

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20M-0337T

IN THE MATTER OF IMPLEMENTING HB 20-1293 TO ESTABLISH THE
2021 EMERGENCY TELEPHONE CHARGE THRESHOLD, STATEWIDE
9-1-1 SURCHARGE, PREPAID WIRELESS 9-1-1 CHARGE, AND STATEWIDE
9-1-1 SURCHARGE DISTRIBUTION FORMULA.

**INTERIM DECISION UPDATING
CONCURRENT SESSION INFORMATION
FOR STAKEHOLDER COMMENT**

Mailed Date: September 11, 2020
Adopted Date: September 9, 2020

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. Through this proceeding, the Commission begins implementation of House Bill (HB) 20-1293, which requires the Commission to establish by October 1, 2020, the local Emergency Telephone Charge threshold, a statewide 9-1-1 surcharge, a prepaid wireless 9-1-1 charge, and a formula for distribution of money from the statewide 9-1-1 surcharge to governing bodies, each to be effective January 1, 2021.¹

2. As discussed in Decision No. C20-0601, issued August 17, 2020, the Commission opened this proceeding to establish the required threshold, surcharges, and formula by October 1, 2020, and propose amounts for the local Emergency Telephone Charge threshold, statewide 9-1-1 surcharge, and prepaid wireless 9-1-1 charge and a formula for distribution (Opening

¹ §§ 29-11-100.2 through 102.5, C.R.S.

Decision).² Interested persons were invited to submit comments or briefing in this matter no later than September 16, 2020, concurrent with the filing deadline for intervention pleadings. Reply comments and briefing are due no later than September 21, 2020.

3. Through this Decision, we provide an updated count of the concurrent sessions for each governing body provided as Attachment A to this Decision.

4. The Opening Decision included a count of 599 concurrent sessions across the state, which is updated in Attachment A as a total of 601 concurrent sessions. Stakeholders and commenters are encouraged to review this updated data as it relates to comments due September 16, 2020, and September 21, 2020.

5. The concurrent session count is used to calculate the statewide 9-1-1 surcharge and distribution formula. The updated count in Attachment A of 601 from 599 concurrent sessions does not affect the initial calculations presented in the Commission's decision opening this proceeding.

6. With regard to the statewide 9-1-1 surcharge, as discussed in the Opening Decision, the monthly recurring charge for Basic Emergency Service in the ESInet Tariff is \$752.22 per month per concurrent session (defined by statute as "a channel for an inbound simultaneous 911 request for assistance"³) at each Public Safety Answering Point (PSAP).⁴ Updating the concurrent session count from 599 to 601 concurrent sessions either installed or planned for installation at all of the PSAPs in Colorado provides an annual statewide cost of

² Concurrent with the Opening Decision, the Commission issued temporary rules to establish processes to make the necessary October 1, 2020 determinations, and began stakeholder processes for full implementation of HB20-1293, including pursuing permanent rulemaking later this fall. *See* Decision No. C20-0599, issued August 17, 2020, Proceeding No. 20R-0335T.

³ § 29-11-102.3(3)(c)(III), C.R.S.

⁴ Opening Decision, at ¶17.

$\$752.22 \times 601 \times 12 \text{ months} = \$5,425,010.64$.⁵ In order to raise that amount, using the estimate of \$648,477 per year per penny of surcharge statewide, the Commission would need to set the surcharge rate at 8.37 cents. Prior calculations based on a concurrent session count of 599 required an estimated surcharge rate of 8.34 cents.⁶

7. As the Opening Decision anticipated, given the uncertainty in some of the information available to make these calculations, and the fact that the Commission may use up to 4 percent of the surcharge for administrative costs, we continue to propose setting the statewide 9-1-1 surcharge at \$0.10 by October 1, 2020, effective January 1, 2021. Calculations based on this proposed statewide 9-1-1 surcharge, including the prepaid wireless 9-1-1 charge,⁷ therefore remain unchanged. We invite interested persons to provide comments on this amount and review the underlying concurrent session count provided as Attachment A.

8. The concurrent session count is also used to calculate the statewide 9-1-1 surcharge distribution formula. The updated count also does not affect the calculations proposed in the Commission's Opening Decision. As discussed in the Opening Decision, the Commission must establish a formula for distribution of money collected from the statewide 9-1-1 surcharge to the governing bodies by October 1 of each year. The formula must be based on the number of concurrent sessions maintained by the PSAPs of each governing body. § 29-11-102.3(3)(c)(III), C.R.S. Additionally, the Commission may retain up to 4 percent of the

⁵ Calculations using the prior 599 concurrent session count included the following: $\$752.22 \times 599 \times 12 \text{ months} = \$5,406,957.36$. *See, id.*

⁶ The Opening Decision rounded the surcharge rate calculation to the nearest one tenth of 8.3 cents.

⁷ Opening Decision, at ¶¶ 19-20.

collected surcharges to cover the direct and indirect costs of administering the surcharge. § 29-11-102.3(3)(c)(II), C.R.S.

9. To implement this statutory requirement, we propose a distribution formula through which the Commission will distribute funds from the statewide 9-1-1 surcharge, less administrative costs to be determined by the Commission but not exceeding 4 percent, to each 9-1-1 governing body in amounts proportional to the number of concurrent sessions each 9-1-1 governing body maintains at its PSAPs as a percentage of the total number of concurrent sessions in the state. We update that proposal to include the 601 concurrent sessions identified in Attachment A, and continue to invite interested persons to provide comments on this formula.

II. ORDER

A. It Is Ordered That:

1. The Commission provides the updated concurrent session count through Attachment A of this Decision for participant comment.
2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 9, 2020.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

JOHN GAVAN

MEGAN M. GILMAN

Commissioners