

Decision No. C13-0357

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 91M-314T

RULES PRESCRIBING THE STANDARD PROCEDURES FOR ADMINISTERING THE COLORADO LOW-INCOME TELEPHONE ASSISTANCE FUND, 4 CCR 723-2-2800.

**COMMISSION ORDER SETTING THE UNIFORM
CHARGE FOR EACH APPLICABLE ACCESS LINE AT
ZERO CENTS PER MONTH BEGINNING MAY 1, 2013 TO
SUPPORT THE COLORADO LOW-INCOME TELEPHONE
ASSISTANCE PROGRAM AND REQUIRING THE
PRINTING OF A MARKET INFORMATIONAL NOTE**

Mailed Date: March 29, 2013
Adopted Date: March 21, 2013

I. BY THE COMMISSION

Statement, Findings, and Conclusions

1. The Colorado Low-Income Telephone Assistance Program (LITAP) was established by the Colorado Legislature in 1990. *See* § 40-3.4-101 *et seq.*, C.R.S. In 1991, the Commission adopted Rules Prescribing the Procedures for Administering the Low-Income Telephone Assistance Fund. Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* 723-2-2800. Rule 2803(a) provides:

The tariff shall include a description of the LITAP service offered to eligible subscribers and the associated monthly rate. Such tariff shall provide a 25 percent discount, or the end user common line charge, whichever is greater, for a single residential basic local exchange line in the principal residence of an eligible subscriber. In addition, eligible subscribers who are billed by the provider and who pay mileage or zone charges associated with the line are eligible for a 25 percent discount for these charges.

Rule 2803(b) further provides:

LITAP service rates shall be further reduced by any amount that the basic local exchange provider receives from any federal program providing for a reduction in such intrastate rate.

Rule 2803(c) further provides:

In no event shall the discount for LITAP service be less than the end user common line charge imposed by the FCC.

The discount for eligible subscribers is currently equal to the end user common line charge, which is \$6.50 (\$6.39 for Qwest Corporation, doing business as CenturyLink QC).

2. In anticipation of the passage of Senate Bill 13-194 (SB194), which would repeal LITAP, the Commission finds the LITAP uniform charge on each access line beginning May 1, 2013 should be decreased from seven cents per line per month to zero cents per line per month.¹

II. ORDER

A. The Commission Orders That:

1. Pursuant to § 40-3.4-108(1), C.R.S., and Rules 2804 and 2805 of the Commission's Rules Prescribing the Procedures for Administering the Low-Income Telephone Assistance Fund, 4 *Code of Colorado Regulations* (CCR) 723-2, the Colorado Low-Income Telephone Assistance Program (LITAP) uniform charge on each access line shall be zero cents per line per month effective May 1, 2013.

2. A compliance advice letter and tariff change shall be required and should be filed on not less than one day's notice to the Commission or before April 29, 2013, with an effective date of May 1, 2013. The required advice letter shall **not** be filed in this Docket; rather, the

¹ In the event that SB194 is enacted as currently drafted, the LITAP tariff rate, terms, and conditions would no longer be required. We anticipate that additional filings may be necessary at that time, including an advice letter to delete the LITAP tariff and filing a final LITAP Report to comply with obligations proposed in Section 5 of SB194 that wind down the LITAP fund. Should SB194 be enacted, the Commission will instruct carriers of the relevant necessary filings, if any, by future order.

compliance advice letter shall be a new filing containing all of the information required by Rule 1210 of the Commission's Rules of Practice and Procedure, 4 CCR 723-1.

3. Pursuant to Rule 2895 of the Commission's Rules Regulating Telecommunications Providers, Services, and Products, 4 CCR 723-2, utilities failing to file the required compliance filing could be subject to a fine of up to \$500.00.

4. The uniform charge of zero cents per month shall be included in each applicable subscriber's bill, either as a specific line item or as part of the subscriber's basic rate effective May 1, 2013. As soon as practicable after May 1, 2013, each local exchange telecommunications provider that has on file a tariff providing for the LITAP uniform charge to be included in the subscriber basic rate shall print on each customer's bill, a market informational note. The market informational note shall state: "The basic rate contains a 0-cent monthly charge for the Colorado Low-Income Telephone Assistance Program." The market informational note shall be printed on the bill through one billing cycle.

5. The 20-day time period provided for by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration begins on the first day after the mailing of this Order.

6. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 21, 2013.**

(S E A L)



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

JOSHUA B. EPEL

JAMES K. TARPEY

PAMELA J. PATTON

Commissioners