

Decision No. C13-0395

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 91M-314T

RULES PRESCRIBING THE STANDARD PROCEDURES FOR ADMINISTERING THE COLORADO LOW-INCOME TELEPHONE ASSISTANCE FUND, 4 CCR 723-2-2800.

**COMMISSION ORDER REQUIRING:
(1) ELIMINATION OF LITAP TARIFFS;
(2) FILING OF FINAL LITAP REPORTS; AND
(3) NOTIFICATION TO LITAP CUSTOMERS**

Mailed Date: April 5, 2013
Adopted Date: April 3, 2013

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. The Colorado Low-Income Telephone Assistance Program (LITAP) was established by the Colorado Legislature in 1990. *See* § 40-3.4-101 *et seq.*, C.R.S. In 1991, the Commission adopted Rules Prescribing the Procedures for Administering the Low-Income Telephone Assistance Fund. Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* (CCR) 723-2-2800.

2. Senate Bill 13-194 (SB194), enacted April 1, 2013, repeals LITAP. With this repeal, the Commission finds the LITAP discount for eligible subscribers should be zero cents for all providers who offer the LITAP program effective May 1, 2013.¹ Additionally, LITAP tariffs, including rates, terms, and conditions, will no longer be required and should be deleted by no later than July 1, 2013.

¹ By Decision No. C13-0357, issued March 29, 2013, the Commission ordered that the uniform charge for each applicable access line be set at zero cents, effective May 1, 2013. Carriers may file a single Advice Letter that addresses compliance with both this Decision and with Decision No. C13-0357.

3. Further, the Commission finds that each provider that collects the uniform charge, offers LITAP to its subscribers, or both collects the uniform charge and offers LITAP to its subscribers, must submit a final LITAP report no later than June 1, 2013 (Final LITAP Report). Each provider's Final LITAP Report shall reflect the number of access lines subject to the LITAP surcharge and number of LITAP subscribers currently receiving the discount pursuant to LITAP. These Final LITAP Reports are required in order for Commission Staff to calculate final disbursements for those providers that are net recipients of the LITAP fund. Any provider that does not file its final LITAP report on or before June 1, 2013, will not be eligible for reimbursement.

4. Lastly, the Commission finds that each provider must provide customer notification and education material to all LITAP customers informing them: of the elimination of LITAP; of the reason for elimination; how customer bills will be affected; and that a customer may continue to be eligible to receive the Federal Lifeline discount of \$9.25. Each affected telecommunications service provider shall notify affected customers via one or more of the following options: (a) a market information note on each affected customer's bill for no less than one billing cycle; (b) a customer letter provided to each affected customer; (c) a postcard provided to each affected customer; and/or (d) a bill insert provided to each affected customer for no less than one billing cycle.

5. Customer notification should be provided as soon as practicable after the passage of SB194 on April 1, 2013; however, due to the inability to know in advance the final passage date of SB194 and the desire for carriers to issue due customer notice as soon as practical to implement the directives set forth in SB194, the Commission finds good cause to waive the

30-day customer notification for the impacted customers required per Rule 2122(X)(C)(i), 4 CCR 723-2.

II. ORDER

A. The Commission Orders That:

1. Pursuant to § 40-3.4-108(1), C.R.S., and Rules 2804 and 2805 of the Commission's Rules Prescribing the Procedures for Administering the Low-Income Telephone Assistance Fund, 4 *Code of Colorado Regulations* (CCR) 723-2, the Colorado Low-Income Telephone Assistance Program (LITAP) discount shall be zero cents per eligible subscriber, effective May 1, 2013.

2. Each provider who has a tariff on file with the Commission shall provide a compliance advice letter along with the required tariff change to be filed on not less than one day's notice to the Commission or before April 29, 2013, with an effective date of May 1, 2013. The required advice letter shall **not** be filed in this Docket; rather, the compliance advice letter shall be a new filing containing all of the information required by Rule 1210 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

3. Each provider that has a tariff on file with the Commission shall remove the LITAP program and the uniform charge from its tariff no later than July 1, 2013. A compliance advice letter and tariff change shall be required and should be filed on not less than one day's notice to the Commission or before June 27, 2013, with an effective date of July 1, 2013. The required advice letter shall **not** be filed in this Docket; rather, the compliance advice letter shall be a new filing containing all of the information required by Rule 1210 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

4. Each provider shall submit its Final LITAP Report no later than June 1, 2013, as described herein. These reports can be found on the Commission's website at: www.dora.state.co.us/puc.

5. Pursuant to Rule 2895 of the Commission's Rules Regulating Telecommunications Providers, Services, and Products, 4 CCR 723-2, providers failing to file the required compliance filing could be subject to a fine of up to \$500.00.

6. Customer notice shall be provided consistent with Paragraph No. 4 of this Order.

7. On our own motion, we waive the 30-day customer notification for impacted customers required per Rule 2122(X)(C)(i) of the Commission's Rules Regulating Telecommunications Providers, Services, and Products, 4 CCR 723-2.

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

9. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 3, 2013.**

(S E A L)



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

JOSHUA B. EPEL

JAMES K. TARPEY

PAMELA J. PATTON

Commissioners