

Decision No. C13-0870

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 13R-0801T

IN THE MATTER OF THE REPEAL OF RULES REGARDING THE ADMINISTRATION OF THE LOW INCOME TELEPHONE ASSISTANCE PROGRAM, 4 CODE OF COLORADO REGULATIONS 723-2.

NOTICE OF PROPOSED RULEMAKING

Mailed Date: July 15, 2013

Adopted Date: July 10, 2013

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission hereby issues a Notice of Proposed Rulemaking (NOPR) regarding administration of the Low Income Telephone Assistance Program Rules, 4 *Code of Colorado Regulations* (CCR) 723-2.

2. This rule is proposed pursuant to Colorado Senate Bill 13-194 (SB13-194), enacted April 1, 2013, which repeals the Colorado Low-income Telephone Assistance Program (LITAP). SB13-194 includes the repeal of Article 3.4 of Title 40 and amendments to §§ 40-3-106, and 40-15-503.5, C.R.S.

3. The statutory authority for the proposed rules is found in §§, 40-2-108, 40-3-102, 40-3-103, 40-3-106, 40-3-111, 40-4-101, and 40-15-503.5, C.R.S.

B. Policy Objectives

1. Overview

4. In this NOPR, the Commission makes certain findings and proposes to repeal rules related to LITAP. The Commission established a LITAP fund pursuant to § 40-3.4-101, C.R.S., *et seq.* In 1991, the Commission adopted Rules Prescribing the Procedures for

Administering the Low-Income Telephone Assistance Fund. *See, 4 Code of Colorado Regulations (CCR) 723-2-2800, et seq.*

5. The draft rule language presented in this NOPR was developed by Commission Staff. As draft language, it is now presented to the public through this NOPR with the specific intent of stimulating discussion.

2. Proposed Rule

6. We propose to revise the Rules Regulating Telecommunications Providers, Services, and Products, 4 CCR 723-2, as set forth in Attachment A. The proposed revisions to the rules delete the description of LITAP and any reference to LITAP in 4 CCR 723-2.

3. Conclusion

7. Rules not specifically discussed in this NOPR do not constitute a portion of this NOPR. The Commission is proposing rule changes based on the repeal of LITAP as directed by SB13-194. By this NOPR, we do not propose any changes to the rules that are not specifically discussed in this NOPR.

8. The proposed rule will be published in the July 25, 2013 edition of *The Colorado Register*. Interested persons may acquire a copy of the proposed rule, either in hard-copy from the Commission's Administrative Support Section, which may be contacted by phone or email at (303) 894-2884 or elizabethk.hayes@state.co.us, respectively. The proposed rule will also be available through the Commission's Electronic filing system at: https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=13R-0801T.

9. The Commission finds that this matter will be appropriately handled by an Administrative Law Judge (ALJ) and refers it as such. The ALJ will conduct a hearing in this matter at the time indicated below; the ALJ may determine that additional hearings are necessary.

10. The Commission strongly encourages written comments in this matter. Parties may present their comments orally at hearing unless the ALJ deems oral presentations unnecessary. If interested persons wish to file comments before the hearing, the Commission requests that such comments be filed no later than August 5, 2013. All submissions will be considered, whether oral or written.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking, and Attachment A attached hereto, shall be filed with the Colorado Secretary of State for publication in the July 25, 2013 edition of *The Colorado Register*.

2. An Administrative Law Judge is assigned to this matter.

3. A Hearing on the proposed rules and related matters shall be held as follows:

DATE: ~~Wednesday~~ Tuesday, August 20, 2013¹

TIME: 9:00 ~~p.m.~~ a.m. – 5:00 p.m.

PLACE: Public Utilities Commission
1560 Broadway, Suite 250
Denver, Colorado

4. The ALJ may set additional hearings, if necessary.

5. This Order is effective upon its Mailed Date.

¹ Corrected to Tuesday at 9 a.m. by Errata Notices C13-0870-E and C13-0870-E2.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
JULY 10, 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