

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22M-0445T

IN THE MATTER OF ESTABLISHING THE INTEREST RATE ON CUSTOMER DEPOSITS
TO BE PAID BY JURISDICTIONAL TELECOMMUNICATIONS UTILITIES FOR
CALENDAR YEAR 2023.

DECISION SETTING THE INTEREST RATE FOR 2023

Mailed Date: October 21, 2022

Adopted Date: October 19, 2022

I. BY THE COMMISSION

A. Statement

1. Pursuant to Rule 2302 of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* 723-2, a telecommunications provider may require a new or existing customer to pay a deposit if billing records are available and records indicate recent or substantial delinquencies. Payment of the deposit shall not relieve the customer of the obligation to pay current bills when due.

2. When a telecommunications provider accepts the deposit, it is obligated to pay simple interest on the amount paid at a percentage rate calculated by the Commission Staff in the manner described in Rule 2302(f)(I).

3. Rule 2302(f)(I) requires the Commission's Staff to calculate the customer deposit interest rate. Staff determines the interest rate using a 12-month average of rates quoted in the Federal Reserve Bulletin United States Treasury constant maturities for the period October 1 through September 30 of the preceding year. This newly calculated simple interest per annum rate is compared to the existing customer deposit rate. If the difference is 25 basis points or more, then

the new rate is to be used beginning January 1 of the following year. This provision is applicable as the existing rate for calendar year 2022 is 0.08 percent, and the newly calculated rate for 2023 is 1.69 percent. Accordingly, the newly calculated simple interest per annum rate for telecommunications providers accepting customer deposits exceeds the 25 basis point differential threshold and a new rate for 2023 is necessary. Thus, the interest rate on customer deposits for the year 2023 will be 1.69 percent.

4. If necessary, a company shall file a new advice letter and tariff sheet on not less than two business days' notice. The advice letter and tariff sheet shall be filed as a new advice letter proceeding and shall comply with all applicable rules. In calculating the proposed effective date, the date the filing is received at the Commission is not included in the notice period and the entire notice period must expire prior to the effective date. The advice letter and tariff must comply in all substantive respects to this Decision in order to be filed as a compliance filing on shortened notice. For those providers that have a Terms of Service (TOS), they will need to update that TOS with an effective date of January 1, 2023. An interconnection Agreement that contains an interest rate or terms applicable to customer deposits must be amended and appropriate notification provided, as applicable, to reflect the new interest rate.

II. ORDER

A. The Commission Orders That:

1. The simple interest rate on deposits to be paid by jurisdictional telecommunications providers for the calendar year 2023 shall be set at 1.69 percent.

2. To the extent necessary, providers shall modify their tariffs, terms of service, or interconnection agreement to comply with this Decision. The compliance filing for tariffs will be filed as a new advice letter filing and will not be filed in the Proceeding number of this Decision.

3. Pursuant to Rule 2011 of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* 723-2, regulated telecommunications utilities failing to file the required compliance filing to keep their tariff current or to submit an amendment for approval, could be subject to a fine of up to \$2,000.00.

4. Additional information concerning the required action is set forth in the letter accompanying this Decision. If you have any questions, please contact Jerry Enright, Financial Analyst, at 303-894-2911 or Jerry.Enright@state.co.us.

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING,
October 19, 2022.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners