

## **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**

##### **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 ESInet 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.
- (i) "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.
- (k) "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.
- (l) "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.
- (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) "Core BES component" means a component of basic emergency service that:
  - (I) must be purchased to receive routing and transport of voice 9-1-1 calls and associated location information to the primary demarcation point;

(II) should reasonably be provided by a BESP for technical or operational reasons related to the provision of basic emergency service; and

(III) may also include monitoring, measurement, and management of BES, such as the provision of call metrics services for 9-1-1 call delivery.

- (~~pe~~) "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.
- (~~qp~~) "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.
- (~~rq~~) "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.
- (~~sf~~) "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.
- (~~ts~~) "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.
- (~~ut~~) "Improvement amount" means the amount approved by the Commission as described in subparagraph 2137(e)(II).
- (~~vh~~) "Improvement plan" means the plan proposed by a BESP or approved by the Commission as described in paragraph 2143(b).
- (~~wv~~) "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.
- (~~xw~~) "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.
- (~~yx~~) "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.

- (~~zy~~) "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.
- (~~aa~~~~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 PSAP service disruptions, initiating repairs, troubleshooting, and resolving BES network issues.
- (~~bb~~) "Optional BES component" means a component of basic emergency service that is not a core BES component. Optional BES components may be purchased or declined by governing bodies or PSAPs purchasing BES from the BESP.
- (~~caa~~) "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.
- (~~ddb~~~~b~~) "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.
- (~~eee~~) "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.
- (~~ff~~~~d~~) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP.
- (~~g~~~~g~~~~ee~~) "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]

**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, PSAP 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.
- (b) BESP with BES tariffs in place as of March 1, 2022 shall file an advice letter and tariff pages within 180 days of the effective date of this rule to comply with paragraph (a) of this rule.

- (c) All of the requirements listed in paragraph (a) shall be provided in conformity with the relevant standards of the National Emergency Number Association, to the extent feasible.
- (d) Additional features or services may be offered as part of a BES tariff, if they may reasonably be considered part of BES, or provide metrics related to that service.
- (e) The pricing and rates for BES shall be set forth on the BESP's BES tariff.
  - (I) Rates for BES must be established per concurrent session per month. The rate for all services and features included with the BES offering, as approved by the Commission, must be the same, per concurrent session, for all governing bodies or PSAPs purchasing service under the tariff. Such pricing must be based on actual costs plus a proposed profit margin. The BESP shall describe the methodology it used to determine the proposed pricing in the advice letter or tariff pages. Additional features or services may be offered in the tariff on an optional or individual case basis, provided:
    - (A) the additional features or services may reasonably be considered part of BES or monitoring and metrics for such service; and
    - (B) the offering of the additional features or services on an optional or individual case basis will not create differences in the uniformity of BES availability statewide.
  - (II) The tariff must include, as a separate line item, the improvement amount approved pursuant to paragraph 2143(b), if any. Within 45 days of the Commission's approval of the improvement amount, the BESP shall file an advice letter and tariff pages to reflect the approved improvement amount, with an effective date of the following March 1, unless otherwise directed by the Commission in its approval of the improvement amount. The improvement amount shall be assessed per concurrent session per month to every governing body or PSAP receiving service from the BESP.
  - (III) The tariff must state that the improvement amount described in subparagraph (II) above may be temporarily or permanently suspended by Commission decision.
- (f) In its advice letters and BES tariff, a BESP shall classify the components of its basic emergency service offering as core BES components or optional BES components. Components of basic emergency service shall not unreasonably be bundled such that certain components which could be classified as optional BES components are instead classified as core BES components.

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[indicates omission of unaffected rules]

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

- (a) On or before August 1 of each year, the Commission shall initiate a proceeding to be concluded on or before October 1 to establish the emergency telephone charge threshold, a statewide 9-1-1 surcharge, a wireless prepaid 9-1-1 charge, a distribution schedule for the funds raised by the

state 9-1-1 surcharge, and a distribution schedule for the funds raised by the wireless prepaid 9-1-1 charge for the following calendar year.

- (I) The emergency telephone charge threshold:
  - (A) shall take into account inflation through the consideration of historical data and future projections; and
  - (B) shall take into account the needs of governing bodies through the consideration of historical data, inflation rates, the rate of increase of the average emergency telephone charge, comments provided under this rule, and other factors the Commission deems relevant.
- (II) The 9-1-1 surcharge shall:
  - (A) ~~shall~~ not exceed fifty cents per month per 9-1-1 access connection;
  - (B) be not less than a rate sufficient to reimburse all governing bodies for the cost to purchase all components of basic emergency service offered under a BES tariff. If there is more than one BES tariff in effect, the Commission will use the most expensive BES tariff to determine this cost;
  - (C) be set considering the following additional factors:
    - (iB) shall be calculated to meet the needs of governing bodies to pay for the provision of emergency telephone service as defined in § 29-11-101(14), C.R.S.; pay for basic emergency service and provide emergency telephone service by considering historical data, costs to the 9-1-1 governing body of BES tariffs;
    - (ii) the historical rate of the 9-1-1 surcharge and amounts distributed to governing bodies;
    - (iii) comments provided under this rule; and other factors the Commission deems relevant;
    - (Civ) shall include, without limitation, the amount of the 9-1-1 enterprise fee imposed by the 9-1-1 Service Enterprise pursuant to § 29-11-108(8)(a), C.R.S.; and
    - (v) and an amount necessary to reimburse the governing bodies for the most recently approved improvement amount as described in subparagraph 2137(e)(II); and
  - (D) ~~shall~~ be uniform, regardless of the technology used to provide the 9-1-1 access connection.
- (III) The wireless prepaid 9-1-1 charge shall be calculated by determining the average of all local emergency telephone charges as they existed on July 1 of that year plus the

amount of the statewide 9-1-1 surcharge established by the Commission for the upcoming year.

- (IV) The distribution schedule for the funds raised by the state 9-1-1 surcharge, excluding the 9-1-1 enterprise fee funds to be transmitted to the 9-1-1 enterprise services cash fund created pursuant to § 29-11-108(10)(a), C.R.S., shall be based on the number of concurrent sessions at all of the PSAPs associated with a governing body as a percentage of the total number of concurrent sessions statewide.
- (V) The distribution schedule for the funds raised by wireless prepaid 9-1-1 charge shall be based on the wireless 9-1-1 call volume at all of the PSAPs associated with a governing body as a percentage of the total number of wireless 9-1-1 calls received by all PSAPs statewide.
- (b) The decision initiating this proceeding shall be accompanied by proposed amounts and distribution schedules as described in (a) (I) through (V) for comment.
- (c) The wireless prepaid 9-1-1 charge rate and wireless prepaid 9-1-1 distribution schedule shall be transmitted to the Colorado Department of Revenue on or before October 1.
- (d) The new rates and distribution schedules established by this proceeding shall take effect on the following January 1.

**2149. Annual Data Collection from 9-1-1 Governing Bodies.**

- (a) No more than once per year, the Commission may issue a request for data to all 9-1-1 governing bodies. This data request shall include:
  - (I) an accurate and current description or GIS data set representing the boundaries of the 9-1-1 governing body's jurisdiction; ~~and~~
  - (II) other information necessary for the completion of annual data requests from the Federal Communications Commission, the National 9-1-1 Program, or other federal bodies, including but not limited to:
    - (A) the current emergency telephone charge rate set by the 9-1-1 governing body;
    - (B) the number of employees at all of the governing body's associated PSAPs, and how many are funded with either emergency telephone charge revenue, state 9-1-1 surcharge revenue, or wireless prepaid 9-1-1 charge revenue;
    - (C) the total cost of providing emergency telephone service at all of the governing body's PSAPs;
    - (D) the total annual revenues received from emergency telephone charge remittances, state 9-1-1 surcharge remittances, and wireless prepaid 9-1-1 charge remittances, broken down by source;



- (E) a statement indicating whether any 9-1-1 funds, including emergency telephone charge funds, state 9-1-1 surcharge funds, or wireless prepaid 9-1-1 charge funds, were used for purposes other than those allowed pursuant to § 29-11-104, C.R.S.;
- (F) that amount of funding the governing body has spent in preparation for the implementation of next generation 9-1-1;
- (G) that amount of funding the governing body has spent on cybersecurity programs at its PSAPs;
- (H) that sources, beyond emergency telephone charge remittance, state 9-1-1 surcharge remittances, and wireless prepaid 9-1-1 charge remittances, are used to fund the equipment and operations of the governing body's associated PSAPs, and an estimate of what percentage each source represents as a total of the cost of operating and equipping the PSAP;
- (I) the number of call taker equipment positions at each of the PSAPs associated with the 9-1-1 governing body; and
- (J) total number of text-to-911 calls received by all PSAPs associated with the 9-1-1 governing body; ~~and-~~

(III) a statement indicating which optional BES components are currently being purchased by the governing body or the PSAPs in the governing body's service area from a BESP.