

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE AMENDMENTS)
TO RULES REGARDING QUALITY OF)
TELECOMMUNICATIONS SERVICE OF)
THE PUBLIC UTILITIES COMMIS-)
SION'S RULES REGULATING TELECOM-)
MUNICATIONS SERVICE PROVIDERS)
AND TELEPHONE UTILITIES,)
4 CCR 723-2.)

DOCKET NO. 95R-140T

ORDER DENYING APPLICATION FOR REHEARING,
REARGUMENT, OR RECONSIDERATION

- - - - -
Mailed Date: January 26, 1996
Adopted Date: January 24, 1996
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I. BY THE COMMISSION:

Statement

1. This matter comes before us for consideration of the Application for Reconsideration of Commission's Decision Adopting Rules filed by U S WEST Communications, Inc. ("USWC"), on January 11, 1996. In that application, USWC requests modification of the rules proposed for adoption in Decision No. C95-1237. The rules adopted in that decision (pending consideration of any application for rehearing, reargument, or reconsideration) establish requirements relating to customer calls to telephone companies for service repair or to companies' business offices; specify how violations of the established standards will be measured¹; and establish new standards for clearance of out-of-service reports by telephone companies.

¹ Decision No. C95-1237 explains that the specification of how violations will be measured is essentially a component of the adopted standard for the provision of adequate telephone service. As such, these provisions are within the authority of the Commission to adopt.

2. USWC, in its application for reconsideration, objects to the rules for various reasons. We deny the request for reconsideration. The arguments advanced in USWC's application are, for the most part, sufficiently addressed in Decision No. C95-1237. Generally, we find that the record in this proceeding supports the standards adopted in the rules, and that those standards are reasonable and appropriate in all respects.

3. In addition, we specifically reject USWC's suggestion, in its application for reconsideration, that the definition of "out-of-service trouble report" (Rule 2.33.1) is beyond the scope of the Notice of Proposed Rulemaking issued in this proceeding. Section 24-4-103(3)(a), C.R.S., simply requires that a notice of proposed rulemaking set forth ". . . either the terms or the substance of the proposed rule or a description of the subjects and issues involved." We conclude that a rule defining "out-of-service trouble report" is consistent with the subjects and issues noticed in this case. As such, Rule 2.33.1 is within the scope of the Notice of Proposed Rulemaking which initiated this proceeding. Moreover, the language in the rule which USWC finds objectionable (i.e., inability of a customer to send or receive facsimile or data transmission at a minimum of 2,400 bits per second) is consistent with the existing definition of basic telephone service. See Rule 17.1.3, 4 *Code of Colorado Regulations* 723-2.

4. USWC also objects to the rules' (i.e., Rules 21.2.4 and 22) failure to specifically define the term "month." We note that the term is commonly understood. See § 2-4-106, C.R.S. (the word "month" in Colorado statutes means a calendar month). Therefore, no need exists to set forth a specific definition in the rules.

5. For the reasons stated in this order and in Decision No. C95-1237, we deny the application for reconsideration filed by USWC.

II. ORDER

A. The Commission Orders That:

1. The Application for Reconsideration of Commission's Decision Adopting Rules filed by U S WEST Communications, Inc., is denied.

2. The Rules appended to Decision No. C95-1237 as Attachment 1 are hereby adopted.

3. This Order is effective on its Mailed Date.

B. ADOPTED IN OPEN MEETING January 24, 1996.

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith

Bruce N. Smith
Director

**THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO**

ROBERT J. HIX

CHRISTINE E. M. ALVAREZ

VINCENT MAJKOWSKI

Commissioners