 40-15-401.

2211. Deregulation of interLATA Interexchange Telecommunications Services.

InterLATA interexchange telecommunications services are not regulated by the Commission except as provided for in §§ 40-15-112, 40-15-113 and those not excluded by 40-15-401 C.R.S. Upon the effective date of this rule, all providers of such services shall:

(a) File a notice of compliance with the Director of the PUC. Such Notice shall include the Docket No. which granted the provider the authority to offer such service, acknowledgment that interLATA interexchange services are deregulated, the name, address telephone number and email address of the person to contact and an affidavit signed by an officer, partner, owner or authorized agent, who is authorized to act on behalf of the company, stating that the contents of

~~the notice are true, accurate and correct that that the company will fully comply with all applicable rules, statutes and requirements in paragraph b of this rule.~~

~~(b) Within 10 days of the filing of the notice, make a compliance filing(s)in the form of an advice letter and/or transmittal letter(whichever is applicable) effective on not less than 14 days notice to modify its effective tariff and/or price list by deleting all references to interLATA toll offerings or identifying interLATA toll offerings as deregulated by the Commission.~~

~~(I) If a provider of such services fails to file such compliance filing pursuant to paragraph (b) of this rule, the rates, terms and conditions which are more favorable to the customer shall be the rates billed to the customer by the provider. Upon the effective date of such compliance filing, this condition shall be lifted.~~

~~(c) Providers of interLATA interexchange telecommunications service shall continue to comply with all Commission rules and applicable statutes not expressly excluded by C.R.S. § 40-15-401.~~

~~**2212. Combined Applications.**~~

~~An applicant may file an application for an alternative form of regulation, an application for reclassification, and/or an application for deregulation, in combination with any other application, *e.g.*, an application for a CPCN. In a combined application, the applicant shall provide all information required for each component of the combined application.~~

221305. Adjudicatory Proceedings for ~~Reclassification of Basic Local Exchange Services~~ Determination of Effective Competition Areas

(a) Based upon evidence provided through an adjudicatory proceeding initiated by the Commission or any person, the Commission may find that certain ~~wire center serving~~geographic areas in Colorado are designated as ~~"~~effective competition areas~~" or "~~ (ECAs~~".~~).

~~(b) The Commission shall review the telecommunications market in triennial adjudicatory proceedings beginning no later than first quarter of 2013, to make findings as to whether wire center serving areas are ECAs pursuant to § 40-15-207, C.R.S.~~

~~(c) Once an area is determined by the Commission to be an ECA, regulatory treatment for ECAs as provided in these rules shall apply unless and until an application is filed requesting that the area be reclassified and that application has been approved by the Commission.~~

(b) A geographic area is defined as a wire center serving area unless the Commission determines otherwise. If a proposal for a relevant geographic service area that is smaller than a wire center for an ECA designation, the proponent must provide data and information supporting the use of such smaller geographic area.

(c) In adjudicatory proceedings addressing evaluating the level of effective competition of basic local exchange ~~services under~~ service pursuant to § 40-15-207, C.R.S.~~.~~ ~~: (I) t~~The Commission ~~shall~~may consider ~~basic services and~~ similar services offered by multiple, non-affiliated, ~~facilities-based providers, carriers, or other entities through traditional wireline, cable-based, interconnected voice over internet protocol, and wireless technologies.~~ providers of telecommunications service regardless of technology.

~~(II) The relevant geographic areas shall be wire center serving areas.~~

~~(III) In the proceeding determining if an area should be designated as an ECA, the Commission may, but need not, make additional findings of reclassification and effective competition pursuant to § 40-15-207, C.R.S., for telecommunications services other than basic local exchange service in the relevant geographic area.~~

(~~e~~d) If the Commission finds that a ~~wire center serving~~geographic area is an ECA, then the ECA is deregulated pursuant to § 40-15-401, C.R.S.~~Commission shall reclassify all Part II services in the wire center serving area, except for basic emergency service and white page directory listings, to Part III regulation for all companies offering services in that area. All services reclassified under this rule 2213 shall be regulated in accordance with rules 2214 and 2215.~~

(e) HCSM support will be discontinued in an ECA beginning on the effective date of a Commission order designating the geographic area as an ECA.

~~**2214. Regulation in Effective Competition Areas.**~~

~~(a) All Part III services in ECAs, with the exception of switched access services, white page directory listings and basic emergency service, are not price-cap or rate of return regulated. Providers of Part III services in ECAs are not required to follow the Commission tariffing rules 2120 to 2124. However, each provider of Part III services in an ECA shall make its retail service rates, terms and conditions available on its website. Tariffs, prices lists, and customer specific contracts containing rates, terms and conditions for retail services provided to customers are not required and need not be filed at the Commission. Pursuant to § 40-15-502(3)(b)(I), C.R.S., the prices and price levels for residential basic service shall be determined by the market.~~

~~(b) Rules 2130 through 2159 for regulated basic emergency service, shall continue to apply to all carriers and providers in ECAs.~~

~~(c) The Commission will regulate providers offering service in ECAs pursuant to all rules applicable to Part 3 services and, including without limitation, to the following substantive rules: Reports (paragraphs 2006(a), (b), (f), (g), (h), (i), and (j)), Application for LOR (rule 2103), Numbering Administration (rules 2700 through 2741), Programs (rules 2800 through 2895), Provider Obligations to Other Providers (rules 2500 through 2588), and Collection and Disclosure of Personal Information (rules 2360 through 2362).~~

~~**2215. Distribution of HCSM Funds in Effective Competition Areas.**~~

~~(a) Distribution of HCSM funds will be eliminated in an ECA 180 days after the effective date of a Commission order designating the area as an ECA, unless within that 180 days after the effective date of the Commission order, the provider receiving funds from the HCSM files an application pursuant to paragraph 2215(b). If an application has been filed within 180 days of the Commission order, then HCSM funding will continue at existing levels until the Commission issues an order ruling upon the application and determining whether funding from the HCSM will continue, be reduced, or be eliminated.~~

~~(b) A provider may file an application with the Commission at any time requesting the establishment, continuation or restoration of HCSM funding for specified areas or access lines in an ECA. The application shall include an affidavit signed by an officer of the applicant verifying that the facts alleged are based upon reasonable inquiry.~~

~~(c) If the Commission determines that an area is no longer classified as an ECA, a provider may file an application requesting HCSM support.~~

22~~16~~06. – 2299. [Reserved].

RELATIONSHIPS BETWEEN CUSTOMERS AND ~~TELECOMMUNICATIONS SERVICE~~ PROVIDERS

Services Provided to the Public

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to ~~identify services subject to the Commission's regulation and to reflect continuing evolution of standards and technology. The Commission is charged with establishing~~establish standards for the adequate provisioning and performance of services.~~: Part II regulated telecommunications service, Part III emerging competitive telecommunications services, and other regulated telecommunications products and services.~~

The statutory authority for the promulgation of these rules is found at §§ 40-3-101, 40-3-102, 40-3-103, ~~40-3.4-106~~, 40-4-101(1), 40-4-101(2), 40-15-112, 40-15-113, 40-15-201(1), 40-15-302(1)(a), 40-15-503(2), and 40-2-108, C.R.S.

2300. Applicability.

Except as otherwise provided in ~~R~~rules ~~2300 through 2329 regulate the provision of intrastate telecommunications services~~2305 and ~~facilities to the public and apply to all providers of telecommunications services subject to the jurisdiction of the Commission.~~2309, ~~R~~rules 2300 through 2310~~, Rules 2330 through 2341, and Rules 2360 through 2364~~ apply only ~~with respect to the residential and small business customers of a provider.~~to basic emergency service, switched access service, and basic service provided by HCSM recipients.

2301. Definitions. [Reserved].

2302. Customer Deposits.

(a) ~~General intent and guidelines.~~ With the exception of subsection (b)(I) of this rule, this rule ~~only~~ governs deposits for ~~basic local exchange service, and does not govern deposits for any other jurisdictional service.~~HCSM recipients.

(I) Each ~~LEC~~ HCSM recipient shall process an application for service made orally, in writing, or via a secure website in a non-discriminatory manner.

(II) The ~~LEC~~ HCSM recipient shall establish and maintain a written procedure for determining an applicant's credit status ~~in~~and include this on its ~~tariff.~~website.

(b) ~~Criteria for establishment and amount of deposits.~~ .

~~(I)~~ Each ~~LEC's~~HCSM recipient's deposit and credit policy shall ~~determine credit worthiness in an~~be equitable and non-discriminatory and shall not impose more stringent requirements than the HCSM imposes in areas where HCSM support is not provided. ~~manner.~~

~~(A) The LEC may require a new or existing customer to pay a deposit if billing records are available and records indicate recent or substantial delinquencies.~~

~~(B) A LEC , shall not refuse to provide service to a customer who declines to provide a social security number.~~

~~(C) All LECs requiring deposits shall offer customers at least one non-cash alternative that does not require the use of the customer's social security number, in lieu of a cash deposit.~~

~~(D) No LEC shall require a deposit that exceeds an amount equal to the charges for 90 days' basic local exchange service and any associated taxes and surcharges.~~

(~~II~~c) A deposit required under this rule may be in addition to any advance payment, contribution to, or guarantee in connection with construction of lines or facilities, as provided in the line extension policy of the ~~LEC's tariffs~~ HCSM recipient's TOS documents, if applicable, on file with the Commission.

~~(c) Limitation on the use of deposits.~~

(d~~I~~) The payment of a deposit shall not relieve any customer of the obligation to pay current bills when due. If forfeited, a deposit shall be applied only to the indebtedness of the customer.

~~(d) Payment on deposits.~~

(e~~d~~) A customer who is required by ~~a LEC acting under the requirements of this rule~~an HCSM recipient to pay a deposit shall pay the deposit in full, prior to receiving service, or if agreed to by the ~~LEC~~ HCSM recipient, enter into a written installment arrangement for payment of the deposit.

(f~~e~~) Interest and deposits.

(I) Simple interest shall be paid by the ~~LEC~~HCSM recipient upon a deposit at the percentage rate per annum as ~~calculated~~determined by Commission ~~Staff and in the manner provided in this paragraph~~staff on an annual basis, payable upon the return of the deposit. Interest on a deposit shall be earned for the time the deposit is held by the ~~LEC~~ILEC, and shall be calculated from the date the deposit is received by the ~~LEC~~HCSM recipient to the date of refund to the customer.

(II) ~~The simple interest rate to be paid on customer deposits shall be determined by the Commission Staff on an annual basis. The rate shall be computed at a rate equal to the average for the period October 1 through September 30 (of the immediately preceding year) of the 12-monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. If the difference between the existing customer deposit interest rate and the newly calculated interest rate is 25 basis points or more, the newly calculated interest rate shall be used beginning January 1 of the following year; otherwise the rate shall remain unchanged.~~ When it is determined that a change in the interest rate is warranted, the Commission shall send a letter to each ~~LEC~~ HCSM recipient within the state by November 15th identifying the new rate to be paid beginning on January 1 of the next year. Following notification by the Commission, each provider of telecommunications service shall ~~file an advice letter and revised tariff on not less than one-day notice~~change its TOS to be effective January 1 of the following year. To the extent any of the dates contemplated herein are modified, there shall be at least ~~45~~30 days between the date of the notification letter and the effective date of the rate change.

(f~~g~~) Refund of deposits. ~~(I)~~ Upon discontinuance of service, or when a customer establishes satisfactory credit, the ~~LEC~~ HCSM recipient shall promptly refund any deposit, plus accrued simple interest, or the balance, if any, in excess of the unpaid bills.

~~(II) Unless the LEC has obtained sufficient factual information to determine that a customer is an unsatisfactory credit risk, the LEC~~

(h) Each HCSM recipient shall include in its TOS~~promptly refund a customer's deposit plus interest upon satisfactory payment of all proper charges for 12 consecutive months.(III) If there is a balance due the customer after service is discontinued and a final bill is rendered by the provider, that balance shall be payable to the customer without demand or notice from the customer.~~

~~(g) Deposit policy included in the tariff. Each LEC shall file as part of its tariffs,~~ its deposit requirement policy, explaining in detail under what circumstances a deposit shall be required, and under what conditions the deposit shall be returned.

2303. Denial or Discontinuance of Service.

(a) ~~Disconnection without notice.~~ No ~~LEC~~HCSM recipient shall deny or discontinue service to a customer in an area where HCSM support is provided without prior written notice except for the following reasons~~:~~.

(I) If a safety condition that is immediately dangerous or hazardous to life, physical safety, or property exists.

(II) Upon order by an appropriate court, the Commission, or any other duly authorized public authority.

(III) If service, having already been properly discontinued, has been restored by someone not authorized by the company and the original cause for discontinuance has not been cured.

(IV) ~~Violation of any Commission rule or effective tariff~~Any condition that may adversely affect the safety of any person or the integrity of the ~~provider's~~provider of telecommunications service.

~~(VI) Failure to comply with municipal ordinances or other laws pertaining to telecommunications service that may adversely affect the safety of any person or the integrity of the provider's service.~~

~~(VII~~(V) Failure of the customer to permit the provider of telecommunications service reasonable access to its facilities or equipment.

~~(VIII~~(VI) The customer obtained service by subterfuge. Subterfuge includes, without limitation:

(A) ~~Obtaining~~obtaining service in another person's name with the intent to avoid outstanding charges; or

(B) ~~Applying~~applying for new service at a location:

(i) ~~Where~~where a person has outstanding charges for ~~jurisdictional~~basic service including outstanding charges for any associated taxes and surcharges; and

(ii) ~~Where~~where such person continues to reside.

(b) ~~Disconnection with notice. A LEC~~In an area where HSCM support is provided, a HCSM recipient may temporarily suspend or permanently discontinue service and may sever the connection and remove any of its equipment from the customer's premises after at least 15-days written notice only for one of the following reasons:

(I) ~~Non~~non-payment of any past due bill for basic local exchange service and any associated taxes and surcharges. Solely for the purposes of this paragraph, a bill is past due if not paid within 30 days of the due date which must be at least 15 days after the billing date; or.

(II) ~~If~~if the ~~LEC~~HCSM recipient determines service was obtained fraudulently or ~~without the authorization of the provider or~~ is being used for~~, or suspected of being used for,~~ fraudulent purposes.

(c) Restrictions on denial or discontinuation of service in HCSM-supported area – Disposition of payments.

(I) Basic local exchange service shall not be denied or discontinued for delinquency or nonpayment of charges for service unless the customer has been issued a bill for the charges consistent with the billing requirements under rule 2304.

(II) A ~~LEC~~HCSM recipient shall not deny or discontinue basic local exchange service for delinquency in payment for service rendered to a previous occupant of the premises to be served, for unpaid charges for services or facilities not ordered by the applicant or customer, or for any other indebtedness, except as incurred for basic local exchange service and any associated taxes and surcharges.

(III) A ~~LEC~~HCSM recipient may not use its purchase of a customer's indebtedness, i.e., the accounts receivable, from another provider of telecommunications service to deny or discontinue providing its ~~jurisdictional~~basic services to that customer.

(IV) If a customer pays or is willing to pay all current charges, ~~which are defined for the purpose of this subparagraph as that portion of the amount owed by the customer for basic local exchange service and any associated taxes and surcharges that are not past due as set forth in subparagraph (b)(I) above, a LEC~~a HCSM recipient shall not discontinue service for non-payment of a past due amount for these services when the customer has entered into a payment arrangement with the ~~LEC~~HCSM recipient. If the payment arrangement is not satisfied, the service may be disconnected for non-payment without further notice.

(V) Unless requested by the customer, a ~~LEC~~HCSM recipient shall disconnect dial tone only during the normal business hours of the ~~LEC's~~HCSM recipient's business or customer service offices. There shall be no disconnection of dial tone when the business or customer service offices of the ~~LEC~~HCSM recipient is not open or after noon the day before the business or customer service offices will not be open.

~~(VI) When a provider has been granted the authority by the Commission to discontinue offering basic local exchange service, an alternative provider may refuse service to a customer who has an outstanding balance for local services owing to the alternative provider and has not entered into an arrangement with the alternative provider to pay the outstanding balance.~~

(V~~I~~I) Medical emergencies.

(A) A ~~LEC~~HCSM recipient shall postpone discontinuance of basic local exchange service to a residential customer for 60 days from the date of a medical certificate issued by a Colorado-licensed physician or health care practitioner acting under a physician's authority which evidences that discontinuance of service will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. The customer may receive a single 30-day extension by providing a second medical certification prior to the expiration of the original 60-day period. A customer may invoke this ~~rule~~subparagraph 2303(c)(VII)(A) only once in any twelve consecutive months.

(B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who had already entered into a payment arrangement, but had broken the arrangement prior to seeking a medical certification, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.

(C) The certificate of medical emergency shall be in writing, sent to the ~~LEC~~HCSM recipient from the office of a licensed physician, and show clearly the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician or health care practitioner acting under a physician's authority certifying the medical emergency. Such certification shall be incontestable by the LEC as to the medical judgment, although the ~~LEC~~HCSM recipient may use reasonable means to verify the authenticity of such certification.

(d) Notice requirements.

(I) ~~The~~ Except where prior written notice is not required, consistent with paragraph 2303(a) above, the customer shall be notified of the intention of a ~~LEC~~HCSM recipient to discontinue basic local exchange service and shall be allowed no fewer than 15 days from the date the notice was issued in which to respond to the company. The notice shall clearly state the amount that is past due and the date by which an installment payment arrangement must be entered into or payment must be received to prevent interruption of service. It shall also state that disconnection of basic local exchange service cannot occur for non- payment of other charges, such as for optional services, wireless service, or other companies' services. If the customer has chosen electronic billing, the notice of disconnection may be provided electronically.

(II) All discontinuance notices shall be printed in English and Spanish.

(e) Restoration of service

(I) Any service already discontinued must be restored without any additional charge if it was not properly discontinued or restored as provided in this rule 2303.

(II) Service must be restored within 24 hours, or by 5:00 p.m. on the next business day in the event the end of the 24-hour period falls on a Saturday, Sunday, or holiday unless prevented by safety concerns, or circumstances beyond the company’s control, if the customer:

(A) Within ten days of the discontinuance of service, remits the full amount shown on the notice for ~~jurisdictional~~basic services, plus any deposit as may be specifically required by the ~~LEC's tariff~~HCSM recipient's TOS by:

(i) ~~Paying~~paying the ~~LEC~~HCSM recipient directly; or

(ii) ~~Paying~~paying an authorized payment agent of the ~~LEC~~HCSM recipient, contacting the ~~LEC~~HCSM recipient by telephone and providing the ~~LEC~~HCSM recipient with the date paid, the amount paid and the valid receipt information;

(B) Presents a medical certificate, as provided in ~~rules~~subparagraph 2303 (c)(~~VII~~VI), within 24 hours of a disconnection for non-payment; or

(C) Demonstrates to the ~~LEC~~HCSM recipient that the cause for the discontinuance, if other than non- payment, has been cured.

2304. Customer-Billing Requirements.

(a) ~~Billing information.~~ The Commission incorporates by reference the FCC's Truth in Billing Rules, as identified in rule 2008. In addition to the requirements found in the FCC's Truth in Billing Rules ~~referenced above~~, all bills for ~~telecommunications services~~basic service provided by HCSM recipients shall clearly display the billing date and the payment due date, which must be at least 15 days after the billing date. At the option of the customer, and where it is technically feasible, electronic billing (e-billing) is permitted.

(b) Payment of bills, billing disputes, and bill credits or refunds for HSCM.

(I) Whenever a customer makes a partial payment, the ~~LEC~~HCSM recipient shall apply it first to past due basic local exchange service and any associated taxes and surcharges in such a manner consistent with preserving basic local exchange service, unless otherwise instructed by the customer.

(II) In the event of a billing dispute between the customer and the provider of telecommunications service, the provider may require the customer to pay the undisputed portion of the bill to avoid discontinuance of service for non-payment. The provider of telecommunications service shall make a prompt investigation appropriate to the case and report the results to the customer. In the event the dispute is not reconciled, the provider shall advise the customer that an informal complaint may be registered with Commission Staff or that a formal complaint may be filed with the Commission.

(III) Whenever billing for basic local exchange service and any associated taxes and surcharges has not been determined accurately because of a ~~LEC's~~HCSM recipient's omission or negligence, the ~~LEC~~HCSM recipient shall offer the following:

(A) Whenever a ~~LEC~~HCSM recipient over-bills a customer for the service, the ~~LEC~~HCSM recipient shall offer the customer a refund. ~~When the amount of the refund exceeds the charges for two months of basic local exchange service and any associated taxes and surcharges, the customer shall be offered the choice either to receive the refund as a one-time~~ or credit. ~~on the customer's bill or as a one-time payment from the company. If the customer elects a one-time payment, the LEC shall mail the refund within thirty days. Such over-billing shall not be subjected to interest. Refunds for over-billing shall not be provided for a period of time exceeding two years.~~

~~(B) Whenever a LEC under-bills a customer for service, the customer shall be allowed to make an installment payment arrangement when the amount exceeds the charges for two months of basic local exchange service and any associated taxes and surcharges. A customer shall be advised that any installment payment agreement may, at the option of the customer, extend over a time period equal in length to the period over which the errors were accrued. Charges for under-billing shall not be billed for a period of time exceeding two years and shall not include late payment fees or interest~~.

~~(C) Whenever a LEC collects from a customer more money than is due the LEC because of an erroneous payment or electronic transfer, the LEC shall electronically issue or mail the customer a refund within five days of realizing the mistake.~~ When the amount of the refund exceeds the charges for two months of basic local exchange service and any associated taxes and surcharges, the customer shall be offered the choice either to receive the refund as a one-time credit on the customer's bill or as a one-time payment from the company. If the customer elects a one-time payment, the HCSM recipient shall mail the refund within thirty days. If the customer discontinues service, the provider shall refund to the customer any remaining credit due within thirty days. Such over-billing shall not be subjected to interest. Refunds for over-billing shall not be provided for a period of time exceeding two years.

(B) Whenever a HCSM recipient under-bills a customer for service, the customer shall be allowed to make an installment payment arrangement when the amount exceeds the charges for two months of basic local exchange service and any associated taxes and surcharges. A customer shall be advised that any installment payment agreement may, at the option of the customer, extend over a time period equal in length to the period over which the errors were accrued. Charges for under-billing shall not be billed for a period of time exceeding two years and shall not include late payment fees or interest.

(C) Whenever a HCSM recipient collects from a customer more money than is due the HCSM recipient because of an erroneous payment or electronic transfer, the HCSM recipient shall electronically issue or mail the customer a credit or refund within five days of realizing the mistake. When the amount of the credit or refund exceeds the charges for two months of basic local exchange service and any associated taxes and surcharges, the customer shall be offered the choice either to receive the refund as a one-time credit on the customer's bill or as a one-time payment from the company. If the customer discontinues service, the provider shall refund to the customer any remaining credit due within thirty days. Such refunds shall not be subjected to interest. Refunds for erroneous payments shall not be provided for a period of time exceeding two years.

(IV) In the event the customer's basic local exchange service is interrupted and remains out of order for eight or more hours during a continuous 24-hour period after being reported by the customer, or is found to be out of order by the ~~LEC~~HCSM recipient (whichever occurs first), appropriate adjustments shall be automatically made by the ~~LEC~~HCSM recipient to the customer's bill.

(A) The adjustment shall be, at a minimum, a credit on the monthly bill for basic local exchange service and any associated taxes and surcharges proportional to the duration of the service interruption, with each occurrence of the loss of service for eight or more hours during the 24-hour period counting as one day. For the purpose of administering this rule, every month is considered to have 30 days.

(B) The ~~LEC~~HCSM recipient is not required to provide an adjustment for the loss of service during time periods due to the following conditions:

(i) ~~The~~the negligence or willful act of the customer;

(ii) ~~A~~a malfunction of facilities other than those under the control of the ~~LEC~~HCSM recipient;

(iii) ~~Natural~~natural disasters or other events affecting large numbers of customers such as described in paragraph 2336(c); or

(iv) ~~The~~the inability of the ~~LEC~~HCSM recipient to gain access to the customer's premises when required.

(V) In the event the ~~LEC~~HCSM recipient misses a service call, i.e., an appointment for a premises visit associated with installation of new service by more than four hours, the ~~LEC~~HCSM recipient shall make a credit to the monthly bill of the customer in the amount of one-third the ~~tariff~~ rate for installation ~~that was to be charged.~~ as reflected in the HCSM recipient's TOS. This credit shall also apply when the ~~LEC~~HCSM recipient misses scheduled installation work to be done in the central office.

(VI) The bill credit policies set forth in paragraphs (a) and (b) are minimum requirements. ~~LECs~~HCSM recipients that merely adopt paragraphs (a) and (b) as their bill credit policy are not required to file ~~tariffs~~a TOS that incorporate this rule. ~~LECs~~HCSM recipients that wish to have additional bill credit policies shall file a ~~tariff~~TOS that fully describes such additional policies. All bill credit policies shall be non-discriminatory and non-preferential.

2305. Refund Plans.

Any provider proposing or required by Commission order to make a refund to customers by class of service shall file an application for Commission approval of the plan of refund. ~~For a LEC, the~~ The application shall contain the analysis of the feasibility and costs of customer-specific refunds in lieu of a general refund. ~~When the amount of the refund exceeds the charges for two months of basic local exchange service and any associated taxes and surcharges, the customers shall be offered the choice either to receive the refund as a one-time credit on the customer's bill or as a one-time payment from the company.~~

(a) ~~Contents. An~~Unless the Commission orders otherwise, an application for approval of a plan of refund shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attached~~ attachments~~exhibits~~:

(I) ~~The~~the information required by paragraph 2002(b~~).~~);

(II) ~~A copy of~~ a detailed description of the proposed refund plan, including but not limited to: a description of the telecommunications service that is the subject of the refund plan; the dollar amount of the proposed refund by class of service; the date applicant proposes to start making the refund, which shall be at least 60 days after the filing of the application; the date by which the applicant proposes to complete the refund; the means by which the refund is proposed to be made; an identification of the service area(s) impacted by the refund; the interest rate that will be paid to customers, equal to the current rate paid on customer deposits unless the Commission establishes an alternative interest rate; and the proposed treatment of unclaimed refunds, consistent with § 40-8-101, C.R.S., et seq~~.~~.;

(III) ~~A~~a statement describing in detail the extent to which the applicant has any financial interest in any other company involved in the refund plan~~.~~;

(IV) ~~A~~a reference by ~~docket~~proceeding number, decision number, and date of any Commission decision requiring the refund; and/or a copy of any federal agency or other state order, if the refund is to be made because of the applicant's receipt of monies under any such order~~.~~;

(V) ~~I~~if the applicant proposes to refund less than all of the monies received as described in subparagraph (a)(II), a detailed statement justifying the proposed refund of a lesser amount, with a copy of applicant's most recent balance sheet, dated not earlier than three months before the date of the filing of the application, with a copy of an income statement and a retained earnings statement as of the date of the balance sheet~~.~~;

(VI) ~~A~~a statement showing the accounting entries for the refund plan~~.~~; and

(VII) ~~A~~a statement that if the application is granted, applicant will file an affidavit with the Commission establishing that the refund has been made in accordance with the Commission decision.

(b) ~~Notice.~~ The Commission shall give notice of the filing of an application to make a refund, as provided in rule ~~1206of~~1206 of the Rules Regulating Practice and Procedure.

(c) ~~Customer notice.~~ The applicant shall give notice of the filing of an application to make a refund, as provided in paragraphs ~~1206(g) and (h)~~1207 of the Commission's Rules Regulating Practice and Procedure. Such notice shall also include the requirements of paragraph 2002(d).

2306. Public Information.

(a) ~~Business offices and customer service centers.~~ Each HCSM recipient shall have one or more business offices or customer service centers staffed to provide access in person or by telephone to qualified personnel, including supervisory personnel when warranted, to provide information relating to services and rates, accept and process applications for service, explain charges on customers' bills, adjust charges made in error, and generally act as customer service representatives of the ~~LEC.~~ HCSM recipient. Toll free calling to the business office and customer service centers shall be provided to customers.

(b) ~~Information available from the business office.~~ Each ~~provider~~ HCSM recipient shall, at a minimum, provide the following information to the public, as applicable and upon request, at each business office open to the public and may also be available on the provider's website:

(I) ~~Copies~~copies of all ~~tariffs and price lists~~TOS documents as filed with the Commission;

(II) ~~For~~for each exchange ~~served by the provider~~that includes any area where HCSM support is provided, maps showing the exchange, base rate area and zone (if applicable) boundaries in sufficient size and detail from which all customer locations can be determined and mileage and zone charges measured from these boundaries can be quoted;

(III) ~~Publicly~~publicly announced information about the present and intended future availability of services at the location of a potential customer; and

(IV) ~~Publicly~~publicly announced information concerning plans for major service changes in the area served by the provider~~; and~~ of telecommunications service.

~~(V) Information pertaining to services and rates as proposed in pending tariff, price list, or rate change filings.~~

~~2307. Directories for Basic Local Exchange Service.~~

~~(a) Publication and distributionof White Pages telephone directories.~~

~~(I) A LEC shall cause White Pages telephone directories to be published annually. A White Pages telephone directory shall include each exchange served by that LEC and shall list the name, address, and telephone number of all basic local exchange customers served by that exchange except for those customers that request omission of their listing from the directory. Each directory also shall include a list of all exchanges in the local calling area.~~

~~(II) All White Pages telephone directories shall be revised annually. A LEC may petition the Commission to extend the life of a directory for good cause shown. A LEC does not need to petition the Commission to extend the life of a directory unless the current directory will be in circulation more than an extra three months, for a total life of 15 months or more.~~

~~(III) Upon issuance of a White Pages telephone directory, a LEC shall cause White Pages telephone directories to be made available and shall ensure that all customers served by a directory have access to the directory. A LEC satisfies this requirement if it does, or causes to be done, one of the following:~~

~~(A) provides, free of charge, a White Pages telephone directory to each customer served by that directory.~~

~~(B) uses the opt-in process, in which event the following apply:~~

~~(i) a customer served by a White Pages telephone directory shall not receive a directory unless the customer requests a directory;~~

~~(ii) customers served by a White Pages telephone directory shall receive written and verifiable notice that they will not receive a directory unless they request a directory; shall receive written and verifiable notice that they may receive a White Pages telephone directory upon request, free of charge, and within a reasonable time of the request; shall receive written instructions informing them how to request a directory; and shall receive written notice that, even if they do not choose to opt in to any telephone directory, information required by subparagraphs 2307(b)(III) through (VI) shall continue to be provided in an alternative printed form. This information shall be contained in one notice;~~

~~(iii) a customer's request for a White Pages telephone directory shall be verifiable;~~

~~(iv) each customer served by a White Pages telephone directory shall receive the information required by subparagraphs 2307(b)(III) through (VI). This information shall be contained in a White Pages telephone directory that is provided to a customer on request or in an alternative~~

printed form that is provided to all customers other than those that request a White Pages telephone directory; and

(v) the LEC shall maintain records that show the delivery of a White Pages telephone directory to all customers that are served by the directory and that requested a directory and shall maintain records that show the delivery of the alternative printed form to all customers that are served by the directory and that did not request a directory.

(C) uses the opt-out process, in which event the following apply:

(i) a customer served by a White Pages telephone directory shall receive, free of charge, a directory unless the customer chooses not to receive a directory and informs the LEC of that choice;

(ii) customers served by a White Pages telephone directory shall receive written and verifiable notice of the option not to receive a directory; shall receive written instructions informing them how to request that a White Pages telephone directory not be provided; shall receive written notice that, if they choose, they later may request a White Pages telephone directory and instructions informing them how to make that request; and shall receive written notice that, even if they choose to opt out of all telephone directories, information required by subparagraphs 2307(b)(III) through (VI) shall continue to be provided in an alternative printed form. This information shall be contained in one notice;

(iii) a customer's request not to receive a White Pages telephone directory shall be verifiable;

(iv) a customer that chooses not to receive a White Pages directory later may request a directory and that request must be verifiable;

(v) if a customer that chose not to receive a White Pages telephone directory later requests a directory, the customer shall receive the White Pages telephone directory free of charge and within a reasonable time of the request;

(vi) each customer served by a White Pages telephone directory shall receive the information required by subparagraphs 2307(b)(III) through (VI). This information shall be contained in a White Pages telephone directory that is provided to a customer or in an alternative printed form that is provided to all customers that choose not to receive a White Pages telephone directory; and

(vii) the LEC shall maintain records that show the delivery of White Pages telephone directories to all customers that are served by the directory and that received the directory and shall maintain records that show the delivery of the alternative printed form to all customers that are served by the directory and that chose not to receive a directory.

(IV) Upon request from a customer with more than one access line, a White Pages telephone directory for each access line shall be provided at no charge. A LEC shall provide additional free White Pages telephone directories in response to a reasonable request from any customer. Also, upon request from a customer, White Pages telephone

directories for the other exchanges in the customer's local calling area shall be provided at no charge. A copy of each White Pages telephone directory published for each LEC shall be provided annually to the Commission. Upon written request, public libraries within the state shall be provided free copies of the White Pages telephone directories for all exchanges served by the LEC within the state.

(b) Directory information and instructions. Each White Pages telephone directory shall include the following:

(I) On the front cover, an indication of the area included in the directory and the month and year of issue or, alternatively, the month and year through which the directory is effective.

(II) Telephone service pages that include information on every ILEC and CLEC with listings included in the directory.

(III) On the first page of the directory, information pertaining to emergency calls, such as for the police and fire departments, including "9-1-1."

(IV) If provided by governmental public safety agencies, alternative numbers to use in case of an outage of the 9-1-1 system and non-emergency numbers to reduce inappropriate use of 9-1-1; this information shall be contained in, or shall be referenced conspicuously in, the front part of the directory.

(V) Instructions for placing local calls and long distance calls; instructions for placing calls to repair and directory assistance services; the business office website, if applicable; and the telephone number of the LEC's business offices appropriate to the area served by the directory.

(VI) In a prominent manner in the instructional section of the directory, notice of the Commission's current toll-free telephone number and notice of the customer's right to make inquiries regarding telecommunications services to the Commission.

(c) Directory assistance and intercept.

(I) The LEC shall list its basic local exchange customers (except for those customers that request otherwise) with the directory assistance operators within 72 hours of service connection.

(II) In the event of an error in the listed telephone number or name of any customer by the LEC and until a new White Pages telephone directory is published, the LEC shall make, at no charge to the customer, whatever special arrangements are necessary and reasonable to ensure that calling parties are able to reach the customer whose listed telephone number or name is in error.

(III) In the event of an error in the telephone number, name, or address listing of any customer, the customer's correct name, address, and telephone number shall be included in the databases of directory assistance and intercept operators within 72 hours of confirmation of the error by the LEC or shall be sent to the providers of these services within 24 hours if the LEC does not provide its own services. The LEC shall take the necessary steps to ensure that the error is corrected in the next issue of the White Pages telephone directory.

~~(IV) In the event a customer's telephone number is changed, the correct number shall be in the databases of directory assistance and intercept operators within 72 hours of the number change or shall be sent to the providers of these services within 24 hours if the LEC does not provide its own services.~~

~~(A) Whenever a customer's telephone number is changed at the request of the customer after a directory is published, the LEC shall provide intercept service for all calls to the former number for a reasonable period but not fewer than 60 days. The customer may pay to have the intercept recording include the customer's new number.~~

~~(B) If the telephone number change is due to the initiative of the LEC, the LEC shall provide intercept service for all calls to the former number for 60 days or the remaining life of the directory, whichever is greater. The intercept recording shall include, at no charge to the customer, the customer's new number.~~

2308~~8~~7. Local Exchange Service Standards.

(a) ~~Basic service standard.~~ As part of its obligation to provide adequate basic local exchange service~~, each LEC~~ in areas where HCSM support is provided, each HCSM recipient shall construct and maintain its telecommunications network so that the instrumentalities, equipment, and facilities within the network shall be adequate, efficient, just, and reasonable in all respects in order to provide the following services or capabilities to each of its customers within its service area:

(I) ~~Individual~~individual line service or its functional equivalent constructed and maintained to meet the general parameters and characteristics of rule 2337;

(II) ~~Voicegrade~~voice grade access to the public switched network;

~~(III) Dual tone multifrequency signaling capability (Touchtone) or its functional equivalent on the local access line;~~

~~(IV) Facsimile and data transmission capability with the public switched network when the customer uses modulation/demodulation devices rated for such capability, in particular, the capability to transmit two-way communications between a person using a telecommunications device or other nonvoice terminal device and a person using other customer premises equipment within the bandwidth of voicegrade access;~~

(~~V~~III) ~~The~~the local exchange usage necessary to place calls to or receive calls from all local exchange access lines within a Commission approved local calling area;

(I~~V~~I~~I~~) ~~A~~access to emergency services;

(V~~II~~) ~~A~~access to toll services;

(VI~~II~~) ~~C~~customer billing to the extent described in rule 2304;

(~~IX~~VII) ~~P~~public information assistance to the extent described in rule 2306;

(~~X~~VIII) ~~A~~access to operator services;

~~(XI) White page directory listing as described in paragraphs 2307(a) and (b);~~

~~(XII) Access to directory assistance and intercept to the extent described in paragraph 2307(c);~~

(I~~X~~III) ~~P~~provisioning of service during maintenance or emergencies to the extent described in rule 2335; and

~~(XIV) Any LEC that has also been designated as a POLR~~

(X) any HCSM recipient must offer basic local exchange service by itself as a separate tariff offering~~.~~; however~~:~~

~~(A) This~~, this subparagraph does not preclude the ~~LEC/POLR~~HCSM recipient from also offering basic local exchange service packaged with other services~~; and~~.

~~(B) If basic local exchange service is packaged with other services, the rate for the bundled package service must be at or below the rate that would be charged if the basic local exchange service and the optional features were charged individually.~~

(b) ~~Universal service availability standard.~~ In order to maintain a reasonable uniformity between all localities in the state for adequate basic local exchange service in the ordinary course of its business ~~pursuant to its CPCN~~, each ~~LEC~~HCSM recipient shall construct and maintain its telecommunications network so as to provide for universal (i.e., ubiquitous) availability of the following services or capabilities when requested by a customer within ~~its serving area~~areas where HCSM support is provided:

(I) ~~The~~the basic service standard defined in paragraph ~~2308~~2307(a);

(II) E9-1-1 service, either by providing the necessary facilities and identification (name/number, etc.) information to a BESP or as provided by the LEC under rules 2130 through 2159; and

(III) ~~Services~~services to which the customer may voluntarily subscribe:

(A) ~~Services~~services that deny or limit access to ~~toll~~ providers of interexchange service; and

(B) ~~Services~~services that deny access to other information service providers.

(c) ~~Local calling area standards. Local~~In areas where HCSM support is provided, local calling areas as established by the Commission shall meet either the community of interest or incremental extended service criteria. Any ~~provider that is granted authority to offer basic local exchange service in an exchange, or for any part of the exchange, for which the Commission has previously established a local calling area,~~HCSM recipient shall provide at least one option to its customers that includes that same local calling area, unless modified by order of the Commission. In general, and to the extent possible, each local calling area shall:

(I) ~~Allow~~allow customers to place and receive calls without payment of a toll charge to 9-1-1, their county seat, municipal government, elementary and secondary school districts, libraries, primary centers of business activity, police and fire departments, and essential medical and emergency services;

(II) ~~Be~~be provided in both directions between the two exchange areas; and

(III) ~~Not~~not exhibit any discontinuities (i.e., an exchange area physically located between two exchanges that is not included in a local calling area that serves the two exchanges).

2308~~9~~. Expanding a Local Calling Area.

LECs must notify the Commission 45 days prior to expanding any local calling area. The notice for an expanded local calling area shall include the following:

(a) a description of the existing local calling area;

(b) a description of the proposed local calling area;

(c) attestation of the date the Local Exchange Routing Guides (LERG) will be modified;

(d) customer and carrier notifications; and

(e) the implementation date of the local calling area expansion.

~~The Commission shall consider requests for an expanded local calling area through the following processes: the Commission's own motion; a biennial review of calling volumes between exchanges conducted by Commission Staff; an application filed under the alternative criteria standard; or a petition filed under the incremental extended area service standard.~~

~~(a) Biennial reviews. Staff shall conduct a statewide review of calling volumes biennially to analyze whether a community of interest exists between exchange areas. All LECs and toll providers shall comply with Staff's data requests and shall provide data and information on monthly calling volumes for exchanges in their respective serving territories.~~

~~(I) Criteria. If the following criteria are met, a community of interest is determined to exist, and the Commission shall open an investigative docket to examine further the expansion of the local calling area. When the exchange area under consideration for an expansion of a local calling area:~~

~~(A) Includes the Denver Metro exchange, a calling rate of at least 24 calls per customer per month to the Denver exchange, with at least eight calls per customer per month made by at least 50 percent of the customers from the smaller exchange will demonstrate a community of interest;~~

~~(B) Includes the Colorado Springs exchange, a calling rate of at least eight calls per customer per month to the Colorado Springs exchange, with at least three calls per month made by at least 50 percent of the customers from the smaller exchange will demonstrate a community of interest;~~

~~(C) Includes the Fort Collins, Grand Junction, Greeley, or Pueblo exchange, a calling rate of at least six calls per customer per month to the Fort Collins, Grand Junction, Greeley, or Pueblo exchange, with at least two calls per month made by at least 50 percent of the customers from the smaller exchange will demonstrate a community of interest; or~~

~~(D) Does not include any of the exchanges named in subparagraphs (I)(A) through (I)(C), a calling rate from the smaller exchange area under consideration of at least four calls per customer per month to the larger exchange with at least two~~

~~calls per month made by at least 50 percent of customers will demonstrate a community of interest.~~

~~(II) Rate increment. If a local calling area is expanded as a result of meeting the calling criteria of the biennial review, any rate increment shall be determined by apportioning the cost among all customers in the entire serving territory of the affected LEC(s).~~

~~(III) Data between biennial reviews. During the period between biennial reviews, a LEC, a majority of the elected representatives of the city or town from either of the exchange areas impacted by the proposed expansion, or a majority of the county commissioners from either of the exchange areas impacted by the proposed expansion may submit an application requesting that the Commission review the local calling volumes for a particular set of exchanges. Commission Staff will request the call data from the affected LEC(s) and toll providers. If the resulting data meets the appropriate criteria, the Commission will open an investigative docket to examine further the expansion of the local calling area.~~

~~(IV) An application under subparagraph (III) shall include the following:~~

~~(A) The information required by paragraph 2002(b); and~~

~~(B) The information and documentation relied upon by the applicant to identify the circumstances that have changed sufficiently to justify a review outside the biennial review process.~~

~~(b) Alternate criteria standard. The Commission shall also consider requests for the expansion of a local calling area based upon evidence other than calling volumes to demonstrate that a community of interest exists between exchanges.~~

~~(I) To have a request processed under the alternate criteria standard, an application shall be filed by either the affected LEC or by a majority of elected representatives of the city or town or a majority of the county commissioners from the applying local exchange area. If the application for expansion of a local calling area will result in a local calling area that crosses county boundaries, then a majority of the county commissioners from the non-applying local exchange area shall also be signatories to the request.~~

~~(II) Criteria. In evaluating such a request, the Commission shall consider community of interest issues dictated by urban growth patterns and the present and future availability of essential services in rural areas. Specific criteria to be used by the Commission in making its determination shall include the:~~

~~(A) Local calling area standards of paragraph **2308**(c);~~

~~(B) Customers' calling patterns;~~

~~(C) Location of serving transportation centers;~~

~~(D) Demographic profile of the residents of the exchange(s);~~

~~(E) Location of primary centers of business activity and employment centers;~~

~~(F) Location of employee residences;~~

(G) Availability and feasibility of optional calling plans and the level of local and long distance competition; and

(H) Other pertinent factors such as the results of the most recent biennial review. However, the calling standards related to the biennial review do not need to be met if the other data is persuasive.

(III) Rate increment. If a local calling area is expanded as a result of meeting the alternative criteria standard, any rate increment shall be determined by apportioning the cost among all the customers in the entire serving territory of the affected LEC(s).

(IV) Application contents. The application for an expanded local calling area under the alternate criteria standard shall include the following:

(A) The information required by paragraph 2002(b);

(B) A description of the existing local calling area;

(C) A description of the proposed local calling area; and

(D) Information and documentation relied upon by the applicant to support a conclusion that a community of interest exists based on the criteria identified in subparagraph (II).

(c) Incremental extended area service standard.

(I) If the community of interest standard is not met through either the biennial review calling volume criteria or through the alternative criteria, the option of establishing a two-way incremental extended area service may be pursued by any one, or more, of the following submitting a petition to the Commission:

(A) A LEC serving at least one of the exchanges seeking the expansion;

(B) A majority of elected representatives of the city or town or a majority of the county commissioners from the applying local exchange area. If the application for expansion of a local calling area will result in a local calling area that crosses county boundaries, then a majority of the county commissioners from the non-applying local exchange area shall also be signatories to the request; or

(C) A petition signed by 15 percent or 500 customers, whichever is less, of the customers in the affected local exchange.

(II) A joint petition on behalf of both exchanges shall be filed if the petitioners seek recovery of the costs from customers of both exchanges.

(III) Criteria. Neither the calling volume criteria nor the alternative criteria standards need be met for the Commission to evaluate a petition for expanded local calling. Once a petition is filed, the Commission will open an investigative docket to further examine the local calling area expansion. The Commission will not open an investigative docket for a particular exchange more than once every twelve months.

(IV) Rate increment. If such a petition is filed on behalf of customers in only one exchange, only the customers in the petitioning exchange shall pay the rate increment for the two-

~~way incremental extended area service. If such a petition is submitted jointly on behalf of customers in all affected exchanges, customers in all the affected exchanges shall pay the rate increment.~~

~~(V) Petition contents. The petition for an expanded local calling area under the incremental extended area service standard shall include:~~

~~(A) The information required by paragraph 2003(b);~~

~~(B) A description of the existing local calling area; and~~

~~(C) A description of the proposed local calling area.~~

~~(d) Cost study requirements. If the Commission determines that the criteria of either 2309(a)(I) or (b)(II) are met, or upon the receipt of a valid petition to pursue an incremental extended area service option under paragraph 2309(c), any LEC providing service in and between the exchange areas being considered for inclusion in the local calling area shall perform all revenue and cost analyses necessary to calculate the rate element increment per affected customer (cost study). The cost study shall be completed by the LEC(s) and submitted to the Commission and electronically to the Office of Consumer Counsel within 30 days of notification by the Commission. Staff shall report to the Commission of the filing of the cost study and any modifications necessary within 15 days of receipt. The Commission shall determine the costs the affected LEC(s) will be allowed to recover from customers. When the amount of the recoverable costs is ordered by the Commission, the Commission shall also direct that a letter be sent to the LEC(s), notifying them of the allowed rate impact and directing the LEC(s) to proceed with the customer survey. Any issue arising regarding the cost study shall be resolved by Commission order.~~

~~(e) Customer survey requirements.~~

~~(I) When a local calling area expansion is proposed and the rate increment is allowed, a statistically valid survey of all residential customers in the exchange areas being considered for calling area expansion shall be performed by the affected local exchange provider(s). The statistical sample of residential customers shall be sized to produce not more than plus or minus five percent margin of error. The survey shall explain the proposed expansion of the local calling area and the resultant increase in local rates. The survey results must demonstrate at least a 50 percent positive acceptance of the local calling area at the stated rate levels. The customer survey shall be completed within 30 days of Commission notification unless otherwise ordered by the Commission.~~

~~(II) Notwithstanding subparagraph (I), if the cost study results show that the increase in the monthly rate for basic local exchange service in the non-petitioning local exchange area represents less than a 0.5 percent increase, a residential customer survey need not be conducted in the non-petitioning local exchange area.~~

~~(III) In the case of the incremental extended area service option, a statistically valid survey only of residential customers in the petitioning exchange area(s) shall be performed by the LEC(s) at the expense of the petitioners. The statistical sample of residential customers shall be sized to produce not more than plus or minus five percent margin of error. The survey shall explain the proposed expansion of the local calling area and the resultant increase in local rates. The survey results must demonstrate at least a 66 percent positive acceptance of the local calling area at the stated rate levels. The customer survey shall be completed within 30 days of Commission notification unless otherwise ordered by the Commission.~~

~~(f) When the cost study and customer survey requirements have been met, the Commission will issue an order indicating the complying exchanges and setting the procedural schedule for conducting any required public hearings. The applicant or petitioner shall have the burden of going forward and the burden of proof.~~

~~(g) LECs may offer a lower priced alternative to full flat-rate local service, such as measured rate service and/or a message rate service. They may also offer a combination local service comprised of a smaller local calling area for a lower priced flat rate with local measured and/or message rate service to the rest of the local calling area, or they may offer a larger local calling area for a higher flat rate, as long as the LEC continues to offer the Commission-ordered local calling at the original rate. This rule does not in any way negate a carrier's responsibility to pay applicable access charges.~~

~~(h) If community of interest standards are not met, the Commission will generally rely on long distance competition, local competition, and optional calling plans that assess additional charges only to participating customers to meet customer demand for alternate or expanded calling.~~

~~(i) While nothing in rules 2308 or 2309 shall impose on any LEC an obligation to construct facilities or relieve any LEC of any obligation to construct facilities otherwise provided for by applicable law or Commission directive, to the extent facilities are constructed, they shall comply with all statutory and Commission requirements.~~

23~~10~~09. Availability of Service -- Adequacy of Facilities.

Each ~~LEC~~ HCSM recipient shall employ prudent management planning practices, including budgeting and prioritizing resources, to ensure that adequate facilities and equipment are in service to provide service to prospective customers in its service territory and in areas ~~certificated to the LEC~~where HCSM support is provided in conformance with the ~~LEC's~~HCSM recipient's line extension policy.

(a) ~~Line extension policies.~~Each ~~LEC~~HCSM recipient shall maintain, as part of its ~~tariffs~~TOS, the rules, regulations, circumstances, terms, and conditions under which line extensions or extensions of service by the ~~LEC~~HCSM recipient will be made in order to render service to a prospective end user within the exchange area. A ~~LEC's~~HCSM recipient's line extension tariffs:

(I) ~~Shall~~shall not discriminate among the ~~LEC's~~HCSM recipient's prospective customer by class of service;

(II) ~~Shall~~shall include rate schedules for service connections, extensions, and line mileage, as applicable;

(III) ~~Shall~~shall provide a construction credit to prospective customers which reflects the amount of its capital investment that is supported by customers' revenues, the ~~CHCSM~~HCSM, and all other price support mechanisms established by the federal and state governments if the ~~LEC~~HCSM recipient receives support from such price support mechanisms (i.e., its supported costs); and

(IV) ~~Shall~~shall be on file at a business location in Colorado or may be on the ~~provider's~~provider of telecommunications service's website, and shall be available for inspection by the public during normal business hours.

(b) Date of application for service.

(I) When a customer orders service and the ~~LEC~~HCSM recipient is not required to provide a construction charge estimate prior to providing service at the customer's premises, the date of application for service shall be the date of the first oral or written customer contact with the ~~LEC~~HCSM recipient to request service.

(II) When a customer orders service and the ~~LEC~~HCSM recipient is required to provide a construction charge estimate prior to providing service at the customer's premises, the date of application for service shall be the date on which the customer makes payment or partial payment of initial construction charges~~, regardless of whether the customer's project is an individual construction project or is included as part of a group construction project. If the LEC has to recalculate the construction charges for a group construction project as the result of adding customers to the group or removing customers from the group, the date of application for service remains as the date the customer first made payment or partial payment of the initial construction charges.~~ . If no payment is required from the customer, the date of application for service is the date the estimate was provided to the customer.

(c) Information to be provided to residential or small business customers at the time of application for service.

(I) At the time of the first customer contact to apply for service, the ~~LEC~~HCSM recipient shall provide the customer an order number. If construction charges are, or may be required to provide the customer service, the customer shall be informed during the first customer contact that construction may be required to provide service. The ~~LEC~~HCSM recipient must subsequently inform the customer within 30 days of the customer's first contact that construction will be required and a construction charge estimate is necessary before the ~~LEC~~HCSM recipient quotes the estimated construction charge. If the ~~tariffs~~TOS documents of the ~~LEC~~HCSM recipient require the payment of an engineering fee prior to the provision of a construction charge estimate, the customer shall be informed of the required fee at the time of second customer contact.

(II) The ~~LEC~~HCSM recipient shall specifically ask customers who contact the ~~LEC~~HCSM recipient to inquire about service availability if the customer desires to initiate, at that time, a request for service. The ~~LEC~~HCSM recipient shall not discourage the customer from placing an order at the time of such inquiry and shall use the date ~~the provider offers~~offered for service or a date otherwise agreed upon with the customer for service as the due date for installation.

(III) A ~~LEC~~HCSM recipient shall provide any information and assistance necessary to enable customer to choose from the lowest ~~cost jurisdictional telecommunications~~costbasic service or other alternatives it provides which conform to the customer's or applicant's stated needs.

~~(IV) The LEC shall inform customers of the potential of future facility unavailability when the LEC is experiencing or forecasting facility unavailability in specific areas. The LEC shall allow customers to reserve basic local exchange service at the appropriate tariff rate (i.e., vacation service) and shall inform customers of this option.~~

(d) Construction charge estimate.

~~(I) When~~ When a customer orders service and the tariff of the ~~LEC~~HCSM recipient requires the provision of a construction charge estimate, the ~~LEC~~HCSM recipient shall provide to the customer, within 30 days from the date of the customer's request for an estimate, a good faith written cost estimate of the amount of the required payment. If the ~~tariff of the LEC~~HCSM recipient's TOS document requires the

payment of an engineering fee prior to the provision of a construction charge estimate, the payment of the engineering fee shall be notice to the ~~LEC~~HCSM recipient that the customer desires a construction charge estimate to be performed within 30 days. For group applications, the 30 days commence after all applicants have paid the required engineering fee. The good faith written cost estimate shall inform the customer that receipt of payment or partial payment is required before the customer's request will be considered an application for service.

(e) Notices to residential and small business customers.

~~(I)~~ All customers who are not provided service within ten days of the date of application for service or by the customer's requested date for service, whichever is later, shall be provided a written notice by the ~~LEC~~HCSM recipient, stating the order number assigned by the ~~LEC~~HCSM recipient to the application for service, the general status of the order, and a phone number to call with questions. This notice shall be postmarked on or before the 15th day after the date of application.

(f) Provision of basic local exchange service.

(I) ~~Applicability.~~ Time frames for providing basic local exchange service and any remedies associated with not providing service by these time frames shall apply to all applications for service for the primary (first) residential and primary (first) business lines ~~at a residential premises and the first two lines at a business premises. This rule shall not be applicable in geographic areas where the Commission has found basic local exchange service to be effectively competitive~~.

(II) Time frames for provision of service.

(A) Each ~~LEC~~HCSM recipient shall provide 95 percent of its customers with primary basic local exchange service no later than ten days from the date of the customer's application for service, except that when the customer requests a later date of service, the service shall be provided by the requested date, unless construction of new facilities is required in which case subparagraph (B) below shall apply. ~~Failure to provide basic local exchange service for at least 95 percent of primary service orders placed in each of the LEC's wire center serving areas within the time set forth in this subparagraph shall constitute a violation of this rule.~~ The ~~LEC~~HCSM recipient shall provide primary basic local exchange service to the remaining five percent of customers within 30 days of the application date for service. ~~Failure to provide basic local exchange service for the remaining five percent of primary service orders placed in each of the LEC's wire center serving areas within the time set forth in this subparagraph shall constitute a violation of this rule.~~

(B) ~~A LEC that relies on wholesale services purchased from an underlying facilities-based provider shall provide 95 percent of its customers with primary basic local exchange service no later than five days from the date of the provisioning of the underlying wholesale service, except that when the customer requests a later date of service, the service shall be provided by the requested date, unless construction of new facilities is required in which case subparagraph (B) below shall apply. Failure to provide basic local exchange service for at least 95 percent of primary service orders placed in each of the LEC's wire center serving areas within the time set forth in this subparagraph shall constitute a violation of this rule. The LEC shall provide primary basic local exchange service to the remaining five percent of customers within 30 days from the provisioning of the service by the underlying wholesale provider, except that when the customer requests a later date, the service shall be provided by the requested date.~~

~~Failure to provide basic local exchange service for the remaining five percent of primary service orders placed in each of the LEC's wire center serving areas within the time set forth in this subparagraph shall constitute a violation of this rule.~~

~~(C) Subject to the exceptions in subparagraph (i) below, if construction of new facilities is required, the LEC shall provide that customer with basic local exchange service no later than 90 days from the date of the customer's application for service.~~

~~(i) When~~If construction of new facilities is required, the HCSM recipient shall provide that customer with basic local exchange service no later than 90 days from the date of the customer's application for service. When construction is required during the months of October through May, or when construction is required in counties that have construction moratoriums in place, a ~~LEC~~HCSM recipient shall provide primary basic local exchange service no later than 150 days from the date of the customer's application for service.

(III) Remedies to customers not receiving basic local exchange service within 30 days.

(A) If a ~~LEC~~HCSM recipient fails to provide basic local exchange service within the later of 30 days~~, the LEC~~ or (if applicable) the deadlines provided pursuant to Rule 2308(f)(II)(B) above, the HCSM recipient shall provide a remedy to the customer for the first residential and the first business line ~~at a residential premises and for the first two lines at a business premises included in the initial order.~~ . These remedies shall continue to be provided until the customer receives the basic local exchange service.

(B) Remedies shall include a credit that shall be applied to the customer's account no later than the second bill issued for service that has been provided in an amount at least equal to the pro rata monthly local exchange service charge for each day thereafter that service is not provided, a monthly credit up to $40 to reimburse the cost of a temporary alternative to basic local exchange service and an installation charge waiver. These monthly credits shall accrue until the customer receives basic local exchange service.

(IV) ~~Other remedies.~~ The credits and installation charge waivers described in subparagraph (III) shall be offered in addition to, and not in lieu of, any other remedy available to the customer or the Commission, including, but not limited to:

(A) ~~A~~an order by the Commission that the ~~LEC~~HCSM recipient provide basic local exchange service by a date certain; or

(B) ~~An order by the Commission that the CPCN to provide local exchange service is deemed null and void or is revoked by the Commission, either in whole or in part; or~~

~~(C) Penalties~~penalties under § 40-7-105, C.R.S.

(g) ~~Procedure for variance of this rule. LECs~~HCSM recipients may seek a variance of any part of this rule, subject to all the following limitations~~:~~.

(I) A request by a ~~LEC~~HCSM recipient for a blanket variance shall not be granted. Requested variances for individual customers, or individual developments or areas, shall be considered.

(II) A variance may be granted only in those instances where the ~~LEC~~HCSM recipient has demonstrated a good faith effort to comply with the provisions of this rule and the Commission finds that good cause exists to grant the variance.

(III) All ~~LECs~~HCSM recipients may request a variance from the Commission by application that sets forth in detail the grounds upon which the variance is sought.

~~(h) For reports required for services held more than 90 days, see paragraph 2006(c).~~

23~~11~~10. Changing ~~Provider~~Providers of Interexchange Telecommunications Service/Carrier Presubscription

(a) ~~Definitions.~~ The following definitions apply only in the context of this rule.

(I) "Authorized carrier" means any interexchange telecommunications carrier chosen by the subscriber in accordance with the procedures specified in this rule. Authorized carrier can refer to ~~a~~ a POLR, an~~LEC,~~ intraLATA long distance carrier or an interLATA long distance carrier.

(II) "Electronic authorization" means approval for any carrier change that is initiated by a telephone call, either by the subscriber or by an independent third party.

(III) "Executing carrier" means any interexchange telecommunications carrier that implements a request that a subscriber's telecommunications carrier be changed.

(IV) "Slamming" means any change in an end-use subscriber's presubscription to a telecommunications service that is made without appropriate consent of the customer.

(V) "Submitting carrier" means any interexchange telecommunications carrier that requests that the subscriber's telecommunications carrier be changed.

(VI) "Subscriber" means any one of the following:

(A) ~~T~~the party identified in the account records of an interexchange carrier as responsible for payment of the telephone bill;

(B) ~~Any~~any adult person authorized by such party to change interexchange telecommunications services or to charge services to the account; or

(C) ~~Any~~any person (e.g., a payphone agent or building owner) who is contractually or otherwise lawfully authorized to represent such party.

(VII) "Unauthorized carrier" means any interexchange telecommunications carrier that is providing telecommunications service to a subscriber without the subscriber's authorization.

(VIII) "Unauthorized change" means a change to a subscriber's carrier of interexchange telecommunications service that is made without the subscriber's authorization in accordance with the procedures specified in this rule.

(b) Verification of orders for service.

(I) No interexchange telecommunications carrier shall submit or execute a change in a subscriber's authorized carrier except in accordance with the procedures in this rule.

(II) No submitting carrier shall request a change in a subscriber's authorized carrier prior to obtaining the subscriber's authorization by one of the following methods:

(A) A written or electronically signed (Internet or e-mail) letter of agency.

(i) A submitting carrier shall obtain a written or electronically signed letter of agency to obtain authorization to change a subscriber's authorized carrier. Any letter of agency that does not conform to this rule is void.

(ii) The letter of agency shall be a separate document or shall be located on a separate screen or web page including only the authorizing language described below. The sole purpose of the letter of agency is to authorize a carrier change. The letter of agency shall be signed and dated by the subscriber. The letter of agency shall not be combined with inducements of any kind on the same document, screen or web page. A letter of agency shall not be valid if it is presented to the customer for signature in connection with a sweepstakes or other game of chance.

(iii) The letter of agency may be combined with checks that include only the required letter of agency language prescribed and the necessary information to make the check a negotiable instrument. The letter of agency check shall not include any promotional language or material. The letter of agency check shall include, in easily readable, bold-faced type on the front of the check, a notice that the subscriber is authorizing a carrier change by signing the check. The letter of agency language also shall be placed near the signature line on the back of the check.

(iv) At a minimum, the letter of agency shall be printed in a sufficiently sized and readable type to be clearly legible and shall include clear and unambiguous language, in separate statements, that confirms: the subscriber's billing name and address, and each telephone number to be covered by the authorized carrier change order; the decision to change the authorized carrier from the current telecommunications carrier to the soliciting carrier; the subscriber's approval for the submitting carrier to act as the subscriber's agent for the respective authorized carrier change; the subscriber's understanding that one carrier can be, but does not have to be, the subscriber's authorized carrier for local exchange, intraLATA toll, and interLATA toll services (or any combination of these services) for any one telephone number (although a separate letter of agency for each choice is not necessary); and the subscriber's understanding that a change in an authorized carrier may involve a charge to the subscriber.

(v) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the customer's current authorized carrier.

(vi) If any portion of a letter of agency is translated into another language, then all portions of the letter of agency must be translated into that language.

(vii) Letters of agency submitted with an electronically signed authorization must include the customer disclosures required by § 101(c) of the Electronic Signatures in Global and National Commerce Act.

(B) Telephone call initiated by a subscriber. The subscriber must place a telephone call to the carrier of choice. The carrier shall obtain the subscriber's authorization that must confirm the subscriber's billing name and address, the decision to change to the new carrier, and the subscriber's understanding of the executing carrier's change fee. The submitting carrier electing to confirm a change in service electronically shall establish one or more toll free telephone numbers exclusively for that purpose. Calls to the toll free number(s) shall connect a subscriber to a voice response unit or similar mechanism that records the required information regarding the carrier change, including automatically recording the originating number using Automatic Number Identification (ANI).

(C) Third-party verification.

(i) An independent third-party verifier shall not be owned, managed, controlled, or directed by the carrier or the carrier's marketing agent; shall not have any financial incentive to confirm authorized carrier change orders for the carrier or the carrier's marketing agent; and shall operate in a location physically separate from the carrier or carrier's marketing agent.

(ii) Automated third-party verification ~~systems and three-way conference calls~~ may be used for verification purposes as long as the requirements of subparagraphs (II)(C)(iii) and (iv) are satisfied.

(iii) A carrier or carrier's sales representative initiating ~~a three-way conference call or~~ a call through an automated verification system shall drop off the call once the three-way connection has been established.

(iv) All third-party verification methods shall elicit, at a minimum: the identity of the subscriber; confirmation that the person on the call is authorized to make the carrier change; confirmation that the person on the call intends to make the carrier change; the telephone number(s) to be switched; and the types of services involved in the change. Third-party verifiers may not market the carrier's services by providing additional information, including information regarding authorized carrier freeze procedures.

(v) All third-party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. Automated systems shall provide customers with an option to speak with a live person at any time during the call.

(c) An interexchange telecommunications carrier shall submit an authorized carrier change on behalf of a subscriber within three days of obtaining the subscriber's authorization.

~~(d) Authorized carrier freeze.~~

~~(I) An authorized carrier freeze prevents a change in a subscriber's authorized carrier unless the subscriber gives consent to make a change.~~

~~(II) A LEC may offer carrier freezes for local exchange, intraLATA toll, and interLATA toll services to its subscribers. If a LEC offers carrier freezes be offered at no charge and on a non-discriminatory basis to all subscribers regardless of the subscriber's carrier selections.~~

~~(III) LECs shall conduct an education program upon initiation of service to a subscriber, which informs the subscriber of the option to freeze his choice of carrier(s) and the effects of freezing the selection of a telecommunications carrier.~~

~~(IV) Authorized carrier freeze procedures, including any solicitation, shall clearly distinguish among telecommunications services (e.g., local exchange, intraLATA toll, and interLATA toll) subject to an authorized carrier freeze. The carrier offering the freeze shall obtain separate authorization for each service for which an authorized carrier freeze is requested.~~

~~(V) All carrier-provided solicitation and other material regarding an authorized carrier freeze shall include the following:~~

~~(A) An explanation, in clear and neutral language, describing an authorized carrier freeze and which services may be subject to a freeze; and~~

~~(B) A description of the specific procedures necessary to lift an authorized carrier freeze, an explanation that these steps are in addition to the Commission's verification provisions in paragraph (b), and an explanation that a provider will be unable to make a change in carrier unless the subscriber cancels the freeze.~~

~~(VI) No LEC shall implement or cancel an authorized carrier freeze unless the subscriber's request to impose or cancel a freeze has first been confirmed in accordance with one of the following procedures:~~

~~(A) The LEC has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements as a letter of agency; or~~

~~(B) The LEC has obtained the subscriber's electronic authorization in a form that meets the requirements of paragraph (b).~~

(~~e~~d) ~~Tariff filing requirements. Each LEC shall file a tariff describing~~Each HCSM recipient's TOS shall describe the subscribers' options, if any, regarding freezing their authorized carriers.

(~~f~~e) Enforcement.

(I) A carrier that violates any provision included in these rules is subject to enforcement and penalties as provided in Articles 1-7 and 15 of Title 40, C.R.S.

(II) Upon notification from a subscriber of a change to another interexchange telecommunications carrier without authorization, the executing carrier shall switch the subscriber's line(s) back to the authorized carrier at no charge to the subscriber.

(III) An interexchange telecommunications carrier that initiates an unauthorized change in a subscriber's authorized interexchange telecommunications carrier, i.e., an unauthorized carrier, in violation of this section is liable:

(A) ~~T~~to the subscriber, the subscriber's previously selected carrier, or both, as determined by the Commission, for all intrastate long distance charges, all interstate long distance charges, local exchange charges, carrier switching fees, the value of any premiums to which the customer would have been entitled, and other relevant charges incurred by the subscriber during the period of the unauthorized change; and

(B) ~~T~~to the executing carrier for the change fees associated with the unauthorized change.

~~(g~~(f) Waiver for the sale or transfer of subscribers.

(I) ~~A telecommunications carrier~~A HCSM recipient or ETC that acquires, through a sale or transfer, part or all of another carrier's subscriber base, shall comply with all the following provisions:

(A) No later than 45 days prior to the planned transfer of the affected subscribers from one carrier to another, the acquiring carrier shall file with the Commission an application for waiver of this rule. The application shall include the names of the parties to the transaction, the types of telecommunications services to be provided to the affected subscribers, and the proposed date of the transfer. This application for waiver shall also include a copy of the notice that will be sent to the affected subscribers.

(B) The notice to subscribers shall be provided at least 45 days prior to the transfer or sale. The acquiring carrier is required to fulfill the obligations set forth in the notice. The notice shall, in addition to the requirements of paragraph 2002(d)(I) – (XII), include:

(i) ~~T~~the proposed date on which the ~~acquiring carrier~~transfer will ~~become the subscriber's new carrier of telecommunications~~occur;

(ii) ~~T~~the rates, charges, terms, and conditions of the service(s) to be provided by the acquiring carrier upon the transfer or sale;

(iii) ~~A~~a statement that the acquiring carrier will be responsible for any charges associated with the transfer to the new carrier;

(iv) ~~A~~a statement that reflects the subscriber's right to select a different authorized carrier for the telecommunications service(s), if an alternative carrier is available;

(v) ~~A~~a statement that all subscribers receiving notice, even those with an authorized carrier freeze(s) in place, will be transferred to the acquiring carrier, unless the subscriber selects a different carrier before the transfer date;

(vi) ~~A~~a statement that an existing authorized carrier freeze(s) will be lifted to execute the transfer, and advising the customer to ask the new carrier to institute a freeze after the transfer; and

(vii) ~~T~~the toll free customer service number of the acquiring carrier.

~~**2312. IntraLATA Equal Access.**~~

~~(a) References in this rule to Part 32, Part 36, and Part 64 Subparts I and K are references to rules issued by the FCC and are incorporated by reference as identified in rule 2008.~~

~~(b) Requirement. All companies offering basic local exchange service shall provide intraLATA equal access to all intraLATA IXCs.~~

~~(c) Customer notification for carrier selection. Customers commencing service shall be informed by the LEC of their intraLATA and interLATA toll carrier options at the time that service is requested, and shall be allowed to select both their primary interLATA and intraLATA carrier(s) at that time.~~

~~(d) Scope of intraLATA equal access.~~

~~(I) Zero plus (0+) calls, in which the caller dials 0 plus a local number; zero minus (0) calls, in which the caller dials 0 and no further digits; abbreviated dialing arrangements included in rules 2740 through 2799; cellular 1+ calling-party-pay calls; 976; 676; and 1+ area code (+555+1212 calls) shall be processed by the customer's local exchange carrier.~~

~~(II) In WATS calls (1+ 800/888), "follow me" or "go anywhere" service (1+ 500), interactive information service calls (1+ 700), and information service calls (1+ 900) are not subject to these intraLATA equal access rules.~~

~~(III) 1+ interLATA calls; 0+ interLATA calls; 00- calls, in which the caller dials "00" and no further digits; and 1+NPA+555+1212 interLATA calls shall be processed by the caller's presubscribed interLATA toll carrier.~~

~~(IV) 1+ intraLATA calls and 0+ intraLATA calls shall be routed to the customer's primary intraLATA toll carrier.~~

~~(V) No charge shall be imposed for a customer's initial selection of a primary intraLATA or interLATA interstate carrier or for a choice of no presubscribed carrier.~~

~~(VI) No change order for a primary intraLATA or interLATA interstate toll carrier shall be submitted to a LEC until the order has been confirmed pursuant to the procedures set forth in rule 2311 and 47 C.F.R., Part 64, Subpart K.~~

~~(e) Use of customer information for marketing purposes. Customer information in the possession of the LEC provided in conjunction with a white pages telephone directory listing shall be made available to all requesting IXCs. In making customer information available, the LEC shall safeguard and refuse access to any and all customer information entitled to protection and confidentiality as required by applicable federal and state laws. The LEC may charge for the information based on the total service long run incremental cost of providing the information. Information relating to customers subscribing to non-published or non-listed telephone number service shall not be made available to the LEC itself or any other carriers for the purpose of marketing intraLATA toll services.~~

2311~~3~~. – 2329. [Reserved]

Quality of Services Provided to the Public

2330. Applicability.

Rules 2330 through 2359 ~~regulate the provision of intrastate telecommunications services and facilities to the public and~~ apply to ~~all~~ providers of ~~telecommunications services subject to the jurisdiction of the Commission. These rules do not apply to specific services in geographics~~switched access service, basic emergency service, and basic service provided by HCSM recipients ~~areas where the Commission has found that effective competition exists.~~as provided in each rule.

2331. Definitions [Reserved].

2332. Incorporation by Reference.

References in these rules to Part 68 are references to rules issued by the FCC and have been incorporated by reference as identified in rule 2008.

2333. Construction and Maintenance of Plant and Equipment -- Generally.

The telecommunications plant ~~of the provider~~used to provide services identified in rule 2330 shall be constructed, installed, maintained and operated in accordance with good engineering practice in the telecommunications industry to assure, as far as reasonably possible, uniformity in the quality of service provided and the safety of persons and property.

2334. Construction and Maintenance Practices.

(a) ~~Minimum standard.~~ The provider of services identified in rule 2330 shall use, as a minimum standard of accepted good engineering practice, the ~~2002~~2007 National Electric Safety Code, as identified in rule 2008.

(b) For any telecommunications plant constructed or installed prior to February 5, 2001, the minimum standard of accepted good engineering practice shall be the edition of the National Electric Safety Code in effect at the time of beginning construction or installation of the telecommunications plant.

(c) Telecommunications plant that is constructed, installed, maintained, or operated in accordance with the National Electric Safety Code in effect at the time of its construction or installation shall be presumed to comply with accepted good engineering practice in the telecommunications industry and the provisions of this rule. ~~However, all direct buried cables connecting the network interface at the customer's premises to the network facilities of the provider shall be permanently buried, as practical, at least 12 inches below the final surface grade as known at time of installation. All other direct buried communication cable shall, at minimum, be buried at depths required for supply cable of similar voltage as specified in the National Electric Safety Code.~~

(d) ~~The provider~~Providers of the services identified in rule 2330 shall use as a minimum standard of safe practice 47 C.F.R., Part 68, dated ~~October 1, 2002~~August 30, 2013, for the interconnection of new or existing telecommunications plant ~~of the provider~~ with terminal equipment of a customer.

(e) The provider shall coordinate with other entities concerning construction work initiated by itself, or other entities, that may affect its facilities used for serving the public. For example, the provider of telecommunications service shall:

(I) ~~Economically~~economically minimize construction expenditures by coordinating construction with other entities, such as the joint use of trenches for cable, where joint construction is both safe, cost effective, and in the best interest of the provider;

(II) ~~Take~~take reasonable action to protect service to the public, such as identifying the location of underground facilities that may be affected by construction work for other entities;

(III) ~~Maintain~~maintain a database or some other form of quickly accessible information at its facilities sufficient to allow facility location coordination and participation in a program on a statewide basis to minimize service interruptions caused by accidental cutting of cables; and

(IV) ~~Engage~~engage in coordination with electric power utilities in the area prior to constructing new plant or a major rebuild of existing plant that may be impacted by inductive interference from the electric power systems.

(f) Each provider of services identified in rule 2330 shall adopt a program of periodic tests, inspections, and preventative maintenance aimed at achieving efficient operation of its system to permit the rendering of safe, adequate, and continuous service at all times as recognized by general practices within the telecommunications industry. The presence of inductive interference, cut-offs, cross-talk, and excessive noise generation by communication system facilities are symptomatic of inadequate service, and a maintenance program shall be designed to minimize or prevent those occurrences. ~~The provider shall maintain its system to meet the applicable service adequacy standards defined in rules 2336 through 2341.~~

(g) ~~The~~Each provider of services identified in rule 2330 shall keep records of the tests and inspections necessary to meet industry and Commission service standards on file in its office for review by the Commission. These records shall show the nature of the equipment tested or inspected, the reason for the test or inspection, the general conditions under which the test or inspection was made, the results of the test or inspection, and any corrections made as a result of the test or inspection.

2335. The Provision of Service During Maintenance or Emergencies.

The following paragraphs describe minimum standards for maintaining service.

(a) Each ~~LEC~~provider of services identified in rule 2330 shall make reasonable provisions to meet emergencies resulting from: power failures; sudden and prolonged increases in traffic; staff shortages; and fire, storm, or acts of ~~god.~~ God. Each ~~LEC~~such provider shall issue instructions to its employees identifying procedures to be followed in the event of an emergency in order to prevent or mitigate interruptions or impairment of telecommunications service.

(b) In the event of a commercial power failure, ~~the~~each provider of services identified in rule 2330 shall furnish a minimum of four hours of backup power or battery reserve rated for peak traffic load requirements from the provider's power source to the network interface in landline (coaxial, fiber, or copper) applications in order to support existing basic service to lines that use a traditional ringer. ~~A mobile power source shall be available that can be delivered and connected within four hours. Additional battery reserve capacity beyond the four-hour minimum shall be provided based on the consideration of the following local conditions:~~

~~(I) Reasonable travel time (the time from personnel call-out through arrival at the facility);~~

~~(II) Time for procuring and transporting the portable engine to the site, placing it in position, and connecting it to the load;~~

~~(III) Number of sites serviced by one engine (commercial power failures may simultaneously affect more than one facility); and~~

~~(IV) Frequency and duration of past commercial power failures.~~

(c) All local central offices, toll switching or tandem switching offices, repeater huts, microwave radio sites, and other interoffice facilities requiring ~~LEC~~ supplied power shall have available a minimum of four hours of battery reserve (or backup power) rated for peak traffic load requirements. If the facility is not continuously attended by trained personnel, or does not include a permanent auxiliary power unit, additional battery reserve shall be installed to provide for travel time. ~~Travel time is the time from personnel call-out through arrival at the facility.~~

~~(I) In central offices with capacity for more than 10,000 access lines, or in toll or tandem switching offices, a permanent auxiliary power unit shall be installed. If the auxiliary power unit requires manual start and transfer, one hour additional battery reserve shall be installed.~~

~~(II) For central offices serving fewer than 10,000 lines, repeater huts, microwave radio sites, and other interoffice facilities requiring power, a mobile power source shall be available which can be delivered and connected. Additional battery reserve capacity beyond the four-hour minimum shall be installed by the LEC at these locations based on the consideration of the following local conditions:~~

~~(A) Reasonable travel time (the time from personnel call-out through arrival at the facility);~~

~~(B) Time for procuring and transporting the portable engine to the site, placing it in position, and connecting it to the load;~~

~~(C) Number of sites serviced by one engine (commercial power failures may simultaneously affect more than one facility); and~~

~~(D) Frequency and duration of past commercial power failures.~~

(d) Service interruptions for an extended time due to maintenance requirements shall be performed at a time that causes minimal inconvenience to impacted customers. ~~The LEC~~ Each provider of services identified in rule 2330 shall take reasonable steps to notify the customer in advance of extended maintenance requirements. ~~The LEC~~ Such providers shall also make emergency service available when the provider knows that the service interruption affects 1,000 or more access lines and when the provider knows, based upon the prior experience of the ~~LEC~~provider, that the interruption may last more than four hours during the hours of 8 a.m. to 10 p.m. If the ~~LEC~~provider cannot provide emergency service, it shall file a report of the occurrence as required by paragraph 2143(h).

(e) Each ~~LEC~~provider of services identified in rule 2330 shall develop a general contingency plan to prevent or minimize any service interruptions due to the catastrophic loss of a central office switch that serves more than 10,000 access lines or is the toll or tandem switching office for 10,000 access lines. The plan shall describe the actions and systems installed to prevent or minimize the probability of such an occurrence as well as describe the actions and systems available to minimize the extent of any incurred service interruption.

2336. Adequacy of Service.

(a) Each ~~LEC and toll service~~ provider of services identified in rule 2330 shall employ prudent management and engineering practices so that sufficient equipment and adequate personnel are available at all times, including the average busy hour of the busy season. To meet this objective, each ~~LEC and toll service~~ such provider shall conduct traffic studies, employ reasonable procedures for forecasting future service demand and maintain the records necessary to demonstrate to the Commission that sufficient equipment is in use and that an adequate operating force is provided.

(b) The criteria for quality of service ~~defines~~define a minimum acceptable standard for the most basic elements of ~~telecommunications~~ service. The rules do not attempt to define all criteria for all service applications or the most desirable service level for any basic element except for the minimal acceptable standard. In the event this subchapter does not cover a specific service element, ~~the~~each provider of services identified in rule 2330 shall meet generally accepted industry standards for that element and the total service. Organizations that are recognized for establishing standards that may be appropriate for telecommunications services provided in this state include the IEEE, ANSI, the Rural Utility Service (RUS), and the FCC.

(c) The standards within this subchapter establish the minimum acceptable quality of service under normal operating conditions. They do not establish a level of performance to be achieved during the periods of emergency, catastrophe, natural disaster, severe storm, acts of terrorism, acts of negligent or willful misconduct by a customer or third parties including but not limited to outages originating from the introduction of a virus onto the ~~provider's network~~network of a provider of services identified in rule 2330, or other events affecting large numbers of customers nor shall they apply to extraordinary or abnormal conditions of operation, such as those resulting from work stoppage, civil unrest, or other events for which a provider of telecommunications service may not have been expected to accommodate, or which are outside of the provider's control including but not limited to failure of the customer to permit the provider of telecommunications service reasonable access to its facilities, equipment or customer premise, and delay caused by local, state, federal or tribal government entities in approving easements or access to rights of way. To the extent such conditions affect the measurement records required or the ability of the provider to meet any other service standards, it is the responsibility of the provider to separately document the duration and magnitude or effect of such occurrences in its records.

2337. Standard Performance Characteristics for Customer Access Lines.

~~LECs~~Providers of services identified in Rule 2330 shall construct and maintain all basic service local access lines used for individual line service to meet generally accepted industry standards as the specifications evolve and improve over time. Organizations that are recognized for establishing standards that may be appropriate for local access lines include the IEEE, the ANSI and the FCC. Specifications for resale or unbundled network elements may also be appropriate for establishing such standards. ~~At a minimum, each LEC shall construct and maintain all local access lines used for individual line service so that the following parameters and performance characteristics are met:~~

~~(a) Performance classifications as used in this rule describe the operating performance range:~~

~~(I) Recommended range: ensures the most desirable performance.~~

~~(II) Acceptable range: is outside the recommended region, but that provides satisfactory performance.~~

~~(III) Substandard range: provides unacceptable performance. Performance within this range requires that the LEC shall initiate appropriate repair work.~~

~~(b) Bandwidth. Bandwidth for voicegrade access shall be, at a minimum, 300 to 3,000 Hertz.~~

~~(c) Loop loss. The performance of an access line is considered acceptable when the transmission insertion loss, as measured at the interface with the LEC network at the customer's location and including any losses in central office equipment, does not exceed 8.5 dB at 1004 + 20 Hertz (Hz).~~

~~(d) Frequency response characteristics:~~

~~(I) Three-tone slope deviation. Three-tone slope deviation is the loss deviation at 404 Hz and 2804 Hz relative to the actual measured loss (AML) -16 dBm0 at 1004 Hz. Three-tone slope deviation from AML shall be within the following performance ranges:~~

Three-Tone Slope Deviation from Actual Measured Loss		
Frequency	Deviation	Performance Category
404 Hz & 2804 Hz	Less than -1.5 dB	Substandard
404 Hz & 2804 Hz	-1.5/+9.5 dB	Acceptable
404 Hz & 2804 Hz	Greater than +9.5 dB	Substandard

~~(II) Attenuation distortion. Attenuation distortion is the loss variation measured over the indicated frequency ranges relative to the AML -16 dBm0 signal at 1004 Hz. Attenuation deviation from AML shall be within the following performance ranges:~~

Attenuation Distortion from Actual Measured Loss		
Frequency	Deviation	Performance Category
504 Hz & 2504 Hz	-1.5 to +7.5 dB	Acceptable
404 Hz & 2804 Hz	-1.5 to +9.5 dB	Acceptable
304 Hz & 3004 Hz	-2.5 to +11.5 dB	Acceptable

~~(e) Loop current. Local access line current is the metallic direct current flowing in the circuit at the customer interface during the talk and signaling states or during the idle line state. Local access line current shall be equal to or greater than 20 milliamps (ma).~~

~~(f) Loop noise. Noise is defined as unwanted disturbances superimposed on a useful signal that tends to obscures its information content.~~

~~(I) C-message noise.~~

~~(A) Customer access lines used for individual line service that are less than 30,000 feet in length shall be constructed and maintained so that a measure of the C-message circuit noise from the network interface at the customer's premises to and including the central office termination shall meet the following performance thresholds:~~

~~C-Message Weighted Noise~~	
~~Noise Level (dBrnC)~~	~~Performance Category~~
~~≤ 20~~	~~Recommended~~
~~> 20 and ≤ 30~~	~~Acceptable~~
~~>30~~	~~Substandard~~

~~(B) All other local access lines shall be maintained so that the measured C-message circuit noise does not exceed 30 dBrnC.~~

~~(II) kHz FLAT noise. Circuit noise, as measured using the "3 kHz FLAT" weighting, shall meet the following performance thresholds:~~

~~3 kHz FLAT Weighted Noise~~	
~~Noise Level (dBrn 3 kHz FLAT)~~	~~Performance Category~~
~~≤ 40~~	~~Recommended~~
~~> 40 and ≤ 60~~	~~Acceptable~~
~~> 60~~	~~Substandard~~

~~(III) Power influence. Power influence, as measured as C-message weighted longitudinal noise, shall meet the following performance thresholds:~~

~~C-Message Weighted Longitudinal Noise~~	
~~Noise Level (dBrnC)~~	~~Performance Category~~
~~≤ 80~~	~~Recommended~~
~~> 80 and ≤ 90~~	~~Acceptable~~
~~> 90~~	~~Substandard~~

~~(g) Longitudinal balances. Longitudinal balance (circuit balance), as measured as the difference between power influence (dBrnC) and circuit noise (dBrnC), shall meet the following performance thresholds:~~

~~Circuit Balance~~	
~~Balance (dB)(C-Message)~~	~~Performance Category~~
~~≤ 50~~	~~Substandard~~
~~> 50 and ≤ 60~~	~~Acceptable~~
~~> 60~~	~~Recommended~~

(a~~h~~) Testing. Each ~~LEC~~ such provider shall, as good utility practice, engage in testing its physical plant for all the following purposes:

(I) ~~Identifying~~identifying potential trouble (routine, preventive, or proactive testing).;

(II) ~~Locating~~locating or specifying the type of circuit problem or deficiency (diagnostic testing~~).~~.); and

(III) ~~Determining~~determining the appropriate course of action upon receipt of a customer trouble report to resolve the customer trouble report. Upon receipt of a trouble report pertaining to the ~~LEC's~~provider's network, the ~~LEC~~provider shall test the local access line. The records of these test results shall be maintained pursuant to subparagraph 2005(c)(V~~II~~). The test results shall be made available to the customer, upon request. This information shall be provided to the Commission upon request.

~~2338. Interexchange Trunk Connections.~~

~~(a) LECs and toll providers shall construct and maintain sufficient trunking facilities to ensure that 95 percent of the sampled toll calls have from a minimum of 3db to a maximum of 12dB of transmission loss at 1000 + 20HZ. Providers shall construct and maintain trunk facilities used solely for providing extended area service to ensure that 95 percent of the sampled calls, excluding calls between central offices in the same building, have from a minimum of 2dB to a maximum of 9dB of transmission loss at 1000 + 20HZ with the measured loss for any trunk directly connecting two central offices not exceeding 6.0dB. These measurements are for trunk side access connections and include losses associated with the originating and terminating central offices.~~

~~(b) The allowable message circuit noise measure, as measured between the line side of the originating central office and the line side of the terminating central office, for sampled calls on interexchange trunk connections shall be:~~

~~(I) No more than 31 dBrnC for offices located less than 50 miles apart;~~

~~(II) No more than 35 dBrnC for offices located 50 to 100 miles apart; and~~

~~(III) No more than 38 dBrnC for offices located greater than 100 miles apart.~~

~~**2339. PBX and Multiline Channels.**~~

~~The provisions of rule 2337 for individual service local access lines shall apply to facilities connecting the network interface for switching and intercommunication among stations at the customer's premises to the line side of the serving central office. However, for access line lengths of less than 18,000 feet, if transmission insertion loss exceeds 8.5dB at the station set of the customer, the responsibility of the LEC shall be limited to providing a channel with no more than 6.5dB loss as measured from the customer's interface with the LEC network to and including the central office.~~

234038. Network Call Completion Requirements.

(a) Direct dialed calls.

(I) ~~The LEC~~Each HCSM recipient shall construct and maintain sufficient central office local usage message path capacity, interoffice channel capacity, and other necessary facilities to meet the following minimum requirements during any normal busy hour:

(A) ~~Dial~~dial tone within three seconds for 98 percent of call attempts on the switched network;

(B) ~~Correct~~correct termination of 98 percent of properly dialed intraoffice or interoffice calls within an extended service area; and

(C) ~~Correct~~correct termination of 98 percent of properly dialed intraLATA or interLATA calls when the call is routed entirely over the network of the ~~LEC~~HCSM recipient.

~~(II) Unless otherwise authorized by the Commission, a provider of intrastate toll services shall maintain sufficient switching and network channel capacities and other necessary facilities so that 98 percent of properly dialed toll calls are correctly terminated.~~

(II~~I~~) A dialed call shall be considered properly terminated if:

(A) ~~The~~the calling party receives an indication of ringing, a ringing signal is delivered to the station location of the called party, the called party answers, and a connection is established between the calling and called parties;

(B) ~~If~~if the called number is busy, the calling party receives a busy signal; or

(C) ~~A~~a call to a non-working code or inoperative customer number is directed to the intercept service of the ~~LEC~~HCSM recipient.

(I~~I~~II~~V~~) A dialed call shall not be considered properly terminated if a connection cannot be established between the calling and called parties, and the calling party receives an overflow announcement or an overflow signal that is different from the called party busy signal.

~~(V) All toll providers that use connections provided from the line side of the central office of the LEC or connections that require use of a special access code to reach the provider, in addition to using trunk side connections without this requirement provided by the LEC at this or any other central office, shall order sufficient quantities of switched access service from the LEC to maintain the same blocking probability on those connections as the provider normally establishes for trunk side connections without the access code~~

requirement using similar assumptions of customer toll calling demand. Normally, the Commission shall consider a .01 blocking probability to be a desirable parameter for ordering switched access service from a LEC.

(b) Operator assisted calls.

(I) All communications between customers shall be considered as confidential in nature. The provider shall take reasonable action to minimize the potential access of other entities to those communications. Operators or employees of the provider shall not listen to any conversation between customers unless there is an operating necessity. Operators shall not repeat or divulge the nature of any local or long distance conversation, nor divulge any information inadvertently overheard. The provider is responsible for compliance with this paragraph by both its employees and the employees of other entities that perform this service on behalf of the provider.

(II) Suitable rules and instructions shall be adopted by each provider and followed by employees or other entities employed by the provider governing the language and operating methods to be used by operators during assistance to customers. Specifically, operators shall be instructed to be courteous, considerate, and efficient in the handling of all customer calls. Any required call timing for jurisdictional operator-assisted calls shall accurately record when the customer requested connection is established and when it is terminated.

(III) Each provider offering operator assistance to the public shall provide a service that can answer 85 percent of intercept, toll, and local assistance calls within ten seconds.

(IV) Other calls directed to the published telephone numbers for service repair or the business offices of the LEC or toll providers shall be answered either by a company representative or a voice-response mechanized unit within an average wait time of 150 seconds. Each business day during any month for which the standard was not obtained for the published telephone number associated with the respective service center or business office shall be deemed a separate violation of this paragraph. When the average wait time exceeds 150 seconds in any month for any service center or business office, a written report listing each offending service center or business office shall be submitted to the Commission within 31 days from the end of the month in which the standard was not met. For each violation listed, the report shall identify the percent of calls answered, the reason for failure to meet the 150 second average wait time standard, the remedial action the LEC has taken, and any known results of that remedial action.

(V) The measurement records for determining the minimum acceptable call completion criteria described under subparagraphs (III) and (IV) may be adjusted, as allowed under paragraph 2336(c), for the circumstances specifically described within subparagraph 2304(a)(IV)(B) and paragraph 2336(c).

(VI) An answer shall mean that either a company representative or a voice response or mechanized unit menu is ready to assist the customer or accept information necessary to process the call. An acknowledgement that the customer is waiting on the line shall not constitute an answer. A dropped call shall not be considered an answer. An answer shall not mean either directing the call to a company representative or mechanized system incapable of providing assistance to the customer or directing the call to a system that will only take a message from the customer.

2341. Trouble Report Response.

(a) Maximum acceptable numbers of reports. Each LEC shall maintain its network so as to minimize customer trouble reports for jurisdictional services economically; however, trouble reports shall not exceed eight reports per 100 access lines per month per wire center, averaged over a three-month period. An occurrence of a violation of this paragraph shall be considered as each month that exceeds this criterion for the wire center in question. However, the first month in a calendar year that a wire center does not meet this criterion is not considered to be a violation.

(b) Allowable response time.

(I) The response of a LEC to customer trouble reports shall be such that 85 percent of all out of service reports, for each wire center are cleared within 24 hours for each month. A separate occurrence of a violation of this subparagraph shall be considered as each month for which the criterion was not met in each wire center served by the LEC.

(II) When fewer than 85 percent of trouble reports for any month for any wire center are not cleared within 24 hours, a written report listing each offending wire center shall be submitted to the Commission within 31 days from the end of the month in which the standard is not met. For each violation listed, the report shall identify the percent of trouble reports cleared within 24 hours, the reason for falling below the standard, the remedial action the LEC has and will take in the future to meet the standard, and the date the wire center is expected to meet or exceed the standard.

(III) This criterion excludes the following occurrences to the extent the LEC can separately document the number of such occurrences:

(A) Reports for non-jurisdictional services or services of another provider; and

(B) Situations where LEC access to the customer's premises is required, but is not available for reasons outside the control of the LEC.

(c) The measurement records for determining the maximum acceptable number of reports and the allowable response time may be adjusted, as allowed under paragraph 2336(c), for circumstances specifically identified in subparagraph 2304(a)(IV)(B) and paragraph 2336(c).

(d) Response priorities. The LEC shall give priority to and initiate repairs, regardless of the hour, for customer trouble reports that may affect the public's health and safety.

(e) Customer notification. If the LEC cannot clear the reported trouble within 24-hours for out of service reports and within 48-hours of other trouble reports the LEC shall inform the customer of an estimate of when the service or trouble report will be cleared.

(f) Appropriate adjustments to the customer's bill shall be automatically made by the LEC for jurisdictional service interruptions pursuant to subparagraph 2304(b)(IV)(A).

2342. 2359

~~**Collection and Disclosure of Personal Information**~~

~~**Basis, Purpose, and Statutory Authority**~~

~~The basis and purpose of these rules is to regulate the collection and disclosure of personal information obtained by providers and to identify procedures for protecting the personal information of the providers' customers.~~

~~The statutory authority for the promulgation of these rules is found at §§ 40-3-102, 40-4-101, and 40-2-108, C.R.S.~~

~~**2360. Applicability.**~~

~~Rules 2360 through 2399 apply to all providers regulated under Title 40, Article 15, Parts 2 and 3, C.R.S.~~

~~**2361. Definitions.**~~

~~The following definition applies only in the context of rules 2360 through 2399.~~

~~(a) "Customer proprietary network information" has the same meaning as the meaning given to such term in 47 U.S.C. § 222(h)(1).~~

~~**2362. Incorporation by Reference.**~~

~~Except as provided in paragraph 2361(a), the Commission incorporates by reference the regulations published in 47 C.F.R. §§ 64.2003, 64.2005, 64.2007, 64.2008, and 64.2009, as identified in rule 2008.~~

23~~63~~39. – 2399. [Reserved].

* * *

[indicates omission of unaffected rules – (Rules 2400 – 2499 - Costing and Rates)]

PROVIDER OBLIGATIONS TO OTHER PROVIDERS

~~**Interconnection and Unbundling**~~

Basis, Purpose, and Statutory Authority

The basis and purpose of ~~these~~ rules 2500-2599 is to: prescribe non-discriminatory access to, and interconnection with, the facilities of ~~providers'~~providers' networks by other providers; and provide for the unbundling of certain providers' networks. Nothing in these rules affects, modifies, or expands:

(a) an entity's obligations under sections 251 and 252 of the federal "Communications Act of 1934," as amended, and codified in 47 U.S.C. § 251 and 252;

(b) any commission authority over wholesale telecommunications rates, services, agreements, providers, or tariffs; or

(c) any commission authority addressing or affecting the resolution of disputes regarding intercarrier compensation.

The statutory authority for the promulgation of these rules is found at §§ 40-15-109(3); 40-15-401(2)(a), (b) and (c), 40-15-404, 40-15-503(2)(c) and 40-2-108, C.R.S., and at 47 U.S.C. §§ 251 and 252.

Interconnection and Unbundling

2500. Applicability.

Rules 2500 through 2529 are applicable to all telecommunications carriers that provide telecommunications exchange services in the State of Colorado.

2501. Definitions.

The following definitions apply only in the context of rules 2500 through 2529:

(a) "Common transport link" means a communications path:

(I) Used by multiple customers; and

(II) Containing one or more circuits connecting two switching systems in a network.

(b) "Customer network interface" or "network interface device" (NID) means the facilities on or near the customer's premises that allow the customer to connect to the network.

(c) "Dedicated transport link" means a communications path:

(I) Used by one customer; and

(II) Containing one or more circuits connecting two switching systems in a network.

(d) "Essential facilities" or "essential functions" mean those network elements that a telecommunications provider is required to offer on an unbundled basis.

(e) "Exchange access" means the offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services.

(f) "Interconnection" means the process of providing a seamless connecting link between competing networks for the completion of local traffic that originates in the network of one provider and terminates in the network of another provider.

(g) "Loop" means the facilities that connect a customer network interface to a main distribution frame, or its equivalent.

(h) "Operator systems" means systems that provide for live or mechanized operator functions that assist end users with call completion and directory assistance.

(i) "Originating provider" means the telecommunications provider that serves the end user who originates a local call.

(j) "Service control point" (SCP) means a node in the signaling network to which informational requests for service handling (for example, routing) are directed and processed.

The SCP includes both the service logic and the customer specific information necessary to process individual requests.

(k) "Signal transfer point" (STP) means a facility that provides the function of connecting signal links in order to transfer appropriate signals from and between the various elements of a signaling network.

(l) "Signaling links" means transmission facilities in a signaling network which carry all out-of-band signaling traffic between the end office and signal transfer point, the tandem office and signal transfer point, the signal transfer point and service control point, and the signal transfer point and another signal transfer point.

(m) "Switch" means a facility that provides the functionalities required to connect appropriate lines or trunks to a desired communications transmission path. These functionalities may include, but are not limited to, recognizing service requests, obtaining required call specific information, data analysis, route selection, call completion or hand-off, testing, recording, or signaling.

(n) "Tandem switch" means a facility that provides the function of connecting trunks to trunks for the purpose of completing inter-switch calls.

(o) "Telecommunications carrier" means any provider of telecommunications services, except that such term does not include aggregators of telecommunications services. This definition includes Commercial Mobile Radio Service (CMRS) providers, ~~IXCs~~interexchange providers, and to the extent they are acting as telecommunications carriers, companies that provide both telecommunications and information services.

(p) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(q) "Terminating provider" means the telecommunications provider that serves the end user who receives a local call.

2502. Interconnection.

(a) All telecommunications carriers shall interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers.

(b) All LECs shall:

(I) Not prohibit and not impose unreasonable or discriminatory conditions or limitations on the resale of its telecommunications services;

(II) Provide number portability~~, to the extent technically feasible~~;

(III) Provide dialing parity to competing providers of telephone exchange service and telephone toll service;

(IV) Permit all competing providers to have non-discriminatory access to telephone numbers, operator services, directory assistance, and directory listings, with no unreasonable dialing delays;

(V) Afford access to the poles, ducts, conduits, and rights-of-way of such carrier to competing providers of telecommunications services on rates, charges, terms, and conditions that are consistent with 47 U.S.C. § 224; and

(VI) Establish reciprocal compensation arrangements for the transport and termination of telecommunications.

(c) In addition to the above obligations, all ILECs shall provide for the interconnection with the facilities and equipment of any requesting telecommunications carrier:

(~~c~~d) In addition to the above obligations, all ILECs shall provide for the interconnection with the facilities and equipment of any requesting telecommunications carrier:

(I) For the transmission and routing of telephone exchange service and exchange access;

(II) At any technically feasible point within the ILEC's network;

(III) That is at least equal in quality to that provided by the ILEC to itself or to any subsidiary, affiliate, or any other party to which the ILEC interconnects;

(IV) At rates, charges, terms, and conditions that are just, reasonable, and non-discriminatory;

(V) In accordance with the rates, charges, terms, and conditions established by the ILEC pursuant to contract or arbitration, ~~or tariff or price list,~~ as applicable; and

(VI) Consistent with the Commission's rules regarding the Costing and Pricing of Regulated Telecommunications Services.

(~~d~~e) Collocation: An ILEC shall provide, for the physical collocation of equipment necessary for interconnection or access to unbundled network elements at the ILEC's premises at rates, charges, terms, and conditions that are just, reasonable, and non-discriminatory. An ILEC may provide virtual collocation if the Commission determines that physical collocation is not practical for technical or space limitation reasons.

(~~e~~f) Each telecommunications carrier shall be responsible for constructing and maintaining the facilities on its side of the point of interconnection unless the interconnecting carriers agree to some other arrangement.

(~~f~~g) Each telecommunications carrier shall construct and maintain its interconnection facilities in accordance with accepted telecommunications engineering standards and practices. Each terminating carrier shall make available to all originating providers all technical references to documents that provide the technical specifications of the terminating provider's interconnection interfaces. In no event shall a telecommunications carrier construct or maintain its interconnection facilities under terms and conditions different from the terms and conditions the provider offers to itself, its affiliates, or another telecommunications carrier.

(~~g~~h) All Commission quality of service rules shall apply to the provision of interconnection facilities, unless the provider has opted into a Performance Assurance Plan mechanism.

(~~h~~i) Terminating providers shall make all required interconnection facilities available within 90 days of a bona fide written request. No unreasonable refusal or delay, or discriminatory provision of service by a terminating provider shall be allowed.

2503. Compensation for Terminating Local Traffic.

(a) For purposes of this rule, local calls originate at the customer network interface of the calling party's provider and terminate at the customer network interface of the called party's provider.

(b) Except as provided in paragraphs (g) and (h), a terminating provider may charge the originating provider a termination fee for all local calls that originate on the originating provider's network and terminate on the terminating provider's network.

(c) The termination fee shall be based on the costs associated with each network element:

(I) On the terminating provider's side of the point of interconnection; and

(II) Used by the terminating provider to terminate the call.

(d) If the originating provider is either interconnected to the terminating provider through the purchase of one or more unbundled elements owned by the terminating provider or a third provider, or uses one or more unbundled elements owned by the terminating provider or a third provider to originate the call:

(I) The terminating provider shall charge the originating provider a termination fee in accordance with this rule; and

(II) The provider of the unbundled elements shall charge the originating provider for the use of the unbundled elements.

(e) If the terminating provider is either interconnected to the originating provider through the purchase of one or more unbundled elements owned by the originating provider or a third provider, or uses one or more unbundled elements owned by a third provider to terminate the call:

(I) The terminating provider shall charge the originating provider a termination fee in accordance with this rule; and

(II) The provider of the unbundled elements shall charge the terminating provider for the use of the unbundled elements.

(f) The termination fee, subject to Commission approval, may reflect:

(I) A usage-sensitive charge based on, for example, distance, duration, or time of day;

(II) A flat charge based on, for example, capacity port charges based on either the trunk group size or the peak-use of interconnecting capacity; or

(III) Any combination thereof or an alternative mechanism.

(g) The terminating provider's costs associated with the termination of local calls may be recovered, as approved by the Commission, in the rates the terminating provider charges for services provided to its customers.

(h) If the terminating provider provides the originating provider with dial tone, the terminating provider may charge the originating provider with the use of unbundled local switching for the generation of dial tone when the terminating provider terminates calls from the originating provider on the terminating provider's network.

2504. Other Intercompany Arrangements.

(a) Telecommunications carriers shall deal with other telecommunications carriers in a good faith and cooperative manner.

(b) All telecommunications carriers are obligated to serve their customers in accordance with the Commission's rules.

(c) All telecommunications carriers shall provide reasonable access to poles, ducts, conduits, and rights-of-way when feasible and when access is necessary for other telecommunications carriers to provide service. Upon application by a telecommunications carrier, the Commission shall determine any matters concerning reasonable access to poles, ducts, conduits, and rights-of-way, upon which agreement cannot be reached, including but not limited to, matters regarding valuations, space, capacity restraints, and compensation for access.

(d) All LECs shall provide interconnecting telecommunications carriers with both answer and disconnect supervision as well as all available call detail information necessary to enable proper customer billing.

(e) Interconnecting telecommunications carriers shall be required to enter into mutual billing and collection agreements so that each telecommunications carrier can accept other telecommunications carrier's telephone line number and other nonproprietary calling cards and can bill collect or third-party calls to a number served by another provider.

(f) All LECs shall offer the interoperability of non-optional operator services between networks including, but not limited to, the ability of operators on each network to perform such operator functions as completing collect calls, third-party calls, busy line verification calls, and busy line interrupt.

(g) Telecommunications carriers shall develop mutually agreeable and reciprocal arrangements for the protection of their respective customer proprietary network information.

(h) Telecommunications carriers shall cooperate in developing and implementing procedures for repair service referrals so that trouble reports are directed to the correct carrier or carriers.

(i) All LECs shall offer, in a non-discriminatory manner pursuant to contract, the necessary operational support to enable other telecommunications carriers the opportunity to provide their customers quality of service as is available to the LEC's customers, consistent with rules 2330 through 2359. Such contracts shall be approved by the Commission, and available for review pursuant to Commission order.

(j) Telecommunications carriers shall make available access to technically reasonable, non-proprietary, as determined by the Commission, signaling protocols used in the routing of local and interexchange traffic; including signaling protocols used in the query of call processing databases such as 800 Database Service, Alternate Billing Service (ABS), and Line Information Data Base (LIDB); and shall make available the signaling resources and information necessary for the routing of local and interexchange traffic.

(k) Telecommunications carriers shall be prohibited from interfering with the transmission of signaling information between customers and other telecommunications providers in a manner that is injurious to network integrity or that results in fraud. This shall not preclude a telecommunications carrier from blocking specific signaling information to the extent required by the end user's service (e.g., CLASS services).

~~(I) Regarding directories for basic local exchange service.~~

~~(I) Each ILEC (White Pages provider) shall cause the customer information (i.e., name, address, and telephone number) of all customers within the local calling area served by the LEC to be published in a White Pages telephone directory, regardless of whether the customer subscribes to the telecommunications services of that particular ILEC. Upon Commission approval, a different LEC may assume the responsibilities identified in this rule.~~

~~(II) Unless the LEC provides written notice limiting the number of White Pages telephone directories it will receive, each White Pages provider shall cause each LEC to receive one directory for each access line the LEC serves in the directory provider's operating area.~~

~~(III) Each LEC shall cause a White Pages telephone directory to be delivered to its customers in accordance with the requirements of paragraph 2307(a).~~

~~(IV) Each LEC shall provide to all White Pages providers the information required to adequately list all subscribers' information (i.e., name, address, and telephone number) in the telephone directory(ies). This information shall be provided in a mutually agreeable format.~~

~~(V) Each directory provider shall offer premium listings in its directory to other LECs' subscribers.~~

~~(VI) Each White Pages provider shall provide space in the customer guide pages of the White Pages telephone directory for the purpose of notifying customers how to reach LECs to:~~

~~(A) Request service;~~

~~(B) Contact repair service;~~

~~(C) Dial directory assistance;~~

~~(D) Reach an account representative;~~

~~(E) Request buried cable local service; and~~

~~(F) Contact the special needs center for customers with disabilities.~~

~~(VII) All parties involved shall abide by the Commission's rules on privacy and the handling of customer proprietary network information.~~

2505. Unbundling and Resale

(a) As identified in rule 2008, the Commission incorporates by reference the regulations published in 47 C.F.R. 51.307 through 51.319.

(b) Nothing in paragraph (a) shall be construed to limit the Commission's duties and responsibilities under § 40-15-503, C.R.S., et seq.

(c) A detailed record of all requests for unbundling shall be documented and maintained in accordance with the requirements of the change management process. This information shall

include the name of the requesting person, the date of the request, the specific type of unbundling requested, the provider's planned and actual response date, and the provider's response.

(d) ILECs have the duty to provide unbundled access and resale pursuant to 47 U.S.C. § 251(c)(3) and (4).

2506. Process and Imputation.

~~(a) Interconnection. Except as provided in rule 2507, each ILEC shall maintain effective tariffs with the Commission that establish rates, charges, terms, and conditions for interconnection.~~

~~(b) Termination of local traffic. Except as provided in rule 2507, each ILEC shall maintain effective tariffs with the Commission that establish rates, charges, terms, and conditions for the termination of local traffic.~~

~~(c) Unbundling. Within 30 days after designation as an incumbent carrier, a certified carrier shall file with the Commission tariffs effective on 30-days notice or, if applicable, price lists, that establish rates, charges, terms, and conditions for the sale of unbundled network elements.~~

~~(d) White Pages for basic local exchange service.~~

~~(I) Each directory provider shall file with the Commission directory tariffs within 30 days of that provider's certification as a LEC within the provider's operating area. Such tariffs shall establish the rates, charges, terms, and conditions for the transfer of customer information, the publication of White Pages telephone directories for the LEC, the publication of customer guide information for the competing provider, and the publication of premium directory listings for the LEC's customers.~~

~~(II) When determining the just and reasonable rate the White Pages provider may charge a LEC, the Commission may consider, where applicable, the compensation arrangement that the directory provider has with its publisher.~~

(a~~e~~) ~~Tariffs. The Commission will review each tariff filed.~~ The LEC ~~filing the tariff~~ shall have the burden of proving that any proposed rates, charges, terms, or conditions are consistent with the following:

(I) Rates shall be cost-based, just, and reasonable, and may include a reasonable profit;

(II) Rates, charges, terms, and conditions shall be non-discriminatory and competitively neutral;

(III) Rates, charges, terms, and conditions shall be established to promote a competitive telecommunications marketplace while protecting and maintaining the wide availability of high quality telecommunications service; and

(IV) Rates shall be designed so that products or services that are subject to regulation do not subsidize products and services that have been specifically deregulated by statute, rule, or Commission order.

(b~~f~~) Imputation.

(I) As applicable, each LEC shall impute its rates for interconnection, the termination of local traffic, unbundled network elements, and directory listings into the rates of its own services in accordance with the Commission's rules on Costing and Pricing.

(II) Imputation of unbundled network elements shall only be required if the unbundled network element is a bottleneck monopoly input. The Commission shall, as necessary, determine if an unbundled network element is a bottleneck monopoly input.

2507. Exemption for Rural Telephone Companies.

(a) Rules 2502, 2503, 2505, and 2506, and paragraphs 2504(d) through (j) and 2504(l) shall not apply to a rural telephone company until:

(I) Such company has received a bona fide request for interconnection, services, or the purchase of an unbundled network element; and

(II) Such request is deemed by the Commission to be technically feasible and not unduly economically burdensome.

(b) A telecommunications carrier making such a bona fide request shall submit a notice of its request to the Commission.

(I) The Commission shall conduct a hearing for the purpose of determining whether to terminate the rural telecommunications carrier's exemption under paragraph (a).

(II) The Commission shall determine within 120 days after it receives notice of the request if such termination of the exemption is technically feasible, is not unduly economically burdensome, and is consistent with the state and federal universal service requirements.

(III) Upon termination of an exemption, the Commission shall establish an implementation schedule for compliance with the request.

(c) A LEC with fewer than 2 percent of the aggregate nationwide installed subscriber lines may file an application with the Commission for a suspension, modification, or specific exemption of certain telephone exchange service facilities as specified in such application. The Commission grant the application.

(d) The Commission shall act upon such application filed pursuant to paragraph (c) within 180 days after its receipt. Pending such action, the Commission may suspend enforcement of the requirement or requirements to which the application applies with respect to the carrier filing such application.

2508. – 2529. [Reserved].

Interconnection Agreements

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to establish the process the Commission uses to review interconnection agreements and any amendments thereto; the criteria for Commission approval or rejection of such agreements; and the timelines for Commission action regarding both negotiated and arbitrated interconnection agreements.

The statutory authority for the promulgation of these rules is found at §§ 40-3-102; ~~40-15-503(2)(b)(I) and (III); 40-15-503(2)(g)(I);~~ 40-15-401(2); 40-15-404; and 40-2-108, C.R.S., and at 47 U.S.C. §§ 252 and 271.

2530. Applicability.

Pursuant to 47 U.S.C. 252(a)(1), rules 2530 through 2549 apply to all agreements, and any amendments thereto, for interconnection, services, or network elements between ILECs and telecommunications carriers negotiated before or after February 8, 1996, the date of enactment of the Telecommunications Act of 1996. Pursuant to 47 U.S.C. 252(e)(1), any interconnection agreements adopted by negotiation or arbitration shall be submitted for approval to the Commission.

2531. Definitions.

The following definitions apply only in the context of rules 2530 through 2579.

(a) "Arbitrated interconnection agreement" means an interconnection agreement or portion thereof, reached through compulsory arbitration.

(b) "Interconnection agreement" (ICA) means, for purposes of § 252(e)(1) of the Telecommunications Act of 1996, a binding contractual agreement or amendment thereto, without regard to form, whether negotiated or arbitrated, between an ILEC and a telecommunications carrier or carriers that includes provisions concerning ongoing obligations pertaining to rates, charges, terms, and/or conditions for interconnection, network elements, resale, number portability, dialing parity, access to rights-of-way, reciprocal compensation, or collocation.

(c) "Negotiated interconnection agreement" means an interconnection agreement, or portion thereof, reached through negotiation.

(d) "Party to the agreement" means any telecommunications carrier that is a signatory to an interconnection agreement or any subsequent amendment submitted for approval to the Commission.

(e) "Report of adoption" (report) means a filing with the Commission pursuant to rule 2533 made by a party seeking approval of an interconnection agreement or an amendment to an agreement previously approved by the Commission.

(f) "Statement of generally available terms and conditions" (SGAT) means, pursuant to 47 U.S.C. § 252(f), a statement of the terms and conditions for wholesale products and services, including rates and charges, that an ILEC generally offers within Colorado.

2532. Incorporation by Reference.

References in these rules to Parts 51 and 69 are references to rules issued by the FCC and have been incorporated herein by reference, as identified in rule 2008.

2533. Submission of Agreement and Amendments for Approval.

(a) Pursuant to 47 U.S.C. 252(a)(1) and 47 U.S.C. 252(e)(1), and within 30 days of execution of an interconnection agreement (ICA) or ICA amendment, by all parties, or one of the parties, shall submit the ICA, or ICA amendment, under a cover letter to the Commission for approval. The cover letter shall serve as notice to the Commission and shall include the following:

(I) The names and addresses of the parties;

(II) The name(s) under which the submitting party(ies) are or will be providing telecommunications service(s) in Colorado;

(III) The name(s) address, telephone number, facsimile number and e-mail address of the submitting party(ies) representative to whom all inquiries concerning the submission should be made;

(IV) The caption and ~~docket~~ proceeding number(s), if applicable, of the proceeding;

(V) The date of the submission of the ICA or ICA amendment;

(VI) A short description of the nature of the ICA, or ICA amendment;

(VII) A statement as to whether the ICA or ICA amendment was the result of negotiation or arbitration or whether it was an opt-in of a previously approved and effective SGAT or another previously approved and effective ICA or ICA amendment;

(VIII) In the case of a new ICA, the cover letter shall describe the primary source documents, if any, that served as the framework for the agreement. In the case of an amendment to an ICA, the cover letter shall list all sections of the ICA that have been amended;

(IX) A statement that intervention and public comment must be filed within ten days of the posting of the notice on the Commission's website for a negotiated ICA or an ICA amendment or within five days of the posting of the notice on the Commission's website for an arbitrated interconnection agreement or an amendment thereto. The statement shall indicate that any such filing(s) may not be accepted by the Commission if not filed in compliance with Commission rules; and

(X) A statement that the Commission Staff intervention shall be filed within 20 days of the posting of the notice on the Commission's website for a negotiated ICA or an ICA amendment or within 15 days of the posting of the notice on the Commission's website for an arbitrated ICA or ICA amendment. The statement shall indicate that any such filing(s) may not be accepted by the Commission if not filed in compliance with Commission rules.

(b) Filing entity. The Commission prefers that the parties jointly submit the ICA or ICA amendment. However, a single party may make the filing.

(c) Number of copies. Unless filing through the Commission's E-Filings system, ~~P~~parties shall file an original plus ~~three~~ two paper copies of the ICA or ICA amendment, an original plus ~~seven~~ two copies of the cover letter and a copy on disk in an electronic format acceptable to the Commission of the cover letter and the ICA or ICA amendment.

(d) Upon initial receipt of an ICA the Commission will assign a ~~docket~~ proceeding number to the submission. Any subsequent amendment to the agreement submitted for approval to the Commission shall use the original ~~docket~~ proceeding number.

2534. Approval of Interconnection Agreements and Amendments to Interconnection Agreements.

(a) Notice and opportunity for public comment.

(I) Notice. The cover letter submitted pursuant to paragraph 2533(a) shall serve as the notice and shall be submitted in an electronic format acceptable to the Commission. The Commission shall give notice of the filing of the ICA or ICA amendment by posting the cover letter on its website within two business days of the submission.

(II) Public review and comment.

(A) The ICA or ICA amendment shall be posted on the Commission's website within two business days of the filing and shall be available for review at the Commission during its normal business hours.(B) Public comment on the submission seeking approval of a negotiated ICA or ICA amendment or an arbitrated ICA or ICA amendment shall be due within ten days of the posting of the required notice.

(C) The public comment shall include the following information at a minimum:

(i) A detailed statement of the person's interest in the ICA or ICA amendment, including a description of how approval of the agreement may adversely affect those interests.

(ii) Specific allegations that the ICA or ICA amendment, or specific portion(s) thereof:

(1) discriminates against a telecommunications carrier that is not a party to the agreement;

(2) is not consistent with the public interest, convenience and necessity; and/or

(3) is not consistent with other requirements of state law.

(iii) The specific facts upon which the allegations are based.

(III) Intervention.

(A) Interventions shall be filed within ten days from posting of the notice of the submission for a negotiated ICA or ICA amendment or within five days from posting of the notice of the submission for an arbitrated ICA or ICA amendment.

(B) Interventions by Commission Staff shall be filed within 20 days from the posting of the notice of the submission for a negotiated ICA or ICA amendment or within five days from posting of the notice of the submission for an arbitrated ICA or ICA amendment.

(IV) Commission review. The Commission will review the ICA or ICA amendment using the standards for review set forth in 47 U.S.C. § 252. Pursuant to 47 U.S.C. § 252(e)(4), if the Commission does not act to approve or reject the ICA or ICA amendment within 90 days after submission by the parties of an ICA adopted by negotiation under 47 U.S.C. § 252(a), or within 30 days after submission by the parties of an ICA adopted by arbitration under 47 U.S.C. § 252(b), the ICA or ICA amendment shall be deemed approved.

2535. Confidentiality.

(a) Information submitted to the Commission is subject to the provisions of §§ 24-72-201, C.R.S., et seq., and rules 1100 through 1102. Under those provisions it is generally presumed that information in Commission files is public information.

(b) An agreement for interconnection services or network elements, including the detailed schedule of itemized charges, and any subsequent amendments shall not be considered confidential and shall, pursuant to the provisions of rule 2540, be made available for public inspection.

2536. – 2549. [Reserved].

Requests for Commission Participation in the Negotiation and Mediation of Interconnection Agreements

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to establish the process to be used and the information required by the Commission when an entity negotiating an interconnection agreement requests that the Commission participate in the negotiation and, mediate any differences arising in the course of the negotiation.

The statutory authority for the promulgation of these rules is found at §§ 40-3-102; 40-15-404; 40-15-401(2); ~~40-15-503(2)(b)(I) and (III); 40-15-503(2)(g)(I);~~ and 40-2-108, C.R.S., and at 47 U.S.C. §§ 251 and 252(a)(1), (a)(2), and (e).

2550. Applicability.

Rules 2550 through 2559 apply to any negotiation of an ICA relating to telecommunications services in Colorado in which any party to the negotiations has requested that the Commission mediate any differences arising during the negotiations.

2551. Definitions.

The following definitions apply only in the context of rules 2550 through 2559:

(a) "Negotiation/mediation request" (request) means a filing made by a telecommunications carrier with the Commission asking the Commission to participate in the negotiation of an interconnection agreement (ICA) and to mediate any differences.

(b) "Party to the negotiation" (party) means a telecommunications carrier negotiating for an agreement with another telecommunications carrier pursuant to 47 U.S.C. § 252(a).

(c) "Telecommunications mediator" (mediator) means the person assigned by the Commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation.

2552. Request Process.

(a) Pursuant to 47 U.S.C. 252(a)(2), any party to the negotiation may, at any point in the negotiation, ask the Commission to participate in the negotiation and to mediate any differences arising in the course of the negotiation.

(b) A party shall file a letter with the Director to request negotiation/mediation.

(c) The negotiation/mediation request shall include the following information, either in the request or in appropriately identified, ~~attached exhibits~~attachments:

(I) ~~T~~the name, address, telephone number, facsimile number, and e-mail address, if applicable, of the party to the negotiation making the request;

(II) ~~T~~the name(s), address(es), telephone number(s), facsimile number(s), and e-mail address(es), if applicable, of the other parties to the negotiation;

(III) ~~T~~the name, address, telephone number, facsimile number, and e-mail address, if applicable, of the party's representative who is participating in the negotiations and to whom all inquiries should be made;

(IV) ~~T~~the negotiation history, meeting times, and locations;

(V) ~~A~~available schedule dates of party representatives; and

(VI) ~~T~~the issues on which the requestor seeks Commission participation and mediation.

2553. Negotiation/Mediation Process.

(a) Pursuant to 47 U.S.C. 252(a)(2), the Commission shall participate in the ICA negotiations and mediate any differences arising in the course of the negotiation.

(I) Upon receipt of a request for Commission negotiation/mediation, the Commission shall assign a proceeding~~docket~~ number to the matter.

(II) The Commission will respond to the request within ten days after receipt. The response shall identify the assigned mediator.

(b) The mediator shall promptly schedule negotiation/mediation sessions. These sessions shall continue until:

(I) All outstanding issues are settled;

(II) A party makes a written declaration that the mediation proceedings are terminated; or

(III) The mediator makes a written declaration that further efforts at mediation are no longer worthwhile.

2554. Confidentiality.

The mediator shall not voluntarily disclose nor, through discovery, be required to disclose any oral or written communication prepared or expressed for the purposes of, in the course of, or pursuant to, any mediation or negotiation hereunder.

2555. – 2559. [Reserved].

Commission Arbitration

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to establish a Commission process for arbitration of issues arising in the course of negotiation of interconnection agreements under 47 U.S.C. § 252.

The statutory authority for the promulgation of these rules is found at §§ 40-3-102; 40-15-404; 40-15-401(2); ~~40-15-503(2)(b)(I) and (III); 40-15-503(2)(g)(I);~~ and 40-2-108, C.R.S., and at 47 U.S.C. §§ 251 and at 252(a)(1) and (e).

2560. Applicability.

Pursuant to 47 U.S.C. 252(b), rules 2560 through 2579 apply to any petition filed by any party to the negotiation of an interconnection agreement requesting that the Commission arbitrate any unresolved issues in the negotiations. These provisions apply only to petitions filed during the period from the 135th to the 160th day (inclusive) after the date on which an ILEC receives a request for negotiation under 47 U.S.C. § 251 and 47 U.S.C. § 252.

2561. Definitions.

The following definitions apply only in the context of rules 2560 through 2579.

(a) "Agreement being negotiated" means an interconnection agreement (ICA) being negotiated between or among telecommunications carriers, following a request for negotiation made by a telecommunications carrier to an ILEC.

(b) "Petition for arbitration" means the petition requesting arbitration of any unresolved issues in the interconnection agreement being negotiated.

(c) "Petitioner" means the party to the interconnection agreement being negotiated that files the petition for arbitration.

(d) "Respondent" means a non-petitioning party to the agreement being negotiated.

2562. Petition Process.

(a) Pursuant to 47 U.S.C. § 252(b), any party to an ICA being negotiated may, during the period from the 135th to the 160th day (inclusive) after the date on which an ILEC receives a request for negotiation under 47 U.S.C. § 252, petition the Commission to arbitrate any unresolved issues in the negotiation.

(b) To request Commission arbitration, a party shall file a petition with the Commission. The petition shall include, in the following order and specifically identified, the following information, either in the petition or in appropriately identified~~, attached exhibits~~attachments:

(I) Identifying information:

(A) The name, address, telephone number, facsimile number, and e-mail address, if applicable of the party to the negotiation making the request;

(B) The names, addresses, telephone number(s), facsimile number(s), and e-mail addresses, if applicable, of the other parties to the negotiation;

(C) The name, address, telephone number, facsimile number, and e-mail address, if applicable, of the petitioner's representative who is participating in the negotiations and to whom all inquiries should be made;

(D) The negotiation history, meeting times, and locations; and

(E) Available schedule dates of party representatives.

(F) All other relevant documentation and arguments concerning:

(i) The unresolved issues;

(ii) The position of each of the parties with respect to those issues;

(iii) The specific relief requested by the petitioner with respect to each issue; and

(iv) Any other issues discussed and resolved by the parties.

2563. Notice.

(a) Pursuant to 47 U.S.C. § 252(b)(2)(B), a party petitioning the Commission to arbitrate shall deliver by first-class mail, express mail, or by hand delivery a copy of the petition and any attached documents to the other party or parties to the agreement being negotiated no later than the day on which the Commission receives the petition.

(b) The petitioner shall also furnish written notice to:

~~(I) The Office of Consumer Counsel;~~

(~~I~~I) Any telecommunications carrier known to be negotiating an ICA, as included on a list maintained by the Commission; and

(II~~I~~) Any telecommunications carrier with an effective ICA with any of the parties to the petition ~~certified by the Commission to provide telecommunications service as included on a list maintained by the Commission.~~

(c) Contents and manner of service. The written notice shall include a statement that a petition for arbitration has been filed with the Commission; the names of the parties; the date that the request for negotiation with the ILEC was made; a summary of the issues; and that interventions must be filed with the Commission within ten days of the filing date. The notice shall be delivered by first-class mail, by express mail, or by hand delivery not later than the day on which the petition for arbitration is filed with the Commission.

(d) Certificate of service. The petition shall include a certificate of service showing that notice was given in accordance with this rule.

2564. Opportunity to Respond to Petition.

(a) Other parties. A respondent shall respond to the petition for arbitration within 25 days after the petition is filed with the Commission. If a respondent seeks to have issues arbitrated that are not set out in the petition, the respondent shall state those issues, the position of each of the parties with respect to those issues, and the specific relief requested with respect to those issues.

The respondent to a petition for arbitration shall become a party to arbitration proceedings upon service of the petition in accordance with paragraph 2563(a).

(b) Intervention and public comment or intervention. A person seeking to intervene on the petition shall file a motion to intervene within ten days of the date that the petition for arbitration was filed with the Commission. A person may submit public comment on the petition within 25 days of the date that the petition for arbitration was filed with the Commission.

2565. Role of Commission during Arbitration.

(a) The Commission shall:

(I) Review all submitted documentation and written arguments; and

(II) Hold a hearing on the petition.

(b) The Commission may require the petitioning and responding parties to provide additional information as may be necessary for the Commission to reach a decision on the unresolved issues. If any party refuses or fails unreasonably to respond on a timely basis to any request from the Commission, the Commission may proceed on the basis of the best information available.

(c) The Commission shall resolve each issue set forth in the petition and the response, if any, by imposing appropriate conditions as required to implement rule 2566 upon the parties to the arbitrated agreement.

(d) The Commission shall conclude the resolution of any unresolved issues no later than nine months after the date on which the ILEC received the request for negotiation for interconnection under 47 U.S.C. § 252 in accordance with the Commission's own procedures and specified statutes or rules.

(e) The Commission may order the parties to the arbitration to pay for a transcript of the arbitration proceedings. In such case, the Commission will apportion the cost among the parties in an equitable fashion.

2566. Standards for Arbitration.

Pursuant to 47 U.S.C. § 252(c), in resolving any unresolved issues by arbitration under 47 U.S.C. § 252(b) and imposing conditions upon the parties to the agreement, the Commission shall:

(a) Ensure that such resolution and conditions meet the requirements of 47 U.S.C. § 251, including the regulations prescribed by the FCC pursuant to 47 U.S.C. § 251;

(b) Establish any rates for interconnection, services, or network elements according to 47 U.S.C. § 252(d); and

(c) Provide a schedule for implementation of the rates, charges, terms, and conditions of the agreement by the parties.

2567. Duty to Negotiate in Good Faith during Arbitration.

Pursuant to 47 U.S.C. § 251(c)(1), each ILEC has, among other duties, the duty to negotiate in good faith, in accordance with 47 U.S.C. § 252, the particular rates, charges, terms, and conditions of agreements to fulfill the duties described in 47 U.S.C. § 251(b)(1) through (5), and 47 U.S.C. § 251(c). The requesting telecommunications carrier also has the duty to negotiate in good faith the rates, charges, terms, and conditions of such agreements.

2568. Refusals to Negotiate.

Pursuant to 47 U.S.C. § 252(b)(5), the refusal of any party to participate further in the negotiations, to cooperate with the Commission in carrying out its function as an arbitrator, or to continue to negotiate in good faith in the presence, or with the assistance, of the Commission shall be considered a breach of the duty to negotiate in good faith.

~~**2569. – 2579. [Reserved].**~~

~~**Rules for the Resale of Telecommunications Exchange Services**~~

~~**Basis, Purpose, and Statutory Authority**~~

~~The basis and purpose of these rules is to establish regulations: for the resale of retail telecommunications exchange services; to ensure the non-discriminatory availability of services for resale; and to ensure that retail telecommunications services are available for resale in a manner that enhances competition.~~

~~The statutory authority for promulgation of these rules is found at §§ 40-15-108(2); 40-15-502(1), (3)(b)(V), and (5)(b); 40-15-503(2)(a), (2)(b)(IV), and (2)(g)(I); and 40-2-108, C.R.S.~~

~~**2580. Applicability.**~~

~~Rules 2580 through 2599 are applicable to all telecommunications providers that provide telecommunications exchange service in Colorado.~~

~~**2581. Definitions.**~~

~~The following definitions apply only in the context of rules 2580 through 2599:~~

~~(a) "Facilities-based telecommunications provider" means a provider of telecommunications exchange service that owns telecommunications facilities.~~

~~(b) "Telecommunications exchange service" means service within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area, operated to furnish subscribers with service of the character ordinarily provided by a single exchange, and which is covered by the exchange service charge.~~

~~(c) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.~~

2582. Regulation of Facilities-Based Telecommunications Providers.

(a) Facilities-based telecommunications providers shall neither prohibit nor impose unreasonable or discriminatory conditions or limitations on the resale of their retail telecommunications services.

(b) Facilities-based telecommunications providers shall not be required to modify their Commission-established local calling areas for the purpose of accommodating a reseller.

(c) Operational support:

(I) Each facilities-based telecommunications provider shall offer, in a non-discriminatory manner, pursuant to contract or tariff, the operational support necessary to enable each reseller, certified within the facilities-based telecommunications provider's service territory, the opportunity to provide the reseller's end users the same quality of service, consistent with rules 2330 through 2359 that is available to the facilities-based telecommunications provider's end users.

(II) Such contracts shall be approved by the Commission and available for review pursuant to Commission order.

(d) A facilities-based telecommunications provider may require a deposit from a reseller, pursuant to an effective tariff on file with the Commission. The tariff shall specify, at a minimum, the amount of the deposit, the circumstances under which the deposit shall be required, when the deposit shall be returned, and the terms and conditions of the forfeiture of the deposit. Such deposit shall be in an amount sufficient to recover the reasonable costs borne by the facilities-based telecommunications provider in the event the reseller:

(I) Discontinues telecommunications exchange service without Commission approval; or

(II) Fails to pay the facilities-based telecommunications provider for services rendered.

(e) In the event a reseller discontinues telecommunications exchange service without Commission approval, the facilities-based telecommunications provider shall notify the Commission of the reseller's discontinuance of service.

(f) Subject to Commission approval, an ILEC shall charge resellers a price equal to the retail price the ILEC charges end users adjusted for any marketing, billing, collection, and other costs that will be avoided by the ILEC. For purposes of this rule, the price charged to resellers shall also reflect any package discounts the ILEC offers to its end users for a package of retail telecommunication services if the resold combination of products purchased is identical.

2583. Service Quality.

(a) For purposes of compliance with rules 2330 through 2359, the reseller is a customer of the facilities-based telecommunications provider.

(b) All local exchange service providers, including resellers, shall comply with all Commission rules applicable to LECs.

(c) The provider of local exchange services that directly interfaces with the end user is obligated to serve that end user according to the Commission's rules.

(d) Services offered for resale by the facilities-based telecommunications provider must be provisioned at the same standard of quality as the services offered to its end users.

2584. Confidentiality.

(a) Each facilities-based telecommunications provider shall establish procedures to ensure that its personnel, including, but not limited to, those personnel who are involved in the provision of resold service and operational support to resellers, hold as confidential all information about the reseller and its end users obtained solely from providing services to a reseller, and do not use that information to compete against the reseller.

(b) Each facilities-based telecommunications provider shall establish procedures to ensure that specific or summarized information about a provider or a reseller or their end users obtained solely from providing services is not used to develop any marketing strategy to compete, or develop, market, or sell services.

(c) Each facilities-based telecommunications provider and each reseller of its services shall develop mutually agreeable and reciprocal arrangements for the protection of their respective customer proprietary network information.

2585. Tariff Filings.

(a) Except for those providers addressed in paragraph (b), each facilities-based telecommunications provider shall file tariffs with the Commission implementing the resale of services according to these rules within 30 days of the date the facilities-based telecommunications provider receives operating authority.

(b) Rural facilities-based telecommunications providers shall file tariffs with the Commission implementing the resale of requested services according to these rules within 30 days after such company has received a bona fide request by a reseller that has been granted operating authority within the facilities-based telecommunications provider's service territory, and the Commission has determined that such request is not unduly economically burdensome and is technically feasible.

2586. Negotiation, Mediation, and Arbitration.

(a) Nothing in rule 2585 shall be construed to limit a telecommunications provider's ability to reach a negotiated, mediated, or arbitrated agreement with respect to the rates, charges, terms, and conditions associated with the resale of retail telecommunications services.

(b) All agreements for resale of retail telecommunications services shall be submitted to the Commission for approval.

2587. Regulation of Resellers.

(a) All providers of residential basic local exchange services shall price such services to comply with statutory provisions of § 40-15-502(3), C.R.S.

(b) A reseller that obtains a telecommunications service at wholesale, which at retail is available only to a category of subscribers, is prohibited from offering such service to a different category of subscribers.

(c) If the reseller is reselling basic local exchange service to a particular end user, the end user's bill must separately identify the reseller's Commission-authorized price for basic local exchange service.

~~**2588. Dispute Resolutions.**~~

~~The Commission shall resolve disputes arising out of any provision of resold retail telecommunications services pursuant to these rules.~~

25~~89~~69. - 2699. [Reserved].

NUMBERING ADMINISTRATION

Efficient Use of Telephone Numbers

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to identify procedures to ensure the efficient use and assignment of telephone numbers.

The statutory authority for the promulgation of these rules is found at §§ ~~40-15-503(2)(b)(II),~~ 40-2-108, C.R.S. Relevant federal law exists at 47 U.S.C. § 251 (e)(1~~) and~~), 47 C.F.R., Part 52.15 (January 11, 2016) and Part 52.19 (October 1, 2002).

2700. Applicability.

Rules 2700 through 2719 are applicable to all providers ~~of telecommunications services, who~~who request telephone numbers directly from the numbering administrators and have accepted or make use of numbering resources in the Numbering Plan Areas (NPAs) assigned to Colorado or who assign numbering resources in any NPA assigned to Colorado.

2701. Definitions.

The following definitions apply only in the context of rules 2700 through 2719:

(a) "Central office code" means the second three digits (NXX) of a ten-digit telephone number in the form NPA-NXX-XXXX. A central office code is also called an NXX code. The "N" denotes numbers 2 through 9 and X denotes numbers 0 through 9.

(b) "Central office code administrator" means the entity responsible for the administration of the NXXs within an NPA. The central office code administrator is also known as the North American Numbering Plan Administrator (NANPA).

(c) "Contaminated block" means any thousand block of telephone numbers where at least one telephone number is not available for assignment to end users.

(d) "Numbering Plan Area" (NPA) means the first three digits of a ten-digit telephone number in the North American Numbering Plan. This is also called an area code. NPAs are classified as either geographic or non-geographic.

(e) "NXX code holder" means any telecommunications service provider that has been assigned at least one central office code by the central office code administrator.

(f) "Pooling administrator" means the entity responsible for the administration and assignment of the thousand blocks in a pooling environment.

(g) "Thousand block" means a range of a thousand consecutive telephone numbers within a single NXX code, e.g., numbers NXX-1000 through NXX-1999 constitute a thousand block.

2702. Assignment of Telephone Numbers in Colorado.

(a) All providers with numbers assigned from the NPAs in the Colorado (303, 719, 970, 720, or any future NPAs assigned to Colorado) shall assign numbers from a single opened thousand block within an NXX before assigning telephone numbers from an uncontaminated thousand block.

(b) Notwithstanding paragraph (a), a provider may assign telephone numbers in a thousand block different from the thousand block described in paragraph (a) if the available numbers in the opened thousand block are not sufficient to meet a specific customer request.

(c) The Central Office Code Administrator and Pooling Administrator must perform their central office code administration and thousand block administration functions in such a manner as to support these rules.

(d) Upon implementation of any number pooling between providers in Colorado, providers participating in pooling must make uncontaminated thousand blocks and thousand blocks with less than ten percent contamination available to the Pooling Administrator for possible reassignment to other providers in a number pooling process.

(e) All providers that are required to be local number portability (LNP) capable pursuant to paragraph 2724(c) shall participate in number pooling for a particular geographic area when implemented by the Pooling Administrator.

(f) All providers shall provide services in such a manner as not to encourage the inefficient use or depletion of telephone numbers in any Colorado NPA.

(g) All VoIP providers authorized to request numbering resources directly from the Numbering Administrators must file a notice with the Commission at least 30 days before requesting numbers from the Numbering Administrators on a form provided by the Commission on its website.

(h) All VoIP providers must maintain accuracy of all contact information and certification. If any contact information and certification is no longer accurate, the VoIP provider must file a correction with the Commission within 30 days of the change.

2703. Variance.

Any provider seeking relief from the requirements of rules 2700 through 2719 or pursuant to 47 C.F.R. 52.15(g) shall request a variance by ~~petition~~request to ~~the~~ Commission~~.~~ staff. The ~~petition~~request shall demonstrate and provide (1) a request from an end-user customer detailing the specific need for telephone numbers; and (2) the carrier's inability to meet the customer's request from the carrier's current inventory of numbers. The designated Commission ~~Staff~~staff shall act on the ~~petition~~request within 14 days of receiving the required information. If the ~~petitioner~~provider disagrees with ~~the Staff's~~Commission staff's determination, the ~~petitioner~~provider may formally ~~request~~file a petition requesting a Commission ruling.

2704. – 2719. [Reserved].

Local Number Portability and Administration

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to establish local number portability (LNP) regulations so that end users can choose between ~~authorized telecommunications~~ providers without losing their telephone numbers; to establish mechanisms supporting LNP; and to identify LNP database network architecture.

The statutory authority for the promulgation of these rules is found at §§ 40-2-108 ~~and 40-15-503(2)(b)(II),~~ C.R.S. and 47 C.F.R. § 52 Subpart C.(November 30, 2015)

2720. Applicability.

Rules 2720 through 2739 shall apply to all ~~facilities-based LECs.~~providers who request telephone numbers directly from the numbering administrators.

2721. Definitions.

The following definitions apply only in the context of rules 2720 through 2739:

(a) "Limited Liability Company" (LLC) means the legal entity given the responsibility of selecting and managing the Number Portability Administration Center (NPAC) in Colorado. This entity is made up of representatives of providers that are or will be porting numbers.

(b) "Number portability administration center" (NPAC) means the independent third-party administrator of the Service Management System (SMS) and LNP database.

(c) "Portable NXX" means an NXX that the public switched telephone network, in doing call routing, recognizes as an address that may require routing on the basis of something other than the dialed digits, and that the telephone company billing system, in determining which provider of serves the billed telephone number, recognizes may involve a provider other than the one to which the NXX is assigned.

(d) "Ported telephone number" means a telephone number (TN) that is served (receives dial tone) from a switch other than the one to which the NXX is assigned.

2722. Incorporation by Reference.

The FCC's LNP First Report and Order, Decision No. FCC 96-286 in CC Docket No. 95-116, released July 2, 1996, is incorporated by reference, as identified in rule 2008.

2723. ~~Local~~Customer Number Portability.

If a customer changes basic local exchange providers and remains within the same rate center, the customer shall have the option to retain the customer's telephone number(s).

2724. ~~Long-Term Service~~ Provider Number Portability.

(a) ~~Long-term service provider number~~Number portability, as described in rule 2723, shall be attained by means of a database network architecture.

(b) The database network architecture employed shall meet the following performance criteria:

(I) ~~Supports~~supports network services, features, and capabilities existing at the time number portability is implemented, including emergency services, Custom Local Area Signaling System (CLASS) features, operator and directory assistance services, and intercept capabilities;

(II) ~~Efficiently~~efficiently uses numbering resources;

(III) ~~Does~~does not require customers to change their telephone numbers;

(IV) ~~Does~~does not result in unreasonable degradation in service quality or network reliability;

(V) ~~Does~~does not result in any degradation in service quality or network reliability when customers switch carriers;

(VI) ~~Does~~does not result in a carrier having a proprietary interest in the network architecture;

(VII) ~~I~~is able to migrate to location and service portability; and

(VIII) ~~Has~~has no significant adverse impact outside the areas where number portability is deployed.

(c) Implementation. All ~~facilities-based LECs~~providers offering service in the top 100 Metropolitan Statistical Areas (MSAs) as defined by the U.S. Bureau of Census, including those listed in the FCC's LNP First Report and Order, Decision No. FCC 96-286 in CC Docket No. 95-116, Appendix D, must provide a long-term database method for number portability upon entry. All ~~facilities-based LECs~~providers offering service in areas outside the top 100 MSAs must make number portability available six months after a request from a competing carrier.

(d) NPAC.

(I) The long-term service provider portability database shall be administered by an NPAC. The NPAC shall be the exclusive source of LNP database information for facilities-based Colorado service providers.

(II) The NPAC shall be selected and contracted to perform its duties by the LLC.

2725. – 2739. [Reserved].

N-1-1 Abbreviated Dialing Codes

Basis, Purpose, and Statutory Authority

The basis and purpose for these rules is to establish Colorado N-1-1 regulations so that the use of N-1-1 in Colorado is consistent with the FCC assignments by: identifying the designated uses of N-1-1 codes; identifying the limitations of the N-1-1 code usage; and establishing Commission procedures regarding petitions for N-1-1 use or assignment.

The statutory authority for the promulgation of these rules is found at §§ 40-3-102, 40-15-201, and 40-2-108, C.R.S. These rules are consistent with the FCC's rules found at 47 C.F.R., Part 52 (~~October 1,2002~~June 22, 2010).

2740. Applicability.

Rules 2740 through 2799 are applicable to all ~~telecommunications~~ providers who request telephone numbers directly from the numbering administrators.

2741. ~~Abbreviated Dialing Codes~~Definitions.

(a) ~~Definitions.~~"Abbreviated dialing codes" enable callers to connect to a location in the telephone network that otherwise would be accessible only through the use of a seven or ten-digit telephone number. The network must be pre-programmed to translate the three-digit code into the appropriate seven or ten-digit telephone number, including toll free numbers, and route the call accordingly.

(b) "Affected area" means the geographic area within which a 3-1-1 abbreviated dialing code is sought to be used, will be used, or (after implementation) is used for the purpose of providing non-emergency police and other governmental service information to the public.

(c) "Government entity" or "entity" means a department or agency of the state of Colorado, any county, or any city, municipality or town as those terms are defined in § 31-1-101 C.R.S.; and any Ambulance District, Fire Protection District, Health Service District or Metropolitan District as those terms are defined in § 32-1-103 C.R.S.

(~~II~~d) "N-1-1" codes are three-digit codes of which the first digit can be any digit other than 1 or 0, and the last two digits are both 1. N-1-1 codes "0-1-1" and "1-1-1" are unavailable because "0" and "1" are used for switching and routing purposes.

2742. Abbreviated Dialing Codes.

(~~b~~a) The following abbreviated dialing codes have been designated and assigned by the FCC and shall be used for the FCC's stated purpose in Colorado:

(I) 2-1-1 - Community Information and Referral Services;

(II) 3-1-1 - Non-emergency governmental police and other governmental service information;

(III) 5-1-1 - Traffic and Transportation Information;

(IV) 7-1-1 - Telecommunications Relay Service;

(V) 8-1-1 - Advanced Notice of Excavation Activities; and

(VI) 9-1-1 - Emergency Service.

(~~c~~b) The following abbreviated dialing codes are commonly used for the FCC's stated purpose in Colorado, but may be used for other purposes:

(I) 4-1-1 - Directory Assistance and Directory Assistance Call Completion; and

(II) 6-1-1 - Repair Service.

(~~d~~c) A provider in Colorado may assign or use N-1-1 dialing codes only as directed by the Commission.

(~~e~~d) The following limitations apply to a provider's use of N-1-1 dialing codes for internal business and testing purposes:

(I) ~~T~~the provider's use shall not interfere with the assignment of such numbers by the FCC or with the North American Numbering Plan (NANP); and

(II) ~~T~~the provider's use shall be discontinued upon 30-days' notice if the dialing code is reassigned on a statewide or nationwide basis, provided that the code not be reassigned earlier than six months after the provider's use is discontinued in order to allow sufficient time for customer education regarding the discontinuance and reassignment of the dialing code.

~~(f) Rule relating to the provisioning of the 2-1-1 abbreviated dialing code for community information and referral services.~~

(~~l~~e) An entity submitting a ~~n application~~petition for use of an ~~the 2-1-1~~ abbreviated dialing code established by the Commission, shall be granted use of that dialing code if it is found to meet a public benefit standard outlined in this rule. Any ~~applicant~~ petitioner that is granted the authority to offer 2N-1-1 access ~~to a referral service for non-commercial community resource information~~ shall comply with this rule and any provisions set out in the Commission decision granting such authority.

(I) Assignment of 2N-1-1 abbreviated dialing code. The assignment of ~~the 2~~N-1-1 abbreviated dialing code will be considered by the Commission upon:

(~~i~~A) t~~T~~he Commission's own motion; or

(~~ii~~B) t~~T~~he ~~application~~petition of an information and referral organization, governmental organization or other entity, as applicable.

(II) ~~Application.~~ An entity filing a~~n application~~ petition to request assignment of ~~the~~ a 2N-1-1 abbreviated dialing code ~~for access to community information and referral services~~ shall present evidence that a public benefit exists. The ~~application~~petition shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attachments~~attached exhibits~~:

(A) ~~B~~background of the applicant, including composition of any governing board or agency;

(B) ~~D~~demonstration of public need;

(C) ~~C~~comprehensive list of participating agencies including proposed process to add to or delete agencies from the list;

(D) ~~H~~historic volume of calls seeking ~~community service~~relevant information;

(E) ~~A~~a description of the affected ~~geographic~~ area including list of cities, towns, counties, and central offices, if known, and any plans for expansion of that initial geographic area;

(F) ~~S~~staffing expectations, including hours and days of operation;

(G) ~~P~~proposed cost recovery solution, including funding or support mechanisms;

(H) ~~L~~letters of support from stakeholders (e.g., community members, government agencies, non-profit organizations);

(I) a statement that the entity agrees to answer all questions propounded by the Commission or its Staff concerning the petition;

(~~I~~J) ~~P~~proposed plan for community notification and outreach; and

(~~J~~K) ~~O~~other information demonstrating a public benefit.

(II) Additional requirements for entities filing a petition for 3-1-1 abbreviated dialing code for non-emergency governmental police and other governmental service information:

(A) The proposed method for routing the 3-1-1 calls to the call center.

(B) Estimated cost of implementation and the on-going provisioning of the 3-1-1 abbreviated dialing code. If two or more entities file a~~n application~~ petition with the Commission to ~~provide community information and referral services~~ us~~inge~~ the same ~~2~~N-1-1 in the same or overlapping geographic areas, the Commission shall use the criteria in subparagraph (f)(II) to establish one assignee, except petitions for 3-1-1 shall attempt to negotiate a settlement as to which entity shall provide the service in conflict. In the event the entities are not able to resolve a conflicting request for 3-1-1 service, the Commission shall have the final authority to determine which entity shall provide 3-1-1 service.

(IV) When a ~~n application~~petition is granted by the Commission under subparagraph (f)(II), all ~~telecommunications~~ providers that provide service in the geographic area outlined in the ~~application~~ petition shall complete the following tasks:

(A) If an affected provider is using ~~2~~N-1-1 code for purposes other than stated in subparagraph 2741(b), ~~access to community information and referral services,~~ that provider shall discontinue use for that non-compliant purpose.

(B) If the affected provider plans to seek recovery of its costs associated with ~~2~~N-1-1 implementation, the affected provider shall calculate the cost for the necessary translations and facilities work and shall file with the Commission.

(C) The affected provider shall estimate the time required to perform the necessary translation and/or facilities work to allow ~~2~~N-1-1 call completion from its subscribers as requested in the ~~application~~petition.

~~(V) Within 30 days of the granting of an application the affected provider shall file with theCommission the information requested in subparagraphs (f)(II)(B) and (C).~~

(V~~I~~) Upon a showing that the public will benefit from the assignment of ~~2~~N-1-1 to a~~n applicant~~petitioner and factoring in the provider filed information, the Commission will establish a timeline for assignment and use of the ~~2~~N-1-1 abbreviated dialing code in the affected geographic area. ~~-~~All providers serving customers in the affected area shall comply with this assignment date unless a variance is sought and granted.

~~(g) Rules relating to the provisioning of the 3-1-1 abbreviated dialing code for non-emergency governmental police and other governmental service information:~~

~~(I) A government entity submitting a petition for use of the 3-1-1 abbreviated dialing code established by the Commission, shall be granted use of that dialing code if it is found to meet the public benefit standards as delineated in this rule. Any government entity that is granted the authority to offer 3-1-1 access to non-emergency police and other governmental services information shall comply with this rule and any other provisionsset out in the Commission's decision granting such authority.~~

~~(II) Definitions. The following definitions apply to paragraph (g):~~

~~(A) "Affected area" means the geographic area within which a 3-1-1 abbreviated dialing code is sought to be used, will be used, or (after implementation) is used for the purpose of providing non-emergency police and other governmental service information to the public.~~

~~(B) "Government entity" or "entity" means a department or agency of the state of Colorado, any county, or any city, municipality or town as those terms are defined in § 31-1-101 C.R.S.; and any Ambulance District, Fire ProtectionDistrict, Health Service District or Metropolitan District as those terms are defined in § 32-1-103 C.R.S.~~

~~(III) On and after the date established by the Commission for implementation within an affected area, an assigned 3-1-1 abbreviated dialing code shall be used within that affected area exclusively to deliver non-emergency police and other governmental service information to the public.~~

~~(IV) Process for Assignment of 3-1-1 Abbreviated Dialing Code. The Commission will consider assignment of the 3-1-1 abbreviated dialing code either upon the Commission's own motion or upon the filing of a petition by a governmental entity.~~

~~(V) The Commission will assign a 3-1-1 abbreviated dialing code when, after taking into consideration the available information, the Commission finds that assignment of a 3-1-1 abbreviated dialing code in a specific affected area for the purpose of delivering non-emergency police and other governmental service information to the public is in the public interest. A governmental entity that is granted the authority to offer access to non-emergency police and other governmental service information using a 3-1-1 abbreviated dialing code shall comply with this rule and with the provisions contained in the Commission's decision granting authority.~~

~~(VI) Petition for Assignment of a 3-1-1 Abbreviated Dialing Code. A governmental entity filing a petition must present evidence that a public benefit exists. The Commission will evaluate the petition based upon the evidence presented.~~

~~(VII) Contents of the Petition. A petition shall contain the following information and, as necessary, supporting documentation:~~

~~(A) Specific information regarding the entity including:~~

~~(i) The name and address of the governmental entity filing the petition;~~

~~(ii) The name, address and telephone number of the person filing the petition on behalf of the governmental entity;~~

(iii) The name, address, telephone number, facsimile number, and e-mail address of the entity's representative to whom all inquiries concerning the petition should be addressed;

(iv) The name, address, and telephone number of the person to contact with respect to the implementation and/or provisioning of the 3-1-1 abbreviated dialing service, if different from the person identified in (iii) in the event the Commission grants the petition;

(v) Information about the governmental entity, including the composition of any governing board or agency.

(B) A statement that the entity agrees to answer all questions propounded by theCommission or its Staff concerning the petition.

(C) A detailed plan for the use of the 3-1-1 abbreviated dialing code, including:

(i) A description of the services to be offered;

(ii) Proposed hours of operation;

(iii) Proposed staffing;

(iv) A description of the staff training;

(v) A detailed plan for community outreach with examples of notices and releases;

(vi) The proposed method for routing the 3-1-1 calls to the call center.

(D) A precise description of the affected area, including a map of the affected area.

(E) Historic volume of calls seeking non-emergency police and other governmental services information.

(F) Demonstration of public need, including letters of support.

(G) Estimated cost of implementation and the on-going provisioning of the 3-1-1 abbreviated dialing code.

(H) Identification of funding source(s) for implementation and maintenance of the service, should the Commission grant the petition.

(I) Acknowledgement that by signing the petition the entity understands that:

(i) The filing of the petition does not, by itself, constitute approval of the petition.

(ii) If the petition is granted, the entity shall not commence the requested action until the entity has complied with applicable Commission rules and with any conditions established by the Commission order granting the petition.

~~(VIII) In the event two or more requests for 3-1-1 are made to the Commission that cover the same geographic area or overlap the same geographic area, the governmental entities making the conflicting requests shall attempt to negotiate a settlement as to which entity shall provide the service in conflict. In the event the entities are not able to resolve a conflicting request for 3-1-1 service, the Commission shall have the final authority to determine which entity shall provide 3-1-1 service, taking into account the nature of the services to be provided, the number of residents the entity serves and the potential frequency of access to entities wishing to implement the 3-1-1 service.~~

~~(IX) The Commission shall mail its order granting the petition to all jurisdictional providers that offer service in the affected area.~~

~~(X) When it receives notice of a Commission order assigning the 3-1-1 abbreviated dialing code for providing non-emergency police and other governmental service information to the public, a jurisdictional telecommunications provider that provides telecommunications services in the affected area shall:~~

~~(A) If the jurisdictional telecommunications service provider is using a 3-1-1 abbreviated dialing code for purposes other than providing the public with access to non-emergency police and other governmental service information, that provider shall discontinue use for that non-compliant purpose within 30 days or such other time as the Commission shall order.~~

~~(B) If the jurisdictional telecommunications service provider plans to seek recovery of its costs associated with implementation using the 3-1-1 abbreviated dialing code associated with non-emergency police and other governmental service information, the provider shall perform all analyses required to quantify its costs for the necessary translations and/or facilities work associated with implementation of the 3-1-1 abbreviated dialing code. If a provider does notintend to recover its implementation costs, no analysis is required.~~

~~(C) The jurisdictional telecommunications service provider shall estimate the time required to perform the necessary translation and/or facilities work to allow 3-1-1 call completion for its subscribers as requested in the Petition, keeping in mind that the FCC has determined that a request for 3-1-1 service shall initiate a 6-month deadline to take any necessary steps to complete 3-1-1 calls.~~

~~(D) No fewer than 30 days prior to the Commission-ordered implementation date, each jurisdictional telecommunications service provider that offers service within the affected geographic area shall file, on not less than 30 days' notice, an advice letter and accompanying Tariff that describes the availability of the 3-1-1 abbreviated dialing code; that contains the terms and conditions of the 3-1-1 abbreviated dialing code service; and, if the provider desires to recover its costs, the rates for the 3-1-1 abbreviated dialing code service.~~

~~(E) All jurisdictional telecommunications service providers serving customers in the affected area shall comply with the Commission-established schedule unless a waiver is sought and granted.~~

~~(XI) Upon a showing that it is in the public interest to assign the 3-1-1 abbreviated dialing code for providing non-emergency police and other governmental service information to the public, and considering the jurisdictional providers' filed information pursuant to paragraph (C), the Commission will establish a schedule for assignment and implementation of the 3-1-1 abbreviated dialing code in the affected area.~~

(~~f~~g~~XII~~) Discontinuance of offering of ~~3~~N-1-1 access.

(~~A~~I) Any ~~governmental~~ entity that has been granted the authority to offer ~~3~~N-1-1 access and wishes to discontinue providing the ~~3~~N-1-1 service shall file a notification with the Commission not fewer than 45 days prior to the effective date of the proposed discontinuance. The Commission may give notice of the notification if it determines notice would be in the public interest.

(~~B~~II) Contents of the notification. The notification shall contain the following information:

(~~i~~A) ~~T~~the entity's name, complete mailed address (street, city and zip code), telephone number, and e-mail address;

(~~ii~~B) ~~N~~name, mailing address, telephone number and e-mail address of the person to contact for questions regarding the discontinuance;

(~~iii~~C) ~~T~~the proposed effective date, which shall not be sooner than 45 days after the date on which the notification is filed with the Commission;

(~~iv~~)(D) ~~T~~the reason(s) for the discontinuance;

(~~vii~~E) ~~A~~a detailed description of the affected area, including a map of the affected area; and

(~~viii~~F) ~~A copy of~~ the notice to the affected users of the discontinuance of ~~3~~N-1-1 service and a list of all the newspapers of general circulation in which the notice of discontinuance will be published~~;~~.

~~(vii) A detailed description of the other means to be utilized to inform and educate the affected users of the discontinuance of 3-1-1 service;~~

~~(viii) Acknowledgment that by signing the notification, it is understood and agreed that:~~

~~(ix) Filing of the notification does not, by itself, constitute authority to discontinue the offering of the service; and~~

~~(x) If the discontinuance is granted, it is conditional upon fulfillment of any conditions established by Commission order.~~

~~(xi) An affidavit signed by a person who is authorized to act on behalf of the provider, stating that the contents of the notification are true, accurate and correct.~~

~~(h) Rules relating to the provisioning of the 5-1-1 abbreviated dialing code for traffic and transportation information:~~

~~(I) A government entity submitting a Petition for use of the 5-1-1 abbreviated dialing code established by the Commission, shall be granted use of that dialing code if it is found to meet the public benefit standard outlined in this rule. Any petitioner that is granted the authority to offer 5-1-1 access to intelligent transportation systems or other transportation information shall comply with this rule and any provisions set out in the Commission's decision granting such authority.~~

~~(A) Process for Assignment of 5-1-1 Abbreviated Dialing Code. The assignment of the 5-1-1 abbreviated dialing code will be considered by the Commission upon:~~

~~1) the Commission's own motion; or 2) the Petition of a government entity.~~

~~(B) Petition for Consideration of the Assignment of 5-1-1. A government entity filing a Petition to request consideration of the assignment of the 5-1-1 abbreviated dialing code for intelligent transportation systems or other transportation information must present clear and convincing evidence that a public benefit exists. The Commission will evaluate the Petition based upon this evidence.~~

~~(C) Contents of the Petition. The Petition shall contain the following information and documentation:~~

~~(i) Background of the Petitioner, including composition of any governing board or agency;~~

~~(ii) Demonstration of public need;~~

~~(iii) Historic volume of calls seeking transportation information;~~

~~(iv) Proposed affected geographic area, including a list of cities/towns and counties or central offices, if known, and any plans for expansion of that initial geographic area;~~

~~(v) Proposed cost recovery solution, including funding mechanisms; (vi) Letters of support from stakeholders;~~

~~(vii) Proposed plan for community outreach and notification; and~~

~~(viii) Other pertinent factors that the Commission deems relevant.~~

~~(II) If two or more entities petition the Commission to provide access to intelligenttransportation systems or other transportation information using 5-1-1 in the same oroverlapping geographic areas, the Commission shall apply the criteria in subparagraph(C) to establish one assignee.~~

~~(III) When a Petition is granted by the Commission under subparagraph (C), any jurisdictional telecommunications provider that provides service in the geographic area outlined in the Petition shall complete the following tasks:~~

~~(A) If an affected jurisdictional telecommunications service provider is using 5-1-1 for purposes other than access to intelligent transportation systems or other transportation information, that provider shall discontinue use for that noncompliant purpose.~~

~~(B) If the affected jurisdictional telecommunications service provider plans to seek recovery of internal costs associated with 5-1-1 call completion, the affected provider shall perform all analyses required to quantify its cost for the necessary translations and/or facilities work.~~

(C) The affected jurisdictional telecommunications service provider shall estimate the time required to perform the necessary translation and/or facilities work to allow5-1-1 call completion from its subscribers as requested in the petition.

(IV) Within 30 days of the granting of a Petition, the affected jurisdictional telecommunications service providers shall file with the Commission the information requested in subparagraphs (B) and (C).

(V) Upon a showing that the public will benefit from the assignment of 5-1-1 to a petitioner and factoring in the jurisdictional telecommunications service providers' filed information the Commission will set a timeline for assignment and implementation of the 5-1-1 abbreviated dialing code in the affected geographic area. All jurisdictional telecommunications service providers serving customers in the affected area will comply with this assignment date unless a waiver is sought and granted.

(i) Rules relating to the provisioning of the 7-1-1 abbreviated dialing code for telecommunications relay service:

(I) See rules 2820 through 2839.

(j) Rules relating to the provisioning of the abbreviated dialing code 8-1-1 for providing advanced notice of excavation activities to underground facility operators:

(I) An entity submitting a Petition for use of the 8-1-1 abbreviated dialing code establishedby the Commission, shall be granted use of that dialing code if it is found to meet a public benefit standard outlined in this rule. Any petitioner that is granted the authority to offer8-1-1 access to provide a means for excavators and the general public to notify facility operators in advance of their intent to engage in excavation activities shall comply with this rule and any provisions set out in the Commission's decision granting such authority.

(A) Process for Assignment of 8-1-1 Abbreviated Dialing Code. The assignment of the 8-1-1 abbreviated dialing code will be considered by the Commission upon:1) the Commission's own motion; or 2) the Petition of an entity.

(B) Petition for Consideration of the Assignment of 8-1-1. An entity filing a Petition to request consideration of the assignment of the 8-1-1 abbreviated dialing code to provide a means for excavators and the general public to notify facility operators in advance of their intent to engage in excavation activities must present clear and convincing evidence that a public benefit exists. The Commission will evaluate the Petition based upon this evidence.

(C) Contents of the Petition. The Petition shall contain the following information and documentation:

(i) Background of the Petitioner, including composition of any governing board or agency;

(ii) Demonstration of public need;

(iii) Historic volume of calls seeking notification to facility operators in advance of their intent to engage in excavation activities;

(iv) Proposed affected geographic area;

~~(v) Proposed cost recovery solution, including funding mechanisms; (vi) Proposed plan for community outreach and notification; and~~

~~(vii) Other pertinent factors that the Commission deems relevant.~~

~~(II) If two of more entities petition the Commission to provide a means for excavators and the general public to notify facility operators in advance of their intent to engage in excavation activities using 8-1-1 in the same or overlapping geographic areas, the Commission shall use the criteria in subparagraph (C) to establish one assignee.~~

~~(III) When a Petition is granted by the Commission under subparagraph (C), any telecommunications provider that provides service in the geographic area outlined in the Petition, shall complete the following tasks:~~

~~(A) If an affected telecommunications service provider is using 8-1-1 for purposes other than access to notification to facility operators in advance of their intent to engage in excavation activities, that provider shall discontinue use for that non-compliant purpose.~~

~~(B) If the affected telecommunications service provider plans to seek recovery of internal costs associated with 8-1-1 call completion, the affected provider shall perform all analyses required to quantify the cost to its individual company for the necessary translations and/or facilities work.~~

~~(C) The affected telecommunications service provider shall estimate the time required to perform the necessary translation and/or facilities work to allow 8-1-1 call completion from its subscribers as requested in the Petition.~~

~~(IV) Within 30 days of the granting of a Petition, the affected telecommunications service providers shall file with the Commission, the information requested in subparagraphs (B) and (C).~~

~~(V) All telecommunications service providers serving customers in the affected area will complete the requirements of subparagraph IV to allow for 8-1-1 call completion no later than April 13, 2007, unless a waiver is sought and granted.~~

~~(k~~h) ~~Rules relating to the provisioning of the 9-1-1 abbreviated dialing code for emergency services:~~

~~(I) See rules 2130 through 2159.~~

(~~l~~hg) Neither an entity granted the use of a N-1-1 abbreviated dialing code nor a provider of telecommunications service may charge end users a fee on a per-call or per-use basis for using the N-1-1 system without the consent of the Commission.

(~~j~~ih) Sale or transfer of N-1-1 codes through private transactions is not allowed.

274~~2~~3. – 2799. [Reserved].

PROGRAMS

* * *

[indicates omission of unaffected rules (Rules 2800 – 2839 - TRS)]

* * *

[indicates omission of unaffected rules – (Rules 2840 – 2869 - HCSM]

Discount Rate for Eligible Intrastate Services Purchased by Eligible Colorado Schools and Libraries

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to establish the discount rate for ~~specific telecommunications~~ services that are available to elementary schools, secondary schools, and libraries consistent with 47 U.S.C. § 254(h).

The statutory authority for the promulgation of these rules is found at §§ 40-3-102, 40-3-103, and 40-2-108, C.R.S.

2870. Applicability.

The discounts included in rules 2870 through ~~2879~~2889 shall apply to the rates for all eligible intrastate services.

2871. Definitions.

The meaning of terms used within rules 2870 through ~~2879~~2889 shall be consistent with the definitions in the FCC's Universal Service Support for Schools and Libraries Rules found at 47 C.F.R., Part 54, Subpart F. The following definitions apply only in the context of rules 2870 through 2879:

(a) "Eligible intrastate services" means services eligible for discounts including all commercially available and offered intrastate telecommunications services. In addition to intrastate telecommunications services, special services eligible for discounts include Internet access and installation and maintenance of internal connections.

(b) "Rural or urban schools or libraries" means, pursuant to 47 C.F.R. § 54.505(b)(3)(~~i~~i), ~~those schools and libraries located in non-metropolitan counties, as measured by the Office of Management and Budget's Metropolitan Statistical Area method. Schools and libraries located in rural areas within metropolitan counties identified by census block or tract in the Goldsmith Modification shall also be designated as rural~~ the Administrator shall designate a school or library as urban if the school or library is located in an urbanized area or urban cluster area with a population equal to or greater than 25,000, as determined by the most recent rural-urban classification by the Bureau of the Census. The Administrator shall designate all other schools and libraries as rural.

~~(c) "Urban schools or libraries" means, pursuant to 47 C.F.R. § 54.505(b)(3)(i), those schools and libraries located in metropolitan counties, as measured by the Federal Office of Management and Budget's Metropolitan Statistical Area method, except for those schools and libraries located within rural areas of metropolitan counties identified by census block or tract in the Goldsmith Modification.~~

2872. Incorporation by Reference.

References in rules 2870 through 2879 to Part 54 are references to rules issued by the FCC and have been incorporated by reference, as identified in rule 2008.

2873. Discount for Eligible Intrastate Services for Eligible Schools and Libraries.

After receiving a *bona fide* request from such schools or libraries, a provider of telecommunications ~~provider~~service shall apply the specified discount rate to eligible intrastate services. The following matrix shall be used to set a discount rate to be applied to eligible intrastate services purchased by eligible schools, school districts, libraries, or library consortia based upon the institution's level of disadvantage or eligibility and the location in either an "urban" or "rural" area.

Schools & Libraries Discount

Percentage of Students Eligible for National School Lunch Program	Urban Discount Percent	Rural Discount Percent
<1%	20%	25%
1 – 19%	40%	50%
20 – 34%	50%	60%
35 – 49%	60%	70%
50 – 74%	80%	80%
75 – 100%	90%	90%

2874. Rate Disputes.

Pursuant to 47 C.F.R. § 54.504(c), schools, libraries, and consortia including those entities, and ~~service~~ providers of telecommunications service may seek a determination from the Commission regarding intrastate rates if they believe that the lowest corresponding price is unfairly high or low.

2875. Discount Administration.

The FCC or its designee, pursuant to 47 C.F.R. § 54.707, shall determine the resolution of disputes dealing with the authority, practice, discount and fund accounting, and administration of the Schools and Libraries Discount Fund.

2876. Response to Request for Services.

A ~~certificated~~provider of telecommunications ~~services provider~~service shall respond in writing to a written request for eligible intrastate services within four weeks of the receipt of the request.

2877. – ~~2879. [Reserved].~~

~~2880.~~ 2889. [Reserved].

* * *

[indicates omission of unaffected rules – (Rules 2890 – 2894 - No Call)]

~~**2895. Regulated Telecommunications Utility Rule Violations, Civil Enforcement, and Civil Penalties.**~~

~~Fines shall accumulate up to, but shall not exceed, the applicable statutory limits set in § 40-7-113.5, C.R.S.~~

~~Citation~~	~~Description~~	~~Maximum Penalty Per Violation~~
	~~Articles 1-7 and 15 of Title 40, C.R.S.~~	~~$2000~~
	~~Commission Order~~	~~$2000~~
~~Rule 2005~~	~~Records and Record Retention~~	~~$2000~~
~~Rule 2108(b),(e)-(g); text preceding (a)~~	~~Discontinuance of Regulated Services~~	~~$2000~~
~~Rule 2109, text preceding (a) only~~	~~Applications to Transfer or Encumber~~	~~$2000~~
~~Rule 2110(a) and (b)~~	~~Toll Reseller Restrictions and Obligations~~	~~$2000~~
~~Rule 2122~~	~~Keeping a Current Tariff on File with the Commission~~	~~$2000~~
~~Rule 2133(a)~~	~~Service Components and Requirements~~	~~$2000~~
~~Rule 2135~~	~~Uniform System of Accounts, Cost Segregation and Collection~~	~~$2000~~
~~Rule 2136~~	~~Obligations of Basic Emergency Service Providers~~	~~$2000~~
~~Rule 2137~~	~~Obligations of ALI Database Providers~~	~~$2000~~
~~Rule 2138~~	~~Obligations of Basic Local Exchange Carriers~~	~~$2000~~
~~Rule 2139~~	~~Obligations of Resellers of Basic Local Exchange Service~~	~~$2000~~
~~Rule 2141(b) and (c)~~	~~Obligations of Multi-line Telephone Systems~~	~~$2000~~

~~Rule 2142~~	~~Nondisclosure of Name/Number/Address Information~~	~~$2000~~
~~Rule 2143~~	~~Diverse Routing and Priority Service Restoration~~	~~$2000~~
~~Rule 2164(b),(c)(V),(e),(f),(k), and (l)~~	~~Regulation of Non-optional Operator Services~~	~~$2000~~
~~Rule 2165(b) (e)~~	~~Requirements for Non-optional Operator Service Providers~~	~~$2000~~
~~Rule 2185~~	~~Obligations of Providers of Last Resort~~	~~$2000~~
~~Rule 2186(a),(d), and (e)~~	~~Relinquishment of Designation as Provider of Last Resort~~	~~$2000~~
~~Rule 2187(c) and (f)~~	~~Eligible Telecommunications Carrier Designation~~	~~$2000~~
~~Rule 2202(e) (g)~~	~~Default Form of Regulation for ILECs~~	~~$2000~~
~~Rule 2203~~	~~Default Forms of Regulation for CLECs~~	~~$2000~~
~~Rule 2204(c) (e)~~	~~General Requirements~~	~~$2000~~
~~Rule 2205(a) and (f)~~	~~Application for Alternative Form of Regulation~~	~~$2000~~
~~Rule 2206(b),(c),(e) (g)~~	~~Simplified Regulatory Treatment for Rural ILECs~~	~~$2000~~
~~Rule 2209(e)~~	~~Deregulation of Part III Emerging Competitive Services~~	~~$2000~~
~~Rule 2304~~	~~Billing Information, Procedures, and Requirements~~	~~$2000~~
~~Rule 2305, text preceding (a) only~~	~~Refund Plans~~	~~$2000~~
~~Rule 2310(a),(c),(d) (f)~~	~~Line Extensions~~	~~$2000~~
~~Rule 2335~~	~~Provision of Service During Maintenance or Emergencies~~	~~$2000~~
~~Rule 2403(a)~~	~~Specific Types of Services~~	~~$2000~~
~~Rule 2404(a),(d)~~	~~Uniform System of Accounts~~	~~$2000~~
~~Rule 2405(a),(c)~~	~~State-Interstate Separation of Costs~~	~~$2000~~
~~Rule 2410~~	~~Reporting and Record Keeping~~	~~$2000~~

~~Rule 2413~~	~~Affiliate Transactions for Local Exchange Providers~~	~~$2000~~
~~Rule 2414~~	~~Affiliate Transactions for Interexchange Providers~~	~~$2000~~
~~Rule 2415~~	~~Separation of Colorado Intrastate Access Costs~~	~~$2000~~
~~Rule 2416~~	~~Intrastate Access Charge Elements~~	~~$2000~~
~~Rule 2533~~	~~Submission of Agreement and Amendments for Approval~~	~~$2000~~
~~Rule 2702(a),(d),(e),(f)~~	~~Assignment of Telephone Numbers in Colorado~~	~~$2000~~
~~Rule 2723~~	~~Local Number Portability~~	~~$2000~~
~~Rule 2724(b),(c)~~	~~Long-Term Service Provider Number Portability~~	~~$2000~~
~~Rule 2741(d),(e),(f)(IV-V),(g)(X),(h)(III-IV),(j)(III-IV),(l)~~	~~Abbreviated Dialing Codes~~	~~$2000~~

~~**Citation**~~	~~**Description**~~	~~**Maximum Penalty Per Violation**~~
~~Rule 2004~~	~~Disputes~~	~~$1000~~
~~Rule 2123~~	~~Price Lists and Transmittal Letters~~	~~$1000~~
~~Rule 2144~~	~~Reports~~	~~$1000~~
~~Rule 2168~~	~~Access Codes of Non-Optional Operator Service Providers~~	~~$1000~~
~~Rule 2169~~	~~Access From Registered Equipment and Access to Common Carriers~~	~~$1000~~
~~Rule 2311(b)-(g)~~	~~Changing Providers and Carrier Presubscription~~	~~$1000~~
~~Rule 2312(b)-(e)~~	~~IntraLATA Equal Access~~	~~$1000~~
~~Rule 2334~~	~~Construction and Maintenance Practices for Telecommunications Facilities~~	~~$1000~~
~~Rule 2336(a),(b)~~	~~Adequacy of Service~~	~~$1000~~
~~Rule 2337(b),(d)-(h)~~	~~Standard Performance Characteristics for Customer Access Lines~~	~~$1000~~

~~Rule 2338~~	~~Interexchange Trunk Connections~~	~~$1000~~
~~Rule 2339~~	~~PBX and Multiline Channels~~	~~$1000~~
~~Rule 2340~~	~~Network Call Completion Requirements~~	~~$1000~~
~~Rule 2341(a),(b),(d) (f)~~	~~Trouble Report Response, Interruptions and Curtailments of Service~~	~~$1000~~
~~Rule 2502~~	~~Interconnection~~	~~$1000~~
~~Rule 2503(c) (e)~~	~~Compensation for Terminating Local Traffic~~	~~$1000~~
~~Rule 2504~~	~~Other Intercompany Arrangements~~	~~$1000~~
~~Rule 2505(c)~~	~~Unbundling~~	~~$1000~~
~~Rule 2506~~	~~Process and Imputation~~	~~$1000~~
~~Rule 2582(a),(c) (f)~~	~~Regulation of Facilities-Based Telecommunications Providers~~	~~$1000~~
~~Rule 2583(b) (d)~~	~~Service Quality~~	~~$1000~~
~~Rule 2584~~	~~Confidentiality~~	~~$1000~~
~~Rule 2585~~	~~Tariff Filings~~	~~$1000~~
~~Rule 2586(b)~~	~~Negotiation, Mediation and Arbitration~~	~~$1000~~
~~Rule 2587~~	~~Regulation of Resellers~~	~~$1000~~
~~Rule 2894~~	~~Local Exchange Carriers' Responsibilities – Notification of Designated Agent~~	~~$1000~~

~~**Citation**~~	~~**Description**~~	~~**Maximum Penalty Per Violation**~~
~~Rule 2302(a) (c);(e) (g)~~	~~Applications for Service, Customer Deposits, and Third Party Guarantees~~	~~$500~~
~~Rule 2307~~	~~Directories for Basic Local Exchange Service~~	~~$500~~
~~Rule 2308~~	~~Local Exchange Service Standards~~	~~$500~~

~~Citation~~	~~Description~~	~~Maximum Penalty Per Violation~~
~~Rule 2006(a)-(e); (l)~~	~~Reports~~	~~$100~~
~~Rule 2303~~	~~Denial or Discontinuance of Service~~	~~$100~~
~~Rule 2306~~	~~Public Information~~	~~$100~~
~~Rule 2823(a),(c)-(e)~~	~~Conformity with the Federal Americans with Disabilities Act of 1990~~	~~$100~~
~~Rule 2824~~	~~Conformity with the Commission's Quality of Service Rules~~	~~$100~~
~~Rule 2827(b)~~	~~Timely or Completely Filing or Making Appropriate Payments to the TRS Fund~~	~~$100~~
~~Rule 2846~~	~~Timely or Completely Filing or Making Appropriate Payments to the CHCSM Fund~~	~~$100~~

2896~~6~~5. – 2899. [Reserved].

GLOSSARY OF ACRONYMS

ABS Alternate Billing Service
ALI Automatic Location Identification
AMA Automatic Message Accounting
AML Actual Measured Loss
ANI Automatic Number Identification
ANSI American National Standards Institute
BER Bit Error Rate
BESP Basic Emergency Service Provider
BRI Basic Rate Interface
BSA Basic Serving Arrangement
BSE Basic Service Element
CASB Cost Accounting Standards Board
CCR Code of Colorado Regulations
CEI Comparably Efficient Interconnection
CFR Code of Federal Regulations
~~CHCSM Colorado High Cost Support Mechanism~~
CLASS Custom Local Area Signaling System
CLEC Competitive Local Exchange Carrier
CMRS Commercial Mobile Radio Service
CNS Complementary Network Service
CPCN Certificate of Public Convenience and Necessity
CPNI Customer Proprietary Network Information
CRCP Colorado Rules of Civil Procedure
CRS Colorado Revised Statutes
CSR Customer Service Record

dB Decibel
~~dBrnC Decibel above Reference Noise level using C-message weighting~~
~~DEM Dial Equipment Minutes of Use~~
DMS Data Management System
DS0,DS1,DS3 Digital Signaling levels 0, 1 and 3
E9-1-1 Enhanced 911 e-mail Electronic mail
ENS Emergency Notification Service
EP Eligible Provider
ESP Enhanced Service Provider
ETC Eligible Telecommunications Carrier
ETS Emergency Telephone Service
FCC Federal Communications Commission
FDC Fully Distributed Cost
FOC Firm Order Confirmation
GAAP Generally Accepted Accounting Principles
HCSM High Cost Support Mechanism
Hz Hertz
ICB Individual Case Basis
IEEE Institute of Electrical and Electronics Engineers
ILEC Incumbent Local Exchange Carrier
ISDN Integrated Services Digital Network
~~IXC Interexchange Carrier~~
kbit/sec kilobit per second (1,000 bits per second)
LATA Local Access Transport Area
LCA Local Calling Area
LEC Local Exchange Carrier
LIDB Line Identification Database
LLC Limited Liability Company
LNP Local Number Portability
LOR Letter of Registration
LRIC Long Run Incremental Cost
LSR Local Service Request
ma milliamps
Mbps Megabits per second
MLTS Multi-line Telephone System
MSA Metropolitan Statistical Area
MSAG Master Street Address Guide
MTB Minimum Transport Bandwidth
MTE Multi-Tenant Environment
NANP North American Numbering Plan
NANPA North American Numbering Plan Administrator
NECA National Exchange Carrier Association
NENA National Emergency Number Association
NID Network Interface Device
NIIF Network Interconnection Interoperability Forum
NPA Numbering Plan Area
NPAC Number Portability Administration Center
OC1 Optical Carrier-Level 1 Signal
OCC Office of Consumer Counsel
ONA Open Network Architecture
OSS Operational Support Systems
~~PBX Private Branch Exchange~~
PCS Personal Communications Service
PIN Personal Account Identification Number

POLR	Provider of Last Resort
~~POTS~~	~~Plain Old Telephone Service~~
PRI	Primary Rate Interface
PSAP	Public Safety Answering Point
RBOC	Regional Bell Operating Company
RTEZ	Rural Technology Enterprise Zone
RTF	Rich Text Format
RUS	Rural Utility Service
SCP	Service Control Point
SGAT	Statement of Generally Available Terms and Conditions
SLU	Subscriber Line Usage
SS7	Signaling System #7
STP	Signal Transfer Point
TDD	Telecommunications Device for the Deaf
TRS	Telecommunications Relay Services
TSLRIC	Total Service Long Run Incremental Cost
UNE	Unbundled Network Element
USF	Universal Service Fund
USOA	Uniform System of Accounts
WATS	Wide Area Telephone Service