

Decision No. C10-0700

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

DOCKET NO. 09R-845T

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IN THE MATTER OF THE PROPOSED RULES REGULATING FINING OF  
TELECOMMUNICATIONS PROVIDERS, 4 CODE OF COLORADO REGULATIONS 723-2  
UNDER HOUSE BILL 08-1227.

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**ORDER LIFTING STAY, DENYING EXCEPTIONS,  
AND ADOPTING RULES**

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Mailed Date: July 9, 2010

Adopted Date: June 23, 2010

**I. BY THE COMMISSION**

**A. Statement**

1. The Commission initiated this proceeding on November 23, 2009 by issuing a Notice of Proposed Rulemaking (NOPR) regarding its Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* (CCR) 723-2. By Decision No. C09-1302, we stated that the basis and purpose of the rulemaking proceeding was to make changes to the Commission's rules necessitated by the passage of House Bill 08-1227 (the bill). The bill adds, *inter alia*, § 40-7-113.5 and § 40-7-116.5, C.R.S., giving the Commission the statutory authority for the proposed rules.

2. We assigned this proceeding to an Administrative Law Judge (ALJ) and scheduled a hearing by Decision No. C09-1302. The hearing took place on February 4, 2010.

3. Comments in this proceeding were filed by: NE Colorado Cellular, Inc. d/b/a Viaero Wireless; the Colorado Telecommunications Association; Verizon Telecom and Verizon Wireless, collectively; Qwest Corporation; Cbeyond Communications, LLC, Level 3 Communications, LLC, and TW Telecom of Colorado, LLC, collectively; AT&T

Communications of the Mountain States, Inc., TCG Colorado and AT&T Mobility, LLC, collectively; and the Office of Consumer Counsel. The hearing in this matter was held simultaneously with the hearings for the proposed fining rules in the electric, gas, and water and combined water and sewer industries, Docket Nos. 09R-846E, 09R-847G, and 09R-848W respectively. Oral comments were provided during this hearing by the telecommunications, electric, and gas industries.

4. ALJ Ken F. Kirkpatrick issued his Recommended Decision Adopting Rules on April 27, 2010 (Decision No. R10-0386 or Recommended Decision).

5. We stayed the Recommended Decision and set a deadline for the filing of exceptions by Decision No. C10-0436, mailed on May 6, 2010.

6. On May 20, 2010, MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services and MCI Communications Services, Inc. d/b/a Verizon Business Services (collectively, Verizon) filed exceptions to the Recommended Decision. Verizon raises a number of arguments in its exceptions, which will be addressed in turn.

7. First, Verizon argues the rules, as approved by ALJ Kirkpatrick, provide no meaningful criteria or guidance regarding the nature of a violation of a rule or the amount of the civil penalty that should be assessed. Verizon contends fining rules must contain additional specificity regarding what conduct constitutes a violation of a rule and the amount of the civil penalty for each violation. In the absence of such detail, Verizon states the Commission will have unlawfully delegated its authority to the Director. The Commission disagrees. The rules set forth how regulated utilities shall act. The Commission need not identify every possible way in which those rules could be violated in order to utilize its authority to issue fines. The Commission therefore rejects this argument presented in Verizon's exceptions.

8. Second, Verizon states the Commission should reject ALJ Kirkpatrick's definition of "intentional violation." The definition utilized by ALJ Kirkpatrick states, "A person acts 'intentionally' or 'with intent' when his conscious objective is to cause the specific result proscribed by the statute, rule or order defining the violation." In contrast, Verizon argues a violation is intentional "when a person is fully aware of a requirement or restriction and nonetheless commits an act, or fails to act, and that act or omission violates the requirement or restriction." Verizon's preferred definition comes from Decision No. R07-0678, in Docket No. 07G-207EC, in which an ALJ adopted this language as the standard for an intentional violation. In support of this definition, the ALJ cited to paragraph 24 of Decision No. C00-1075, Docket No. 99K-590CP, where the Commission stated,

Therefore, it is clear that Dashabout had notice since December 19, 1997 that its interpretation of its CPCN was not reasonable, and was fully aware that the subject transportation service encompassed by the CPANs was not authorized under its CPCN. Yet, fully cognizant of this information, Dashabout nonetheless offered the service it knew was not authorized under its CPCN. As such intent exists for its violation of § 40-10-104, C.R.S.

The Commission does not believe it adopted a definition of intentional violation in Decision No. C00-1075. Nor would it be bound to any such previously adopted definition. *See Public Service Co. of Colo. v. Public Util. Comm'n*, 26 P.3d 1198, 1205 (Colo. 2001) ("The Commission's decision making power is not limited by *stare decisis* when a reasonable basis exists to depart from a previous decision."). The Commission finds the definition utilized by ALJ Kirkpatrick is preferable to Verizon's proffered alternative, as it is more in line with the traditional legal understanding of intent. As such, this portion of Verizon's exceptions is rejected.

9. Third, Verizon proposes the following "clarifying" change to rule 2000, 4 CCR 723-2:

All rules in this Part 2, the “2000” series, shall apply to all telecommunications service providers, and to all Commission proceedings and operations concerning providers, unless a specific statute or rule provides otherwise. *RULES 2009, 2010 AND 2895 APPLY ONLY TO PUBLIC UTILITY PROVIDERS OF “REGULATED TELECOMMUNICATIONS SERVICES” AS DEFINED IN C.R.S. § 40-15-102(24) AND DO NOT APPLY TO PROVIDERS OF “DEREGULATED TELECOMMUNICATIONS SERVICES” AS DEFINED IN C.R.S. § 40-15-102(6).* Other applicability provisions are found in various subchapters of this Part 2.

The Commission finds this proposed change does little to clarify but would seemingly exempt Verizon from any fine. The Commission finds such an exemption would be inappropriate, and therefore rejects this proposed change.

10. Finally, Verizon argues the rules, as approved by ALJ Kirkpatrick, will encourage costly litigation rather than expedited compliance with the rules. In support of this argument, Verizon states the proposed fines are too large, and that warning notices should be included in any adopted fining rules. Currently, the rules identify maximum fines for various violations, and do not include a mandatory notice provision. The Commission is not persuaded by Verizon’s characterization of these portions of the proposed fining rules, and will reject this argument. Therefore, Verizon’s exceptions are denied in whole.

11. However, we do make some changes to the rules on our own motion. Rule 2009 adds the definitions for civil penalty, civil penalty assessment, civil penalty assessment notice, and intentional violation. We have revised the definitions for civil penalty, civil penalty assessment, and civil penalty assessment notice to match the definitions in the rules adopted by the recommended decision in Docket 09R-847G regarding the fining rules for gas utilities.

12. We have also reformatted the tables of finable offenses to make them consistent with the tables adopted by the recommended decision in Docket No. 09R-846E regarding the fining rules for electric industry.

**II. ORDER**

**A. The Commission Orders That:**

1. The stay of Decision No. C10-0436 is hereby vacated.
2. The Exceptions filed by MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services and MCI Communications Services, Inc. d/b/a Verizon Business Services are denied.
3. The Commission adopts a modification to the rules attached to Recommended Decision R10-0356 consistent with the above discussion. The Commission adopts the rules attached to this Order as Attachment A.
4. The rules shall be effective 20 days after the publication in the Colorado Register by the Office of the Secretary of State. (The rules shall be effective August 30, 2010 if published in the August 10, 2010 edition of the *Colorado Register* by the Office of the Secretary of State.)
5. The opinion of the Attorney General of the State of Colorado shall be obtained regarding the constitutionality and legality of the rules.
6. A copy of the rules adopted by the 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 for an opinion as to whether the adopted rules conform with § 24-4-103, C.R.S.

7. 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.

8. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
June 23, 2010.**

(SEAL)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RONALD J. BINZ

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JAMES K. TARPEY

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MATT BAKER

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Commissioners

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

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

#### PART 2

### RULES REGULATING TELECOMMUNICATIONS PROVIDERS, SERVICES, AND PRODUCTS

#### BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis and purpose of these rules is generally to: regulate jurisdictional telecommunications providers, services, and products; administer and enforce the telecommunications provisions of Title 40 of the Colorado Revised Statutes; and regulate telecommunications proceedings before the Commission. These rules address a wide variety of subject areas. Therefore, specific statements of Basis, Purpose, and Statutory Authority are found at the beginning of each subchapter of these rules.

The statutory authority for the promulgation of these rules is found at §§ 29-11-106(3); 39-32-104; 40-2-108; 40-3-101; 40-3-102; 40-3-103; 40-3-107; 40-3-110; 40-3.4-106; 40-4-101; 40-7-113.5; 40-7-116.5; 40-15-101; 40-15-108(2); 40-15-109(3); 40-15-201; 40-15-203.5; 40-15-208(2)(a); 40-15-301; 40-15-302(1)(a) and (2); 40-15-302.5; 40-15-305; 40-15-404; 40-15-502(1), (3)(a), and (5)(b); 40-15-503; 40-17-103(2) and (3), C.R.S.

\* \* \*

[indicates omission of unaffected rules]

[new rule follows]

#### CIVIL PENALTIES

##### 2009. Definitions.

The following definitions apply to rules 2009, 2010, and 2895, unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) "Civil penalty" means any monetary penalty levied against a public utility because of intentional violations of statutes in Articles 1 to 7 and 15 of Title 40, C.R.S., Commission regulations, rules, or Commission orders~~decisions~~.
- (b) "Civil penalty assessment" means the act by the Commission of imposing a civil penalty against a public utility after the public utility has admitted liability or has been adjudicated by the Commission to be liable for intentional violations of statutes in Articles 1 to 7 and 15 of Title 40, C.R.S., Commission rules, or Commission orders.
- (c) "Civil penalty assessment notice" means the written document by which a public utility is given notice of an alleged intentional ~~notified of a~~ violation of statutes in Articles 1 to 7 and 15 of Title 40, C.R.S., Commission rules, or Commission orders and of a proposed civil penalty.

- (d) "Intentional violation." A person acts "intentionally" or "with intent" when his conscious objective is to cause the specific result proscribed by the statute, rule, or order defining the violation.

**2010. Regulated Telecommunications Utility Violations, Civil Enforcement, and Enhancement of Civil Penalties.**

- (a) The Commission may impose a civil penalty in accordance with the requirements and procedures contained in § 40-7-113.5, C.R.S., § 40-7-116.5, C.R.S., and paragraph 1302(b), 4 Code of Colorado Regulations 723-1, for intentional violations of statutes in Articles 1 to 7 and 15 of Title 40, C.R.S., Commission rules, or Commission orders as specified in §§ 40-7-113.5 and 40-7-116.5, C.R.S., and in these rules.
- (b) The director of the commission or his or her designee shall have the authority to issue civil penalty assessments for the violations enumerated in § 40-7-113.5, C.R.S., subject to hearing before the Commission. When a public utility is cited for an alleged intentional violation, the public utility shall be given notice of the alleged violation in the form of a civil penalty assessment notice.
- (c) The public utility cited for an alleged intentional violation may either admit liability for the violation pursuant to § 40-7-116.5(1)(c) or the public utility may contest the alleged violation pursuant to § 40-7-116.5(1)(d), C.R.S. At any hearing contesting an alleged violation, trial staff shall have the burden of demonstrating a violation by a preponderance of the evidence.
- (d) In any written decision entered by the Commission pursuant to § 40-6-109, C.R.S., adjudicating a public utility liable for an intentional violation of a statute in Articles 1 to 7 and 15 of Title 40, C.R.S., a Commission rule, or a Commission order, the Commission may impose a civil penalty of not more than two thousand dollars, pursuant to § 40-7-113.5(1), C.R.S. In imposing any civil penalty pursuant to § 40-7-113.5(1), C.R.S., the Commission shall consider the factors set forth in Rule 1302(b).
- (e) The Commission may assess doubled or tripled civil penalties against any public utility, as provided by § 40-7-113.5(3), C.R.S., § 40-7-113.5(4), C.R.S., and this rule.
- (f) The Commission may assess any public utility a civil penalty containing doubled penalties only if:
- (I) the public utility has admitted liability by paying the civil penalty assessment for, or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted an intentional violation of a statute in Articles 1 to 7 and 15 of Title 40, C.R.S., a Commission rule, or a Commission order;
  - (II) the conduct for which doubled civil penalties are sought violates the same statute, rule, or order as conduct for which the public utility has admitted liability by paying the civil penalty assessment, or conduct for which the public utility has been adjudicated by the Commission in an administratively final written decision to be liable; and
  - (III) the conduct for which doubled civil penalties are sought occurred within one year after conduct for which the public utility has admitted liability by paying the civil penalty assessment, or conduct for which the public utility has been adjudicated by the Commission in an administratively final written decision to be liable.

- (g) The Commission may assess any public utility a civil penalty containing tripled penalties only if:
- (I) the public utility has admitted liability by paying the civil penalty assessment for, or has been adjudicated by the Commission in an administratively final written decision to be liable for, engaging in prior conduct that constituted two or more prior intentional violations of a statute in Articles 1 to 7 and 15 of Title 40, C.R.S., a Commission rule, or a Commission order;
  - (II) the conduct for which tripled civil penalties are sought violates the same statute, rule, or order as conduct for which the public utility has either admitted liability by paying the civil penalty assessment or been adjudicated by the Commission in an administratively final written decision to be liable, in at least two prior instances; and
  - (III) the conduct for which tripled civil penalties are sought occurred within one year after the two most recent prior instances of conduct for which the public utility has either admitted liability by paying the civil penalty assessment, or been adjudicated by the Commission in an administratively final written decision to be liable.
- (h) When more than two instances of prior conduct exist, the Commission shall only consider those instances occurring within one year prior to the date of such alleged conduct for which tripled civil penalties are sought.
- (i) Nothing in this rule shall preclude the assessment of tripled penalties when doubled and tripled penalties are sought in the same civil penalty assessment notice.
- (j) The Commission shall not issue a decision on doubled or tripled penalties until after the effective date of the administratively final Commission decision upon which the single civil penalty was based.
- (k) The civil penalty assessment notice shall contain the maximum penalty amount provided by rule for each individual violation noted, with a separate provision for a reduced penalty of 50 percent of the penalty amount sought if paid within ten days of the public utility's receipt of the civil penalty assessment notice.
- (l) The civil penalty assessment notice shall contain the maximum amount of the penalty surcharge pursuant to § 24-34-108(2), C.R.S., if any.
- (m) A penalty surcharge referred to in paragraph (l) of this rule shall be equal to the percentage set by the Department of Regulatory Agencies on an annual basis. The surcharge shall not be included in the calculation of the statutory limits set in § 40-7-113.5(5), C.R.S.
- (n) Nothing in these rules shall affect the Commission's ability to pursue other remedies in lieu of issuing civil penalties.

**2011. – 2099. [Reserved].**

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[indicates omission of unaffected rules]

[new rule follows]

**2895. 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.

| <u>Citation</u>                                 | <u>Description</u>   | <u>Maximum Penalty Per Violation</u> |
|---|--|--------------------------------------|
|   | <u>Articles 1-7 and 15 of Title 40, C.R.S.</u>                     | <u>\$2000</u>                        |
|   | <u>Commission Order</u>  | <u>\$2000</u>                        |
| <u>Rule 2005</u>                                | <u>Records and Record Retention</u>                                | <u>\$2000</u>                        |
| <u>Rule 2108(b),(e)-(g); text preceding (a)</u> | <u>Discontinuance of Regulated Services</u>                        | <u>\$2000</u>                        |
| <u>Rule 2109, text preceding (a) only</u>       | <u>Applications to Transfer or Encumber</u>                        | <u>\$2000</u>                        |
| <u>Rule 2110(a) and (b)</u>                     | <u>Toll Reseller Restrictions and Obligations</u>                  | <u>\$2000</u>                        |
| <u>Rule 2122</u>                                | <u>Keeping a Current Tariff on File with the Commission</u>        | <u>\$2000</u>                        |
| <u>Rule 2133(a)</u>                             | <u>Service Components and Requirements</u>                         | <u>\$2000</u>                        |
| <u>Rule 2135</u>                                | <u>Uniform System of Accounts, Cost Segregation and Collection</u> | <u>\$2000</u>                        |
| <u>Rule 2136</u>                                | <u>Obligations of Basic Emergency Service Providers</u>            | <u>\$2000</u>                        |
| <u>Rule 2137</u>                                | <u>Obligations of ALI Database Providers</u>                       | <u>\$2000</u>                        |
| <u>Rule 2138</u>                                | <u>Obligations of Basic Local Exchange Carriers</u>                | <u>\$2000</u>                        |
| <u>Rule 2139</u>                                | <u>Obligations of Resellers of Basic Local Exchange Service</u>    | <u>\$2000</u>                        |
| <u>Rule 2141(b) and (c)</u>                     | <u>Obligations of Multi-line Telephone Systems</u>                 | <u>\$2000</u>                        |
| <u>Rule 2142</u>                                | <u>Nondisclosure of Name/Number/Address Information</u>            | <u>\$2000</u>                        |
| <u>Rule 2143</u>                                | <u>Diverse Routing and Priority Service Restoration</u>            | <u>\$2000</u>                        |

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|--|--|------------------------|
| <a href="#">Rule 2164(b),(c)(V),(e),(f),(k), and (l)</a> | <a href="#">Regulation of Non-optional Operator Services</a>             | <a href="#">\$2000</a> |
| <a href="#">Rule 2165(b)-(e)</a>                         | <a href="#">Requirements for Non-optional Operator Service Providers</a> | <a href="#">\$2000</a> |
| <a href="#">Rule 2185</a>                                | <a href="#">Obligations of Providers of Last Resort</a>                  | <a href="#">\$2000</a> |
| <a href="#">Rule 2186(a),(d), and (e)</a>                | <a href="#">Relinquishment of Designation as Provider of Last Resort</a> | <a href="#">\$2000</a> |
| <a href="#">Rule 2187(c) and (f)</a>                     | <a href="#">Eligible Telecommunications Carrier Designation</a>          | <a href="#">\$2000</a> |
| <a href="#">Rule 2202(e)-(g)</a>                         | <a href="#">Default Form of Regulation for ILECs</a>                     | <a href="#">\$2000</a> |
| <a href="#">Rule 2203</a>                                | <a href="#">Default Forms of Regulation for CLECs</a>                    | <a href="#">\$2000</a> |
| <a href="#">Rule 2204(c)-(e)</a>                         | <a href="#">General Requirements</a>                                     | <a href="#">\$2000</a> |
| <a href="#">Rule 2205(a) and (f)</a>                     | <a href="#">Application for Alternative Form of Regulation</a>           | <a href="#">\$2000</a> |
| <a href="#">Rule 2206(b),(c),(e)-(g)</a>                 | <a href="#">Simplified Regulatory Treatment for Rural ILECs</a>          | <a href="#">\$2000</a> |
| <a href="#">Rule 2209(e)</a>                             | <a href="#">Deregulation of Part III Emerging Competitive Services</a>   | <a href="#">\$2000</a> |
| <a href="#">Rule 2304</a>                                | <a href="#">Billing Information, Procedures, and Requirements</a>        | <a href="#">\$2000</a> |
| <a href="#">Rule 2305, text preceding (a) only</a>       | <a href="#">Refund Plans</a>   | <a href="#">\$2000</a> |
| <a href="#">Rule 2310(a),(c),(d)-(f)</a>                 | <a href="#">Line Extensions</a>  | <a href="#">\$2000</a> |
| <a href="#">Rule 2335</a>                                | <a href="#">Provision of Service During Maintenance or Emergencies</a>   | <a href="#">\$2000</a> |
| <a href="#">Rule 2403(a)</a>                             | <a href="#">Specific Types of Services</a>                               | <a href="#">\$2000</a> |
| <a href="#">Rule 2404(a),(d)</a>                         | <a href="#">Uniform System of Accounts</a>                               | <a href="#">\$2000</a> |
| <a href="#">Rule 2405(a),(c)</a>                         | <a href="#">State-Interstate Separation of Costs</a>                     | <a href="#">\$2000</a> |
| <a href="#">Rule 2410</a>                                | <a href="#">Reporting and Record Keeping</a>                             | <a href="#">\$2000</a> |
| <a href="#">Rule 2413</a>                                | <a href="#">Affiliate Transactions for Local Exchange Providers</a>      | <a href="#">\$2000</a> |
| <a href="#">Rule 2414</a>                                | <a href="#">Affiliate Transactions for Interexchange Providers</a>       | <a href="#">\$2000</a> |
| <a href="#">Rule 2415</a>                                | <a href="#">Separation of Colorado Intrastate Access Costs</a>           | <a href="#">\$2000</a> |

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|---|---|------------------------|
| <a href="#">Rule 2416</a>   | <a href="#">Intrastate Access Charge Elements</a>                   | <a href="#">\$2000</a> |
| <a href="#">Rule 2533</a>   | <a href="#">Submission of Agreement and Amendments for Approval</a> | <a href="#">\$2000</a> |
| <a href="#">Rule 2702(a),(d),(e),(f)</a>                                      | <a href="#">Assignment of Telephone Numbers in Colorado</a>         | <a href="#">\$2000</a> |
| <a href="#">Rule 2723</a>   | <a href="#">Local Number Portability</a>                            | <a href="#">\$2000</a> |
| <a href="#">Rule 2724(b),(c)</a>  | <a href="#">Long-Term Service Provider Number Portability</a>       | <a href="#">\$2000</a> |
| <a href="#">Rule 2741(d),(e),(f)(IV-V),(g)(X),(h)(III-IV),(i)(III-IV),(l)</a> | <a href="#">Abbreviated Dialing Codes</a>                           | <a href="#">\$2000</a> |
| <a href="#">Rule 2803</a>   | <a href="#">LITAP Plan Implementation</a>                           | <a href="#">\$2000</a> |

| <a href="#">Citation</a>             | <a href="#">Description</a>  | <a href="#">Maximum Penalty Per Violation</a> |
|--------------------------------------|--|---|
| <a href="#">Rule 2004</a>            | <a href="#">Disputes</a>   | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2123</a>            | <a href="#">Price Lists and Transmittal Letters</a>                                      | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2144</a>            | <a href="#">Reports</a>  | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2168</a>            | <a href="#">Access Codes of Non-Optional Operator Service Providers</a>                  | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2169</a>            | <a href="#">Access From Registered Equipment and Access to Common Carriers</a>           | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2311(b)-(g)</a>     | <a href="#">Changing Providers and Carrier Presubscription</a>                           | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2312(b)-(e)</a>     | <a href="#">IntraLATA Equal Access</a>   | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2334</a>            | <a href="#">Construction and Maintenance Practices for Telecommunications Facilities</a> | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2336(a),(b)</a>     | <a href="#">Adequacy of Service</a>  | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2337(b),(d)-(h)</a> | <a href="#">Standard Performance Characteristics for Customer Access Lines</a>           | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2338</a>            | <a href="#">Interexchange Trunk Connections</a>  | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2339</a>            | <a href="#">PBX and Multiline Channels</a>   | <a href="#">\$1000</a>                        |
| <a href="#">Rule 2340</a>            | <a href="#">Network Call Completion Requirements</a>                                     | <a href="#">\$1000</a>                        |

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|--|--|------------------------|
| <a href="#">Rule 2341(a),(b),(d)-(f)</a> | <a href="#">Trouble Report Response, Interruptions and Curtailments of Service</a>           | <a href="#">\$1000</a> |
| <a href="#">Rule 2502</a>                | <a href="#">Interconnection</a>  | <a href="#">\$1000</a> |
| <a href="#">Rule 2503(c)-(e)</a>         | <a href="#">Compensation for Terminating Local Traffic</a>                                   | <a href="#">\$1000</a> |
| <a href="#">Rule 2504</a>                | <a href="#">Other Intercompany Arrangements</a>  | <a href="#">\$1000</a> |
| <a href="#">Rule 2505(c)</a>             | <a href="#">Unbundling</a>   | <a href="#">\$1000</a> |
| <a href="#">Rule 2506</a>                | <a href="#">Process and Imputation</a>   | <a href="#">\$1000</a> |
| <a href="#">Rule 2582(a),(c)-(f)</a>     | <a href="#">Regulation of Facilities-Based Telecommunications Providers</a>                  | <a href="#">\$1000</a> |
| <a href="#">Rule 2583(b)-(d)</a>         | <a href="#">Service Quality</a>  | <a href="#">\$1000</a> |
| <a href="#">Rule 2584</a>                | <a href="#">Confidentiality</a>  | <a href="#">\$1000</a> |
| <a href="#">Rule 2585</a>                | <a href="#">Tariff Filings</a>   | <a href="#">\$1000</a> |
| <a href="#">Rule 2586(b)</a>             | <a href="#">Negotiation, Mediation and Arbitration</a>                                       | <a href="#">\$1000</a> |
| <a href="#">Rule 2587</a>                | <a href="#">Regulation of Resellers</a>  | <a href="#">\$1000</a> |
| <a href="#">Rule 2894</a>                | <a href="#">Local Exchange Carriers' Responsibilities – Notification of Designated Agent</a> | <a href="#">\$1000</a> |

| <a href="#">Citation</a>                 | <a href="#">Description</a>   | <a href="#">Maximum Penalty Per Violation</a> |
|--|---|---|
| <a href="#">Rule 2302(a)-(c):(e)-(g)</a> | <a href="#">Applications for Service, Customer Deposits, and Third Party Guarantees</a> | <a href="#">\$500</a>                         |
| <a href="#">Rule 2307</a>                | <a href="#">Directories for Basic Local Exchange Service</a>                            | <a href="#">\$500</a>                         |
| <a href="#">Rule 2308</a>                | <a href="#">Local Exchange Service Standards</a>  | <a href="#">\$500</a>                         |

| <a href="#">Citation</a>              | <a href="#">Description</a>                         | <a href="#">Maximum Penalty Per Violation</a> |
|---------------------------------------|---|---|
| <a href="#">Rule 2006(a)-(e); (l)</a> | <a href="#">Reports</a>                             | <a href="#">\$100</a>                         |
| <a href="#">Rule 2303</a>             | <a href="#">Denial or Discontinuance of Service</a> | <a href="#">\$100</a>                         |
| <a href="#">Rule 2306</a>             | <a href="#">Public Information</a>                  | <a href="#">\$100</a>                         |

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|--------------------------------------|--|-----------------------|
| <a href="#">Rule 2804(b)</a>         | <a href="#">LITAP Fund Administration</a>  | <a href="#">\$100</a> |
| <a href="#">Rule 2805(a)-(d)</a>     | <a href="#">Timely or Completely Filing or Making Appropriate Payments to the LITAP Fund</a> | <a href="#">\$100</a> |
| <a href="#">Rule 2806(a)</a>         | <a href="#">Prohibition of Disconnection of LITAP Customers</a>                              | <a href="#">\$100</a> |
| <a href="#">Rule 2807(a)</a>         | <a href="#">Offering of Toll Limitation for LITAP</a>  | <a href="#">\$100</a> |
| <a href="#">Rule 2808</a>            | <a href="#">LITAP Service Deposit</a>  | <a href="#">\$100</a> |
| <a href="#">Rule 2809</a>            | <a href="#">LITAP Federal Reporting Requirements</a>   | <a href="#">\$100</a> |
| <a href="#">Rule 2823(a),(c)-(e)</a> | <a href="#">Conformity with the Federal Americans with Disabilities Act of 1990</a>          | <a href="#">\$100</a> |
| <a href="#">Rule 2824</a>            | <a href="#">Conformity with the Commission's Quality of Service Rules</a>                    | <a href="#">\$100</a> |
| <a href="#">Rule 2827(b)</a>         | <a href="#">Timely or Completely Filing or Making Appropriate Payments to the TRS Fund</a>   | <a href="#">\$100</a> |
| <a href="#">Rule 2846</a>            | <a href="#">Timely or Completely Filing or Making Appropriate Payments to the CHCSM Fund</a> | <a href="#">\$100</a> |

**Telecom**

| <b>Citation</b>  | <b>Description</b>   | <b>Maximum Penalty per Violation</b> |
|--|--|--------------------------------------|
|  | <a href="#">Articles 1-7 and 15 of Title 40, C.R.S.</a>              | <a href="#">\$2000</a>               |
|  | <a href="#">Commission Order</a>                                     | <a href="#">\$2000</a>               |
| <a href="#">Rule 2005</a>                                | <a href="#">Records and Record Retention</a>                         | <a href="#">\$2000</a>               |
| <a href="#">Rule 2108(b),(e)-(g); text preceding (a)</a> | <a href="#">Discontinuance of Regulated Services</a>                 | <a href="#">\$2000</a>               |
| <a href="#">Rule 2109, text preceding (a) only</a>       | <a href="#">Applications to Transfer or Encumber</a>                 | <a href="#">\$2000</a>               |
| <a href="#">Rule 2110(a) and (b)</a>                     | <a href="#">Toll Reseller Restrictions and Obligations</a>           | <a href="#">\$2000</a>               |
| <a href="#">Rule 2122</a>                                | <a href="#">Keeping a Current Tariff on File with the Commission</a> | <a href="#">\$2000</a>               |

|  |   |                                      |
|--|---|--------------------------------------|
| Rule 2133(a)                             | Service Components and Requirements                         | \$2000                               |
| Rule 2135                                | Uniform System of Accounts, Cost Segregation and Collection | \$2000                               |
| Rule 2136                                | Obligations of Basic Emergency Service Providers            | \$2000                               |
| Rule 2137                                | Obligations of ALI Database Providers                       | \$2000                               |
| Rule 2138                                | Obligations of Basic Local Exchange Carriers                | \$2000                               |
| <b>Citation</b>                          | <b>Description</b>  | <b>Maximum Penalty per Violation</b> |
| Rule 2139                                | Obligations of Resellers of Basic Local Exchange Service    | \$2000                               |
| Rule 2141(b) and (c)                     | Obligations of Multi-line Telephone Systems                 | \$2000                               |
| Rule 2142                                | Nondisclosure of Name/Number/Address Information            | \$2000                               |
| Rule 2143                                | Diverse Routing and Priority Service Restoration            | \$2000                               |
| Rule 2164(b),(c)(V),(e),(f),(k), and (l) | Regulation of Non-optional Operator Services                | \$2000                               |
| Rule 2165(b)-(c)                         | Requirements for Non-optional Operator Service Providers    | \$2000                               |
| Rule 2185                                | Obligations of Providers of Last Resort                     | \$2000                               |
| Rule 2186(a),(d), and (e)                | Relinquishment of Designation as Provider of Last Resort    | \$2000                               |
| Rule 2187(c) and (f)                     | Eligible Telecommunications Carrier Designation             | \$2000                               |
| Rule 2202(e)-(g)                         | Default Form of Regulation for ILECs                        | \$2000                               |

|                                    |  |                                      |
|------------------------------------|--|--------------------------------------|
| Rule 2203                          | Default Forms of Regulation for CLECs                  | \$2000                               |
| Rule 2204(c)-(e)                   | General Requirements                                   | \$2000                               |
| Rule 2205(a) and (f)               | Application for Alternative Form of Regulation         | \$2000                               |
| Rule 2206(b),(c),(e)-(g)           | Simplified Regulatory Treatment for Rural HLECs        | \$2000                               |
| Rule 2209(e)                       | Deregulation of Part III Emerging Competitive Services | \$2000                               |
| <b>Citation</b>                    | <b>Description</b>                                     | <b>Maximum Penalty per Violation</b> |
| Rule 2304                          | Billing Information, Procedures, and Requirements      | \$2000                               |
| Rule 2305, text preceding (a) only | Refund Plans   | \$2000                               |
| Rule 2310(a),(c),(d)-(f)           | Line Extensions  | \$2000                               |
| Rule 2335                          | Provision of Service During Maintenance or Emergencies | \$2000                               |
| Rule 2403(a)                       | Specific Types of Services                             | \$2000                               |
| Rule 2404(a),(d)                   | Uniform System of Accounts                             | \$2000                               |
| Rule 2405(a),(c)                   | State-Interstate Separation of Costs                   | \$2000                               |
| Rule 2410                          | Reporting and Record Keeping                           | \$2000                               |
| Rule 2413                          | Affiliate Transactions for Local Exchange Providers    | \$2000                               |
| Rule 2414                          | Affiliate Transactions for Interexchange Providers     | \$2000                               |
| Rule 2415                          | Separation of Colorado Intrastate Access Costs         | \$2000                               |
| Rule 2416                          | Intrastate Access Charge Elements                      | \$2000                               |
| Rule 2533                          | Submission of Agreement and                            | \$2000                               |

| <u>Amendments for Approval</u>                                       |   |                                      |
|--|---|--------------------------------------|
| <u>Rule 2702(a),(d),(e),(f)</u>                                      | <u>Assignment of Telephone Numbers in Colorado</u>                              | <u>\$2000</u>                        |
| <u>Rule 2723</u>   | <u>Local Number Portability</u>   | <u>\$2000</u>                        |
| <u>Rule 2724(b),(c)</u>  | <u>Long-Term Service Provider Number Portability</u>                            | <u>\$2000</u>                        |
| <b>Citation</b>  | <b>Description</b>  | <b>Maximum Penalty per Violation</b> |
| <u>Rule 2741(d),(e),(f)(IV-V),(g)(X),(h)(III-IV),(j)(III-IV),(l)</u> | <u>Abbreviated Dialing Codes</u>  | <u>\$2000</u>                        |
| <u>Rule 2803</u>   | <u>LITAP Plan Implementation</u>  | <u>\$2000</u>                        |
| <b>Citation</b>  | <b>Description</b>  | <b>Maximum Penalty per Violation</b> |
| <u>Rule 2004</u>   | <u>Disputes</u>   | <u>\$1000</u>                        |
| <u>Rule 2123</u>   | <u>Price Lists and Transmittal Letters</u>                                      | <u>\$1000</u>                        |
| <u>Rule 2144</u>   | <u>Reports</u>  | <u>\$1000</u>                        |
| <u>Rule 2168</u>   | <u>Access Codes of Non-Optional Operator Service Providers</u>                  | <u>\$1000</u>                        |
| <u>Rule 2169</u>   | <u>Access From Registered Equipment and Access to Common Carriers</u>           | <u>\$1000</u>                        |
| <u>Rule 2311(b)-(g)</u>  | <u>Changing Providers and Carrier Presubscription</u>                           | <u>\$1000</u>                        |
| <u>Rule 2312(b)-(e)</u>  | <u>IntraLATA Equal Access</u>   | <u>\$1000</u>                        |
| <u>Rule 2334</u>   | <u>Construction and Maintenance Practices for Telecommunications Facilities</u> | <u>\$1000</u>                        |
| <u>Rule 2336(a),(b)</u>  | <u>Adequacy of Service</u>  | <u>\$1000</u>                        |
| <u>Rule 2337(b),(d)-(h)</u>  | <u>Standard Performance Characteristics for Customer</u>                        | <u>\$1000</u>                        |

|                                 |   |                                      |
|---------------------------------|---|--------------------------------------|
|                                 | <u>Access Lines</u>   |                                      |
| <u>Rule 2338</u>                | <u>Interexchange Trunk Connections</u>  | <u>\$1000</u>                        |
| <u>Rule 2339</u>                | <u>PBX and Multiline Channels</u>   | <u>\$1000</u>                        |
|                                 |   |                                      |
| <b>Citation</b>                 | <b>Description</b>  | <b>Maximum Penalty per Violation</b> |
| <u>Rule 2340</u>                | <u>Network Call Completion Requirements</u>   | <u>\$1000</u>                        |
| <u>Rule 2341(a),(b),(d)-(f)</u> | <u>Trouble Report Response, Interruptions and Curtailments of Service</u>           | <u>\$1000</u>                        |
| <u>Rule 2502</u>                | <u>Interconnection</u>  | <u>\$1000</u>                        |
| <u>Rule 2503(c)-(e)</u>         | <u>Compensation for Terminating Local Traffic</u>                                   | <u>\$1000</u>                        |
| <u>Rule 2504</u>                | <u>Other Intercompany Arrangements</u>  | <u>\$1000</u>                        |
| <u>Rule 2505(c)</u>             | <u>Unbundling</u>   | <u>\$1000</u>                        |
| <u>Rule 2506</u>                | <u>Process and Imputation</u>   | <u>\$1000</u>                        |
| <u>Rule 2582(a),(c)-(f)</u>     | <u>Regulation of Facilities-Based Telecommunications Providers</u>                  | <u>\$1000</u>                        |
| <u>Rule 2583(b)-(d)</u>         | <u>Service Quality</u>  | <u>\$1000</u>                        |
| <u>Rule 2584</u>                | <u>Confidentiality</u>  | <u>\$1000</u>                        |
| <u>Rule 2585</u>                | <u>Tariff Filings</u>   | <u>\$1000</u>                        |
| <u>Rule 2586(b)</u>             | <u>Negotiation, Mediation and Arbitration</u>                                       | <u>\$1000</u>                        |
| <u>Rule 2587</u>                | <u>Regulation of Resellers</u>  | <u>\$1000</u>                        |
| <u>Rule 2894</u>                | <u>Local Exchange Carriers' Responsibilities — Notification of Designated Agent</u> | <u>\$1000</u>                        |

| <b>Citation</b>          | <b>Description</b>  | <b>Maximum Penalty per Violation</b> |
|--------------------------|---|--------------------------------------|
| Rule 2302(a)-(c);(e)-(g) | Applications for Service, Customer Deposits, and Third Party Guarantees | \$500                                |
| Rule 2307                | Directories for Basic Local Exchange Service                            | \$500                                |
| Rule 2308                | Local Exchange Service Standards  | \$500                                |

| <b>Citation</b>       | <b>Description</b>   | <b>Maximum Penalty per Violation</b> |
|-----------------------|--|--------------------------------------|
| Rule 2006(a)-(e); (f) | Reports  | \$100                                |
| Rule 2303             | Denial or Discontinuance of Service  | \$100                                |
| Rule 2306             | Public Information   | \$100                                |
| Rule 2804(b)          | LITAP Fund Administration  | \$100                                |
| Rule 2805(a)-(d)      | Timely or Completely Filing or Making Appropriate Payments to the LITAP Fund | \$100                                |
| Rule 2806(a)          | Prohibition of Disconnection of LITAP Customers                              | \$100                                |
| Rule 2807(a)          | Offering of Toll Limitation for LITAP  | \$100                                |
| Rule 2808             | LITAP Service Deposit  | \$100                                |
| Rule 2809             | LITAP Federal Reporting Requirements   | \$100                                |
| 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                                |

| <b>Citation</b> | <b>Description</b>  | <b>Maximum<br/>Penalty per<br/>Violation</b> |
|-----------------|---|--|
| Rule 2827(b)    | <del>Timely or Completely Filing or Making Appropriate Payments to the TRS Fund</del>   | \$100  |
| Rule 2846       | <del>Timely or Completely Filing or Making Appropriate Payments to the CHCSM Fund</del> | \$100  |

2896. – 2899. [Reserved].

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[indicates omission of unaffected rules]