

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19M-0026T

IN THE MATTER OF THE CENTURYLINK QC BASIC EMERGENCY SERVICE
DIVERSITY PLAN PURSUANT TO 4 CODE OF COLORADO REGULATIONS
723-2-2143(A)(II).

**COMMISSION DECISION CLOSING PROCEEDING
WITH DIRECTION**

Mailed Date: January 19, 2021

Adopted Date: January 13, 2021

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On January 9, 2019, Qwest Corporation doing business as CenturyLink QC (CenturyLink) filed a Basic Emergency Service Diversity Plan (Diversity Plan) pursuant to Rule 2143¹ of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services (Telecom Rules), 4 *Code of Colorado Regulations* (CCR) 723-2.

2. Through Decision No. C19-0117-I, issued January 23, 2019, the Commission established initial procedures for this proceeding. The Commission granted CenturyLink's request

¹ Rule 2143(a)(II) requires each BESP to develop and to file confidentially a 9-1-1 diversity plan for deploying, monitoring, backup power, and physically and geographically diverse redundancy for the provider's portion of the 9-1-1 system and network where such measures of reliability are lacking. The rule requires the diversity plan to include: (1) maps depicting the provider's (BES) architecture; (2) a list and description, including geographic location, of every point within the BESP's portion of the 9-1-1 system and network where monitoring, backup power, and/or physical and geographically diverse redundancy are not present; (3) a description of the improvements to be made, with a proposed timetable, with respect to that list; (4) a description of forgone improvements with an explanation of why the BESP proposes to not make the improvements; and (5) the costs, averaged statewide, associated with the improvements listed in plan.

to initiate a series of regularly scheduled technical conferences or workshops in which participants, including representatives of Public Safety Answering Points (PSAPs) and other stakeholders, engage in a collaborative review of the Diversity Plan. In addition to establishing confidentiality requirements, the Commission required CenturyLink to submit a status report regarding the technical workshop process and its recommendations on how the Commission should proceed with respect to the Diversity Plan every two months, with the first status report submitted no later than March 1, 2019.

3. Daryl Branson, State 9-1-1 Program Manager, currently represents Staff of the Colorado Public Utilities Commission (Staff) in the informal technical workshops addressing CenturyLink's Diversity Plan.²

4. Reports on ongoing workshops were provided throughout 2019. However, CenturyLink noted in its report dated February 3, 2020, that "after months of productive discussions" the participants determined that the primary obstacle to solving the diversity problems in rural Colorado remains funding to support the significant financial commitments required to transition from E911 to NextGen 9-1-1 ESInet service. At that time, CenturyLink indicated that participants were focused on developing legislation to provide funding for projects such as improving diversity for rural 9-1-1 communications, but CenturyLink requested that the proceeding not be closed. Regular reports through the remainder of 2020 indicate that stakeholder workshops continued.³

² See Staff Letter Dated July 10, 2019 (indicating Commission Staffing changes and designating Daryl Branson as the Trial Staff representative in this matter).

³ The final report in 2020 dated November 30, 2020, indicates that stakeholders had resumed regular meetings and intended to ensure progress continues by meeting every two weeks beginning December 1, 2020.

5. On December 29, 2020, Mr. Branson filed a letter (December 29 Letter) in this proceeding, stating that the ongoing workshops over the last two years have been “extremely valuable as a mechanism for better defining and understanding the issues surrounding 9-1-1 network diversity....” However, Mr. Branson echoes the February 2020 Report that indicated funding concerns effect the challenges in 9-1-1 diversity planning. The letter explains that the passage of House Bill 20-1293 that was signed into law on July 10, 2020, provides among other changes to 9-1-1 funding, a new state 9-1-1 surcharge. Mr. Branson represents that these funding mechanisms present an opportunity to improve and support 9-1-1 diversity throughout Colorado, but that rule changes should be considered. Therefore, Mr. Branson requests that the Commission close this proceeding and, instead, consider whether revisions to the Commission’s Telecom Rules are appropriate, without the burden of an ongoing, parallel proceeding on 9-1-1 network diversity.

6. Through Decision No. C21-0009-I, we permitted responses to the December 29 Letter to be filed through January 8, 2021. No responses to the December 29 Letter were received.

7. We find it appropriate to close this proceeding, as recommended in the December 29 Letter. While closing this proceeding better enables our ability to pursue potential rule revisions without also engaging in an ongoing proceeding regarding 9-1-1 diversity planning, closing the proceeding in no way prohibits ongoing stakeholder engagement. This proceeding, however, will remain closed and reporting directed under Decision No. C19-0117-I is no longer required.

8. The Diversity Plan filed in this proceeding will no longer be reviewed by the Commission for the purpose of adopting a decision approving all or portions of the plan pursuant to Rule 2143. Consistent with the Rule 2143(a)(II) that requires a Basic Emergency Service

Provider to file 9-1-1 diversity plan as “may be deemed necessary by the Commission,” through future order and in a separate proceeding, the Commission will direct CenturyLink on future filing requirements and timing. No further considerations will be made in this proceeding.

9. In closing the proceeding, we direct Staff to engage with stakeholders and propose rule revisions regarding 9-1-1 diversity planning for further Commission and stakeholder consideration.

II. ORDER

A. The Commission Orders That:

1. The Commission will enter no substantive decision in this Proceeding regarding the Basic Emergency Service Diversity Plan (Diversity Plan) filed January 9, 2019, by Qwest Corporation doing business as CenturyLink QC pursuant to Rule 2143 of the Commission’s Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (CCR) 723-2, consistent with the discussion above.

2. Proceeding No. 19M-0026T is closed.

3. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 13, 2021.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners