

Decision No. C05-0316

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 04R-510T

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RULES RELATING TO THE REGULATION OF OPERATOR SERVICES FOR  
TELECOMMUNICATIONS SERVICE PROVIDERS AND TELEPHONE UTILITIES.

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**SUPPLEMENTAL NOTICE OF PROPOSED RULEMAKING**

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Mailed Date: March 18, 2005

Adopted Date: March 18, 2005

**I. BY THE COMMISSION**

**A. Statement**

1. The Colorado Public Utilities Commission (Commission) gives supplemental notice of proposed rulemaking regarding an amendment to the Rules Regulating Operator Services for Telecommunications Service Providers and Telephone Utilities, 4 *Code of Colorado Regulations* (CCR) 723-18, Appendix A (Benchmark Maximum Operator Services Rates). The intent of the proposed rule is to amend Appendix A to the Operator Services Rules, which will modify the default rate of payphone compensation for "dial-around" calls consistent with the directives of the Federal Communications Commission (FCC) in WC Docket No. 03-225, *In the Matter of Request to Update Default Compensation Rate for Dial-Around Calls from Payphones*, Report and Order, FCC 04-182 (released August 12, 2004) (Report and Order). In that order, the FCC modified the default rate of payphone compensation for "dial-around" calls set forth in its rules.

2. The Commission issued Notice of Proposed Rulemaking (Notice) in this docket, specifically Decision No. C04-1184 (Mailed Date of October 14, 2004), published in the November, 2004 edition of *The Colorado Register*. That Notice scheduled a rulemaking hearing

in this case for December 10, 2004. The Administrative Law Judge convened the hearing in this case to allow interested persons to submit oral or written comment on the proposed amendment to Appendix A. The Administrative Law Judge issued a Recommended Decision, Decision No. R04-1543 (Mailed Date of December 28, 2004) amending Appendix A to the rules by increasing the benchmark compensation for dial-around calls from \$.26 to \$.52.

3. A number of parties filed Exceptions to the Recommended Decision, and, at the Commissioners Weekly Meeting on March 16, 2005, the Commission orally granted those Exceptions in part. Specifically, the Commission determined that the Administrative Law Judge should conduct another hearing to allow interested persons to present additional information, especially cost information, regarding the appropriate benchmark end-user rate to compensate interexchange carriers for dial-around calls. (The ruling on Exceptions will be set forth in a separate Commission order.). This supplemental Notice of Proposed Rulemaking is issued in order to consider additional evidence regarding interexchange carriers' cost for dial-around calls, especially administrative costs related to these calls. As noted in § 40-15-302(5), ". . . , rates for nonoptional operator services shall allow the provider of such services the opportunity to earn a just and reasonable return on the associated used and useful investment, including but not limited to equipment costs incurred to originate such services. . . ." The Administrative Law Judge should allow such a reasonable return consistent with the cost evidence presented at hearing.

4. The Commission will conduct a hearing on the proposed amendment to the rules and related issues at the below stated time and place. Interested persons may submit written appropriate cost studies and written comments on the issue of dial-around compensation administrative costs as these costs affect retail benchmark rates. The Commission encourages

interested persons to submit any cost studies on the appropriate rate for dial-around calls no less than 14 days prior to the hearing date. The Commission will consider all submissions.

**II. ORDER**

**A. The Commission Orders That:**

1. This Supplemental Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the April, 2005 edition of *The Colorado Register*.

2. Hearing on the proposed rules and related matters shall be held before an Administrative Law Judge as follows:

DATE: May 3, 2005  
TIME: 9:00 a.m.  
PLACE: Commission Hearing Room  
Office Level 2 (OL2)  
Logan Tower  
1580 Logan Street  
Denver, Colorado

3. At the time set for hearing, interested persons may submit written comments and may present these orally unless the Commission deems oral comments unnecessary.

4. Interested persons are encouraged to submit their written comments fourteen days before the hearing.

5. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' DELIBERATIONS MEETING  
March 18, 2005**

(SEAL)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

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CARL MILLER

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Commissioners

**4 CCR 723-18-APPENDIX A  
 BENCHMARK MAXIMUM OPERATOR SERVICES RATES**

<u>No.</u>	<u>Operator Service</u>	<u>Rate</u>
	Usage Rates	
1.	Flat (Message) Rate per call	.11
	Flat (Measured) Rate per minute	
2.	Day	.20
3.	Evening/Night/Weekend	.11
	Calling Card Station Rates	
	Customer Dialed	
4.	Automated (Mechanized)	.30
5.	Operator Assisted	.58
6.	Operator Dialed	1.13
7.	Operator Assistance	.75
	Operator (Assisted)	
8.	Station-to-Station	1.25
9.	Collect	1.85
10.	Billed to Third Party	1.51
11.	Person-to-Person	3.00
	Busy Line	
12.	Verification	1.25
13.	Interrupt	2.00
14.	Prison Inmate Operator Station Collect	1.85
15.	Pay Telephone Charge (Facilities based providers only)	<u><del>50.26</del></u>