

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RULES PRESCRIBING THE)
IMPLEMENTATION OF ARTICLE 17 OF TITLE)
40, COLORADO REVISED STATUTES, FOR)
TELECOMMUNICATIONS RELAY SERVICES)
FOR DISABLED USERS, TO PROVIDE FOR) DOCKET NO. 92R-347T
STATE CERTIFICATION OF THE COLORADO)
RELAY PROGRAM UNDER THE APPLICABLE)
PROVISION OF THE AMERICANS WITH)
DISABILITIES ACT OF 1990, 47 U.S.C. § 225(f).)

**COMMISSION ORDER GIVING NOTICE OF PROPOSED RULEMAKING
CONCERNING TELECOMMUNICATIONS RELAY SERVICES FOR
DISABLED USERS; and NOTICE OF RULEMAKING HEARING BEFORE
ADMINISTRATIVE LAW JUDGE FOR MONDAY AUGUST 3, 1992.**

Adopted date: June 19, 1992
Published date: July 10, 1992

The Colorado Public Utilities Commission ("PUC" or "commission") hereby gives notice of proposed rulemaking to allow the State of Colorado to have a telecommunications relay service for disabled users program which can be certified by the Federal Communications Commission as in compliance with the Americans with Disabilities Act of 1990. State certification is provided for in the applicable section of the Americans with Disabilities Act, 47 U.S.C. § 225(f).

The commission will file a notice of these proposed rules with the Office of Regulatory Reform during June 1992, because they may affect small businesses. The commission will send the notice of proposed rule-making to the Secretary of State, who will publish the notice in the Colorado Register on July 10, 1992. See Colorado Revised

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Statutes § 24-4-103.5 (1988 Repl. Vol.10A) (requiring 10-days advance notice to the office of regulatory reform); Colorado Revised Statutes § 24-4-103(3)(a) (1988 Repl. Vol.10A) (requiring a minimum of 20-days notice of hearing after publication by the secretary of state). An administrative law judge at the PUC will conduct public hearings on the proposed telecommunications relay services rules on Monday August 3, 1992 commencing at 9:30 a.m.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Executive Secretary of the Colorado Public Utilities Commission shall file with the Colorado Secretary of State the necessary documents to allow for notice of the proposed telecommunications relay services rules (attached as the Appendix to this notice of proposed rulemaking) to be published in the Colorado Register on or before July 10, 1992.

2. An administrative law judge will conduct public hearings on the proposed rules as follows:

Date: Monday August 3, 1992.

Time: 9:30 a.m.

Place: Colorado Public Utilities Commission
Logan Tower
1580 Logan Street, Office Level 2
Commission Hearing Room "B"
Denver, Colorado 80203

3. All parties wishing to participate in this docket may file an Entry of Appearance to be on the commission's official mailing list, and shall do so by Monday July 27, 1992. It is not necessary to petition to intervene.

4. Initial comments on the proposed rules shall be filed on or before Thursday July 30, 1992.

ADOPTED IN SPECIAL OPEN MEETING ON June 19, 1992.

(S E A L)



ATTEST: A TRUE COPY

Bruce N. Smith
Bruce N. Smith
Executive Secretary
and Division Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GARY L. NAKARADO

CHRISTINE E. M. ALVAREZ

Commissioners

CHAIRMAN ARNOLD H. COOK ABSENT BUT
CONCURRING.

Dated: June 30, 1992.

CR15-1230

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Telecommunications Relay
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RULES PRESCRIBING THE
IMPLEMENTATION OF ARTICLE 17 OF TITLE 40, C.R.S.
TELECOMMUNICATIONS RELAY SERVICES FOR
DISABLED TELEPHONE USERS

BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis and purpose for these rules is to implement Article 17 of title 40, C.R.S., Telecommunications Relay Services for Disabled Users. These Rules are intended to conform with the applicable section of the Federal "Americans with Disabilities Act of 1990," 47 U.S.C. Sec. 225, thereby permitting the Federal certification of the Colorado dual party relay system. The Rules are consistent with the Commission's existing quality of service Rules (4 CCR 723-2). The Rules require relay providers to communicate each message promptly and accurately, to maintain the privacy of persons who use the relay service, and to ensure the confidentiality of all parties in connection with a relayed message. The Rules specify the types of calls that are included as telecommunications relay services, and specifically requires that the costs of any long-distance service or any other service that is not a basic local exchange service be borne by the disabled telephone user. The Rules prescribe the procedures for administering the Colorado Disabled Telephone Users Fund for telecommunications relay services for disabled telephone users.

The rules are clear and simple and can be understood by persons expected to comply with them. They do not conflict with any other provision of law and there are no duplicating or overlapping rules.

The statutory authority these Rules is newly enacted §§ 40-17-101 through 104 C.R.S. (H.B. 92-1071, 1992 Session Laws).

RULE 1: DEFINITIONS

As used in this rule, unless the context otherwise requires:

- 1.1 "Local exchange provider" means a telecommunications company that provides telephone access lines to members of the general public who are its customers.

- 1.2 "Telecommunications relay services" means any telecommunications transmission services that allow a person who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability. Such term includes any service that enables two-way communication between a person who uses a telecommunications device or other nonvoice terminal device and an individual who does not use such device.
- 1.3 "Telephone access line" means the access to the local exchange network, as defined in tariffs approved by the Commission, from the premises of an end user customer of a local exchange company to the telecommunications network to effect the transfer of information.

PART 1

CONFORMATION WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 47 U.S.C. SEC. 225. ET SEQ.

Rule 2: ADOPTION OF FEDERAL REGULATIONS

For the purpose of providing telecommunications relay services in the State of Colorado, the Commission adopts the Federal Communication's Rules and Regulations (chapter 1 of Title 47 of the Code of Federal Regulations, part 64) found at §64.601, and §64.604, (a) and (b). These rules establish mandatory minimum operational and technical standards. These rules require that telecommunication relay services providers relay communicated messages promptly and accurately, maintain the privacy of persons who receive telecommunications relay services, and preserve confidentiality of all parties in connection with relayed messages.

Rule 3: ENFORCEMENT

The Commission shall resolve any complaint alleging a violation of this Rule pursuant to its normal complaint process (see the Commission's Rules of Practice and Procedure codified at 4 CCR 723-1), except that final action regarding such complaint

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shall be taken by the Commission within 180 days after the complaint is filed.

Rule 4: PUBLIC ACCESS TO INFORMATION

All local exchange providers and interexchange carriers, through publication in their directories, periodic billing inserts, placement of telecommunications relay services instructions in telephone directories, through directory assistance services, and incorporation of telecommunications relay service numbers in telephone directories, shall assure that callers in their service areas are aware of the availability and the use of telecommunications relay services.

Rule 5: JURISDICTIONAL SEPARATION OF COSTS

- 5.1 Where appropriate, the costs of providing telecommunications relay services shall be separated by the provider of such relay services between Interstate and Intrastate costs in accordance with applicable federal separations procedures and agreements (see §40-15-108(1)).
- 5.2 Costs caused by interstate telecommunication relay services shall be recovered according to applicable federal rule. Costs caused by intrastate telecommunication relay services shall be recovered from the intrastate jurisdiction consistent with this Rule.

PART 2

CONFORMATION TO COMMISSION'S QUALITY OF SERVICE RULES

RULE 6: ADOPTION OF RULE 4 CCR 723-2

The provider of the telecommunications relay services in the State of Colorado shall be subject to the Rules Regulating Telecommunications Service Providers and Telephone Utilities, found at 4 CCR, 723-2. However, where the standard or requirement of Rule 2 exceeds or is more stringent than those of this Commission's Rules found at 4 CCR 723-2, the standard or requirement of Rule 2 shall be adhered to by the telecommunications relay service provider.

PART 3

RATES

RULE 8: TYPES OF SERVICES THAT ARE INCLUDED AS TELECOMMUNICATIONS RELAY CALLS

Intrastate local, intraLATA interexchange, and interLATA interexchange calls shall be included as telecommunications relay services. The costs of any long-distance service or any other service that is not a basic local exchange service is to be borne by the telecommunications relay service user, provided that telecommunication relay service users shall pay rates no greater than the rate paid for functionally equivalent voice communication services with respect to such factors as the duration of the call, the time of day, and the distance from the point of origination to the point of termination.

PART 5

RULE 9: COMMISSION POWERS AND DUTIES

- 9.1 The Commission shall administer and contract for telecommunications relay services. The costs of the contract provider of telecommunications relay service shall be paid by the Commission, as Administrator, from the Colorado Disabled Telephone Users Fund. The contract shall conform to these rules, and shall make available adequate procedures and remedies for enforcing the requirements of this Rule.
- 9.2 Each month, the Commission shall request reimbursement of its expenses from the State Treasurer, who shall remit that amount and shall debit the same from the Colorado Disabled Telephone Users Fund.
- 9.3 The Commission may, at its own expense, audit the records of a local exchange provider.
- 9.4 The Commission shall make timely application to the Federal Communications Commission for certification of the Colorado telecommunications relay services program.

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PART 6

PROCEDURES FOR ADMINISTERING THE COLORADO DISABLED TELEPHONE USERS FUND

RULE 10: APPLICABILITY

Rules 11 through 16 are applicable to all providers of basic local exchange telecommunications services, certificated to do business in the state.

RULE 11: FUND ADMINISTRATION

The Commission shall determine, and by appropriate order, impose a uniform charge on each business and residential telephone access line in a uniform amount. So that such charge can be adjusted on or before July 1 of each year, beginning with the 1993 fiscal year, the Commission will require certain information. It is the intent of the Commission to enter appropriate orders on or before May 1 of each year to allow time for each provider to change its tariff.

To assist the Commission:

- 11.1 The contract provider of telecommunications relay services shall forward to the Commission by April 1, of each calendar its estimates of demand usage and contractual cost for the coming fiscal year.
- 11.2 Each provider of local exchange telecommunications services shall, by April 1 of each calendar year, report to the Commission its estimate of the number of telephone access lines that will be subject to the uniform charge, and its estimate of its administrative cost in imposing and collecting the surcharge; as well as the historic monthly amounts of collections generated by the surcharge, the expenses of the program, and amounts deposited with the Colorado Disabled Telephone Users Fund as managed by the State Treasurer. However, providers of basic local exchange telecommunications services, having less than 500,000 subscribers, may report using an average cost to administer.

- 11.3 The State Treasurer shall forward to the Commission by April 1 of each calendar year an accounting of the transactions occurring in the Colorado Disabled Telephone Users Fund.
- 11.4 The Commission by April 1, of each calendar year shall estimate its administrative expenses incurred under §§ 40-17-101 through 104, C.R.S. same, shall calculate the uniform charge based upon the undisputed amounts. Disputes concerning the amounts due for reimbursements from the fund, shall be resolved through the Commission's administrative hearing process.
- 11.6 If the monthly uniform charge, as determined by this Rule, per telephone access line exceeds fifteen cents, the Commission shall within twenty days prepare a report for the Legislative Appropriation Committees which would justify any additional increase in the monthly uniform charge.

RULE 12: UNIFORM CHARGE

- 12.1 The uniform charge imposed pursuant to §40-17-103(3)(a), C.R.S., shall be billed to each telephone access line provided by a local exchange provider.
- 12.2 The uniform charge shall not be included in each subscriber's bill as part of the subscriber's base rate. The uniform charge shall be listed as a separate item appearing on each customer's monthly billing statement as rendered by each local exchange provider. The charge shall be listed as the "Colorado Disabled Telephone Users Fund."
- 12.3 Upon collecting the uniform charge, each local exchange provider may retain, from the total charges collected, an amount not to exceed three-quarters of one percent of the amount of total monthly uniform charges collected by such local exchange provider, to reimburse such provider for its administrative costs in imposing and collecting the uniform charge. The provider shall remit the excess to the State Treasurer, who shall credit the same to the Colorado Disabled Telephone Users Fund.
- 12.4 Each local exchange provider shall maintain a record of the monthly uniform charge imposed on each customer and collected by the local exchange provider.

Said records shall be maintained by the local exchange provider for a period of three years from the date of billing.

**RULE 13: ADMINISTRATION OF THE FUND FOR THE
FISCAL YEAR 1992.**

For the fiscal year 1992, the Commission shall administer the Colorado Disabled Telephone Users Fund. On July 1, 1992, any moneys created by §40-17-103, as said section existed prior to July 1, 1992, shall be credited to the Fund as created by §40-17-104.

- 13.1 The uniform charge imposed pursuant to §40-17-103, C.R.S., as said section existed prior to July 1, 1992, shall continue to be billed to each telephone access line provided by a local exchange provider.
- 13.2 The uniform charge shall not be included in each subscriber's bill as part of the subscriber's base rate. The uniform charge shall be listed as a separate item appearing on each customer's monthly billing statement as rendered by each local exchange provider. The charge shall be listed as the "Colorado Disabled Telephone Users Fund."
- 13.3 Upon collecting the uniform charge, each local exchange provider may retain, from the total charges collected, an amount not to exceed three-quarters of one percent of the amount of total monthly uniform charges collected by such local exchange to reimburse such provider for its administrative costs in imposing and collecting the uniform charge. The provider shall remit the excess to the State Treasurer, who shall credit the same to the Colorado Disabled Telephone Users Fund.
- 13.4 Each local exchange provider shall maintain a record of the monthly uniform charge imposed on each customer and collected by the local exchange provider. Said records shall be maintained by the local exchange provider for a period of three years from the date of billing.

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PART 7

WAIVERS FROM RULES AND INCORPORATION OF RULES OF THE FEDERAL COMMUNICATIONS COMMISSION BY REFERENCE

RULE 14: WAIVER FROM RULES

The Commission may permit variance from these rules for good cause shown if it finds compliance to be impossible, impracticable, or unreasonable, if not otherwise contrary to law.

RULE 15: INCORPORATION BY REFERENCE

References in these rules to Part 64 are rules issued by the FCC and have been incorporated by reference in these rules. These rules may be found at 47 CFR Part 69, revised as of October 1, 1991. References to Part 64 do not include later amendments to or editions of this part. A certified copy of this part which has been incorporated by reference is maintained at the Public Utilities Commission, 1580 Logan Street, OL-2, Denver, Colorado 80203 and may be obtained through the Executive Secretary during normal business hours. A certified copy shall be provided at cost upon request.

An Act

HOUSE BILL 92-1071.

BY REPRESENTATIVES Rupert, Fagan, Kerns, Benavidez, Fleming, Greenwood, Henning, S. Johnson, June, Killian, Knox, Kopel, Lawrence, Moellenberg, Redder, Reeser, Ruddick, Tanner, Thiebaut, Webb, S. Williams, and Wright;
also SENATORS Hopper, Allison, Blickensderfer, Gallagher, Groff, J. Johnson, Leeds, Mares, Martinez, Mendez, Pascoe, Peterson, and Wham.

CONCERNING THE REVISION OF STATUTES PROVIDING FOR TELECOMMUNICATIONS RELAY SERVICES FOR PERSONS WHO ARE DISABLED TELEPHONE USERS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 17 of title 40, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

ARTICLE 17 Telecommunications Relay Services for Disabled Telephone Users

40-17-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT MANY OF COLORADO'S RESIDENTS ARE UNABLE TO UTILIZE TELECOMMUNICATIONS FACILITIES WITHOUT ASSISTANCE AND ARE THEREFORE DISABLED TELEPHONE USERS. DISABLED TELEPHONE USERS INCLUDE, BUT ARE NOT LIMITED TO, THE DEAF, THE HARD OF HEARING, THE SPEECH-IMPAIRED, THE DEAF-BLIND, AND THOSE WITH CENTRAL NERVOUS SYSTEM DISABILITIES. DISABLED TELEPHONE USERS CONSTITUTE A SUBSTANTIAL AND VALUABLE RESOURCE WITHIN THE UNITED STATES AND THE STATE OF COLORADO, AND THIS SEGMENT OF OUR POPULATION NEEDS ACCESS TO TELECOMMUNICATIONS FACILITIES IN ORDER TO BE CONTRIBUTING AND PRODUCTIVE MEMBERS OF OUR SOCIETY. THE ROLE OF TELECOMMUNICATIONS IN OUR WORLD TODAY IS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

INESTIMABLE. TELECOMMUNICATIONS IS THE PRIMARY VEHICLE OF COMMERCE AND INDUSTRY, THE MEANS TO CONVEY AND RECEIVE INFORMATION AND KNOWLEDGE, AND IS ONE OF THE WAYS WE COMMUNICATE WITH OTHERS ON A PERSONAL AS WELL AS BUSINESS LEVEL. TELECOMMUNICATIONS RESULTS IN GREATER INDEPENDENCE AND SELF-SUFFICIENCY BY EXPANDING THE CHANNELS FOR EMPLOYMENT OPPORTUNITIES, THE MARKET FOR GOODS AND SERVICES, HUMAN CONTACT, AND FELLOWSHIP. DISABLED TELEPHONE USERS SHOULD HAVE EQUAL ACCESS TO THIS CRITICAL TOOL, NOT ONLY FOR THEIR OWN SAKE, BUT FOR THE BENEFIT OF SOCIETY AT LARGE. THE ABILITY TO USE TELECOMMUNICATIONS WILL ENHANCE THE BUSINESS AND PERSONAL LIVES OF DISABLED TELEPHONE USERS, WHILE STIMULATING AND PROMOTING ECONOMIC DEVELOPMENT IN COLORADO. THE GENERAL ASSEMBLY RECOGNIZES THE VITALITY AND POTENTIAL OF COLORADO'S DISABLED, INCLUDING DISABLED TELEPHONE USERS. TELECOMMUNICATIONS IS VITAL TO OUR SOCIETY, AND ITS AVAILABILITY TO DISABLED TELEPHONE USERS IS AN INVESTMENT OF BENEFIT TO ALL OF COLORADO.

(2) THE GENERAL ASSEMBLY THEREFORE CONCLUDES THAT IT IS APPROPRIATE TO PROVIDE ACCESS TO TELECOMMUNICATIONS FOR DISABLED TELEPHONE USERS BY ESTABLISHING TELECOMMUNICATIONS RELAY SERVICES THAT REPLACE AND EXPAND THE DUAL PARTY RELAY SYSTEM REQUIRED PURSUANT TO THIS ARTICLE AS SAID ARTICLE EXISTED PRIOR TO JULY 1, 1992.

40-17-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO.

(2) "LOCAL EXCHANGE COMPANY" MEANS A TELECOMMUNICATIONS COMPANY THAT PROVIDES TELEPHONE ACCESS LINES TO MEMBERS OF THE GENERAL PUBLIC WHO ARE ITS CUSTOMERS.

(3) "TELECOMMUNICATIONS RELAY SERVICES" MEANS ANY TELECOMMUNICATIONS TRANSMISSION SERVICES THAT ALLOW A PERSON WHO HAS A HEARING OR SPEECH DISABILITY TO COMMUNICATE BY WIRE OR RADIO IN A MANNER THAT IS FUNCTIONALLY EQUIVALENT TO THE ABILITY OF A PERSON WHO DOES NOT HAVE A HEARING OR SPEECH DISABILITY. SUCH TERM INCLUDES ANY SERVICE THAT ENABLES TWO-WAY COMMUNICATION BETWEEN A PERSON WHO USES A TELECOMMUNICATIONS DEVICE OR OTHER NONVOICE TERMINAL DEVICE AND A PERSON WHO DOES NOT USE SUCH A DEVICE.

(4) "TELEPHONE ACCESS LINE" MEANS THE ACCESS TO THE LOCAL EXCHANGE NETWORK, AS DEFINED IN TARIFFS APPROVED BY THE COMMISSION, FROM THE PREMISES OF AN END USER CUSTOMER OF A LOCAL EXCHANGE COMPANY TO THE TELECOMMUNICATIONS NETWORK TO EFFECT THE TRANSFER OF INFORMATION.

40-17-103. Commission - powers and duties. (1) THE COMMISSION SHALL ADMINISTER AND CONTRACT FOR TELECOMMUNICATIONS RELAY SERVICES.

(2) THE COMMISSION SHALL ADOPT RULES FOR THE IMPLEMENTATION OF THIS ARTICLE. THE RULES SHALL:

(a) CONFORM WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 47 U.S.C. SEC. 225, ET SEQ., INCLUDING PROVISION FOR STATE APPLICATION TO THE FEDERAL COMMUNICATIONS COMMISSION FOR CERTIFICATION;

(b) BE CONSISTENT WITH THE COMMISSION'S QUALITY OF SERVICE RULES;

(c) REQUIRE THAT PROVIDERS RELAY COMMUNICATED MESSAGES PROMPTLY AND ACCURATELY, MAINTAIN THE PRIVACY OF PERSONS WHO RECEIVE TELECOMMUNICATIONS RELAY SERVICES, AND PRESERVE CONFIDENTIALITY OF ALL PARTIES IN CONNECTION WITH RELAYED MESSAGES;

(d) SPECIFY THE TYPES OF CALLS THAT ARE INCLUDED AS TELECOMMUNICATIONS RELAY SERVICES, SPECIFICALLY REQUIRING THAT THE COSTS OF ANY LONG-DISTANCE SERVICE OR ANY OTHER SERVICE THAT IS NOT A BASIC LOCAL EXCHANGE SERVICE BE BORNE BY THE DISABLED TELEPHONE USER.

(3) THE COMMISSION SHALL, THROUGH THE PROMULGATION OF RULES, DEVELOP AND IMPLEMENT A MECHANISM TO RECOVER ITS COSTS AND THE COST TO LOCAL EXCHANGE COMPANIES IN IMPLEMENTING AND ADMINISTERING TELECOMMUNICATIONS RELAY SERVICES REQUIRED BY THIS ARTICLE. THE MECHANISM SHALL, AT A MINIMUM, PROVIDE FOR THE FOLLOWING:

(a) THE ASSESSMENT OF A MONTHLY SURCHARGE ON EACH TELEPHONE ACCESS LINE, WHICH SURCHARGE MAY BE ADJUSTED BY THE COMMISSION IN ACCORDANCE WITH PARAGRAPH (d) OF THIS SUBSECTION (3). THE MONTHLY SURCHARGE SHALL BE AN AMOUNT SUFFICIENT TO REIMBURSE THE COMMISSION FOR ITS COSTS IN DEVELOPING, IMPLEMENTING, AND ADMINISTERING TELECOMMUNICATIONS RELAY SERVICES, WHICH ADMINISTRATIVE COSTS SHALL NOT EXCEED THREE PERCENT OF THE TOTAL COSTS, TO REIMBURSE LOCAL EXCHANGE COMPANIES FOR THEIR ADMINISTRATIVE COSTS IN IMPOSING AND COLLECTING THE SURCHARGE, AND TO COVER THE COSTS OF PROVIDERS IN RENDERING THE SERVICE;

(b) A REQUIREMENT THAT THE MONTHLY SURCHARGE BE IMPOSED UPON AND COLLECTED FROM EACH INDIVIDUAL TELEPHONE ACCESS LINE PROVIDED BY A LOCAL EXCHANGE COMPANY;

(c) A REQUIREMENT THAT THE SURCHARGE BE LISTED AS A SEPARATE ITEM THAT APPEARS ON EACH CUSTOMER'S MONTHLY BILLING

STATEMENT;

(d) AN ANNUAL ADJUSTMENT TO THE SURCHARGE BY THE COMMISSION WHEN NECESSARY TO ACCURATELY REFLECT A CHANGE IN THE COST OF PROVIDING TELECOMMUNICATIONS RELAY SERVICES;

(e) THE AUTHORITY OF A LOCAL EXCHANGE COMPANY TO DEDUCT AND RETAIN AS REIMBURSEMENT FOR ITS ADMINISTRATIVE COSTS AN AMOUNT NOT TO EXCEED THREE-QUARTERS OF ONE PERCENT OF THE AMOUNT OF TOTAL MONTHLY SURCHARGES COLLECTED BY SUCH LOCAL EXCHANGE COMPANY. IN ADDITION, THE MECHANISM SHALL INCLUDE A REQUIREMENT THAT ANY REMAINING AMOUNT OF MONEYS BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE "COLORADO DISABLED TELEPHONE USERS FUND" CREATED BY SECTION 40-17-105.

(f) A REQUIREMENT THAT EACH LOCAL EXCHANGE COMPANY MAINTAIN A RECORD OF THE MONTHLY SURCHARGE IMPOSED ON EACH CUSTOMER AND COLLECTED BY THE LOCAL EXCHANGE COMPANY. THE RECORD OF ANY MONTHLY SURCHARGE IMPOSED AND COLLECTED SHALL BE MAINTAINED FOR THREE YEARS FROM THE DATE OF BILLING. THE COMMISSION MAY REQUIRE AN AUDIT OF A LOCAL EXCHANGE COMPANY'S RECORDS, WHICH AUDIT SHALL BE AT THE COMMISSION'S EXPENSE.

(4) THE COMMISSION SHALL PREPARE AND SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY CONCERNING THE OPERATION AND EFFECTIVENESS OF TELECOMMUNICATIONS RELAY SERVICES. IF THE MONTHLY SURCHARGE ON EACH TELEPHONE ACCESS LINE EXCEEDS FIFTEEN CENTS, THE COMMISSION SHALL WITHIN TWENTY DAYS PREPARE A REPORT FOR THE LEGISLATIVE APPROPRIATION COMMITTEES WHICH WOULD JUSTIFY ANY ADDITIONAL INCREASE IN THE SURCHARGE.

40-17-104. Colorado disabled telephone users fund - creation - purpose. EXCEPT AS OTHERWISE AUTHORIZED TO BE RETAINED BY SECTION 40-17-103 (3) (e), ALL MONEYS COLLECTED BY THE LOCAL EXCHANGE COMPANIES IN ACCORDANCE WITH SAID SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE "COLORADO DISABLED TELEPHONE USERS FUND", WHICH FUND IS HEREBY CREATED AND IS REFERRED TO IN THIS ARTICLE AS THE "FUND". ON JULY 1, 1992, ANY MONEYS IN THE "COLORADO DISABLED TELEPHONE USERS FUND" CREATED BY SECTION 40-17-103, AS SAID SECTION EXISTED PRIOR TO JULY 1, 1992, SHALL BE CREDITED TO THE FUND AS CREATED BY THIS SECTION. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS OUT OF SUCH FUND FOR THE ADMINISTRATION OF THE FUND. THE MONEYS IN SUCH FUND NOT USED FOR ADMINISTRATION OF SUCH FUND ARE HEREBY CONTINUOUSLY APPROPRIATED TO THE PUBLIC UTILITIES COMMISSION FOR THE REIMBURSEMENT OF PROVIDERS WHO RENDER TELECOMMUNICATIONS SERVICES AUTHORIZED BY THIS ARTICLE.

SECTION 2. 24-1-120 (5), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

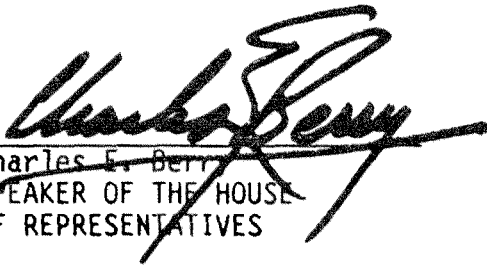
24-1-120. Department of social services - creation.
(5) ~~The department of social services shall include the Colorado commission for disabled telephone users created by section 40-17-104, C.R.S. Said commission shall exercise its powers and perform its duties and functions as if transferred by a type-1 transfer to the department of social services.~~


SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the disabled telephone users cash fund not otherwise appropriated, to the department of regulatory agencies for allocation to the public utilities commission to cover the costs of administering the Colorado disabled telephone users fund, for the fiscal year beginning July 1, 1992, the sum of sixty-six thousand nine hundred fifty-three dollars (\$66,953) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.


SECTION 4. Effective date. This act shall take effect July 1, 1992.

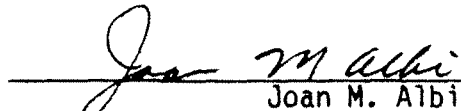
SECTION 5. Safety clause. The general assembly hereby

finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.



Charles E. Berry
SPEAKER OF THE HOUSE
OF REPRESENTATIVES


Ted L. Strickland
PRESIDENT OF
THE SENATE


Lee C. Bahrych
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES


Joan M. Albi
SECRETARY OF
THE SENATE

APPROVED June 2, 1992 at 4:20 P.M.


Roy Romer
GOVERNOR OF THE STATE OF COLORADO