

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

#### 4 CODE OF COLORADO REGULATIONS (CCR) 723-2

#### PART 2

#### RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES

##### 2001. Definitions.

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[indicates omission of unaffected rules]

- (b) "Access to emergency services" means access to ~~services, such as 9-1-1 basic~~ emergency telephone service ~~provided by local governments or other public safety organizations as defined in § 29-11-101(14), C.R.S.,~~ to the extent the local government or the public safety organization has implemented 9-1-1.

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[indicates omission of unaffected rules]

##### 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 2136	Obligations of Basic Emergency Service Providers	\$2000
Rule 2139	Obligations of Resellers of Basic Local Exchange Service	\$2000
Rule 2142	Nondisclosure of Name/Number/Address Information	\$2000
Rule 2143	<del>Diverse Routing and Priority Service Restoration</del> <u>Basic Emergency Service Reliability and Service Disruption Response</u>	\$2000
Rule 2150	Administration of the 9-1-1 Surcharge Trust Cash Fund	\$2000
Rule 2152	Audit of Service Providers Regarding Emergency Telephone Charge and 9-1-1 Surcharge Practices	\$2000
Rule 2186(a),(d), (e) and (f)	Relinquishment of Designation as Provider of Last Resort	\$2000
<u>Rule 2302(a)-(c);(e)-(g)</u>	<u>Applications for Service, Customer Deposits, and Third Party Guarantees</u>	<u>\$500</u>
Rule 2305, text preceding (a) only	Refund Plans	\$2000
<u>Rule 2334</u>	<u>Construction and Maintenance Practices for Telecommunications Facilities</u>	<u>\$1000</u>
Rule 2335	Provision of Service During Maintenance or Emergencies	\$2000
<u>Rule 2337(a)</u>	<u>Standard Performance Characteristics for Customer Access Lines</u>	<u>\$1000</u>

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
<del>Rule 2334</del>	<del>Construction and Maintenance Practices for Telecommunications Facilities</del>	<del>\$1000</del>
<del>Rule 2337(a)</del>	<del>Standard Performance Characteristics for Customer Access Lines</del>	<del>\$1000</del>
<del>Rule 2302(a)-(c);(e)-(g)</del>	<del>Applications for Service, Customer Deposits, and Third Party Guarantees</del>	<del>\$500</del>
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 <del>(TBD)</del> 2845	Timely or Completely Filing or Making Appropriate Payments to the HCSM Fund	\$100

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[indicates omission of unaffected rules]

## 2131. Definitions.

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.
- (b) "9-1-1 access connection" means any communications service including wireline, wireless cellular, interconnected voice-over-internet-protocol, or satellite in which connections are enabled, configured, or capable of making 9-1-1 calls. The term does not include facilities-based broadband services. The number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.

- (c) "9-1-1 Advisory Task Force" means the representative group established in accordance with rule 2145, which provides oversight of the statewide implementation and provision of basic emergency service, and periodically reports to the Commission on matters related to 9-1-1 service delivery in the state of Colorado.
- (d) "9-1-1 call" means a request for emergency assistance from the public by dialing 9-1-1 or addressing the E911 regardless of the technology used, and may include voice, text, images, and video, whether originated by wireline, wireless, satellite, or other means.
- (e) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user to the governing body or PSAP serving the caller's location. 9-1-1 service also includes location information routed to the PSAP.
- (f) "9-1-1 surcharge" or "state 9-1-1 surcharge" means the surcharge established pursuant to § 29-11-102.3, C.R.S.
- (g) "Alternate PSAP" means a PSAP or PSAPs designated to receive 9-1-1 calls when the BESP is unable to deliver those calls to the primary demarcation point, or at the request of the PSAP that is normally responsible for receiving calls in that geographic area or at the request of its governing body.
- (h) "Automatic Location Identification" (ALI) means the automatic provision to a PSAP for display, on equipment at the PSAP, of the telephone number and location of the caller. ALI data includes non-listed and non-published numbers and addresses, and other information about the caller's location.
- (hi) "Automatic Number Identification" (ANI) means the automatic provision to a PSAP for display of the caller's telephone number at the PSAP
- (j) "Basic emergency service" (BES) means the aggregation and transportation of a 9-1-1 call directly to a demarcation point with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more OSPs or IASPs for the purpose of selectively routing and transporting 9-1-1 calls directly to a demarcation point with a governing body or PSAP. The offering or providing of location information or selective routing directly to a governing body or PSAP is also a basic emergency service. Basic emergency service does not include:
  - (I) the portion of a 9-1-1 call provided by an OSP;
  - (II) the portion of a 9-1-1 call or services provided by an IASP;
  - (III) the portion of a 9-1-1 call from the OSP or an IASP to a demarcation point with the BESP;
  - (IV) the portion of a 9-1-1 call after the demarcation point between the BESP and the governing body or PSAP; or
  - (V) the delivery of text messages to a governing body or PSAP via networks or connections separate from the basic emergency service network.

- (kj) "Basic emergency service facilities" or "BES facilities" means the lines, wires, cables, conduit, ducts, poles, cross-arms, equipment, supporting structures, and other infrastructure used by the BESP to provide basic emergency service. "Facilities" has the same meaning, unless the context requires otherwise.
- (lk) "Basic emergency service network" or "BES network" means the portion of the 9-1-1 call path that begins at the demarcation point between an OSP or IASP and a BESP and ends at the demarcation point between a BESP and a governing body or PSAP to provide basic emergency service.
- ~~(l) "Basic emergency service outage" or "BES outage" means a failure of basic emergency service that prevents or would prevent 9-1-1 calls, ANI, or location information from being delivered from the demarcation point between the OSP or IASP and the BESP to the demarcation point between the BESP and the governing body or PSAP.~~
- (m) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service.
- (n) "Concurrent session" means a channel for an inbound simultaneous 9-1-1 call.
- (o) "Demarcation point" means a physical point of interconnection where the responsibility for a portion of 9-1-1 service changes from one party to another. ~~It includes the point of interconnection between BESP and the OSP, IASP, or other BESP for the purpose of selectively routing and transporting 9-1-1 calls directly to a demarcation point with a governing body or PSAP. It includes the point of interconnection mutually agreed upon in writing by the BESP and each governing body or PSAP with primary responsibility for dispatching first responders to the callers' locations.~~
- (p) "Emergency notification service" (ENS) means a public alerting service that, upon activation by a public agency, rapidly distributes notifications within a specified geographic area of hazardous conditions or emergent events that threaten the health or lives of people or threatens damage or destruction of property, including, without limitation, floods, fires, and hazardous materials incidents.
- (q) "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S.
- (r) "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- (s) "Governing body" means the organization responsible for establishing, collecting, and disbursing the emergency telephone charge in a specific geographic area, pursuant to §§ 29-11-102, 103, and 104, C.R.S.
- (t) "Improvement amount" means the amount approved by the Commission as described in subparagraph 2137(e)(II).

- (u) “Improvement plan” means the plan proposed by a BESP or approved by the Commission as described in paragraph 2143(b).
- (v) “Intermediary aggregation service provider” (IASP) means a person that aggregates and transports 9-1-1 calls for one or more OSPs for delivery to a demarcation point with a BESP.
- (w) “Location information” means ALI or its functional equivalent associated with a 9-1-1 call and provided by a BESP pursuant to its BES tariff.
- (x) “Multi-line telephone system” (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
  - (I) network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
  - (II) systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- (y) “Multiple-line telephone system operator” means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- (z) “Network Operations Center” (NOC) or “Basic Emergency Service Network Operations Center” means a 24x7, 365 days a year single point of contact for Basic Emergency Service (BES). The NOC is responsible for monitoring the BES network, notifying PSAPs of ~~BES outages~~PSAP service disruptions, initiating repairs, troubleshooting, and resolving BES network issues.
- (aa) “Originating service provider” (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.
- (bb) “Primary demarcation point” means the demarcation point designated to the BESP as the primary or first location for delivery of 9-1-1 calls, ANI, and location information for a specific geographic area. This designation is determined by the governing body or PSAP with jurisdictional authority for the geographic area from which the call originates. The physical location of a primary demarcation point may be at a PSAP, at a point of interconnection with a governing body’s local network, or at any other location designated by the governing body or PSAP for delivery of 9-1-1 calls to a PSAP.
- (cc) “PSAP service disruption” means any situation in which a BESP is unable to deliver 9-1-1 calls, ANI, or location information to the primary demarcation point due to an event or incident inside the BES network or on the BESP’s side of the demarcation point. A PSAP service disruption includes, but is not limited to:
  - (I) any event or incident that occurs inside the BES network that results in or requires the BESP to reroute 9-1-1 calls to the demarcation point for an alternate PSAP or the governing body for an alternate PSAP; or

(II) any situation in which a PSAP is unable to receive 9-1-1 calls or location information as the result of an event or incident that occurs inside the BES network, even if the facilities involved in the event or incident also provide OSP connectivity.

(~~ddbb~~) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP.

(~~eeee~~) "Selective routing" means the routing of a 9-1-1 call to the demarcation point with a governing body or PSAP based upon the location information or other factors as agreed upon by the governing body or PSAP.

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[indicates omission of unaffected rules]

#### 2134. Process for Certification of Basic Emergency Service Providers (BESPs).

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[indicates omission of unaffected rules]

(e) ~~Two years from the grant of the application~~By March 30, 2025, and each two years thereafter, each BESP actively providing BES shall file with the Commission updates regarding any changes to the following required information in paragraph (c): items (I)-(IV), (XII)-(XVIII), (XX)-(XXV), and (XXIX)(A)-(C). Additionally, the BESP shall include with this filing an attestation that the information provided is true, accurate, and correct, and that the BESP remains financially and administratively sound and capable of providing the BES offered in its current tariff(s).

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[indicates omission of unaffected rules]

#### 2136. Obligations of Basic Emergency Service Providers.

(a) A BESP certificated by the Commission shall interconnect with all OSPs and IASPs who have customers in areas served by the BESP. BESPs shall interconnect with all other BESPs for the purpose of transferring 9-1-1 calls to PSAPs served by the other BESPs.

(b) The BESP shall provide geographically diverse demarcation points for aggregating 9-1-1 calls and location information from OSPs and IASPs. At the request of an OSP or IASP, a BESP shall interconnect with the requestor for the purpose of aggregating and transporting 9-1-1 calls and location information from the requestor to the demarcation point with the governing body or PSAP. Interconnection shall be accomplished in a timely manner, generally not more than 30 days from the time the BESP receives a written order. Interconnection facilities shall generally be engineered as follows:

(I) dedicated facilities for connecting OSPs and IASPs to a BESP shall be based on the requirements established by the BESP to serve the customers within that local exchange;  
or

- (II) if shared or common facility groups are used to transport calls from an OSP or IASP to a BESP, they shall be sized to carry the additional call volume requirements. Additionally, common or shared groups shall be arranged to provide 9-1-1 calls on a priority basis where economically and technically feasible.
- (c) A BESP shall develop and file with the Commission tariffs that comply with the requirements set forth in rule 2137.
- (d) A BESP shall render to each governing body or PSAP a single monthly bill for its tariffed services. The monthly bill shall be sufficiently detailed to allow the governing body or PSAP to determine that it is being billed properly based on the billing increments as approved by the Commission.
- (e) BESP shall ensure, to the extent possible and in the most efficient manner, that basic emergency service is available for transmitting 9-1-1 calls from deaf, hard of hearing, and persons with speech impairments to the appropriate PSAP.
- (f) A BESP shall ensure that all BES facilities, and interconnections between it and the OSPs and IASPs are engineered, installed, maintained, and monitored in order to provide a minimum of two circuits and a minimum P.01 grade of service (one percent or less blocking during the busy hour), or such other minimum grade of service requirements approved by the Commission.
- (g) Where a BESP obtains BES facilities from a basic local exchange carrier, the rates for such facilities shall be reflected in a tariff or agreement filed for approval with the Commission. Such tariffs or agreements shall ensure that such facilities are engineered, installed, maintained, and monitored to provide a minimum of two circuits and a grade of service that has one percent (P.01) or less blocking. The basic local exchange carrier providing such facilities shall not be considered a BESP. The provisions of this rule shall not apply to routing arrangements implemented pursuant to paragraph 2143(j)(II).
- (h) To expedite the restoration of service following a 9-1-1 outagePSAP service disruption, each BESP shall designate a telephone number for governing bodies, PSAPs, IASPs, and OSPs to report trouble. Such telephone number shall be staffed seven days a week, 24 hours a day, by personnel capable of processing calls to initiate immediate corrective action.
- (i) A BESP shall keep on file with the Commission its contingency plan as described in paragraph 2143(e).
- (j) BESP shall identify service providers supplying service within a governing body or PSAP's service area, or statewide, to the extent that the BESP possesses such information, in response to a request from a governing body, PSAP, or the Commission.
- (k) A BESP shall report to the Commission a list of every PSAP serviced by the BESP with the number of concurrent sessions provided to each PSAP. This report shall be updated and filed annually with the Commission by June 1 of each year.
- (l) These requirements are in addition to those in paragraph 2335(d). If the BESP is aware of repairs or maintenance being conducted or to be conducted that have the potential to impact service to a primary demarcation point, the BESP shall notify the associated PSAP(s) of the potential of a PSAP service disruption at least 24 hours prior to work commencing, or as soon as



possible. This notification shall be provided by voice call to the PSAP, if possible, and to the contact maintained for the PSAP as described in paragraph 2143(c). When scheduling routing maintenance or repairs, the BESP should schedule such repairs at a time likely to cause the least impact to the affected PSAP(s). Wherever practicable, maintenance of the BES network shall be performed with no scheduled downtime. The BESP shall employ best efforts to ensure that planned events for routine maintenance are scheduled and communicated to avoid impacts to each affected PSAP's 9-1-1 operations. Conduct of emergency or unscheduled repairs in order to restore service to a PSAP should not be delayed in order to make PSAP notification.

**2137. Required Components of a Basic Emergency Service Tariff.**

- (a) At a minimum, a BES tariff must include the following services:
- (I) delivery of 9-1-1 calls to the demarcation point with the governing body or PSAP with primary responsibility for dispatching first responders to the caller's location unless otherwise directed by the PSAP or governing body;
  - (II) delivery of location information to the governing body or PSAP receiving the 9-1-1 call;
  - (III) the ability to automatically route 9-1-1 calls to one or more alternate PSAPs, as designated by the governing body or PSAP, in the event of a call overflow, outagePSAP service disruption, or PSAP abandonment, including split contingent routing of 9-1-1 calls to multiple alternate PSAPs if feasible;
  - (IV) the ability to transfer 9-1-1 calls to other Colorado governing bodies or PSAPs with location information;
  - (V) when feasible, the ability to transfer 9-1-1 calls to 10-digit lines without additional long distance charges;
  - (VI) if feasible, the ability to transfer 9-1-1 calls to a PSAP in another state with location information without additional long distance charges;
  - (VII) processes or tools that a governing body or PSAP and the BESP may use to pre-validate location information and routing information associated with specific telephone numbers and to correct such information or to report telephone numbers that do not have associated location information;
  - (VIII) minimum quality of service metrics that the BES will meet (examples: service availability percentage, jitter, packet loss, mean opinion score, latency, successful call delivery percentage, and call delivery accuracy percentage);
  - (IX) a description of the internal schedules for testing, monitoring, maintaining, and replacing all equipment and electronics that will be used to provide BES;
  - (X) the provision of technical support 24 hours per day, every day of each year;
  - (XI) reporting tools for access to service metrics, call processing, call status, and other call and service data;

- (XII) nonrecurring charges for one-time costs, such as installation of equipment or change orders related to the delivery of BES must be listed separately in the tariff, unless those costs are included in the monthly recurring charges provided for in the tariff; and
- (XIII) terms of payment for invoices for BES must be stated, including late fees.

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[indicates omission of unaffected rules]

**2143. Basic Emergency Service Reliability and Outage-Service Disruption Response.**

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[indicates omission of unaffected rules]

- (c) Each BESP shall maintain contact information for each PSAP ~~as specified by the governing body or PSAP~~ served by the BESP for notification of actual or potential ~~BES outages~~PSAP service disruptions. No less than annually, the BESP shall contact each PSAP that is served by the BESP to verify the notification information on file.
- (d) The BESP shall obtain from each governing body or PSAP its preferred alternative method(s) for the governing body or PSAP and the BESP to communicate during a ~~BES outage~~PSAP service disruption.

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[indicates omission of unaffected rules]

- (g) Where feasible, the BESP should develop plans for its technicians to communicate with the NOC in the event of an isolation of a central office serving a PSAP in a manner that will allow for expeditious resolution of the ~~outage~~PSAP service disruption.

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[indicates omission of unaffected rules]

- (i) All call recordings and messages transmitted or received by the BESP regarding ~~an outage~~a PSAP service disruption shall be retained for at least 24 months. All logs, call recordings and messages concerning a specific ~~outage~~disruption shall be assigned a unique trouble ticket number.
- (j) In the event of a confirmed or ~~potential BES outage~~possible PSAP service disruption, the following shall occur.
  - (I) The BESP shall notify each affected governing body or PSAP via the contacts previously provided in accordance with paragraph (c) of this rule. Such notifications shall be made as soon as is practical, and shall include a trouble ticket number, the nature and extent of the ~~BES outage~~confirmed or possible PSAP service disruption, if known, and the actions

being taken to correct the ~~outage~~disruption. If applicable, the notice shall include interim measures being taken to route 9-1-1 calls to alternate PSAPs or other locations. If known, the notification shall also include an estimated time of repair.

- (II) If the ~~BES outage~~confirmed or possible PSAP service disruption exceeds or is anticipated to exceed 15 minutes from the time a BESP becomes aware of the ~~outage~~disruption, the BESP shall implement the appropriate contingency plan as established in paragraph (e) or provide temporary solutions so that 9-1-1 calls can be answered until ~~the disruption is resolved~~BES is restored. The BESP shall coordinate any alternate solutions with the contact(s) provided in accordance with paragraph (c) for the affected governing body or PSAP. In the event of a confirmed or possible PSAP service disruption, the BESP must deliver all 9-1-1 calls to an alternate PSAP, if possible, until the PSAP service disruption is resolved.
- (III) If a confirmed or possible PSAP service disruption ~~of BES~~ exceeds 30 minutes in duration, the responsible BESP shall inform the Commission within two hours of the time that the BESP becomes aware of the ~~disruption~~outage. Such notification shall be made through a service disruption reporting form, available on the Commission's website, in a manner prescribed by the Commission, outlining the nature and extent of the outage and actions taken to restore service and any interim measures taken to mitigate the outage prior to resolution. ~~The BESP shall notify the Commission of restoration of service by the beginning of the next business day. This notification shall be followed within 30 days of such outage by a report to the Commission. The report shall follow Commission reporting format and guidelines and shall include a statement of whether call back numbers for 9-1-1 calls, which could not be connected, were provided to the PSAP pursuant to subparagraph 2143(j)(V). Commission staff may request an update regarding an ongoing outage at any time.~~
- (IV) In addition to the notification to Commission staff required by subparagraph (III), the BESP shall also copy Commission staff on all email notifications provided to Colorado PSAPs regarding confirmed or possible PSAP service disruptions at an email address designated for this purpose. All 9-1-1 calls received by the BESP shall be routed to the PSAP with primary responsibility for dispatching first responders to the caller's location, or in accordance with the alternate solutions described in paragraph (j)(II) of this rule, or, if unavailable, to another PSAP if possible.
- (V) The BESP shall notify the Commission of restoration of service by the beginning of the next business day following service restoration. ~~Following the restoration of BES, the BESP shall notify each affected governing body or PSAP whether call back phone numbers are available for calls that were made to 9-1-1 but could not be delivered due to the outage. If available, these call back numbers shall be provided to each governing body or PSAP within two hours of the restoration of service. When possible, this information should also include location information.~~
- (VI) The BESP shall submit a final report to the Commission through the service disruption reporting form within 30 days of the restoration of service. The report shall include a statement as to whether call back numbers for 9-1-1 calls which could not be connected due to the confirmed or possible PSAP service disruption were provided to the PSAP as required by subparagraph 2143(j)(VII). In the event of a BES outage of more than four

~~hours duration, or 12 hours in duration if the outage is due to a fiber cut, the BESP shall provide a credit equal to the ratio of hours of the duration of the outage in hours to the total number of hours in the billing cycle. The credit shall be provided within no more than two billing cycles.~~

~~(VII) Following the restoration of PSAP service, the BESP shall notify each affected governing body or PSAP whether call back phone numbers are available for calls that were made to 9-1-1 but could not be delivered due to the disruption. If available, these call back numbers shall be provided to each governing body or PSAP within two hours of the restoration of service. When possible, this information should also include location information. The BESP must provide this information to the governing body or PSAP without requiring a request from the governing body or PSAP.~~

~~(VIII) In the event of a confirmed PSAP service disruption of more than four hours duration, or 12 hours in duration if the disruption is due to a fiber cut, the BESP shall provide a credit equal to the ratio of hours of the full duration of the disruption in hours to the total number of hours in the billing cycle. The credit shall be provided within no more than two billing cycles to the governing body or PSAP that normally receives the bill. If, as the result of a formal complaint proceeding or other proceeding, the Commission finds that a BESP has failed to provide a credit required under this paragraph, the Commission may order the amount of the credit to be doubled. The BESP must provide billing credits required under this rule automatically, without requiring a request from the governing body or PSAP. Additionally, civil penalties may be assessed as described in rules 2009 through 2011.~~

(k) Commission staff shall commence an informal investigation regarding each ~~confirmed or possible PSAP service disruption~~~~apparent basic emergency service outage~~ meeting ~~the below~~ criteria ~~established by the 9-1-1 Advisory Task Force~~, despite the dispute resolution process ~~set forth~~ in the BESP's tariff, if any. The 9-1-1 Advisory Task Force may participate in the investigation.

~~(I) Informal investigations are required when the service disruption meets any of the following criteria:~~

~~(A) multiple PSAPs are affected;~~

~~(B) the details of the service disruption, such as the cause, the beginning and end times, and the implemented mitigation strategies are unclear from the information available to Commission staff;~~

~~(C) the service disruption lasted longer than four hours;~~

~~(D) there was an apparent failure to notify the PSAP as required by subparagraph 2143(j)(l);~~

~~(E) there were repeated service disruptions of a similar nature or in the same area within a 30-day period;~~

~~(F) at the request of one or more affected PSAP or governing body; or~~

~~(G) when there was a possible violation of a Commission rule.~~

- (I) Each informal investigation under this paragraph ~~will should~~ be handled as follows.
- (A) Commission staff shall refer an informal investigation form to the BESP for its written response on a standardized form developed by Commission staff for that purpose. This form shall include questions developed by and solicited from the affected governing body or PSAP and the 9-1-1 Advisory Task Force. The BESP shall respond in writing with complete responses within thirty days, or such lesser or greater period as Commission staff may require if such period is reasonable under the circumstances of the informal investigation. If requested, the response shall include: (1) the NOC call log entries; and (2) copies of e-mails and transcripts or recordings of phone calls between the NOC and other parties related to the ~~outage~~confirmed or possible PSAP service disruption.
- (B) The BESP's responses shall fairly meet the substance of each request. The BESP may not provide an incomplete response citing a lack of information or knowledge unless it states it has made diligent and reasonable inquiry and requests that Commission staff allow a reasonable extension of time not to exceed fourteen days. Additional reasonable extensions of time may be granted upon request. Requests for any extensions shall be accompanied with estimates of when information may be provided.
- (C) Commission staff, the affected governing bodies or PSAPs, or the 9-1-1 Advisory Task Force may also request a meeting with the BESP, which may be recorded, provided that the recording may not be used by any person for any purpose in subsequent proceedings before the Commission. The BESP should arrange for appropriate staff to participate in the meeting, including technical support, service, and management with relevant knowledge and sufficient level of authority or supervision.
- (II) During the pendency of an informal investigation, communications regarding the investigation between Commission staff and any participant in the investigation shall be in writing and copied to the BESP, Commission staff, the affected governing body or PSAP, and the Chair of the 9-1-1 Advisory Task Force or his or her designee. Commission staff shall maintain a complete file related to each informal investigation, including all communications and recordings, and access to and use of the file is subject to applicable Commission rules regarding information claimed to be confidential or highly confidential.
- (IV) Commission staff will document in a report the closure of each informal investigation within sixty days of the ~~outage~~confirmed or possible PSAP service disruption, or such greater period as Commission staff may require if such period is reasonable under the circumstances of the informal investigation. The report should include whether the ~~outage incident~~ was a ~~BES outage~~PSAP service disruption as defined in paragraph 2131(cc), whether the BESP handled the ~~BES outage~~PSAP service disruption in a timely manner with the appropriate personnel, and whether the BESP has taken or committed to taking corrective action to prevent or mitigate a similar ~~outage~~disruption from occurring in the future, specifying the corrective action and the timeframe, if applicable. The report shall also document any non-compliance with Commission rules or the BESP's tariff, including the BESP's service quality plan. Within 14 days, the 9-1-1 Advisory Task

Force, the affected governing body or PSAP, or the BESP may submit to Commission staff written comments, which Commission staff shall append to the report and preserve in the informal investigation file.

- (IV) At any time, Commission staff, the 9-1-1 Advisory Task Force, or the affected governing body or PSAP may commence a proceeding before the Commission, at which time the informal investigation process shall terminate, if not yet closed, other than Commission staff's preparation of the report. If the affected governing body or PSAP seeks relief in an alternative forum, then the informal investigation process shall terminate, if not yet closed, other than Commission staff's preparation of the report.

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[indicates omission of unaffected rules]

### **2335. The Provision of Service During Maintenance or Emergencies.**

The following paragraphs describe minimum standards for maintaining service.

\* \* \* \*

[indicates omission of unaffected rules]

- (d) Service interruptions for an extended time due to maintenance requirements shall be performed at a time that causes minimal inconvenience to impacted customers. Each provider of services identified in rule 2330 shall take reasonable steps to notify the customer in advance of extended maintenance requirements. If possible, Such providers shall also make access to emergency service as defined in paragraph 2001(b), and basic emergency service, as applicable, available by alternative means 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 provider, that the interruption may last more than four hours during the hours of 8 a.m. to 10 p.m. If the a basic emergency service provider cannot provide emergency service experiences a possible or confirmed PSAP service, it shall file a report of the occurrence as required by subparagraph 2143(jh)(III).