

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0996T

IN THE MATTER OF THE APPLICATION OF THE CITY OF AURORA, COLORADO TO
INCREASE THE EMERGENCY TELEPHONE SURCHARGE RATE.

**INTERIM DECISION GRANTING MOTION
FOR ALTERNATIVE FORM OF NOTICE
AND WAIVING RESPONSE TIME**

Mailed Date: October 9, 2014
Adopted Date: October 8, 2014

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On October 2, 2014, the City of Aurora (Aurora) filed an application to increase the emergency telephone charge from \$0.70 to \$1.20 per subscriber line per month pursuant to § 29-11-102(2)(B), C.R.S. (Application).

2. Concurrent with the Application, Aurora filed a Motion for Waiver of Statutory Notice Provisions of § 40-3-104, C.R.S., and for Authorization to Give an Alternative Form of Notice (Motion for Alternative Form of Notice).

3. Specifically, in its Motion for Alternative Form of Notice, Aurora seeks authorization to use the following alternative form of notice:

- (a) publishing notice in the legal notices section of the *Aurora Sentinel* during the 30-day period prior to the effective date of the surcharge rate increase; and
- (b) posting notice on the City of Aurora website (www.auroragov.org).

4. Aurora attaches its proposed notice as Attachment A to the Motion for Alternative Form of Notice.

5. Aurora states that § 40-3-104(I)(c)(I)(D), C.R.S., allows the Commission to authorize and prescribe an alternative form of notice. Section 40-3-104, C.R.S., sets forth the Colorado Legislature's findings as to the appropriate notice when the rates for public utility services (*e.g.*, telephone service) are changed. The Commission has interpreted § 40-3-104, C.R.S., to not apply to emergency telephone service providers because such entities are not regulated public utilities.¹

6. Nevertheless, because Aurora must obtain approval from the Commission of its proposed surcharge and must file a formal application with the Commission to obtain that approval, the Commission has authority to specify the notice that an emergency telephone provider must provide in this kind of application.

7. The Commission finds good cause to grant the Motion for Alternative Form of Notice. The content of the customer notice is approved; however, Aurora shall include "Proceeding No 14A-0996T" in the customer notice. We find that the alternative form of notice proposed by Aurora is reasonable with respect to the stakeholders and the general public. Aurora shall publish the notice in the *Aurora Sentinel* and post the notice to the Aurora website (www.auroragov.org) as set forth in its Motion for Alternative Form of Notice no later than seven days after the mail date of this Decision.

II. ORDER

A. It Is Ordered That:

1. The Motion for Waiver of Statutory Notice Provisions of § 40-3-104, C.R.S., and for Authorization to Give an Alternative Form of Notice is granted, and response time is waived, consistent with the discussion above.

¹ See Decision No. C11-1168, Proceeding No. 11A-721T issued November 1, 2011.

2. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 8, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners