

Decision No. C03-0671

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03R-256T

IN THE MATTER OF EMERGENCY AMENDMENTS TO RULES REGULATING
OPERATOR SERVICES FOR TELECOMMUNICATIONS SERVICE PROVIDERS AND
TELEPHONE UTILITIES, 4 CCR 723-18.

DECISION ADOPTING EMERGENCY RULES

Mailed Date: June 18, 2003

Adopted Date: June 18, 2003

I. BY THE COMMISSION

A. Statement

1. This matter comes before the Commission for adoption of emergency rules amending the Commission's Rules Regulating Operator Services For Telecommunications Service Providers And Telephone Utilities, 4 CCR 723-18 (Operator Service Rules). For the reasons set forth in this decision, we now adopt on an emergency basis (*i.e.* without compliance with the rulemaking requirements for permanent rules set forth § 24-4-103, C.R.S.) the rules appended to this order as Attachment A. We take this action in accordance with the provisions of § 24-4-103(6), C.R.S.

2. Generally, the purpose of the rules adopted by this order is to amend the existing Operator Service Rules to reflect that operator telephone services provided to inmates at penal institutions are now deregulated. The current Operator Service Rules list inmate operator service as a regulated offering, and establish price caps for that service. However, the Colorado Legislature recently enacted Senate Bill 03-303 (SB 303) which deregulates inmate operator service. SB 303 became effective on June 4, 2003. We adopt the attached rules as emergency rules in accordance

with the provisions of § 24-4-103(6), C.R.S., to make the Operator Service Rules consistent with SB 303. We find that immediate adoption of the rule is imperatively necessary to comply with recent changes to state law, and compliance with the rulemaking requirements associated with permanent rules, as set forth in § 24-4-103, C.R.S., would be contrary to the public interest. Therefore, emergency adoption of the attached rules is appropriate.

3. The statutory authority for adoption of these rules is set forth in §§ 40-2-108 and 40-15-302, C.R.S. The rules attached to this order shall be effective immediately upon the mailed date of this decision, and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

II. ORDER

A. The Commission Orders That:

1. The rules appended to this decision as Attachment A are hereby adopted as emergency rules consistent with the above discussion.

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

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
JUNE 18, 2003.**

(SEAL)



ATTEST: A TRUE COPY

Bruce N. Smith
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

JIM DYER

Commissioners

THE
PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RULES REGULATING OPERATOR SERVICES FOR
TELECOMMUNICATIONS SERVICE PROVIDERS
AND TELEPHONE UTILITIES

4 CODE OF COLORADO REGULATIONS 723-18

RULE (4 CCR) 723-18-3. NONOPTIONAL OPERATOR SERVICES.

~~723-18-3.1.3 Calls made by inmates at penal institutions or other correctional facilities who are not permitted to use coins when placing calls at coin operated or coinless telephones or who are required to use an operator's services to complete a call because of the rules or regulations of said institutions or facilities.~~

723-18-3.1.3 [REPEALED - RESERVED FOR FUTURE USE.]

723-18-3.1.4 Calls made by individuals who identify themselves as disabled to the extent that they are functionally unable to complete a call (for example, unable to use rotary dial or Touch-Tone pad) without operator assistance. These calls include those made with telecommunications devices for the deaf.

723-18-3.1.5 Operator-assisted call reconnection for disconnection or poor transmission, and operator-handled credit requests.

723-18-3.1.6 [REPEALED - RESERVED FOR FUTURE USE.]

RULE (4 CCR) 723-18-4. OPTIONAL OPERATOR SERVICES.

723-18-4.1 Optional operator services provided by operators to customers which offer individualized and select call processing include, but are not limited to:

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723-18-4.1.7 Calls made by inmates at penal institutions or other correctional facilities who are not permitted to use coins when placing calls at coin operated or coinless telephones or who are required to use an operator's services to complete a call because of the rules or regulations of said institutions or facilities.

723.18.4.1.7.1 Providers who have tariffs for inmate services on file with the Colorado Public Utilities Commission as of June 18, 2003, shall file an advice letter and/or a transmittal letter, as appropriate, which removes from existing tariff and/or price list any and all rates, terms, and conditions related to inmate service. These filings may be allowed to become effective on not less than 1 day notice to the Commission.

723-18-4.2 Persons who provide optional operator services and who provide the nonoptional operator services described in Rules 3.1.4 through 3.1.7 at no additional cost to the user in order to support the public switched network, and incidental to the primary business of providing optional operator services, shall not be considered nonoptional operator service providers subject to the Commission's jurisdiction.

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**RULE (4 CCR) 723-18-APPENDIX A -
BENCHMARK MAXIMUM OPERATOR SERVICES RATES**

<u>No.</u>	<u>Operator Service</u>	<u>Rate</u>
	Usage Rates	
1.	Flat (Message) Rate per call	.11
	Flat (Measured) Rate per minute	
2.	Day	.20
3.	Evening/Night/Weekend	.11
	Calling Card Station Rates	
	Customer Dialed	
4.	Automated (Mechanized)	.30
5.	Operator Assisted	.58
6.	Operator Dialed	1.13
7.	Operator Assistance Operator (Assisted)	.75
8.	Station-to-Station	1.25
9.	Collect	1.85
10.	Billed to Third Party	1.51
11.	Person-to-Person	3.00
	Busy Line	
12.	Verification	1.25
13.	Interrupt	2.00
14.	Prison Inmate Operator Station Collect	1.85
15.	Pay Telephone Charge (Facilities based providers only)	.26

RULE (4 CCR) 723-18-EXHIBIT 1

NOTES ON ORIGINAL SOURCES OF OPERATOR SERVICES RATES

<u>No.</u>	<u>Operator Service</u>	<u>Note</u>
	Usage Rates	
1.	Flat (Message) Rate per call	1
	Flat (Measured) Rate per minute	
2.	Day	2
3.	Evening/Night/Weekend	2
	Calling Card Station Rates	
	Customer Dialed	
4.	Automated (Mechanized)	3a
5.	Operator Assisted	4
6.	Operator Dialed	3b
7.	Operator Assistance	3c
	Operator (Assisted)	
8.	Station-to-Station	4
9.	Collect	2
10.	Billed to Third Party	4
11.	Person-to-Person	4
	Busy Line	
12.	Verification	4
13.	Interrupt	4
14.	Prison Inmate Operator Station Collect	2
15.	Pay Telephone Charge (Facilities based providers only)	2, 5
16.	Call Completion	6

RULE (4 CCR) 723-18-EXHIBIT 1-NOTES:

1. Qwest Corporation, formerly known as U S WEST Communications, Inc., Exchange and Network Services Tariff, Colorado PUC No. 15, Section 5, Sheet 171.1
2. Qwest Corporation, formerly known as U S WEST Communications, Inc., Exchange and Network Services Tariff Colorado PUC No. 15, Section 6, Price List Sheets 1 and 2
3. Qwest Corporation, formerly known as U S WEST Communications, Inc., Statement of Generally Available Terms and Conditions; *See Page 3 of this Exhibit.*
 - a. Rate is 18¢
 - b. Rate is 46¢
 - c. Rate is 36¢
4. AT&T Communications of the Mountain States, Inc., Local Exchange Services Tariff Colorado PUC No. 1, Price List, Page 2
5. AT&T Communications of the Mountain States, Inc., Telecommunications Services Terms and Conditions Tariff, Price List, Section 7, Page 1
6. AT&T Communications of the Mountain States, Inc., Consumer Local Services Tariff, Price List, Section 9, Page 1

RULE (4 CCR) 723-18-EXHIBIT 1-STATEMENT

QWEST CORPORATION,

FORMERLY KNOWN AS U S WEST COMMUNICATIONS, INC.

STATEMENT OF GENERALLY AVAILABLE TERMS AND CONDITIONS

OPERATOR SERVICES RATES

FOR COMPARISON WITH BENCHMARK MAXIMUMS

<u>No.</u>	<u>Operator Service</u>	<u>Rate</u>
	Usage Rates	
1.	Flat (Message) Rate per call	None
	Flat (Measured) Rate per minute	
2.	Day	.00283
3.	Evening/Night/Weekend	.00283
	Calling Card Station Rates	
	Customer Dialed	
4.	Automated (Mechanized)	.18
5.	Operator Assisted	.46
6.	Operator Dialed	.36+.46
7.	Operator Assistance Operator (Assisted)	.36
8.	Station-to-Station	.84
9.	Collect	.36+.84
10.	Billed to Third Party	.36+.84
11.	Person-to-Person	2.05
	Busy Line	
12.	Verification	.72
13.	Interrupt	.87
14.	Prison Inmate Operator Station Collect	-.36+.84
15.	Pay Telephone Charge (Facilities based providers only)	None
16.	Call Completion	.085