

**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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**ORDER LIFTING STAY  
AND ADOPTING RULES**

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Mailed Date: June 29, 2005  
Adopted Date: June 29, 2005

**I. BY THE COMMISSION**

**A. Background**

1. This matter comes before the Commission upon its own motion to determine whether to lift the stay and adopt the modifications to Appendix A of the Commission's Rules Regulating Operator Services for Telecommunications Services Providers and Telephone Utilities, 4 *Code of Colorado Regulations* 723-18 (Operator Services Rules). Now, being duly advised in the matter, we lift the stay and adopt the rules.

2. On October 4, 2004, in Decision No. C04-1184 we issued a Notice of Proposed Rulemaking (NOPR) which proposed to amend Appendix A to the Operator Service Rules to increase the benchmark rate for the Pay Telephone Charge from \$.26 to \$.50 per call. The NOPR was issued pursuant to a decision by the Federal Communications Commission that increased the default rate of payphone compensation for dial-around calls from \$.24 to \$.494 per call.

3. A hearing on the proposed amendment was held before an Administrative Law Judge (ALJ) on December 10, 2004. On December 28, 2004, the ALJ issued Decision No. R04-1543, which recommended that the benchmark Pay Telephone Charges be increased from \$.26 to

\$.52 per call. The ALJ determined that the parties to the case failed to present cost information justifying a rate higher than the recommended \$.52.

4. Interested parties filed exceptions to Decision No. R04-1543 in accordance with § 40-6-109(1), C.R.S. The Commission issued an Order on Exceptions, Decision No. C05-0315 (Mailed Date of March 18, 2005), which remanded this case to the ALJ for further proceedings to determine a benchmark charge based on cost information to be filed by the parties. The Commission also issued its Supplemental Notice of Proposed Rulemaking (Decision No. C05-0316, Mailed Date of March 18, 2005) setting a hearing before an ALJ on May 3, 2005, for the specific purpose of receiving additional evidence, and providing interested parties an additional opportunity to submit written and oral comment on the proposed amendment to the Rule. Qwest Corporation (Qwest) and MCI, Inc. (MCI) each submitted additional written comment regarding the proposed change to the Payphone Telephone Charge. The ALJ convened the hearing in this case on May 3, 2005. Both Qwest and MCI presented additional oral comment on the proposed rule.

5. On May 31, 2005, an ALJ issued Decision No. R05-0631. Based on the recommendations and the information presented in this Docket, the ALJ recommended a rate of \$.55 per call for the Payphone Telephone Charge in his Recommended Decision. Exceptions were to be filed within 20 days of the mailed date of the order, or by June 20, 2005. None were filed.

6. On June 17, 2005, in Decision No. C05-0753, the Commission stayed Decision No. R05-0631 on its own motion. This Decision stated that the Commission shall review the ALJ's recommendation along with any exceptions filed within 20 days after Decision No. R05-0631 was mailed. We now find that the ALJ's determination is reasonable and we therefore

adopt the findings of the Recommended Decision and adopt the amendment to Appendix A of the Operator Service Rules to increase the benchmark rate for the Pay Telephone Charge to \$.55 per call.

## **II. ORDER**

### **A. The Commission Orders That:**

1. The stay on the Proposed Amendment to Appendix A of the Rules Regulating Operator Services for Telecommunications Services Providers and Telephone Utilities is lifted.

2. The Proposed Amendment to Appendix A of the Rules Regulating Operator Services for Telecommunications Services Providers and Telephone Utilities increasing the benchmark Pay Telephone Charge to \$.55 is adopted. A copy of Appendix A is attached to this Order.

3. The rules shall be effective 20 days after publication by the Secretary of State.

4. The opinion of the Attorney General of the State of Colorado shall be obtained regarding the constitutionality and legality of the rules.

5. A copy of the rules adopted by this Order shall be filed with the Office of the Secretary of State for publication in *The Colorado Register*. The rules shall be submitted to the appropriate committee of the Colorado General Assembly if the General Assembly is in session at the time this Order becomes effective, or to the committee on legal services, if the General Assembly is not in session, for an opinion as to whether the adopted rules conform with § 24-4-103, C.R.S.

6. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Order.

7. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
June 29, 2005.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in black ink 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 Operator (Assisted)	.75
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	.55
	(Facilities based providers only)	

The Line 14 entry: "Prison Inmate Operator Station Collect 1.85" is deleted by Errata C05-0819-E.  
Inmate services were deregulated and this entry was repealed in prior rulemaking in another docket.