

Decision No. C02-149

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 01R-422T

IN THE MATTER OF PROPOSED AMENDMENTS TO THE RULES PRESCRIBING
THE PROVISION OF EMERGENCY 9 1 1 SERVICES FOR EMERGENCY
TELECOMMUNICATIONS SERVICE PROVIDERS AND BASIC LOCAL EXCHANGE
CARRIERS, 4 CCR 723-29.

DECISION LIFTING STAY AND DENYING EXCEPTIONS

Mailed Date: February 21, 2002

Adopted Date: January 24, 2002

I. BY THE COMMISSION

A. Statement

This matter comes before the Commission for consideration of Exceptions to Decision No. R01-1250 ("Recommended Decision") filed by Qwest Corporation ("Qwest") on January 2, 2002.¹ In that decision, the Administrative Law Judge ("ALJ") recommended that the Commission adopt certain amendments to the Rules Regarding Emergency 9-1-1 Services for Emergency Telecommunications Service Providers, Basic Local Exchange Carriers, 4 Code of Colorado Regulations ("CCR") 723-29. The amendments were proposed pursuant to § 29-11-106(3), C.R.S., in which the General Assembly instructed that "The public utilities

¹ Qwest originally filed an Application for Reconsideration, Reargument or Rehearing. The title was corrected pursuant to an Errata filed on January 4, 2002.

commission may promulgate rules to implement this section in accordance with article 4 of title 24, C.R.S.” In its Exceptions, filed pursuant to § 40-6-109(2), C.R.S., Qwest urges that the Commission refrain from adopting any new amendments, stating that “at this time . . . the proposed amendments are unnecessary and are not required by [the statute].” The Colorado Office of Consumer Counsel (“OCC”) filed its Response on January 7, 2002. The Public Utilities Commission’s 9-1-1 Advisory Task Force, through spokesperson James Anderson, filed comments in support of the proposed rules on January 17, 2002. Now being duly advised in the matter, we deny Qwest’s Exceptions but modify portions of the proposed rule amendments.

B. Discussion

1. This rulemaking proceeding began following the adoption of House Bill (“HB”) 01-1084, codified at §§ 29-11-100.5, -101, and -106, C.R.S. That Act provided for a funding mechanism for 9-1-1 and enhanced 9-1-1 services for wireless telephone service users. See § 29-11-100.5(1), C.R.S. The Act also directed multi-line telephone system (“MLTS”) operators to give instructions to their end users regarding 9-1-1 dialing, as well as location and telephone number identification capabilities of the MLTS. See § 29-11-100.5(2), C.R.S.

2. The Commission gave notice of a proposed rulemaking regarding amendments to its Rules Regarding Emergency

9-1-1 Services for Emergency Telecommunications Service Providers, Basic Local Exchange Carriers, 4 CCR 723-29, on September 21, 2001. See § 24-4-103(3)(a), C.R.S. The Commission gave notice to the Secretary of State on September 24, 2001. See § 24-4-103(11)(d), C.R.S.

3. After a hearing in which Qwest, the OCC, the Colorado Association of Commerce and Industry, Intrado Communication, Inc., Sergeant Patrick Hauge of the Boulder County Sheriff's Office, and Jaci Louise of Summit County, Colorado, gave oral comments,² the ALJ issued the Recommended Decision, dated December 12, 2001.

1. Qwest's Exceptions

a. Qwest lists three objections to the Recommended Decision. We address each in turn. First, Qwest asserts that the proposed amendments to the Commission's Rules are unnecessary at this time because HB 01-1084 already clearly defines MLTS operators' obligations. The OCC responds that, in compliance with Colorado's Administrative Procedure Act ("State APA"), §§ 24-4-101 to -108, C.R.S., a need for the rules is evidenced in the record of this rulemaking proceeding. Section 24-4-103(4)(b)(I), C.R.S.

² Qwest and the OCC filed written comments as well.

b. We agree with the OCC that the record from this rulemaking proceeding demonstrates that a need for the proposed rules exists. Section 29-11-106(1), C.R.S., states:

When the method of dialing a local call from an MLTS telephone requires the dialing of an additional digit to access the public switched network, MLTS operators shall provide written information to their end-users describing the proper method of dialing 9-1-1 from an MLTS telephone in an emergency. MLTS operators that do not give the [automatic number identification], the [automatic location identification], or both shall disclose such fact in writing to their end-users and instruct them to provide their telephone number and exact location when calling 9-1-1.

Thus, in HB 01-1084, the General Assembly pronounced a clear mandate. However, the proposed rules are necessary to instruct MLTS operators how to comply with that mandate.

c. At the November 2, 2001 hearing, the Colorado Association of Commerce and Industry commented that many of its members will be affected by HB 01-1084, and thus welcomed amended rules that detail how to comply with HB 01-1084, so long as they are narrowly tailored. The OCC voiced oral and written support for the rules. Sergeant Haugse stated that the Boulder County Sheriff's Office supported the amendments because it is so important that those who respond to 9-1-1 calls know the exact location of the callers. Intrado Communications and Summit County, Colorado, also voiced support for the amendments at the hearing. Because we find that a need

for the proposed rules is evidenced in the record, we deny Qwest's Exceptions on this point.

d. Second, Qwest asserts that, in accordance with the State APA, the Commission erred in failing to include in the evidentiary record of the rulemaking a "regulatory analysis" that lists: (1) the classes of persons affected by the proposed rule; (2) the financial impact of the proposed rule on the persons affected as well as on implementation and enforcement; (3) the costs and benefits of the rule be it implemented or not; and (4) alternative methods for achieving the purpose of the proposed rule. Qwest directs the Commission to § 24-4-103(4.5)(a)(I-VI), C.R.S.

e. The OCC responds that § 24-4-103(4.5)(a), C.R.S., only mandates preparation of this regulatory analysis "[u]pon request of any person, at least fifteen days prior to the hearing."

f. Section 24-4-103(4.5)(a), C.R.S., requires an agency to prepare a regulatory analysis only if requested at least fifteen days prior to the hearing. The language of this section is clear. Additionally, subsection (8.1)(b) of the same statute mandates that "The agency rule-making record shall contain . . . A copy of any regulatory analysis prepared for the proceeding upon which the rule is based, *if applicable*" § 24-4-103(8.1)(b)(V), C.R.S. (emphasis added). If the

regulatory analysis were always required, the final portion of subsection (8.1)(b)(V) would be superfluous and enigmatic, and we decline to read such a meaning into an otherwise clear statute. Because no person, including Qwest, requested a § 24-4-103(4.5), C.R.S., regulatory analysis in this matter, Qwest may not now claim that the Commission erred in not preparing the analysis. We therefore deny Qwest's Exceptions on this second point.

g. Qwest's third contention is that, since rule promulgation is a function within an agency's discretion, the Commission should adopt a "wait and see" approach to adopting the rules. The OCC agrees that promulgation of the rules is within the Commission's discretion, but insists that, having met the statutory requirements of the State APA, the Commission should not delay in promulgating the rules.

h. The record of this rulemaking proceeding evinces a need for the proposed rules. Since a present need is shown to exist, we determine it unwise to adopt Qwest's suggested "wait and see" approach.

i. In short, § 24-4-103(4)(b), C.R.S., requires five things of a regulatory agency when promulgating rules: (1) the record of the rulemaking proceeding must demonstrate the need for the rules; (2) the proper statutory authority must exist for the new rules; (3) to the extent possible, the

regulation must be clearly and simply stated so that its meaning is clearly understood by any party required to comply with the rule; (4) the regulation must not conflict with other provisions of law; and (5) the duplication or overlapping of rules must be explained by the agency. The record in this rulemaking proceeding shows compliance with these requirements.³

j. Because the record as a whole comports with the State APA, and most importantly because we find that a need for the proposed rules exists, we deny Qwest's Exceptions, and adopt the Recommended Decision and the proposed rules. However, we amend the proposed rules in two aspects.

2. Amendments to Proposed Rules

a. Pursuant to § 29-11-106(3), C.R.S., the Commission has the statutory power to "promulgate rules to implement this section." The Commission, therefore, is only authorized to reach what is addressed in § 29-11-106, C.R.S.

b. Substantively, § 29-11-106, C.R.S., does two things. First, it instructs MLTS operators that they must inform their end-users of the proper method for dialing 9-1-1 from an MLTS telephone. Second, the section mandates that, if an MLTS telephone does not have automatic number identification or automatic location identification, the MLTS operator must

³ No party has suggested that the requirements of (2) - (5) are lacking.

instruct its end-users to stay on the line and give their telephone number and exact location when calling 9-1-1.

c. The rules, as proposed, closely follow the statute. Proposed Rule 723-29-10.1 tracks the first mandate of § 29-11-106, C.R.S., and its subsections specify *how* to comply with the statute's mandate. Similarly, Rule 723-1-10.2 and its subsections track the language of the second statutory mandate, and explain *how* to comply.

d. Proposed Rule 723-29-10.2.3, however, states:

If an MLTS operator provides telephones that are not assigned to a particular end-user, but that may be used by members of the public, the MLTS operator shall place a sticker or card on or next to the pertinent telephone either identifying the method for dialing 9-1-1 from that telephone or stating there is no 9-1-1 access from that telephone. If 9-1-1 cannot be dialed from a telephone, the information sticker or card should identify the location of the nearest telephone where 9-1-1 can be dialed.

e. The last sentence of proposed Rule 723-29-10.2.3, unlike 10.1 and the remainder of 10.2,⁴ exceeds the directives in the statute. Its command to "identify the location of the nearest telephone where 9-1-1 can be dialed" if an MLTS telephone does not have 9-1-1 dialing capabilities goes beyond what § 29-11-106(1), C.R.S., compels. We therefore

⁴ The rest of the proposed rules we adopt today serve as reiterations of HB 01-1084's definitions, or as exemptions from, and exceptions to, the Commission's rules.

decline to adopt this portion of the proposed rules, as being outside the jurisdiction bestowed upon us in § 29-11-106(3), C.R.S.⁵

f. However, if a particular telephone does not have 9-1-1 access capabilities, such fact shall be noted by the MLTS operator. Unlike the above-mentioned language, such information is merely an extension of the dialing instructions to end-users, and does not go beyond the intent of the statute. The proposed rules are amended as set forth in the Attachment to this opinion.

g. Finally, we modify 4 CCR 723-29's "Basis, Purpose and Statutory Authority of Rules" section to state that: "A violation of these rules by any individual may constitute a class 2 misdemeanor. § 40-7-108, C.R.S. A violation of these rules may subject a corporation to a penalty of not more than two thousand dollars. § 40-7-107, C.R.S." Because MLTS operators are not traditional "public utilities" over which we have regulatory jurisdiction, we affirm that, pursuant to § 29-11-106(3), C.R.S., the General Assembly has bestowed upon us the jurisdiction to regulate this one aspect of MLTS operations. We therefore will not only promulgate rules to

⁵ Identifying the nearest location of a 9-1-1 capable telephone would be a prudent practice for an MLTS operator. We simply hold that the Commission does not have the authority to mandate such action.

regulate this aspect of MLTS activities, but also enforce the regulatory requirement against MLTS operators. This amendment is noted in the Attachment.

II. ORDER

A. The Commission Orders That:

1. The stay of Decision No. R01-1250 is lifted.
2. The Exceptions to Decision No. R01-1250 filed by Qwest Corporation are denied. The rules recommended in Decision No. R01-1250 are modified consistent with this Order and the Attachment.
3. The rules attached to this decision as the Attachment are adopted. This order adopting the attached rules shall become final 20 days following the mailed date of this decision in the absence of the filing of any applications for rehearing, reargument, or reconsideration. In the event any application for rehearing, reargument, or reconsideration to this decision is timely filed, this order of adoption shall become final upon a Commission ruling on any such application, in the absence of further order of the Commission.
4. Within twenty days of the effective date of this decision, the adopted rules shall be filed with the Secretary of State for publication in the next issue of the Colorado Register

along with the opinion of the Attorney General regarding the legality of the rules.

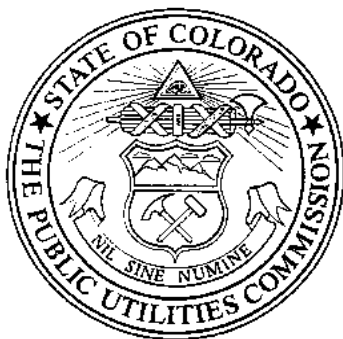
5. The twenty-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the Mailed Date of this decision.

6. This Order is effective immediately upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 24, 2002.**

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



POLLY PAGE

JIM DYER

Commissioners

ATTEST: A TRUE COPY

Bruce N. Smith
Director

CHAIRMAN RAYMOND L. GIFFORD
SPECIALLY CONCURRING.

III. CHAIRMAN RAYMOND L. GIFFORD SPECIALLY CONCURRING:

A. I agree with the Commission's decision to adopt these rules. I concur specially to make clear my view of what § 29-11-100.5 *et seq.*, C.R.S., does and does not do.

B. Section 29-11-100.5 *et seq.*, C.R.S., must be read to confer Commission jurisdiction over MLTS operators, for the limited purpose of enforcing the statutory mandate of § 29-6-106, C.R.S. I reach this conclusion despite the language of § 29-11-106(4), C.R.S., which commands that: "Nothing in this section shall be construed to alter the method of regulation or deregulation of providers of telecommunications service by the public utilities commission as set forth in article 15 of title 40, C.R.S." I read this to mean that the limited conferral of jurisdiction over MLTS operators cannot bootstrap broader regulation of such operators beyond the notification and disclosure obligations contained in § 29-11-106(1), C.R.S. Significantly, section 106(4) uses the terms "method of regulation or deregulation," not the more legally significant term "jurisdiction."

C. I therefore emphasize that the Commission does have jurisdiction over MLTS operators. Because of that jurisdiction, it follows that violations by an MLTS operator of § 29-11-106, C.R.S. and the rules we adopt here will be accompanied by the

penalties outlined in §§ 40-7-107, 108, C.R.S. Absent any penalty for violation of these rules, the rules are useless. Accordingly, I emphasize that the Commission will pursue MLTS operators who violate these rules.⁶

D. I suspect that § 29-11-106, C.R.S., has very little to do with the Commission enforcing the notify and disclose mandate against MLTS operators. Rather, the statutory mandate and accompanying regulations likely have much more to do with an attempt to establish a standard of care for civil liability through administrative regulation. See generally, *Gerrity Oil & Gas Corp. v. Magness*, 946 P.2d 913, 930 (Colo. 1997). Given the vagaries of interest group pressures facing the legislature, it is no surprise that the legislature cannot establish a civil liability standard of care directly, but instead must attempt to accomplish its purpose through the side-door of administrative regulation.

E. If this is indeed the motivation for the MLTS operator mandate, it is of no moment to this Commission, of course. A court of competent jurisdiction will eventually decide whether or not the statute does, in fact, establish a civil liability standard of care. I simply point out this possible purpose for this statute to explain its peculiarity. With this statute, the

⁶ I set aside considerable problems with enforcement of these rules, including the lack of an enforcement staff and Fourth Amendment issues.

Commission has been given rulemaking authority over entities that it does not traditionally regulate, MLTS operators. In addition, the language of 106(4) attempts to make ambiguous, or at least straddle, the question of Commission jurisdiction over MLTS operators. Finally, the statute provides for no penalty, enforcement provisions or enforcement resources. Peculiar.

F. In the end, I believe the Commission's view is the only sensible construction of this statute. We have limited jurisdiction over MLTS operators. We will enforce the standards and duties set forth in these rules. Violations of these rules by MLTS operators will incur penalties prescribed by §§ 40-7-107, 108, C.R.S.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CHAIRMAN RAYMOND L. GIFFORD

Commissioner

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

**RULES REGARDING
EMERGENCY 9-1-1 SERVICES FOR
EMERGENCY TELECOMMUNICATIONS SERVICE PROVIDERS,
BASIC LOCAL EXCHANGE CARRIERS**

4 CODE OF COLORADO REGULATIONS (CCR) 723-29

BASIS, PURPOSE AND STATUTORY AUTHORITY OF RULES.

The statutory authority for these amendments is found in Sections 40-3-101(2), 40-3-102, 40-3-103, 40-3-106(1)(A) and 40-4-101, C.R.S. which empower the Commission to establish standards for the adequacy of public utility services, including Basic Local Exchange Service and regulated telecommunications services under which emergency 9-1-1 services are provisioned, and require the Commission to prescribe rules and regulations for the performance of any service or the furnishing of any commodity by a public utility and to enforce those rules and regulations. In addition, the Commission is authorized to promulgate rules generally by Section 40-2-108, C.R.S., and specifically for telecommunications services by §§ 40-15-201, 40-15-301, and 40-15-503(2) C.R.S., in order to implement the provisions of Title 40, Article 15, Part 2, 3, and 5 C.R.S. The Commission also is specifically authorized to promulgate rules to implement section 29-11-106, C.R.S., requiring disclosure of 9-1-1 dialing and calling capabilities of multi-line telephone systems. A violation of these rules by any individual may constitute a class 2 misdemeanor. § 40-7-108, C.R.S. A violation of these rules may subject a corporation to a

penalty of not more than two thousand dollars. § 40-7-107, C.R.S.

The basis and purpose of these amendments is to update and revise certain rules within the Rules Prescribing the Provision of Emergency 9-1-1 Services for Emergency Telecommunications Service Providers, Basic Local Exchange Carriers to establish requirements for multi-line telephone system operators to disclose to their end-users the proper method of dialing 9-1-1, and the capability of the multi-line telephone system to transmit the end-user's telephone number and location identification; to reference interconnection between wireless providers, local exchange carriers and Basic Emergency Service Providers; update the incorporation by reference of National Emergency Number Association (NENA) standards; permit use of 9-1-1 databases for outbound wide area notifications in time of emergency; revise reporting times of 9-1-1 outages and interruptions; recognize Enhanced 9-1-1 as a service regulated by §40-15-201; and explicitly recognize the potential for multiple Basic Emergency Service Providers within Colorado. Revision of these rules is necessary to reflect the present and continuing evolution of the Basic Emergency Service which is expected by the public and is influenced by changing technology and public and telecommunications industry needs.

The amendments to 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 rule amendments do not create any issues that have or may have an economic impact on small businesses.

TABLE OF CONTENTS

BASIS, PURPOSE AND STATUTORY AUTHORITY OF RULES.

RULE (4 CCR) 723-29-1. APPLICABILITY.

RULE (4 CCR) 723-29-2. DEFINITIONS AND SERVICE DESCRIPTIONS.

723-29-2.2 Service Descriptions.

723-29-2.2-Figure 1.

723-29-2.2-Figure 2.

723-29-2.2-Figure 3.

RULE (4 CCR) 723-29-3. PROCESS FOR CERTIFICATION OF BASIC EMERGENCY SERVICE PROVIDERS.

RULE (4 CCR) 723-29-4. UNIFORM SYSTEM OF ACCOUNTS AND COST SEGREGATION.

RULE (4 CCR) 723-29-5. BASIC EMERGENCY SERVICE PROVIDERS.

RULE (4 CCR) 723-29-6. ALI DATABASE PROVIDERS.

RULE (4 CCR) 723-29-7. BASIC LOCAL EXCHANGE CARRIERS.

RULE (4 CCR) 723-29-8. RESELLERS OF BASIC LOCAL EXCHANGE SERVICE.

RULE (4 CCR) 723-29-9. COIN PHONE PROVIDERS.

RULE (4 CCR) 723-29-10. DISCLOSURE OF 9-1-1 DIALING AND CALLING CAPABILITIES OF MULTI-LINE TELEPHONE SYSTEMS.

RULE (4 CCR) 723-29-11. NON-DISCLOSURE OF NAME/NUMBER/ADDRESS INFORMATION.

RULE (4 CCR) 723-29-12. PRIORITY SERVICE RESTORATION/DIVERSE ROUTING.

A 9-1-1 Contingency Plan might include:

RULE (4 CCR) 723-29-13. REPORTS.

RULE (4 CCR) 723-29-14. ADVISORY TASK FORCE.

RULE (4 CCR) 723-29-15. NENA DATA STANDARDS.

RULE (4 CCR) 723-29-16. WAIVERS.

RULE (4 CCR) 723-29-17. INCORPORATION BY REFERENCE.

RULE (4 CCR) 723-29-1. APPLICABILITY.

Rules 1 through 17 apply to all basic local exchange carriers and Basic Emergency Service Providers. The components of basic emergency service include, but are not limited to, connections between the central office switch that provides the local dial tone connection to a subscriber placing a 9-1-1 call, connections between the wireless carrier switch and a Basic Emergency Service Provider, and connections between Basic Emergency Service Providers. A Basic Emergency Service Provider then provides, through its own facilities, through facilities obtained from a basic local exchange carrier, wireless carrier or other network service provider, the facilities to deliver 9-1-1 calls to a governing body for distribution to the PSAP, public agency, or other designated authority for responding to 9-1-1 calls originated from a designated geographic area. Basic emergency service may be provided via features and functions within the same telephone company switch that provides the dial tone. Basic emergency service does not include components for the provision of basic local exchange services and equipment furnished to and utilized at the governing body's location. Connections between a basic local exchange carrier network, wireless carrier network and the Basic Emergency Service Provider's system may include common components utilized in the provision of Basic Local Exchange service.

Some of the provisions set forth in these rules apply to wireless carriers who agree to comply with these rules, to the extent the rules specifically refer to wireless carriers, as a condition of interconnection with any Basic Emergency Service Provider. Some of the provisions in these rules apply to multi-line telephone system operators whose systems do not have automatic number and automatic location identification

capability, or whose systems require the dialing of an additional digit to access the public switched network.

RULE (4 CCR) 723-29-2. DEFINITIONS AND SERVICE DESCRIPTIONS.

723-29-2.1 General Definitions: Terms used within these rules shall be considered as they are generally understood and used in the telecommunications industry unless specifically defined under this Rule 2.

723-29-2.1.1 9-1-1 - A three-digit telephone number used to report an emergency situation requiring a response by a public agency such as a fire department or police department.

723-29-2.1.2 9-1-1 Failure or Outage - A situation in which 9-1-1 calls cannot be transported from the end user to the Public Safety Answering Point ("PSAP") responsible for answering the 9-1-1 emergency calls.

723-29-2.1.3 Automatic Location Identification ("ALI") - The automatic display, on equipment at the PSAP, of the location of the caller's telephone number, the address for the telephone, including non-listed and non-published numbers and addresses, and other information about the caller's PRECISE location.

723-29-2.1.4 ALI Database Provider - Any person who, on a for-profit or not-for-profit basis, provides ALI to basic emergency services providers and the governing body for a specific geographic area.

723-29-2.1.5 Automatic Number Identification ("ANI") - The process used on customer-dialed calls to automatically identify the calling station and the automatic display of the caller's telephone number on telephone answering equipment used by operators at the PSAP.

723-29-2.1.6 Basic Emergency Service - A Part 2 telecommunications service (§ 40-15-201(2)(b), C.R.S.) permitting the use of the basic local exchange network and the three-digit number 9-1-1 for reporting police, fire, medical,

or other emergency situations to a PSAP and referral to a public agency. Basic emergency service includes enhanced 9-1-1 service but does not include discretionary equipment purchased by, or contracted for, governing bodies but not essential to the provision of 9-1-1 or E 9-1-1 service.

723-29-2.1.7 Basic Emergency Service Provider ("BESP") - Any person certificated by the Commission pursuant to Rule 3 of this Rule, to aggregate and transport 9-1-1 calls from the basic local exchange carrier, or wireless carrier to a governing body.

723-29-2.1.8 Basic Local Exchange Carrier - Any person holding a Certificate of Public Convenience and Necessity issued pursuant to the Rules Regulating the Authority to Offer Local Exchange Telecommunications Services of the Commission to provide basic local exchange service whether as a facility-based carrier or as a reseller.

723-29-2.1.9 Basic Local Exchange Service or Basic Service - The telecommunications service that provides a local dial tone line and local usage necessary to place or receive a call within an exchange area and any other services or features that may be added by the Commission under § 40-15-502(2), C.R.S., and as defined in the Commission's Rules Regulating Telecommunications Service Providers and Telephone Utilities found at 4 CCR 723-2.

723-29-2.1.10 E 9-1-1 Features - The ANI, ALI database and selective routing capabilities and all other components of an E 9-1-1 system, not including the transport and switching facilities.

723-29-2.1.11 E 9-1-1 Facilities - The facilities provided by a Basic Emergency Service Provider that interconnect to certificated basic local exchange carriers and wireless carriers that are used to transport 9-1-1 calls to the PSAP. The facilities may include the use of 9-1-1 tandem switches or direct trunking of 9-1-1 calls to the PSAPs and E 9-1-1 facilities owned, leased or otherwise acquired by a

Basic Emergency Service Provider. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E 9-1-1 calls for temporary use during service interruptions.

723-29-2.1.12 E 9-1-1 Tandem - The switch that receives E 9-1-1 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.

723-29-2.1.13 E 9-1-1 Trunks - The facilities that connect from the central office serving the individual telephone that originates a 9-1-1 call to the E 9-1-1 tandem and connect the tandem to the PSAP. These may include, but are not limited to point-to-point private line facilities and E 9-1-1 facilities owned, leased or otherwise acquired by a Basic Emergency Service Provider. Common or shared facilities also may be used subject to the provisions of these rules. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E 9-1-1 calls for temporary use during service interruptions.

723-29-2.1.14 Emergency Notification Service - A service in which, upon activation by a public safety agency, (i) the 9-1-1 database or database derived from the 9-1-1 database is searched to identify all stations located within a geographic area, (ii) a call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.), and (iii) a recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).

723-29-2.1.15 Emergency Telephone Service ("ETS") - A telephone system using the three-digit number 9-1-1 to report police, fire, medical or other emergency situations.

723-29-2.1.16 Enhanced 9-1-1 ("E 9-1-1") - A basic emergency telephone service that includes ANI, ALI (including non-listed and non-published numbers and addresses), and (optionally) selective routing, to facilitate public safety response.

723-29-2.1.17 Geographic Area - The area such as a city, county, municipality, multiple counties, or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.

723-29-2.1.18 Governing Body - A board of county commissioners of a county or the city council or other governing body of a city, city and county, or town or the board of directors of a special district.

723-29-2.1.19 MLTS Operator - The person that operates an MLTS from which an end-user may place a 9-1-1 call through the public switched network.

723-29-2.1.20 Master Street Address Guide ("MSAG") - The file of street names and ranges defining emergency service agencies particular to a telephone number.

723-29-2.1.21 Multi-line Telephone System ("MLTS") - A system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple end-use customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes: (a) network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and (b) systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.

723-29-2.1.22 National Emergency Number Association ("NENA") - An international not-for-profit organization whose purpose is to lead, assist, and provide for the development, availability, implementation and enhancement of a universal emergency telephone number or system common to all jurisdictions through research, planning, publications, training and education.

723-29-2.1.23 Non-listed service - Telephone numbers that are not published in the telephone directory but are available through directory assistance.

723-29-2.1.24 Non-published service - Telephone numbers that are neither published in the telephone directory nor available through directory assistance.

723-29-2.1.25 Person - Any individual, firm, partnership, copartnership, limited partnership, joint venture, association, cooperative organization, limited liability corporation, corporation (municipal or private and whether organized for profit or not), governmental agency, state, county, political subdivision, state department, commission, board, or bureau, fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee, or trustee in bankruptcy or any other service user.

723-29-2.1.26 Public Agency - Any city, city and county, town, county, municipal corporation, public district, or public authority located in whole or in part within this state which provides or has the authority to provide fire fighting, law enforcement, ambulance, emergency medical, or other emergency services.

723-29-2.1.27 Public Safety Answering Point ("PSAP") - A facility equipped and staffed to receive 9-1-1 calls from a Basic Emergency Service Provider. PSAPs operate under the direction of the governing body and are responsible to direct the disposition of 9-1-1 calls.

723-29-2.1.28 Reseller of Basic Local Exchange Service ("Resellers") - For the purpose of this Rule, resellers of basic local exchange service are providing basic local exchange service.

723-29-2.1.29 Routing - The central office programming required to transport a 9-1-1 call to the correct 9-1-1 Tandem.

723-29-2.1.30 Selective Routing - The capability of routing a 9-1-1 call to a designated PSAP based upon the seven-digit telephone number of the subscriber dialing 9-1-1.

723-29-2.1.31 TDD/Text Phone - A telecommunications device for use by deaf persons that employs graphic communication in the transmission of coded signals through a wire or radio communication system.

723-29-2.1.32 Telecommunications Device for the Deaf (TDD)/Text Phone Emergency Access provides 9-1-1 access to individuals that use TDDs and computer modems.

723-29-2.1.33 Telecommunications Relay Services provide the ability for hearing- or speech-impaired individuals to communicate, by wire or radio, with a hearing individual in a manner that is functionally equivalent to communication by an individual without a hearing or speech impairment. This definition includes telecommunication relay services that enable two-way communications between an individual who uses a TDD or other non-voice terminal device and an individual who does not use such a device.

723-29-2.1.34 Wireless Carrier means a cellular licensee, a personal communications services licensee, and certain specialized mobile radio providers designated as covered carriers by the Federal Communications Commission in 47 C.F.R 20.18 and any successor to such rule.

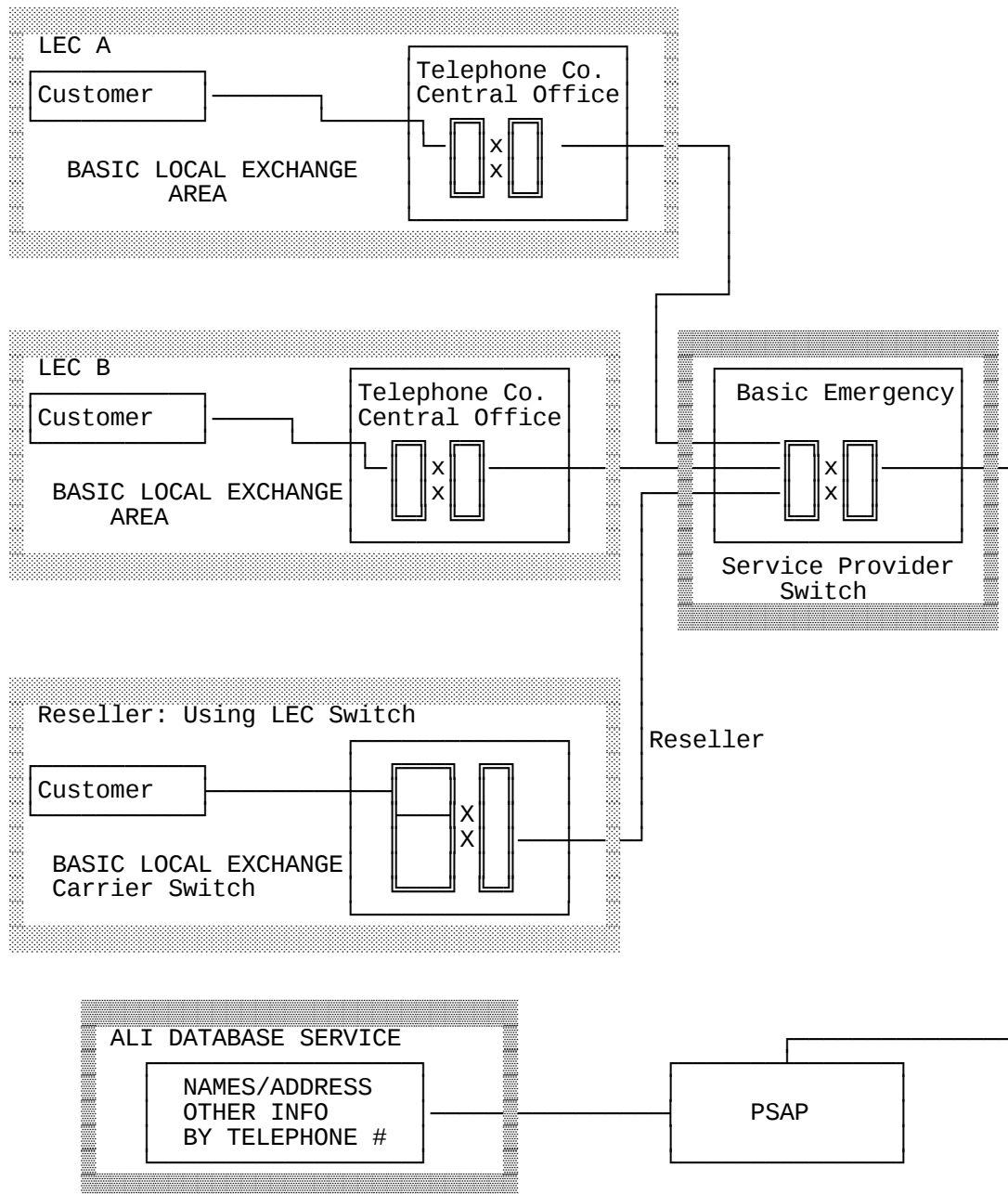
723-29-2.2 Service Descriptions.

723-29-2.2.1 Basic Emergency Service - The telecommunications service that aggregates and transports

9-1-1 calls to a PSAP. The aggregation of calls is the process of collecting 9-1-1 calls from one or more local exchange or wireless carrier switches that serve a geographic area for the purpose of transporting 9-1-1 calls to the authority designated to receive such calls. This service may be provided to a governing body by connections between the PSAP and a local exchange central office switch, connections to a 9-1-1 Tandem, connections between a wireless carrier switch and the 9-1-1 Tandem or other technology. In many instances an ALI database also may be interconnected with the other components of the service.

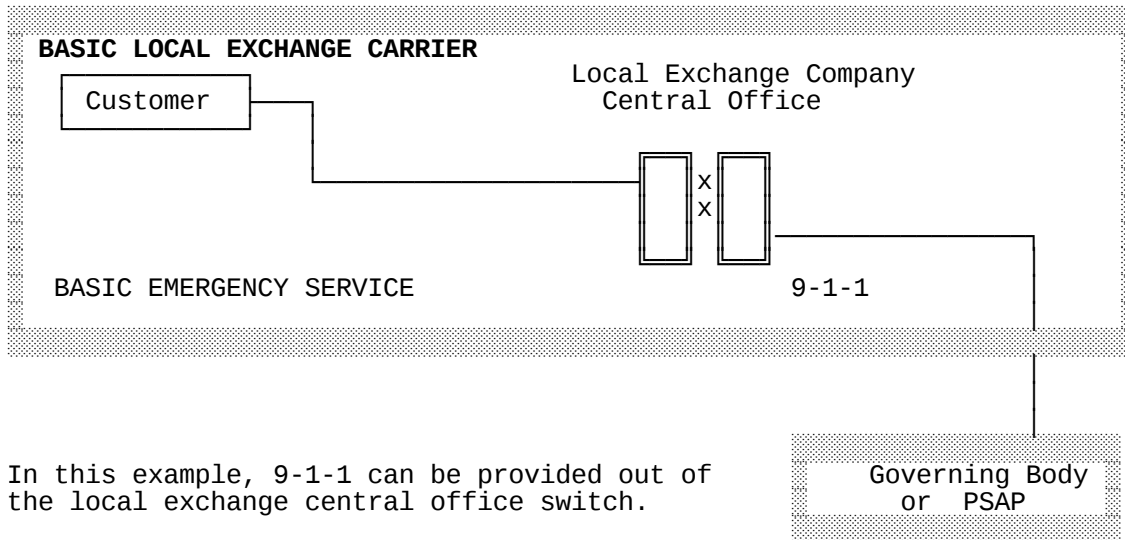
723-29-2.2-Figure 1 illustrates three basic local exchange carriers serving a geographic area and the provision of 9-1-1 service to a PSAP.

723-29-2.2-Figure 1.



723-29-2.2-Figure 2 illustrates an alternative form of basic emergency service, where a basic local exchange carrier is also a Basic Emergency Service Provider and is providing "basic" 9-1-1 service to a governing body:

723-29-2.2-Figure 2.



723-29-2.2.2 ALI Database Service - This service is integral to the provision of Enhanced 9-1-1 (E 9-1-1) services. A Basic Local Exchange Carrier shall provide to the ALI database Provider access on a timely basis to all telephone numbers, including non-published and non-listed numbers, that are maintained by the basic local exchange carriers, wireless carriers or resellers. E 9-1-1 service is distinguished from 9-1-1 service in the ability of the Basic Emergency Service Provider to provide greater routing flexibility for 9-1-1 calls based on information that is placed in a computer database. The ALI database also provides the means for the PSAP to display the address as well as the telephone number for incoming 9-1-1 calls and additional customer provided information about the 9-1-1 caller's location.

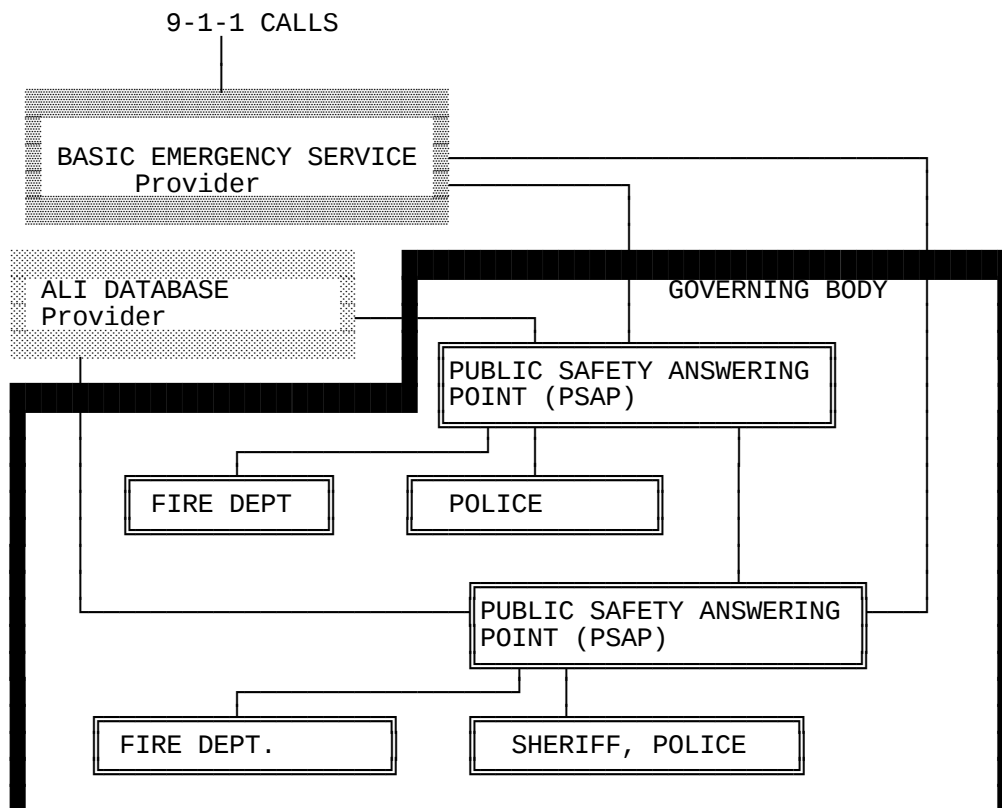
Due to the requirement for the ALI database Provider to have access to all telephone numbers (including non-publis-

hed and non-listed numbers) from the basic local exchange carriers, and the vested interest of this Commission in the adequacy, installation, and operation of services critical for the provision of emergency calls, non-disclosure agreements, consistent with Rule 10, shall be signed by the ALI database provider(s). If an ALI database provider does not execute a non-disclosure agreement, the LEC, Wireless Carrier and Basic Emergency Service Provider shall not be required to provide the above information.

723-29-2.2.3 Governing Body - The governing body through its PSAP is responsible for receiving the 9-1-1 calls from a Basic Emergency Service Provider and, if applicable, ALI database information. The governing body, through the use of its PSAP(s), forwards the 9-1-1 call, and where applicable, the ALI database information to the proper public agency such as the fire department, sheriff, or police.

723-29-2.2-Figure 3 illustrates this process:

723-29-2.2-Figure 3.



RULE (4 CCR) 723-29-3. PROCESS FOR CERTIFICATION OF BASIC EMERGENCY SERVICE PROVIDERS.

723-29-3.1 The Commission finds and declares that the public convenience and necessity require the availability, and when requested the provision, of basic emergency service within each local exchange area in Colorado, and further that such basic emergency service is vital to the public health and safety and shall be provided solely by properly certificated Basic Emergency Service Providers.

723-29-3.2 The Commission, upon receipt of a complaint, upon its own motion, or upon approval of an application from another provider, may certify additional or different Basic Emergency Service Providers to offer basic emergency service if such certification is in the public interest. Until such time as the Commission has acted upon the report submitted by the Task Force pursuant to Rule 13.1 of this Rule, each application for certification shall be considered on a case-by-case basis.

723-29-3.3 An application for authority to provide basic emergency service shall contain all information required pursuant to the Rules Regulating the Authority to Offer Local Exchange Telecommunications Services of the Colorado Public Utilities Commission, as well as the following information:

723-29-3.3.1 The geographic area intended to be served;

723-29-3.3.2 The name, address, and telephone number of each the basic local exchange carrier or reseller holding a Certificate of Public Convenience and Necessity issued pursuant to the Rules Regulating the Authority to Offer Local Exchange Telecommunications Services of the Commission to serve the geographic area that is the subject of the application;

723-29-3.3.3 If the applicant has previously filed with the Commission current reports that contain the information required in this Rule 3, it may confirm formally in writing as true and accurate that such filing has been made previously and designate the date and title of such filing for the Commission's reference.

723-29-3.4 The applicant shall provide a detailed statement describing the means by which it will provide basic emergency service. This statement shall include, but not be limited to:

723-29-3.4.1 The technical specifications for the system that will be utilized to provide the basic emergency services, including information on emergency restoration of the system;

723-29-3.4.2 Any inter-company agreement used to implement and operate the service;

723-29-3.4.3 Any agreement with ALI database providers;

723-29-3.4.4 Any inter-governmental agreements regarding governing bodies or PSAPs;

723-29-3.4.5 Any interconnection agreements between the Basic Emergency Service Provider and wireless carriers, and other Basic Emergency Service Providers; and,

723-29-3.4.6 Tariffs or proposed tariffs.

723-29-3.5 The applicant shall provide a current, audited financial statement showing that the applicant's assets, liabilities, and net worth are sufficient to provide basic emergency service and/or ALI database service as defined by these rules;

723-29-3.6 The applicant shall provide the name and address of the applicant's representative or agent, if any, to whom all inquiries should be made;

723-29-3.7 The applicant shall provide a statement that the applicant will provide basic emergency service in accordance with these rules, the applicable quality of service

rules found at 4 CCR 723-2, and with quality of service rules and regulations as may later be adopted by the Commission.

RULE (4 CCR) 723-29-4. UNIFORM SYSTEM OF ACCOUNTS AND COST SEGREGATION.

All Basic Emergency Service Providers shall maintain their books and records and perform separation of costs as prescribed at 4 CCR 723-27, or as otherwise prescribed by the Commission.

RULE (4 CCR) 723-29-5. BASIC EMERGENCY SERVICE PROVIDERS.

723-29-5.1 A Basic Emergency Service Provider certificated by the Commission pursuant to Rule 3, shall obtain facilities from, or interconnect with, all basic local exchange carriers and wireless carriers who agree to comply with these rules, and who have customers in the area designated by the governing body for the aggregation and transmission of 9-1-1 calls or E 9-1-1 calls to the PSAP responsible for answering 9-1-1 calls in the area served by a Basic Emergency Service Provider. Basic Emergency Service Providers shall interconnect with all other Basic Emergency Service Provider with facilities in the serving area. A Basic Emergency Service Provider shall create, or amend as necessary, provisions in its interconnection agreements with all basic local exchange carriers, wireless carriers, and other Basic Emergency Service Providers to require compliance with these rules.

723-29-5.2 At the request of a basic local exchange carrier, wireless carrier, or other Basic Emergency Service Provider within the area specified by the governing body, a Basic Emergency Service Provider certificated by the Commission pursuant to Rule 3, shall provide and/or arrange for the necessary facilities to interconnect, switch and transport 9-1-1 calls from the basic local exchange carriers, wireless carriers, or other Basic Emergency Service Providers to the PSAP that is responsible for answering the 9-1-1 calls.

A Basic Emergency Service Provider shall interconnect with the basic local exchange carrier, wireless carrier, or other Basic Emergency Service Provider in a timely manner, generally not to exceed 30 days from the time the Basic Emergency Service Provider receives a written order from the basic local exchange carrier, wireless carrier, or other Basic Emergency Service Provider, as follows:

723-29-5.2.1 Dedicated facilities for connecting each basic local exchange telephone switch and wireless carrier switch to a Basic Emergency Service Provider shall be based on the requirements established by the Basic Emergency Service Provider to serve the telephone lines within that local exchange switch and wireless customers; or

723-29-5.2.2 If shared or common facility groups are used to transport calls from the basic local exchange carrier or wireless switch to a Basic Emergency Service Provider, they shall be sized to carry the additional call volume requirements. In addition, common or shared groups shall be arranged to provide 9-1-1 calls on a priority basis where economically and technically feasible.

723-29-5.3 A Basic Emergency Service Provider shall develop and file with the Commission tariffs that establish statewide, averaged, cost-based rates for basic emergency services provided to the geographic area it serves. The costs of providing such services shall include the costs to the Basic Emergency Service Provider of E 9-1-1 related facilities furnished to it by all basic local exchange carriers, wireless carriers or resellers in the geographic area as well as the costs of the E 9-1-1 related facilities provided by the Basic Emergency Service Provider.

723-29-5.4 A Basic Emergency Service Provider shall render a single monthly bill for its incurred costs to the appropriate governing body for service in the requested geographic area.

723-29-5.5 Basic Emergency Service Providers shall ensure that telecommunication services are available, to the extent possible and in the most efficient manner, for transmitting 9-1-1 calls from hearing and speech impaired persons to the appropriate PSAP.

723-29-5.6 Any Basic Emergency Service Provider shall ensure that all E 9-1-1 facilities of the Basic Emergency Service Provider, including interconnections between it and the basic local exchange carriers and wireless carriers are engineered, installed, maintained and monitored in order to provide a minimum of two circuits and a minimum grade of service that has one percent (P.01) or less blocking.

723-29-5.7 To expedite the restoration of service following 9-1-1 failures or outages, each Basic Emergency Service Provider shall designate a telephone number that PSAPs, Wireless Carriers or LECs can use to report trouble. Such telephone number will be manned 7 days a week, 24 hours a day by personnel capable of processing the call to initiate immediate corrective action. A Basic Emergency Service Provider shall also keep on file and include in the contingency plan designated phone numbers of the LEC's, CLEC's, resellers, wireless carriers, PSAP's and Governing Bodies to expedite the restoration of service as described in Rule 12 herein. It shall be the responsibility of the individual LEC's, CLEC's, resellers, wireless carriers, PSAP's and Governing Bodies to convey this information (as well as any updates or changes) to the Commission or the BSP for inclusion in the contingency plan. Such telephone number will be manned 7 days a week, 24 hours a day by personnel capable of processing the call to initiate immediate corrective action.

723-29-5.8 A Basic Emergency Service Provider shall provide basic emergency service in accordance with these rules, the applicable quality of service rules found at 4 CCR

723-2, and with quality of service rules and regulations as may later be adopted by the Commission.

723-29-5.9 On a periodic basis, a Basic Emergency Service Provider and ALI Database Provider may request access to line counts and wireless customer counts by geographic area, from the local exchange carriers, resellers and wireless providers who are, pursuant to the request of a governing body, providing 9-1-1 service. This information will allow a basic emergency service and ALI Database Provider to properly bill its appropriate 9-1-1 services to the governing bodies. All customer and line counts provided by the LEC, CLECs, resellers and wireless carriers to the BESP and ALI Database providers shall be treated as confidential and not disclosed by the BESP or ALI Database provider to any person or entity other than the PSAPs for use, by the PSAPs, for billing purposes only. Such material will at all times be protected by the BESP and ALI Database Providers from improper disclosure. As a condition of receiving this information, PSAPs shall agree not to disclose confidential access line and wireless customer counts, nor use this information for any purpose other than verifying its billing by the basic emergency service and ALI Database Provider and to verify the accuracy of surcharge billing by the carriers to their end use customers.

RULE (4 CCR) 723-29-6. ALI DATABASE PROVIDERS.

723-29-6.1 The ALI database provider should provide sufficient facilities to interconnect its database to the PSAPs to meet the requirements of the governing body.

723-29-6.2 If the ALI database provider is not the Basic Emergency Service Provider, it should provide to Basic Emergency Service Providers, for the geographic areas served, all information required by the Basic Emergency Service Providers to ensure that calls are routed from the end use customers to the correct PSAP.

723-29-6.3 No Basic Emergency Service Provider, Basic Local Exchange Carrier or Wireless Carrier shall interconnect with an ALI database provider unless the ALI database provider provides sufficient facilities to interconnect its database to the PSAPs to meet the requirements of a governing body and complies with Rules 6.1 and 6.2 and the relevant provisions of Rule 10 of these rules.

723-29-6.4 If the ALI database provider is also a Basic Emergency Service Provider, Basic Local Exchange Carrier or Wireless Carrier, the ALI database provider shall interconnect in a timely manner.

RULE (4 CCR) 723-29-7. BASIC LOCAL EXCHANGE CARRIERS.

723-29-7.1 All basic local exchange carriers in a geographic area for which a governing body has requested the provision of 9-1-1 service shall deliver 9-1-1 calls, at an agreed point of interconnection within that geographic area, to a certificated Basic Emergency Service Provider at tariffed rates. If the Basic Emergency Service Provider and the basic local exchange carrier or reseller agree, direct trunks, tandem switched trunks, common or joint circuits may be used to transport calls from the basic local exchange carrier or reseller to the PSAP.

723-29-7.2 All basic local exchange carriers shall furnish name, address and telephone number information, generally within 24 hours and in accordance with Rule 14 for all customers of the basic local exchange carrier, including non-published or non-listed customers, to the ALI database providers, and the Basic Emergency Service Providers for the provision of 9-1-1 services, and Emergency Notification Services. All basic local exchange carriers shall furnish such information only after each recipient has stated formally in writing that the recipient has complied with Rule 10 of these Rules. All costs for furnishing this information and updates to this information shall be considered as part of

basic local exchange service and shall be recovered through the non-recurring basic local exchange rates, unless provided for in a separate tariff.

723-29-7.3 The basic local exchange carrier shall ensure that all E 9-1-1 facilities and interconnections between it and a Basic Emergency Service Provider are engineered, installed, maintained and monitored to provide a minimum of two circuits and a grade of service that has one percent (P.01) or less blocking.

723-29-7.4 To expedite the restoration of service following 9-1-1 failures or outages, each basic local exchange carrier shall designate a telephone number that PSAPs or BESPs can use to report trouble. Such telephone number will be manned 7 days a week, 24 hours a day by personnel capable of processing the call to initiate immediate corrective action.

723-29-7.5 All basic local exchange providers and resellers shall provide to the basic emergency providers access line counts (on a periodic basis established by the Basic Emergency Service Providers), so that Basic Emergency Service Providers can properly bill their services to the PSAPs.

723-29-7.6. All basic local exchange carriers must give formal written notice to the Governing Body responsible for the Public Safety Answering Point within the exchange that said carrier intends to provide dial tone within the exchange, prior to activating service within an exchange. This notice is for the purpose of the Governing Body arranging the appropriate connections to a BESP, exchange of 7x24 contact information and arrangements for the collection and remittance of 911 fee.

RULE (4 CCR) 723-29-8. RESELLERS OF BASIC LOCAL EXCHANGE SERVICE.

723-29-8.1 If a reseller is utilizing the facilities of a certificated basic local exchange carrier, the reseller shall ensure that the underlying basic local exchange carrier

has sufficient facilities to transport the 9-1-1 calls from the reseller's customers to a Basic Emergency Service Provider.

723-29-8.2 If the reseller is utilizing a switch, for example a private branch exchange switch ("PBX"), to aggregate or switch calls before the calls are terminated in the facilities of a basic local exchange carrier holding a Certificate of Public Convenience and Necessity issued pursuant to the Rules Regulating the Authority to Offer Local Exchange Telecommunications Services of the Commission, the reseller shall ensure that its switch is capable of delivering ANI for each telephone extension connected to the switch on 9-1-1 calls to a Basic Emergency Service Provider.

RULE (4 CCR) 723-29-9. COIN PHONE PROVIDERS.

A basic local exchange carrier shall not interconnect with a coin (less) phone provider unless that provider:

723-29-9.1 Arranges telephones to place a 9-1-1 call without requiring deposit of coin or application of another charge; and

723-29-9.2 Provides the ALI database providers, the certified local exchange carrier that provided the dial tone connection, the governing body and the Basic Emergency Service Provider with the name and location information in accordance with Rule 14.

723-29-9.3 The prohibition in this Rule 9 shall not apply to coin phones provided to inmates in penal institutions where access to 9-1-1 is not required.

RULE (4 CCR) 723-29-10. DISCLOSURE OF 9-1-1 DIALING AND CALLING CAPABILITIES OF MULTI-LINE TELEPHONE SYSTEMS.

723-29-10.1 When the method of dialing a local call from an MLTS telephone requires the end-user to dial an additional number to access the public switched network, MLTS operators shall provide written information to each of their

end-users describing the proper method of accessing emergency telephone service, or 9-1-1, in an emergency.

723-29-10.1.1 Such written information shall be provided to each end-user by placing stickers or cards containing the appropriate method to access ETS on or next to each MLTS telephone. Alternatively, such written information shall be provided to each individual end-user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility.

723-29-10.1.2 At a minimum, such written information shall include the following words: To dial 9-1-1 in an emergency, you must dial #-9-1-1 [insert proper dialing sequence].

723-29-10.2 When calls to access ETS from an MLTS do not give one distinctive ANI and one distinctive ALI, or both, for each end user, the MLTS operator shall instruct each end-user, in writing, that the end-user must stay on the telephone and tell the ETS operator his or her telephone number and exact location.

723-29-10.2.1 Such written information shall be provided to each individual end-user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility. Whenever possible, such information also shall be placed on cards or stickers on or next to the MLTS telephone.

723-29-10.2.2 At a minimum, such written information shall include the following words: When calling 9-1-1 from this telephone in an emergency, you must stay on the telephone and tell the 9-1-1 operator your phone number and exact location. This telephone does not automatically give the 9-1-1 operator your phone number and exact location. This information is critical to a quick response by police, fire, or ambulance.

723-29-10.2.3 If an MLTS operator provides telephones that are not assigned to a particular end-user, but that may be used by members of the public, the MLTS operator shall place a sticker or card on or next to the pertinent telephone either identifying the method for dialing 9-1-1 from that telephone or stating there is no 9-1-1 access from that telephone. ~~If 9-1-1 cannot be dialed from a telephone, the information sticker or card should identify the location of the nearest telephone where 9-1-1 can be dialed.~~

723-10.3 For Purposes of This Rule 29-10:

723-29-10.3.1 **End-user** means the person making telephone calls, including 9-1-1 calls, from the MLTS that provides telephone service to the person's place of employment, school, or to the person's permanent or temporary residence.

723-29-10.3.2 MLTS operator means the person who has responsibility to the end-user to coordinate telephone line number and address location assignments.

723-29-10.3.3 Residence or residence facility shall be interpreted broadly to mean single family and multi-family facilities including apartments, townhouses, condominiums, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures.

723-29-10.3.4 Written information may be provided by electronic mail, facsimile, letter, memorandum, postcard, or other forms of printed communication.

723-29-10.4 **Exemption from Rules.** The disclosure requirements of this rule 723-29-10 shall not apply to MLTS provided to inmates in penal institutions, jails, or correctional facilities, to residents of mental health facilities, or to residents of privately contracted community correctional facilities, including substance abuse and mental health treatment facilities, or other such facilities where access to ETS is not required.

723-29-10.5 **Exceptions to Rules.** In special cases for good cause shown, and not contrary to law, the commission may

permit variance from these rules insofar as it may find compliance to be impossible, impractical or unnecessary.

RULE (4 CCR) 723-29-11. NON-DISCLOSURE OF NAME/NUMBER/ADDRESS INFORMATION.

723-29-11.1 Pursuant to the Privacy Rules found at 4 CCR 723-7, no basic local exchange carrier shall disclose personal information of any person to any Basic Emergency Service Provider, ALI database provider, governing body or PSAP unless each potential recipient of personal information has stated formally in writing to the basic local exchange carrier or reseller of basic local exchange service that it has agreed to non-disclosure of personal information consistent with this Rule 10.

723-29-11.2 ALI database information shall not be used for purposes other than for responding to requests for 9-1-1 emergency assistance, initiating delivery of emergency warnings utilizing an Emergency Notification Service, or periodic testing of these services. For example, the ALI database contains listed as well as non-listed and non-published telephone numbers. Use of the ALI database to obtain non-listed or non-published numbers for purposes other than responding to requests for 9-1-1 emergency assistance or Emergency Notification Service 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 9-1-1 emergency call is permitted.

723-29-11.3 If personal information is improperly disclosed by the Basic Emergency Service Provider, the provider responsible for disclosing it shall pay the applicable tariffed rates of the basic local exchange carrier, wireless carrier or reseller for changing a customer's telephone number, unless the customer declines such number change.

RULE (4 CCR) 723-29-12. PRIORITY SERVICE RESTORATION/DIVERSE ROUTING.

723-29-12.1 Facilities for 9-1-1 Service shall be diversely routed, using different circuit routes wherever feasible. When diverse routing is requested by the governing body, the Basic Emergency Service Provider shall develop cost-based tariffed rates for diverse routing of 9-1-1 circuits. Basic local exchange carriers shall ensure that current 9-1-1 circuit routing profiles are maintained and that circuits are individually tagged where possible to prevent inadvertent disruption. Upon request by the governing body for priority service restoration, basic local exchange carriers and Basic Emergency Service Providers shall develop and implement cost-based tariffed rates for priority service restoration of 9-1-1 services.

723-29-12.2 Basic Emergency Service Providers, wireless carriers and the basic local exchange carriers shall work cooperatively with the PSAPs to ensure an effective way of tracking the report of a 9-1-1 failure or outage (e.g., issuance of a trouble ticket number in order to track such a failure or outage).

723-29-12.3 A Basic Emergency Service Provider shall notify a person, agency, or responsible party designated by the governing body regarding a present or potential 9-1-1 failure or outage. A Basic Emergency Service Provider shall notify the designee of the governing body immediately of the nature, extent, and actions being taken to correct the present or potential 9-1-1 failure or outage to the extent known by the Basic Emergency Service Provider. In the event the PSAP detects a failure in the 9-1-1 system, the PSAP shall immediately notify the Basic Emergency Service Provider in that geographic area of the failure.

723-29-12.4 Basic local exchange carriers, wireless carriers and Basic Emergency Service Providers, with the governing bodies, shall develop 9-1-1 Contingency Plans. The

plan shall detail the actions to be taken in the event of a 9-1-1 failure or outage. A Basic Emergency Service Provider shall maintain a copy of each of these plans. As a courtesy, basic emergency providers are encouraged to provide a copy of the plan to the Commission. The basic local exchange carriers and Basic Emergency Service Providers shall notify the PSAPs of any changes in the network which may require a change to the previously agreed upon 9-1-1 Contingency Plan. Nothing in this Rule shall preclude the Basic Emergency Service Provider or the basic local exchange carrier from developing and tariffing permanent equipment or alternate route solutions to mitigate 9-1-1 failures or outages.

A 9-1-1 Contingency Plan might include:

723-29-12.4.1 Arrange to temporarily re-route 9-1-1 calls to another PSAP, or

723-29-12.4.2 Arrange, with the cooperation of the basic local exchange carrier or wireless carrier to route 9-1-1 calls to a local telephone number, or

723-29-12.4.3 Provide another mutually agreed upon temporary solution so that 9-1-1 calls can be answered until 9-1-1 Service is restored.

723-29-12.5 If a 9-1-1 failure or outage exceeds or is anticipated to exceed fifteen minutes from the time a Basic Emergency Service Provider becomes aware of the outage and after notification to the PSAP, the Basic Emergency Service Provider shall implement the contingency plan of Rule 11.4 or shall:

723-29-12.5.1 Arrange to temporarily re-route 9-1-1 calls to another PSAP; or

723-29-12.5.2 Arrange, with the cooperation of the basic local exchange carrier to route 9-1-1 calls to a local telephone number; or

723-29-12.5.3 Utilize facilities obtained for alternative routing of E 9-1-1 calls for temporary use during

service interruptions, such as private network facilities and governmental facilities; or

723-29-12.5.4 Provide other mutually agreed upon temporary solutions so that 9-1-1 calls can be answered until 9-1-1 Service is restored.

723-29-12.6 In the event that the anticipated failure in the provision of 9-1-1 Service is in the facilities of the basic local exchange carrier or wireless carrier, the basic local exchange carrier or wireless carrier shall notify the Basic Emergency Service Provider that is responsible for delivering 9-1-1 calls to the PSAP for its customers. In the event that the anticipated failure in the provision of 9-1-1 Service is in the facilities of the Basic Emergency Service Provider, it shall be responsible for notification of all basic local exchange carriers, wireless carriers, and PSAP's that will be affected by the failure.

723-29-12.7 A Basic Emergency Service Provider and the basic local exchange carrier shall have qualified service technicians on site, when necessary, within two hours or their best effort, after being notified by the PSAP of a failure of the 9-1-1 system.

723-29-12.8 If a 9-1-1 failure or outage exceeds thirty minutes, the responsible Basic Emergency Service Provider or the responsible basic local exchange carrier shall verbally inform the Commission, in compliance with the policies adopted from time to time by the Commission to implement this Rule 11.8, within two hours (120 minutes) outlining the nature and extent of the outage, and shall file a written report with the Commission following COPUC reporting format and guidelines within thirty calendar days of such outage. As an alternative to the 30-day written report, the Director of the Public Utilities Commission or his designee, may request, on a case-by-case basis, a separate written report within five business days from the time of the request,

outlining the nature, cause, extent, and corrective action taken.

RULE (4 CCR) 723-29-13. REPORTS.

723-29-13.1 Each Basic Emergency Service Provider and basic local exchange carrier shall furnish to the Commission at such time and in such form as the Commission may require a report in which the provider or carrier shall specifically answer all questions propounded regarding the implementation, usage, availability, 9-1-1 failures or outages, cost of providing, and such other information relevant to the provision of this service. These reports shall be provided at regular intervals, to be determined by the Commission, and on a form approved by the Commission.

723-29-13.2 Periodic or special reports concerning any matter about which the Commission is concerned relative to the provision of 9-1-1 services, such as the failure or outages of 9-1-1 services, shall be furnished in a manner determined by the Commission and on a form approved by the Commission.

723-29-13.3 Each basic local exchange service carrier and Basic Emergency 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 report shall be filed with the Annual Report.

RULE (4 CCR) 723-29-14. ADVISORY TASK FORCE.

The Commission shall establish an Advisory Task Force. The Advisory Task Force shall include, by way of example, the following representatives: consumer groups, governing bodies, basic local exchange service providers (including independent telephone companies, resellers of basic service, competitive access providers, and wireless service providers), providers of basic emergency services, customers of basic emergency service, and ALI database providers. 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 9-1-1 services in Colorado. The 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 9-1-1 services in a cost effective fashion. The Commission Staff shall provide periodic reports to the Commission on the implementation of 9-1-1 services statewide.

The Task Force shall:

723-29-14.1 Report to the Commission identifying how or whether multiple providers of basic emergency service can provide 9-1-1 service without adversely impacting the public.

The task force shall consider 9-1-1 service quality and the cost of 9-1-1 service to the PSAPs, both urban and rural, and to end use customers of 9-1-1 service in developing its report and recommendations.

723-29-14.2 Investigate and report to the Commission the impact on PSAPs of wireless providers.

723-29-14.3 Investigate and report to the Commission the development of new 9-1-1 technologies.

723-29-14.4 Study and report to the Commission on the overall costing, funding and billing issues of providing 9-1-1 service, including the 9-1-1 surcharge, tariffs, and PSAP equipment costs.

723-29-14.5 Monitor and report to the Commission on the FCC Notice of Proposed Rulemaking (CC Docket No. 94-102) on compatibility of PBX equipment and wireless services with E 9-1-1 systems, or any similar FCC proceedings that may affect 9-1-1 services.

RULE (4 CCR) 723-29-15. NENA DATA STANDARDS.

The National Emergency Number Association ("NENA") Recommended Formats & Protocols for Data Exchange (NENA-02-010), NENA Recommended Data Standards for Local Exchange Carriers, ALI Service Providers & 9-1-1 Jurisdictions (NENA-02-011), NENA Network Quality Assurance (NENA-03-001), NENA Recommendation for the Implementation of Enhanced MF Signaling, E9-1-1 Tandem to PSAP (NENA-03-002) and NENA Recommended Standards for Local Service Provider Interconnection Information Sharing (NENA-06-001) shall be used for the purpose of defining standard formats for ALI data exchange between basic local exchange carriers, ALI database providers, governing bodies and basic emergency service providers.

RULE (4 CCR) 723-29-16. 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 (4 CCR) 723-29-17. INCORPORATION BY REFERENCE.

References in these rules to the Recommended Formats & Protocols For Data Exchange (NENA-02-010), NENA Recommended Data Standards for Local Exchange Carriers, ALI Service Providers & 9-1-1 Jurisdictions (NENA-02-011), NENA Network Quality Assurance (NENA-03-001), NENA Recommendation for the implementation of Enhanced MF Signaling, E9-1-1 Tandem to PSAP ((NENA-03-002) and NENA Recommended Standards for Local Service Provider Interconnection Information Sharing (NENA-06-001) are standards issued by the National Emergency Number Association and have been incorporated by reference in these rules. These standards may be found at NENA-02-010, revised as of May, 1999, NENA-02-011, original as of March 2000, NENA-03-001, original as of June 12, 1995, NENA-03-002, recommended June 21, 1998, and NENA-06-001, original as of March 1997. References to these NENA standards do not include later

amendments to or editions of these standards. A certified copy of these standards which have been incorporated by reference are maintained at the Public Utilities Commission, 1580 Logan Street, OL-2, Denver, Colorado 80203 and are available for inspection during normal business hours. Certified copies of the incorporated standards shall be provided at cost upon request. The Director of the Public Utilities Commission, or his designee, will provide information regarding how the incorporated standards may be obtained or examined. These incorporated standards may be examined at any state publications depository library.