

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 21R-0099T

IN THE MATTER OF THE PROPOSED RULES REGARDING THE IMPLEMENTATION OF
HOUSE BILL 20-1293 AND THE 9-1-1 STATEWIDE SURCHARGE MECHANISM
PURSUANT TO 4 CODE OF COLORADO REGULATIONS 723-2.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: March 4, 2021
Adopted Date: February 24, 2021

I. BY THE COMMISSION	2
A. Statement	2
B. House Bill 20-1293 and Temporary Rules	2
C. Proposed Rule Changes	4
1. Introductory Section Preceding Rule 2130 and Applicability	5
2. Rule 2131: Definitions	6
3. Rule 2136: Obligations of Basic Emergency Service Providers	6
4. Rule 2141: Obligations of Multi-line Telephone Systems (MLTS)	6
5. Rule 2147: Applications by the Governing Body for Approval of an Emergency Telephone Charge in Excess of the Threshold Established by the Commission	7
6. Rule 2148. Process for the Establishment of Annual Emergency Telephone Charge Threshold, State 9-1-1 Surcharge Rate, Wireless Prepaid 9-1-1 Surcharge Rates, and Associated Fund Distribution Schedules	7
7. Rule 2149: Annual Data Collection from 9-1-1 Governing Bodies	8
8. Rules 2150, 2151 and 2827. Administration, Use, and Distribution of 9-1-1 Surcharge Trust Cash Fund.	8
9. Rule 2152: Audit of Service Providers Regarding Emergency Telephone Charge and 9-1-1 Surcharge Practices	10
10. Rules 2003 and 2153: Governing Body Funding Petition and Petition Requirements 10	
11. Rule 2154: Audit Notification Requirements	11

12. Rule 2010 and 2155: Civil Penalties and Disputes Regarding the Emergency Telephone Charge and 9-1-1 Surcharge.....	12
13. Rule 2011: Regulated Telecommunications Utility Rule Violations, Civil Enforcement, and Civil Penalties	15
D. Conclusion.....	16
II. ORDER.....	17
A. It Is Ordered That:	17
B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING February 24, 2021.....	18

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (Commission) issues this Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Telecommunications Providers, Services, and Products contained in 4 *Code of Colorado Regulations* (CCR) 723-2-2130 through 2159, 2003, 2010, 2011, and 2827 (9-1-1 Rules).

2. The changes proposed are reflective of the changes to Colorado statute realized by the enactment of House Bill (HB) 20-1293 and are consistent with draft rules developed through informal stakeholder workshops led by Commission staff prior to the issuance of this NOPR. The proposed rules are included as Attachments A and B to this Decision. We welcome comments from interested participants. To the extent a participant disagrees with the proposed rules, comments should include suggested rules revisions, in legislative format.

3. Consistent with the below discussion, this matter is set for hearing and referred to an Administrative Law Judge (ALJ) for recommended decision.

B. House Bill 20-1293 and Temporary Rules

4. On July 10, 2020, Governor Jared Polis signed HB 20-1293, which provided comprehensive updates to Colorado 9-1-1 funding through changes in §§ 24-33.5-2103,

25-3.5-903, 29-11-100 to -107, 39-21-113 and 119.5, and 40-2-131, C.R.S. In addition to numerous other revisions related to the provision of emergency telephone service, HB 20-1293 provides the Commission with additional authorities and duties in regulating 9-1-1 service funding in the state, and immediately required the Commission to set a new statewide 9-1-1 surcharge by October 1, 2020, to take effect on January 1, 2021.

5. In order to implement HB 20-1293 timely, temporary rules were implemented in Proceeding No. 20R-0335T to establish, by October 1, 2020, the process by which the Commission would propose and approve the threshold at which Applications are required for increasing Emergency Telephone Charges by a governing body; the rate of the state 9-1-1 surcharge; the wireless prepaid 9-1-1 charge; and a distribution schedule for the disbursement of state 9-1-1 surcharge funds to the 9-1-1 governing bodies.¹

6. While temporary rules and processes were required to meet the October 1, 2020 statutory deadlines, the Commission at the same time, initiated stakeholder processes to seek input on full implementation of HB 20-1293 going forward, including in anticipation of a NOPR.

7. Through the processes adopted in temporary rules through Proceeding No. 20R-0335T, the Commission established the new state 9-1-1 surcharge before October 1, 2020, at \$0.10 per 9-1-1 access connection per month.² Through subsequent order, while stakeholder processes for full implementation of HB 20-1293 remained ongoing, the Commission moved forward with temporary rules to implement those items required by the statute to take effect on January 1, 2021, including a remittance and distribution procedure, in addition to establishment of

¹ See Decision No. C20-0599, Proceeding No. 20R-0335T, issued August 17, 2020, and Decision No. C20-0690, Proceeding No. 20M-0337T, issued September 29, 2020.

² See Decision No. C20-0690, Proceeding No. 20M-0337T, issued September 29, 2020.

procedures by which 9-1-1 governing bodies may apply to change the number of concurrent sessions for which they are credited in the distribution schedule for the collected state 9-1-1 funds.³

8. While temporary rules provided processes for the necessary implementations of HB 20-1293 required by October 1, 2020 and January 1, 2021, the Commission noted that full implementation of HB 20-1293 also allows the Commission to promulgate rules to resolve disputes regarding collection, payment, remittance, and audit of the Emergency Telephone Charge and statewide 9-1-1 surcharge, and to impose penalties for noncompliance with certain statutory provisions and Commission rules. Workshops led by Staff of the Commission conducted from October of 2020 through January of 2021⁴ provided stakeholder input on permanent implementation of the processes required for October 1 and January 1 requirements annually going forward, in addition to the processes to resolve disputes, provide audit, and if necessary impose penalties required by HB 20-1293.

9. Stakeholder processes resulted in near-consensus rule proposals on all areas of implementation of HB 20-1293. We use those near-consensus rules as an initial starting point for this NOPR.

C. Proposed Rule Changes

10. In initiating this NOPR, we largely propose suggested revisions that resulted from the joint stakeholder workshops in October of 2020 through January of 2021. Within these changes, we propose permanent adoption of the processes adopted in the temporary rules to reach determinations required by October 1, 2020, and January 1, 2021, through Proceeding Nos.

³ See Proceeding No. 20R-0480T, Decision No. C20-0795, issued November 9, 2020.

⁴ Workshop participation included diverse stakeholders, including without limitation industry representatives, governing authorities, Public Safety Answer Point representatives, in addition to Commission Staff. Workshop participants and all members of the interested public are encouraged to further propose revisions to and comment on the proposed rules through this NOPR proceeding.

20R-0335T and 20R-0480T, as applicable to annual determinations required each October 1 and for distribution and collection processes. In addition, we propose rules to implement the processes to resolve disputes, provide audit, and, if necessary, to impose penalties required by HB 20-1293.

11. An overview of the changes proposed by the Commission fall into general categories described in this Decision. We invite interested stakeholders to comment on the proposed rule revisions and provide additional suggested changes.

1. Introductory Section Preceding Rule 2130 and Applicability

12. Proposed changes to the introductory rule preceding Rule 2130 and Rule 2130 are intended to update the purpose of the 9-1-1 Rules to include the additional requirements enacted by House Bill 20-1293 and to reflect changes to the statutory authority for promulgation of those the 9-1-1 Rules. Specifically, the basis and purpose is revised to add that the rules provide for the following, as required under HB 20-1293: (1) prescribe the process for the establishment of the annual threshold, surcharge, and prepaid wireless 9-1-1 charge amounts; (2) prescribe the processes for the collection and distribution of 9-1-1 surcharge funds; (3) establish procedures for the conducting of audits of service providers' practices regarding the collection, payment, and remittance of emergency telephone charges and 9-1-1 surcharges; and (4) establish annual reporting requirements for 9-1-1 governing bodies. The proposed updates further provide the updated statutory citations and references given authority vested in the Commission per HB 20-1293.

13. The proposed changes to Rule 2130 indicate the applicability of the new and revised sections of remainder of the proposed rules.

2. Rule 2131: Definitions

14. We propose creating definitions for “9-1-1 access connection,” “9-1-1 call,” “9-1-1 surcharge,” and “concurrent session.” The addition of these definitions to Rule 2131 mirror the addition of these definitions to statute and facilitate the new sections for the implementation of HB 20-1293.⁵

3. Rule 2136: Obligations of Basic Emergency Service Providers

15. We propose to add a requirement that Basic Emergency Service Providers (BESPs) report to the Commission by June 1 each year a list of every PSAP serviced by the BESP with the number of concurrent sessions provided to each PSAP. This information is required to in order to fulfill the requirement found in § 29-11-102.3(3)(c)(III), C.R.S. that the Commission establish a formula annually by June 1 for distribution of 9-1-1 surcharge funds that is based on the number of concurrent sessions at each PSAP.

4. Rule 2141: Obligations of Multi-line Telephone Systems (MLTS)

16. Current Rule 2141 provides rules to implement § 29-11-106, C.R.S., which required MLTS operators to disclose to users the capabilities of their MLTS system. House Bill 20-1293 repealed § 29-11-106, C.R.S., and replaced it with § 29-11-107, C.R.S., which requires MLTS operators to meet federal law and regulation regarding the 9-1-1 capabilities of multi-line telephone systems. Under this new statute, the Commission is directed to adopt rules to create an online portal to report violations of said federal rules and regulations by MLTS operators. Reflecting this change to the statute, we propose to strike current Rule 2141 and replace it with a rule consistent with the revised statute. Proposed Rule 2141 provides that the Commission shall

⁵ See §§ 29-11-101 and 102.3(3)(c)(III), C.R.S.

maintain an on-line complaint portal and to relay all complaints received to the appropriate federal agency or agencies.

5. Rule 2147: Applications by the Governing Body for Approval of an Emergency Telephone Charge in Excess of the Threshold Established by the Commission

17. Prior to the enactment of HB 20-1293, the threshold above which a 9-1-1 governing body required permission from the Commission for setting an emergency telephone charge was set in statute at 70 cents per line per month. HB 20-1293 requires that the threshold be set annually by the Commission each October 1 to take effect on the following January 1. Consistent with temporary rule processes used by the Commission to establish the required threshold by October 1, 2020, the proposed changes to Rule 2147 remove outdated language applicable to the prior statute, and update processes to recognize the required Commission determination by October 1 of each year. Following recommendations from stakeholders in Staff workshops, the proposed Rule 2147 also updates and incorporates a list of information required in Applications for an emergency telephone charge in excess of the currently established threshold.⁶

6. Rule 2148. Process for the Establishment of Annual Emergency Telephone Charge Threshold, State 9-1-1 Surcharge Rate, Wireless Prepaid 9-1-1 Surcharge Rates, and Associated Fund Distribution Schedules

18. Sections 29-11-100.2 through 102.5, C.R.S., include that the Commission by October 1, 2020, and each October 1 thereafter, must establish:

- The threshold above which emergency telephone charges established by 9-1-1 governing bodies require approval from the Commission;
- The state 9-1-1 surcharge authorized by § 29-11-102.3, C.R.S.;
- The wireless prepaid 9-1-1 surcharge rate;⁷

⁶ Proposed Rule 2002 includes concurrent revisions to identify the applications permitted under the Proposed Rule 2147.

⁷ This wireless prepaid 9-1-1 surcharge rate was previously set in statute at 1.4 percent, but as a result of the enactment of HB 20-1293 is now set annually by the Commission.

- The schedule, or formula, for the distribution of state 9-1-1 surcharge funds; and
- The schedule, or formula, for the distribution of wireless prepaid 9-1-1 surcharge funds.

19. Through Decision No. C20-0599,⁸ the Commission adopted temporary rules to establish the required threshold and surcharge as required by October 1, 2020. We seek comment on proposed Rule 2148 on making permanent rules substantially similar to the processes temporarily adopted in 2020 to establish the required threshold and surcharge each October 1 by initiating a proceeding on or before August 1 each year.

7. Rule 2149: Annual Data Collection from 9-1-1 Governing Bodies

20. Section 29-11-102(4), C.R.S. requires that 9-1-1 governing bodies respond to annual data collection requirements established by Commission rule. Proposed Rule 2156 establishes these data collection requirements, including a requirement that governing bodies provide the Commission with “an accurate and current description or GIS data set representing the boundaries of the 9-1-1 governing body’s jurisdiction,” as required by § 29-11-102(3), C.R.S.

8. Rules 2150, 2151 and 2827. Administration, Use, and Distribution of 9-1-1 Surcharge Trust Cash Fund.

21. Among its requirements, §§ 29-11-100.2 through 102.5, C.R.S., include: (1) the Commission, by January 1, 2021, be prepared to receive remittances from originating service providers from the state 9-1-1 surcharge created by § 29-11-102.3, C.R.S., and authorized per 9-1-1 access connection per month as established by the Commission; (2) the Commission establish procedures for the distribution of those funds to the 9-1-1 governing bodies; and (3) the Commission promulgate rules concerning changes to the number of concurrent sessions for which

⁸ Issued August 17, 2020, in Proceeding No. 20R-0335T.

a governing body is reimbursed.⁹ Through Decision No. C20-0795,¹⁰ the Commission adopted temporary rules to meet these statutory requirements for January 1, 2021. The proposed rules replace the temporary provisions established by the Commission in 2020.

22. Proposed rule changes mirror temporary rules and aim at accomplishing the following, as required by statute:

- Set forth the processes and procedures by which service suppliers, also referred to in the rules as originating service providers, will remit state 9-1-1 surcharge funds to the 9-1-1 trust cash fund;¹¹
- Set forth processes and procedures by which the Commission will distribute funds remitted to the 9-1-1 trust cash fund, excepting funds retained for actual administrative costs up to four percent, to the 9-1-1 governing bodies of the State of Colorado;¹²
- Set forth processes and procedures by which 9-1-1 governing bodies may apply to increase the number of concurrent sessions¹³ for which they are credited as part of the distribution schedule for funds from the 9-1-1 trust cash fund;¹⁴ and
- Synchronizes and combines the processes for the remittance of state 9-1-1 surcharge funds and the telecommunications relay service surcharges.¹⁵

23. We seek participant comment on the continued processes that would make permanent the rules initially adopted in Proceeding No. 20R-0480T.

⁹ § 29-11-102.3(3)(c)(III), C.R.S.

¹⁰ Issued November 10, 2020, in Proceeding No. 20R-0480T.

¹¹ See § 29-11-102.3(3)(a), C.R.S.

¹² See § 29-11-102.3(3)(c)(I), C.R.S.

¹³ Proposed Rule 2002 includes concurrent revisions to identify applications for an increase in the number of concurrent sessions associated with a 9-1-1 governing body for purposes of determining distribution percentages from the 9-1-1 cash fund, as provided in Proposed Rule 2151.

¹⁴ See § 29-11-102.3(3)(c)(III), C.R.S.

¹⁵ Proposed changes to Rule 2827 replace temporary changes to this rule to continue to allow the combination of registration and remittance forms necessary for both the state 9-1-1 surcharge and the telecommunications relay service surcharge. Through its temporary rules established in Proceeding No. 20R-0480T, the Commission combined use of these forms to reduce the administrative burden on originating service providers. We seek further input on making permanent the efficiencies of combining the remittance of state 9-1-1 surcharge funds and the telecommunication relay service surcharge.

9. Rule 2152: Audit of Service Providers Regarding Emergency Telephone Charge and 9-1-1 Surcharge Practices

24. Section 29-11-101.5, C.R.S. requires the Commission to promulgate rules regarding the “collection, payment, remittance, and audit of the emergency telephone charge [and] 911 surcharge.” Proposed Rule 2152 establishes the process by which audits of originating service providers may be conducted by the 9-1-1 governing bodies, in the case of emergency telephone charges, or by the Commission, in the case of both emergency telephone charges and the state 9-1-1 surcharge.

25. This proposed rule mirrors the bifurcated but overlapping jurisdiction of 9-1-1 governing bodies and the Commission regarding audit powers, as prescribed by § 29-11-103, C.R.S. It also establishes in Commission rules the obligation of originating service providers to collect and remit emergency telephone charges, establishes record-keeping requirements, and establishes the 15 percent late payment penalty, and one percent per month interest required by § 29-11-103(7)(b), C.R.S.

26. We seek comment on the proposed rule overall, but also specifically request input on whether additional rule language should define the “reasonable” number of randomly selected addresses referenced in proposed Rule 2152(d), and whether the rule should include language to identify how the one percent interest is calculated (*e.g.*, as a simple interest calculation).

10. Rules 2003 and 2153: Governing Body Funding Petition and Petition Requirements

27. Section 29-11-103(7)(e), C.R.S. allows 9-1-1 governing bodies to audit originating service providers regarding the collection and remittance of emergency telephone charges. In conjunction with this authority, governing bodies may either pay the costs of the audit or petition the Commission to pay the costs of the audit. Proposed Rule 2003 that enumerates the types of

petitions that may be filed at the Commission is updated to include a petition for funding of an audit under the proposed rules. Proposed Rule 2153 sets forth more explicitly the type and form of petition that can be accepted by the Commission from governing bodies seeking audit funding.

28. Proposed Rule 2153 establishes that the petition must be filed at least 60 days prior to commencement of the audit, and provides the requirements for governing bodies to file a petition with the Commission to request the Commission pay for an audit of an originating service provider or providers. Within the proposed rule, Rule 2153(c) includes the minimum inclusions required for governing bodies seeking funding for audit processes, and proposed Rule 2153(d) includes that notification must be provided to all governing bodies in the entity's service area, in addition to the 9-1-1 Advisory Task Force created by Rule 2145. The Commission anticipates that notification will enable other governing bodies to intervene in the proceeding, if necessary, to enable efficiencies and provide an appropriate scope for the audit, particularly in the event funding from the Commission is approved for all or a portion of the audit being reviewed.

29. Section 29-11-103(7)(e), C.R.S. also requires that the Commission handle such petitions on an expedited basis. The proposed rule provides for a 14-day notice upon the Commission's acceptance of the Petition unless the petitioner requests a different notice and intervention period.

30. Petitioners should include whether additional requirements for petitions seeking funding should be included, including whether additional boundaries on the scope or potential funding cap for reimbursement, if necessary, should be included in rules.

11. Rule 2154: Audit Notification Requirements

31. In order to avoid multiple 9-1-1 governing bodies engaging in overlapping audits of the same originating service providers, or 9-1-1 governing bodies conducting audits that overlap

with an audit being conducted by the Commission, proposed Rule 2154 requires that 9-1-1 governing bodies provide notice to Commission staff and the Commission's 9-1-1 Advisory Task Force of audits being performed by the governing body within 15 days of the audit being initiated. The proposed rule requires that the Task Force publish an identification of audits being conducted by the Commission or by governing bodies on its website.

32. Based on stakeholder feedback in Staff workshops, we anticipate this notification process will create efficiencies, avoid duplication, and notify all interested persons of any agreed-to extensions, whether in writing directly with a governing body, or as granted by the Commission.

12. Rule 2010 and 2155: Civil Penalties and Disputes Regarding the Emergency Telephone Charge and 9-1-1 Surcharge

33. Section 29-11-103(7)(b), C.R.S., requires that, if a service supplier fails to timely file a report and remit an emergency telephone charge, or the 9-1-1 surcharge, or if a service supplier files an incorrect report or fails to remit the correct amount, the governing body or the Commission shall estimate the amount due, and is required to compute and assess a penalty equal to 15 percent of the estimate of the delinquent amount, and shall assess interest on the delinquent charges. The Commission is further authorized under § 29-11-101.5, C.R.S., to resolve disputes regarding the collection, payment, remittance, and audit of the emergency telephone charge, and 9-1-1 surcharge, and may impose penalties.

34. The Commission, therefore, propose revisions that set forth the processes for Commission issuance of a notice of assessment for untimely or incorrect reporting, as required by § 29-11-103(7)(b), C.R.S.; civil penalty processes that may be imposed upon repeat violations or

incompliance with statutes, rules, or orders, including rules updated to comply with HB 20-1293; and disputes regarding collection, payment, remittance, or subsequent audit.

35. Proposed Rule 2155(a) provides the required notice of assessment process if a Commission audit discovers an untimely or incorrect report. Under the prescriptive terms in § 29-11-103(7)(b), C.R.S., the notice of assessment is required, and must include a computation and assessment of a penalty equal to 15 percent of the estimated delinquent amount and interest.

36. Although the calculations and required interest and penalties set in § 29-11-103(7)(b), C.R.S., leave limited discretion to the Commission in issuing a notice of assessment upon discovering an untimely or incorrect report, the process provides formal and informal means for the originating service provider to respond, and if necessary, seek corrections or contest the amount calculated. The process includes that, the originating service provider may admit the assessed calculations or may contest the calculations within 30 days of the notice of assessment. In the event a notice of assessment is not admitted in the provided time period, the matter is referred by rule to an administrative law judge for hearing and resolution.

37. Proposed Rule 2155(b)(IV) further provides that, as long as no other formal proceeding is commenced regarding a final audit report, the originating service provider may seek revision directly with the director of the Commission and his or her designee. This option is proposed to correct errors and allow revisions without litigation. If such a request fails, the Staff auditor would continue to pursue a notice of assessment, or other appropriate action under the rules, or the originating service provider may file a petition with the Commission seeking revision to the audit if no other proceeding encompasses the dispute. The director of the Commission would designate staff of the Commission as a party to any such petition.

38. In addition to the issuance of a notice of assessment as required under § 29-11-103(7)(b), C.R.S., the proposed rules clarify processes under which a civil penalty could be imposed as permitted under § 29-11-101.5, C.R.S. Proposed Rule 2155(b), in combination with updates to Rules 2010¹⁶ and 2011, provides the potential for additional civil penalties for violations of obligations added per HB 20-1293, particularly if the violation is ongoing.

39. Specifically, the proposed Rule 2155(b)(I) makes clear that no additional civil penalties will be included if a provider violates the rules solely as it relates to delinquent or miscalculated payments in any 12-month period. The Commission proposes this restriction on civil penalty to avoid unnecessary litigation where a provider pays the necessary notice of assessment in the 30-day time period and corrects the errors in timing and calculations going forward.

40. However, under proposed Rule 2155(b)(II) the rule process provides that the Staff auditor has discretion in seeking a decision to show cause under the Commission rules and propose assessment of civil penalties for more than one occurrence in any 12-month period, in addition to the required notice of assessment. Under Rule 2155(b)(III), the proposed structure provides that if there are more than three assessment notices in any 24 month period, the Staff auditor *must* request that the Commission issue a decision to show cause and include any civil penalty assessments. The proposed process intends to raise to the Commission through public processes ongoing timing and calculation errors through show cause proceedings. These proceedings can help identify the ongoing issues and provide adjudication on whether penalties for the ongoing

¹⁶ Current Rule 2010 begins with an establishment of the Commission's authority to assess civil penalties and assessments for violations of Commission rules. Proposed rules revise this enumeration of authorities to include § 29-11-103(7)(b) and (c), C.R.S., regarding penalties for delinquent remittance of emergency telephone charges and 9-1-1 surcharges.

rule violations are warranted, in addition to the penalty and interest payments required in a notice of assessment. Consistent with timing for any associated notice of assessment, Rule 2155(b)(V) further provides that the originating service provider cited may admit the assessed calculations or may contest those calculations and penalties requested within 30 days, and provides for hearing under the typical civil penalty and request for show cause processes if the amounts calculated are not admitted.

41. The Commission proposes that this civil penalty process, on the one hand, generally follows typical Commission show cause and civil penalty processes. The Commission proposes this structure for stakeholder comment on whether it provides sufficient clarity for the originating service providers and the public of the expected dispute resolution options. We seek participant comment on the proposed process, including whether the 30-day time period for admittance or non-admittance of a notice of assessment, and civil penalty if applicable, is sufficient. The Commission aims to include a time period sufficient for any informal requests for correction directly to the Commission director and his or her Staff representative.

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

42. Rule 2011 lists the maximum penalty for violations of different sections of the Commission rules. Because the Commission may also impose additional civil penalties for violations under the updated statutes pursuant to § 29-11-101.5, C.R.S., the proposed rules include the potential for civil penalties for violation of proposed Rules 2150 and 2152, with a maximum penalty per violation of \$2,000, which is comparable to the maximum penalties for violations of other sections of the 9-1-1 Rules. Pursuant to the dispute processes in proposed Rule 2155, if a notice of assessment includes only miscalculated or delinquent payments, civil penalties for the first instance in 12 months would not be proposed, in addition to the statutorily-required 15 percent

penalty and one percent interest for delinquent payments pursuant to § 29-11-103(7)(b), C.R.S. Rather, the \$2,000 per violation penalty would apply to repeat violations and other violations of the requirements enumerated in proposed rules 2150 and 2152.

43. In addition, we also propose to include a maximum civil penalty for Rule 2136 regarding Obligations of Basic Emergency Service Providers, as we believe its omission from this penalty schedule is in error. No changes are proposed to Rule 2136 through this rulemaking.

D. Conclusion

44. The statutory authority for the rules proposed here is found at §§ 24-4-101 *et seq.*; 40-2-108; 40-3-101, 102, 103, and 110; 40-4-101; 40-15-101, 107, 108(2), 201, 202, 302, 401, 501, 502, 503, and 503.5; 40-17-103(2); 40-17-105; 29-11-101.5; 29-11-102(4); 29-11-102.3(3)(a); 29-11-102.3(3)(c)(III); 29-11-102.5(3)(e)(III); 29-11-103(3) and (7)(f); and 29-11-107(2), C.R.S.

45. The proposed rules in legislative (i.e., strikeout/underline) format (Attachment A) and final format (Attachment B) are available through the Commission's Electronic Filings (E-Filings) system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=21R-0099T

46. The Commission encourages and invites public comment on all proposed rules. We request that commenters propose any changes in legislative redline format.

47. This matter is referred to an Administrative Law Judge (ALJ) for the issuance of a recommended decision.

48. The ALJ will conduct a remote hearing on the proposed rules and related issues on April 19, 2021. This hearing will be conducted via Video Conference. Anyone interested in participating in the remote hearing must do so using the information below. Interested persons

may submit written comments on the rules and present these orally at hearing, unless the ALJ deems oral presentations unnecessary.

49. The Commission encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before the hearing, the Commission requests that comments be filed no later than March 22, 2021, and that any pre-filed comments responsive to the initial comments be submitted no later than April 5, 2021. The Commission prefers that comments be filed using its E-Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage>.

II. **ORDER**

A. **It Is Ordered That:**

1. This Notice of Proposed Rulemaking (including Attachment A and Attachment B) attached hereto, shall be filed with the Colorado Secretary of State for publication in the March 25, 2021, edition of *The Colorado Register*.

2. This matter is referred to an Administrative Law Judge for the issuance of a recommended decision.

3. A remote hearing on the proposed rules and related matters shall be held as follows:

DATE	April 19, 2021
TIME:	9:00 a.m. until not later than 5:00 p.m.
WEBCAST:	Hearing Room B
PLACE:	Join by video conference using Zoom ¹⁷

PARTICIPATING BY COMPUTER (PREFERRED METHOD)¹⁸:

¹⁷ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

¹⁸ If a participant is unable to participate by computer or mobile device, participation by telephone only will be accommodated. Dial +1 346 248 7799 US (or find an alternate local number at: <https://zoom.us/j/aEszZOk3z>). Use Meeting ID: 939 5677 4765 and Passcode: 869310.

Join Zoom Meeting

<https://zoom.us/j/93956774765?pwd=aW1vUHBFU2tLRWRNaStkcVBna1lhQT09>

Meeting ID: 939 5677 4765

Passcode: uve8Ss

4. At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary.

5. Interested persons may file written comments in this matter. The Commission requests that initial pre-filed comments be submitted no later than March 22, 2021, and that any pre-filed comments responsive to the initial comments be submitted no later than April 5, 2021. The Commission will consider all submissions, whether oral or written.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 24, 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