

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 25R-0174T

IN THE MATTER OF THE PROPOSED AMENDMENTS TO 4 CODE OF COLORADO REGULATIONS 723-2 MODIFYING THE COMMISSION RULES REGARDING BASIC EMERGENCY SERVICE TARIFFED ITEMS AND REIMBURSEMENT.

**RECOMMENDED DECISION AMENDING RULES AND
CLOSING PROCEEDING**

Issued Date: July 29, 2025

I. STATEMENT AND PROCEDURAL HISTORY

1. On April 29, 2025, the Colorado Public Utilities Commission (“Commission”) issued a Notice of Public Rulemaking (“NOPR”), commencing this Proceeding to amend the Commission’s Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (“CCR”) 723-2. Specifically, through the NOPR, the Commission seeks to amend Rules 723-2-2131, 2137, 2148, and 2149 (collectively, the “Basic Emergency Service Rules”). The Commission initiated this rulemaking to: (a) Update the definitions of terms included in a tariff filed by a Basic Emergency Service Provider (“BESP”); and (b) Clarify the method by which governing bodies will be reimbursed for such tariffed items. The Commission also referred this matter to an Administrative Law Judge (“ALJ”) for a Recommended Decision.

¹ “BESP” means any person certified by the Commission to provide basic emergency service. § 29-11-101(8), C.R.S.

2. The recommended amendments to the Basic Emergency Services Rules are set forth in legislative (*i.e.*, ~~strikeout~~/underline) format in Attachment A to this Decision, and in final format in Attachment B to this Decision.

3. This Proceeding follows other, related proceedings. On September 17, 2024, Qwest Corporation doing business as CenturyLink QC² (the “BESP”) initiated Proceeding No. 24AL-0397T by filing revisions to Emergency Reporting Services Tariff Colo. PUC No. 25, wherein it proposed to offer four new services to its current Basic Emergency Services (“Advice Letter Proceeding”).³

4. The new services, as well as associated pricing, included “GIS Routing” of 9-1-1 calls; “i3 Protocol Conversion” to comply with Next Generation 9-1-1 Systems standards of the National Emergency Number Association; Text-to-9-1-1 service; and Transitional Data Management Service.⁴

5. Several 9-1-1 governing bodies as well as Commission Staff filed protest letters to the BESP’s requested tariff revisions.⁵ In addition, numerous other emergency telephone

² CenturyLink also does business in Colorado as Lumen or Lumen Technologies.

³ “Basic emergency service” means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or [public safety answering point] [(“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 originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of [automatic location identification] service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. Basic emergency service does not include: (a) The portion of a 9-1-1 call provided by an originating service provider; (b) The services provided by an intermediary aggregation service provider; (c) The delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP; (d) The delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or (e) The delivery of text-to-9-1-1 via interim methods. § 29-11-101(7), C.R.S.

⁴ See Decision No. C24-0750 (issued October 17, 2024, in the Advice Letter Proceeding) for further explanation. See also February 10, 2025 Joint Comments in Proceeding No. 24D-0534T.

⁵ See, *e.g.*, The Boulder Regional Emergency Telephone Service Authority’s...Intervention of Right or in the Alternative Motion for Permissive Intervention and Request for Hearing (October 31, 2024) in the Advice Letter Proceeding.

authorities intervened, as well as the Colorado Council of Authorities, Inc.⁶ The BESP filed an amended advice letter on December 10, 2024. Through Decision No. R24-0901-I, the Commission suspended the advice letter and established a procedural schedule to govern the Advice Letter Proceeding. On January 31, 2025, the BESP filed a motion to withdraw the advice letter; the ALJ assigned to the proceeding granted this motion in Decision No. R25-0090 and closed the Advice Letter Proceeding.

6. On December 9, 2024, the Boulder Regional Emergency Telephone Service Authority (“Boulder Regional ETSA”), the Douglas County Emergency Telephone Service Authority (“Douglas County ETSA”), and the El Paso-Teller County Emergency Telephone Service Authority (“El Paso-Teller ETSA”) (collectively, “Petitioning Authorities”) jointly petitioned for a declaratory order, or in the alternative, for a rulemaking. This petition commenced Proceeding No. 24D-0534T. The Petitioning Authorities noted that they would address issues raised in the Advice Letter Proceeding, including “whether the services introduced in the tariff filing should be optional or mandatory, when the parties’ positions might well depend on whether and how the Commission would determine optional services should be subsidized with proceeds of the Surcharge...”⁷ The Petitioning Authorities requested either a declaratory order or that the Commission “open a rulemaking to adopt rules providing the criteria for approval of optional services and subsidization of the optional services with proceeds of the Surcharge.”⁸ The Commission then initiated this Proceeding.⁹

7. Commission Staff engaged in pre-rulemaking stakeholder engagement as part of this Proceeding, which included circulating advanced drafts of the rule amendments to members

⁶ See Decision No. R25-0090 (issued February 10, 2025, in the Advice Letter Proceeding).

⁷ Petition at ¶ 3.

⁸ *Id.*

⁹ See Decision No. C25-0152 (issued March 3, 2025).

of the Commission's 9-1-1 Advisory Task Force and conducting three workshop sessions in March 2025.¹⁰ Through these workshops, the stakeholders developed the consensus rules that comprise the proposed rules.¹¹

8. In rendering this Decision, the ALJ has reviewed the record in this Proceeding and has evaluated all comments submitted by the participants, even if the ALJ does not specifically address such comments.

9. Being fully advised in this matter, and consistent with the discussion below, in accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record in this Proceeding, along with a written recommended decision.

II. DISCUSSION

10. The proposed rules, provided with Decision No. C25-0321 in legislative (*i.e.*, strikeout/underline) format and in final format, were made available to the public 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=25R-0174T.

11. Although the Commission would equally consider written comments in this Proceeding that were filed at any time, the Commission encouraged any interested person to file initial written comments by May 20, 2025, and written comments responding to the initial written comments by May 30, 2025.¹² The only written comments filed in this Proceeding aligned with the Commission's suggested filing deadlines.

12. The following 9-1-1 governing bodies filed joint written comments in this Proceeding on May 20, 2025: the Adams County E-9-1-1 Emergency Telephone Service Authority

¹⁰ NOPR at pp. 2 and 5; *see also* Decision No. C25-0321-E at pp. 1-2.

¹¹ *Id.*

¹² *See* NOPR.

(“Adams County ETSA”), the Arapahoe County 9-1-1 Authority (“Arapahoe County ETSA”), the Boulder Regional ETSA, the Douglas County ETSA¹³, the El Paso-Teller ETSA, the Jefferson County Emergency Communications Authority (“Jefferson County ECA”), the Montrose Emergency Telephone Service Authority (“Montrose ETSA”), the Ouray County Emergency Telephone Service Authority (“Ouray County ETSA”), and the San Miguel Emergency Telephone Service Authority (“San Miguel ETSA”) (collectively, “the 9-1-1 Authorities”).¹⁴ The 9-1-1 Authorities urged the Commission to adopt the proposed rules, with one non-substantive edit. Specifically, the 9-1-1 Authorities requested that the word “shall” be removed from existing Rule 2148(a)(II)(D), 4 CCR 723-2, because it is redundant and unnecessary.¹⁵

13. The BESP also filed written comments on May 20, 2025. Those written comments included numerous substantive amendments to the proposed rules. These comments will not be evaluated, however, because at the June 9, 2025 public comment hearing, the BESP, through counsel, withdrew all comments in this Proceeding that the BESP rendered prior to June 9.

14. On May 30, 2025, the following 9-1-1 governing bodies filed response written comments: the Boulder Regional ETSA, the Douglas County ETSA, and the El Paso-Teller ETSA (collectively, “the BDE Authorities”). The BDE Authorities responded to the BESP’s initial comments and urged the Commission to reject the BESP’s proposed amendments “as not in the public interest.”¹⁶ Because the BESP withdrew its May 20, 2025 initial written comments, the ALJ will not set forth the BDE Authorities’ response comments in detail.

¹³ Douglas County ETSA filed comments as Douglas County ETSA doing business as Douglas County Emergency Communications Authority.

¹⁴ As previously noted, Commission Staff conducted stakeholder workshops prior to the NOPR as required under Decision No. C25-0152. The 9-1-1 Authorities participated in these workshops.

¹⁵ Rule 2148(a)(II)(D), 4 CCR 723-2, did not have any proposed changes in the NOPR. However, subsections 2148(a)(II)(A)-(C) were all amended or added in the NOPR, and those amendments affected the wording of subsection 2148(a)(II)(D) as having a redundant “shall.”

¹⁶ See BDE Authority May 30, 2025 response comments at p. 12.

15. In addition, on May 30, 2025, the following 9-1-1 bodies filed response written comments: the Adams County ETSA, the Arapahoe County ETSA, the Jefferson County ECA, the Montrose ETSA, the Ouray County ETSA, and the San Miguel ETSA (collectively, the “AAJ-MOS Authorities”). The AAJ-MOS Authorities generally opposed the BESP’s proposed amendments but offered several compromised amendments to the BESP’s proposed amendments. However, since the BESP withdrew their proposed amendments, the ALJ will not set out the AAJ-MOS Authorities’ response comments in detail.

16. On June 9, 2025, the undersigned ALJ conducted a virtual public comment hearing on the proposed rules. The only public commenter was counsel for the BESP, and he withdrew the BESP’s prior written comments.

1. Rule 2131: Definitions.

17. Rule 2131 is amended to add a definition for “Core BES component” as well as a definition for “Optional BES component.” These definitions are designed to distinguish between basic emergency service components that must be purchased to provide voice basic emergency service, and those that may be offered on tariff without affecting the provision of voice basic emergency service.

2. Rule 2137: Required Components of a Basic Emergency Service Tariff.

18. Rule 2137 establishes the requirements for a basic emergency service tariff. With the addition of definitions of “Core BES component” and “Optional BES component,” the BESP will need to identify, in future tariff filings, whether a proposed component is core or optional. The addition of (f) to Rule 2137 requires the BESP to categorize components accordingly.

3. Rule 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.

19. Rule 2148 establishes the criteria the Commission considers when setting the 9-1-1 Surcharge rate. The addition of definitions for “Core BES component” and “Optional BES component” warrants the amendment to Rule 2148 that states that the 9-1-1 Surcharge shall “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 the cost.”

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

20. Rule 2149 allows the Commission to gather annual data relevant to the PSAP funding. The amended rule adds a required “(III) 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.”

III. CONCLUSION

21. Attachment A to this Decision represents the rule amendments adopted by this Recommended Decision with modifications to the prior Rules 2131, 2137, 2148, and 2179, 4 CCR 723-2, indicated in redline and strikeout format.

22. Attachment B to this Decision represents the rule amendments adopted by this Decision to the prior Rules 2131, 2137, 2148, and 2179, 4 CCR 723-2, in final form.

23. The adopted rules in legislative format (*i.e.*, strikeout/underline Attachment A) and final format (Attachment B) are available through the Commission’s E-Filings in this proceeding (25R-0174T) at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=25R-0174T

24. It is found and concluded that the proposed rules as modified by this Recommended Decision are reasonable and should be adopted. This includes the removal of “shall” in existing Rule 2148(a)(II)(D), 4 CCR 723-2.

25. Pursuant to the provisions of § 40-6-109, C.R.S., the ALJ recommends that the Commission adopt the attached rules.

IV. ORDER

A. The Commission Orders That:

1. Rules 2131, 2137, 2148, and 2149 of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations* (“CCR”) 723-2 contained in red-lined and strikeout format, attached to this Recommended Decision as Attachment A, and in final format, attached as Attachment B, are adopted consistent with the above discussion.

2. Proceeding No. 25R-0174T is closed.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KELLY A. ROSENBERG

Administrative Law Judge

Rebecca E. White,
Director