

(Decision No. R94-508)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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PROPOSED REVISIONS TO THE)	
COLORADO PUBLIC UTILITIES)	DOCKET NO. 93R-686T
COMMISSION'S RULES FOR EMERGENCY)	
REPORTING TELECOMMUNICATIONS)	RECOMMENDED DECISION OF
SERVICE PROVIDERS AND TELEPHONE)	ADMINISTRATIVE LAW JUDGE
UTILITIES FOUND AT 4 CCR 723-29.))	JOHN B. STUELPNAGEL

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Mailed Date: April 27, 1994
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Appearances: Walter M. Kelly, II, Esq.,
Denver, Colorado, for U S WEST
Communications, Inc.

STATEMENT OF THE CASE

By Decision No. C93-1494, issued November 30, 1993, the Public Utilities Commission established Docket No. 93R-686T and gave Notice of Proposed Rulemaking regarding Rules for Emergency Reporting Telecommunications Service Providers and Telephone Utilities found at 4 CCR 723-29. The proposed changes to the rules would allow for the certification of Basic Emergency Providers, other than existing Local Exchange Providers, proposed limits to the use of the private information contained in a 911 Database, reduce the reporting requirements of the Local Exchange/Basic Emergency Service Providers, and establish additional rules concerning restoration of 911 services in the event of unforeseen outages.

The Notice of Proposed Rulemaking was directed to be filed with the Secretary of State for publication in the December 10, 1993, copy of The Colorado Register. At the same time of filing with the Secretary of State, notice was also directed to be filed with the Office of Regulatory Reform. Hearing on the proposed rule modifications was set for January 14, 1994, at 9:00 a.m. in the Commission Hearing Room, Office Level 2 (OL2), Logan Tower, 1580 Logan Street, Denver, Colorado.

Hearing commenced January 14, 1994, as scheduled, and minor modifications were suggested by both Staff and U S WEST Communications, Inc. These minor modifications should be accepted by the Commission.

The Commission finds that Rules 9 and 10 of the Commission's Rules for Emergency Reporting Telecommunications Service Providers and Telephone Utilities found at 4 CCR 723-29 as found

in Appendix A to this decision should be adopted by the Commission as rule modifications, and Rules 9 and 10 should be modified as set forth in Appendix A. All modifications are clear, simple, and can be understood by the persons expected to comply with the same. They do not conflict with any provisions of law, and are inactive in compliance with the statutory authority cited.

Rule modifications should be submitted to the Office of the Attorney General for opinion for legality and constitutionalities required by statute.

Pursuant to the provisions of § 40-6-109, C.R.S., the Administrative Law Judge transmits to the Commission the record of this proceeding and recommends the Commission enter the following order.

ORDER

THE COMMISSION ORDERS THAT:

1. The revisions to the Colorado Public Utilities Commission's Rules for Emergency Reporting Telecommunications Service Providers and Telephone Utilities found at 4 CCR 723-29, attached to this Decision as Appendix A, are adopted as modifications to the Rules for Emergency Reporting Telecommunications Service Providers and Telephone Utilities.

2. All modifications found in Appendix A to this Decision shall be effective 20 days after publication by the Secretary of State.

3. An opinion of the Attorney General of the State of Colorado shall be properly sought regarding the constitutionality and legality of modifications to rules found in Appendix A to this Decision.

4. The Commission Director shall file with the Office of the Secretary of State of Colorado, for publication in The Colorado Register a copy of modifications of the rules found in Appendix A adopted by this Decision, and when obtained, a copy of the opinion of the Attorney General of the State of Colorado regarding the constitutionality and legality of these rules.

5. The modifications found at Appendix A should be submitted by the Commission's Director to the appropriate committee of reference of the Colorado General Assembly, if the General Assembly is in session at the time this Order becomes effective, or to the committee on legal services, if the General Assembly is not in session, for its opinion as to whether the adopted rules conform with § 24-4-103, C.R.S.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

7. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. IF NO EXCEPTIONS ARE FILED WITHIN 20 DAYS AFTER SERVICE OR WITHIN ANY EXTENDED PERIOD OF TIME AUTHORIZED, OR UNLESS THE DECISION IS STAYED BY THE COMMISSION UPON ITS OWN MOTION, THE RECOMMENDED DECISION SHALL BECOME THE DECISION OF THE COMMISSION AND SUBJECT TO THE PROVISIONS OF § 40-6-114, C.R.S.
- b. IF A PARTY SEEKS TO AMEND, MODIFY, ANNUL, OR REVERSE BASIC FINDINGS OF FACT IN ITS EXCEPTIONS, THAT PARTY MUST REQUEST AND PAY FOR A TRANSCRIPT TO BE FILED, OR THE PARTIES MAY STIPULATE TO PORTIONS OF THE TRANSCRIPT ACCORDING TO THE PROCEDURE STATED IN § 40-6-113, C.R.S. IF NO TRANSCRIPT OR STIPULATION IS FILED, THE COMMISSION IS BOUND BY THE FACTS SET OUT BY THE ADMINISTRATIVE LAW JUDGE AND THE PARTIES CANNOT CHALLENGE THESE FACTS. THIS WILL LIMIT WHAT THE COMMISSION CAN REVIEW IF EXCEPTIONS ARE FILED.

8. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOHN B. STUELPNAGEL

Administrative Law Judge

JBS:srs

**RULES PRESCRIBING THE
PROVISION OF EMERGENCY
REPORTING SERVICES FOR
EMERGENCY TELECOMMUNICATIONS
SERVICE PROVIDERS AND
TELEPHONE UTILITIES**

4 CCR 723-29

(3) **ALI Database Provider:** Any person who, on a for-profit or not-for-profit basis, undertakes the provision of the Automatic Location Information ("ALI") to the Basic Emergency Services Provider and the Governing Body for a specific Geographic Area.

(4) **Automatic Number Identification (ANI):** The automatic equipment at a local central office used on customer-dialed calls to identify the calling station. This information also may be sent over the trunk that connects the calling party's central office to other central office switches.

(5) **Basic Emergency Service:** A Part 2 Regulated Telecommunications Service (§ 40-15-201(2)(b), C.R.S.) permitting the use of the basic local exchange system and the single three-digit number 911 for reporting police, fire, medical, or other emergency situations to a Public Safety Answering Point ("PSAP") and referral to a Public Agency. Basic Emergency Service does not include discretionary equipment purchased by, or contracted for, Governing Bodies but not essential to the provision of 911 or E911 service.

(6) **Basic Emergency Service Provider:** Any properly authorized Provider who undertakes the aggregation and transportation of "911" calls from the local exchange Provider to a Governing Body.

(7) **Basic Local Exchange Service:** The telecommunications service which provides a local dial tone line and local usage necessary to place or receive a call within an exchange area regulated pursuant to part 2 of Title 40, Article 15 of the Colorado Revised Statutes, as further defined by rules of this Commission from time to time. (Source: § 40-15-102(3), C.R.S.)

(8) **E911 Features:** The ANI, ALI database and selective routing capabilities and all other components of an E911 system, not including the transport and switching facilities.

(9) **E911 Tandem:** The switch that receives E911 calls from the originating local exchange central offices, employs the ANI information associated with such calls from the originating central office, determines the correct destination of the call, and forwards the call and the ANI information to that destination.

RULE 3: PROCESS FOR CERTIFICATION OF EMERGENCY SERVICE PROVIDERS

(1) The Commission finds and declares that the public convenience and necessity require the provision of Basic Emergency Service within each local exchange area within the State of Colorado, and that such Basic Emergency Service is vital to the public health and safety and shall be provided as soon as reasonably practicable, but in no event later than December 31, 1992. Basic Emergency Service shall be provided solely by properly certificated Basic Emergency Service Providers.

(2) A Local Exchange Provider certificated to serve a specific Geographic Area pursuant to §§ 40-5-101 through 40-5-103, C.R.S., shall be authorized to provide Basic Emergency Service within its service area without having to obtain a new certificate, but shall file with the Commission a report detailing the means by which it will provide the services, as more specifically required in Rule 3(4).

(a) The Commission, upon receipt of a complaint, or upon its own motion, may determine that the existing certificated Local Exchange Provider in a particular Geographic Area is unwilling or unable to provide adequate basic emergency

service. Where such a determination is made the Commission may, for the limited purpose of providing Basic Emergency Service, certify the application of another Basic Emergency Service Provider to offer the service. The Commission shall determine adequacy of service according to various factors, including the price of such service.

(3) An application for authority to provide Basic Emergency Service in areas outside of its certificated area shall contain all information required pursuant to Rule 55 of the Rules of Practice and Procedure of the Colorado Public Utilities Commission, in addition to the following information:

(a) The Geographic Area intended to be served pursuant to the application;

(b) The name, address, and telephone number of the Local Exchange Provider certificated to serve the Geographic Area which is the subject of the application;

(c) Where the applicant has previously filed with the Commission current reports which contain the information required in this Rule 3, it may certify that such filing has been previously made, and designate the date and title of such filing for the Commission's reference in lieu of filing in connection with this Rule 3.

RULE 8: COIN PHONE PROVIDERS

All coin phone providers, including providers of coinless pay telephones, shall arrange the instruments, as soon as practicable, such that 911 calls may be placed without the necessity for depositing a coin or the application of other charge. This rule applies to coin instruments provided by the Local Exchange Providers as well as customer-owned and operated coin telephone instruments. However, coin or coinless telephones provided to inmates in penal institutions need not provide access to 911.

RULE 9: NON-DISCLOSURE OF NAME/NUMBER/ADDRESS INFORMATION

(1) Pursuant to the Privacy Rules found at 4 CCR 723-7, no Local Exchange Provider shall disclose personal information of any person to any Basic Emergency Service Provider, ALI Database Provider or Governing Body unless the potential recipients certify to the Local Exchange Provider that they have adopted procedures for non-disclosure of personal information consistent with this Rule 9.

(2) All Basic Emergency Service Providers, ALI Database Providers, and Governing Bodies shall develop a manual that defines the procedures that will be used to

prevent disclosure of personal information, defined in the Privacy Rules, Rule 2.1, 4 CCR 723-7. The manuals should include, but are not limited to, the following:

- (a) A description of the information that is considered personal pursuant to the Privacy Rules;
 - (b) A definition of authorized and unauthorized disclosure of personal information;
 - (c) The training procedure to inform employees that are the recipient of this information on non-disclosure requirements;
 - (d) The procedure for informing the Local Exchange Provider that an unauthorized disclosure of personal information for other than emergency purposes has occurred;
- (3) While the manuals need not be filed with and approved by the Commission, each recipient of personal information for the ALI Database preparation must certify in writing to the Commission that they have prepared a manual which must be made available to the Commission upon request.
- (4) In the event of the disclosure of personal information by the Basic Emergency Service Provider, the ALI Database Provider, or Governing Body, the applicable tariffed rates for changing a telephone number of the Local Exchange Provider shall be applied to the party responsible for disclosing this information.

(5) The ALI database information shall not be used for purposes other than for responding to requests for emergency assistance. For example, the ALI database contains listed as well as non-listed/non-published telephone numbers. Use of the ALI database to obtain non-listed/non-published numbers for purposes other than responding to requests for emergency assistance is prohibited. However, a query, or reverse search of the ALI database, initiated at the PSAP to electronically obtain the ALI data associated with a known telephone for purposes of handling an emergency call is permitted.

RULE 10: PRIORITY SERVICE RESTORATION/DIVERSE ROUTING:

(1) 911 Facilities should be diversely routed, using different circuit routes wherever feasible. When diverse routing is requested by the Governing Body, the Local Exchange Provider and/or Basic Emergency Service Provider shall develop cost-based tariffed rates for diverse routing of 911 circuits. Local Exchange Providers should ensure that current 911 circuit routing profiles are maintained and circuits are individually tagged where possible to prevent inadvertent disruption.

(2) Local Exchange Providers, Basic Emergency Service Providers, and ALI Database Providers shall develop cost-based tariffed rates for priority service restoration of 911 services provided upon request by the Governing Body.

(3) Each Governing Body shall designate a person, agency, or responsible party that shall be notified of a present or potential failure of any of the 911 facilities. Such designee shall be immediately notified of the nature, extent, and corrective actions being taken to correct the present or potential failure of 911 services. In the event outage of 911 service provided by a Local Exchange Provider and/or Basic Emergency Service Provider exceeds four hours, a written report shall be made to the Commission that outlines the nature, extent, and corrective action taken. This report shall be filed within three business days of such outage.

(4) In the event an outage of 911 Service provided by a Basic Emergency Service Provider is anticipated to exceed four hours, and at the request of the Governing Body/PSAP, Local Exchange Providers shall arrange to temporarily re-route 911 calls to another PSAP, to a local telephone number or to provide another mutually agreed upon arrangement for temporarily answering 911 calls until 911 Service can be restored. Each Governing Body/PSAP shall provide to their respective Local Exchange Providers, an alternate routing plan and shall be responsible for updating these plans to be utilized in the event of a failure of the facilities connecting the Local Exchange Provider to the Basic Emergency Service Provider, facilities connecting the Basic Emergency Service Provider to the Governing Body/PSAP, or failure of the facilities of the Basic Emergency Service Provider. Nothing in this rule shall preclude the Basic Emergency Service Provider or the

Local Exchange Provider from the development and tariffing of permanent equipment or alternate route solutions to mitigate 911 Service outages.

RULE 11: WAIVERS

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

RULE 12: REPORTS

Each Basic Exchange Service Provider and Basic Local Exchange Service Provider shall report to the Commission its progress in the implementation of Basic Emergency Service in each local exchange area of the State. Such reports shall be filed with its Annual Report.

RULE 13: ADVISORY TASK FORCE

The Commission shall establish an Advisory Task Force comprised of customers of Basic Emergency Service and ALI Database Service Providers and the Providers of Basic Emergency Services and ALI Database Services. The purpose of the Advisory Task Force is to provide oversight of the statewide implementation of Basic Emergency Service. The

Advisory Task Force shall make future recommendations and report to the Commission regarding, among other things, development of database formatting standards and processes to facilitate the transfer of ALI data, and generally regarding the implementation of 911 services in Colorado. The Advisory Task Force shall be comprised of equal representation from consumer groups, Governing Bodies, Local Exchange Companies, including Independent Telephone Companies, Basic Emergency Service and ALI Database Providers. Commission Staff shall be responsible for administering the Advisory Task Force and facilitating its meetings and agenda. The Advisory Task Force shall evaluate alternate technologies, service, and pricing issues related to implementing statewide 911 services in a cost effective fashion. The Commission Staff shall provide periodic reports to the Commission on the implementation of 911 services statewide.

(Decision No. R94-508-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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PROPOSED REVISIONS TO THE COLORADO)
PUBLIC UTILITIES COMMISSION'S RULES)
FOR EMERGENCY REPORTING)
TELECOMMUNICATIONS SERVICE)
PROVIDERS AND TELEPHONE UTILITIES,)
FOUND AT 4 CCR 723-29.)

DOCKET NO. 93R-686T

ERRATA NOTICE

Mailed Date: April 27, 1994
Decision No. R94-508

Recommended Decision of Administrative Law Judge

Colorado Public Utilities Commission Decision No. R94-508, "Recommended Decision of Administrative Law Judge," is hereby corrected to replace 4 CCR 723-29, Rule 9(5) of the attachment of that decision with the following:

(5) The ALI Database information shall not be used for purposes other than for responding to requests for 911 emergency assistance. For example, the ALI Database contains listed as well as non-listed/non-published telephone numbers. Use of the ALI Database to obtain non-listed/non-published numbers for purposes other than responding to requests for 911 emergency assistance is prohibited. However, a query, or reverse search of the ALI Database, initiated at the PSAP to electronically obtain the ALI data associated with a known telephone for purposes of handling an 911 emergency call is permitted.

(SEAL)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Bruce N. Smith

BRUCE N. SMITH
Director

Dated at Denver, Colorado, this
6th day of May, 1994.