

Decision No. C06-0163

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 06I-084T

IN THE MATTER OF AN INVESTIGATION OF REVISING THE DEFINITION OF BASIC LOCAL EXCHANGE TELEPHONE SERVICE OR BASIC SERVICE.

**ORDER OPENING INVESTIGATION
AND REQUESTING COMMENTS**

Mailed Date: February 24, 2006

Adopted Date: February 22, 2006

I. BY THE COMMISSION

A. Statement

1. On May 24, 1995, House Bill 95-1335 was signed into law (the Colorado Act).

The Colorado Act, in part, modified the statutory definition of basic telephone service (§ 40-15-102(3), C.R.S.), amended the section establishing the Colorado High Cost fund (§ 40-15-208, C.R.S.), and added a new Part 5 to Article 15 of Title 40 providing for local exchange service competition. The definition of Basic Service now provides that the term may be modified from time-to-time to include other features and services that we may add under § 40-15-502(2), C.R.S.

2. The Colorado Legislature as part of the Colorado Act also expressed its desire that the Commission periodically review its definition of Basic Service:

“The Commission shall conduct a proceeding when appropriate, but no later than July 1, 1999, and no less frequently than every three years to consider the revision of the definition of basic service, with the goal that every citizen of this state shall have access to a wider range of services at rates that are reasonably comparable as between urban and rural areas.” § 40-15-502(2), C.R.S.

3. Pursuant to that statutory charge, we have undertaken such a review on two previous occasions.¹

4. This issue is again ready for our consideration. With this Decision, we open a docket to commence the Commission's third triennial review of the definition of basic service.

5. We recently recodified our rules found at 4 *Code of Colorado Regulations* (CCR) 723, including rules pertinent to this docket. Those rules shall be effective on April 1, 2006. We find it prudent and expeditious that this docket proceed in the context of the new rules, and shall order that the docket proceed in that fashion. For the convenience of anyone who may have an interest in this matter, attached to this Decision is Appendix A, which consists of the recodified basic service definition from Docket No. 03R-524T.

6. This investigation shall be general and broad in scope. Accordingly, we seek suggestions from interested parties on any changes or modifications that should be made to the definition of basic service. In particular, but not as a limitation, we invite comments on the questions set forth below.

- A. Should the capability to initiate caller identification (caller ID) blocking per call using *67 at no additional charge be part of basic service?
- B. Should the capability to initiate caller ID blocking per line at no additional charge be part of basic service?
- C. Should providers that bundle or package basic local exchange service with other features and offerings still be required to furnish basic local exchange service in the package such that it meets the Commission's definition?
- D. Should the Commission's prescribed local calling areas be expanded to include an entire LATA? Should they be expanded to include the entire state?
- E. Should the definition of basic service apply only to the first access line in a residence or business, to the first and second access lines thereof, or to

¹ Decision No. C98-481 in Docket No. 98I-213T; Decision No. C02-533 in Docket No. 02I-251T.

some other limited number or combination of lines, rather than to every access line as is currently the case?

- F. Should the performance characteristics of basic service be expanded beyond, or made more restrictive than, the standard performance characteristics for customer access lines as found in 4 CCR 723-2-2337, scheduled to go into effect on April 1, 2006?
- G. Should basic service be expanded to include additional elements or features, for example but not limited to, caller ID, call waiting, etc.?

This listing is intended neither to be exhaustive nor limiting. Any party to this case is entitled, indeed, is encouraged, to raise for our consideration, any other issues it deems appropriate for consideration in this matter.

7. We are not bound by statute to change, in any manner whatsoever, the definition of basic service. While the goal of § 40-15-502(2), C.R.S., is that every citizen have access to a wider range of services, while maintaining the affordability and quality of basic local exchange service, our review of the basic service definition is not necessarily a ratchet toward either a more expansive or more restrictive basic service offering. We therefore, also seek comment on whether the basic service definition should be contracted and, if so, the specific manner of such contraction. We are particularly interested in whether § 40-15-502(3)(b)(I), C.R.S., when read in conjunction with the Telecommunications Act of 1996 – including but not limited to 47 U.S.C. § 253 – suggests either a particular outcome or general direction for the exercise in the instant manner pursuant to § 40-15-502(2), C.R.S.

8. At this time, we will not order a specific procedural schedule. However, the docket will proceed in the following general fashion. The parties shall submit formal written comments on or before April 3, 2006. Reply comments shall be submitted on or before April 17, 2006. We will consider all submissions, even those received after the dates specified above.

9. After due consideration of the comments, we will take appropriate action which may include initiation of additional proceedings in this or another docket and corresponding procedural schedules, as necessary. Commission Staff (Staff) hereby is directed to devise, evaluate, and recommend to the Commission, efficient and expeditious means of obtaining public input on the issues in this matter. Staff's efforts should include, at a minimum, consideration of the mechanisms utilized in past dockets such as customer surveys, public hearings and meetings, and work shops.

II. ORDER

A. The Commission Orders That:

1. An investigatory docket is opened to review the definition of basic local exchange service as discussed above.

2. Interested persons may file their initial written comments on or before April 3, 2006. Reply comments shall be submitted on or before April 17, 2006. The Commission will consider all submissions, including those received after the dates specified above.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 22, 2006.**

(SEAL)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

POLLY PAGE

CARL MILLER

Commissioners