

Decision No. C14-0110-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 14A-0078T

IN THE MATTER OF THE APPLICATION OF THE BOULDER REGIONAL EMERGENCY TELEPHONE SERVICE AUTHORITY FOR A SURCHARGE INCREASE PURSUANT TO C.R.S. §29-11-102(2)(B).

INTERIM DECISION: (1) APPROVING PROPOSED CUSTOMER NOTICE AND REQUEST FOR WAIVER OF RESPONSE TIME; (2) WAIVING RESPONSE TIME AND GRANTING REQUEST FOR SHORTENED INTERVENTION PERIOD; AND (3) ESTABLISHING INTERVENTION PERIOD

Mailed Date: January 30, 2014

Adopted Date: January 29, 2014

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TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement

1. On January 21, 2014, the Boulder Emergency Telephone Service Authority (Applicant or BRETSA) filed a verified application for an emergency telephone surcharge increase pursuant to § 29-11-102(2)(b), C.R.S. On the same date, Applicant also filed a Motion for Authorization to Give Alternative Form of Notice (Customer Notice Motion) requesting the Commission to Shorten the Intervention/Response Period to the Application (Motion to Shorten Intervention Period).

2. In its Application, BRETSA seeks Commission approval to increase its emergency telephone surcharge rate to \$0.75 per service user per month. If approved, the increased rate will be assessed on exchange access facility (wireline), wireless, and Voice over Internet Protocol users. The rate increases applies to Boulder County – the area served by the Applicant.

3. The Application is available for public inspection at the Commission office located at 1560 Broadway, Suite 250, Denver, Colorado 80202, between 8:00 a.m. and 5:00 p.m., excluding weekends and state holidays. **This Decision is the notice that the application has been filed.**

B. Customer Notice Motion

4. The Applicant will provide notice upon Commission approval of its Customer Notice Motion. Applicant states it will provide notice in the newspapers in the legal notices section of the *Boulder Daily Camera* and the *Longmont Times Call* newspapers published daily in Boulder County for two successive weeks.

5. Applicant's Customer Notice Motion further requests a waiver of the statutory notice provisions of § 40-3-104, C.R.S.

6. Section 40-3-104, C.R.S., sets forth the requirements as to notice when the rates for public utility services (*e.g.*, telephone service) may be changed. While § 40-3-104, C.R.S., applies only to regulated public utilities, Applicant must obtain approval from the Commission of its proposed surcharge pursuant to § 29-11-102(2)(b), C.R.S. Therefore, we find that the Commission has authority to specify the notice that an emergency telephone provider must provide in an application filed pursuant to § 29-11-102(2)(b), C.R.S.

7. We find that the above mentioned notice proposal is reasonable and we grant the request to provide notice of Application in accordance with this proposal. The content of the customer notice shall be as proposed by Applicant with the exception of replacing Docket No. 13A-____T in the second paragraph with Proceeding No. 14A-0078T.

8. Additionally, we find that waiver of response time to the Customer Notice Motion is proper.

C. Motion to Shorten Intervention Period

9. In its Motion to Shorten Intervention Period, Applicant requests the Commission to shorten the intervention period for notice by the Commission from 30 days to 14 days. In support of its Motion to Shorten Intervention Period, Applicant states that it must obtain

Commission grant of the application and obtain approval of the surcharge increase by the Boulder County Commission and the city or town councils of the City of Boulder, City of Lafayette, City of Longmont, City of Louisville, City of Erie, Town of Jamestown, Town of Lyons, Town of Nederland, and the Town of Superior. Applicant states that grant of the shortened notice period will assist in meeting the necessary timeframe to implement the new rate by July 1, 2014.

10. We find that prompt action on the Motion to Shorten Intervention Period is necessary. A shortened intervention period will not prejudice any intervenor and the Applicant is intending to expedite the Commission's consideration of the Application. The Commission further notes that shortening the intervention period will facilitate compliance with the statutory requirement found at § 29-11-103(3)(a), C.R.S., that the governing body shall notify by registered mail every service supplier at least 60 days before a new rate will become effective.

11. We find that the Motion to Shorten Intervention Period states good cause because it balances the needs of the Applicant and the procedural due process rights of any potential intervenors. The Motion to Shorten Intervention Period will be granted.

D. Waiver of Response Time to Motion.

12. Applicant states that notice of the application to the public will provide an opportunity for substantive response to the Application and no purpose will be served by requiring a response time to this Motion.

13. We find good cause to waive response time to the Customer Notice Motion and the Motion to Shorten Intervention Period.

E. Miscellaneous

14. This grant of a shortened notice period does not constitute a ruling on the completeness.

15. We will consider completeness and the merits of the application at a future time, after the notice period has expired.

II. ORDER

A. It Is Ordered That:

1. The relief sought by the Motion for Alternative Form of Notice, to Shorten the Intervention/response Period, and for Waiver of Response Time filed by the Boulder Regional Emergency Telephone Service Authority is granted consistent with the above discussion.

2. The customer notice by publication proposed by the Boulder Regional Emergency Telephone Service Authority in the Verified Application is approved. The Boulder Regional Emergency Telephone Service Authority shall publish the customer notice in accordance with the terms of Exhibit A to the Verified Application. The content of the customer notice shall be as proposed by Applicant with the exception of replacing Docket No. 13A-____T in the second paragraph with Proceeding No. 14A-0078T.

3. The Motion Requesting the Commission to Shorten the Intervention/Response Period to Application filed by the Boulder Regional Emergency Telephone Service Authority is granted consistent with the below ordering paragraphs.

4. We adopt a 14-day notice period. The notice period for this Application shall extend through and including **February 13, 2014**.

5. Any person desiring to intervene or participate as a party in this proceeding, including Staff of the Commission, shall file his petition for leave to intervene, or under the

Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party, **by February 13, 2014**. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

6. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202.

7. At the time of this Decision establishing notice, the Commission has not yet deemed this application to be complete pursuant to § 40-6-109.5, C.R.S.

8. The Commission may consider the Application without a hearing if no notice of intervention as of right or motion to permissively intervene is timely filed, or no notice of intervention as of right or motion to permissively intervene requests a hearing or contests or opposes the Application.

9. If a hearing is required in this matter, the Commission will notify the parties of the hearing date, time, and location. The Boulder Regional Emergency Telephone Service Authority must appear at the hearing, if one is set, and present evidence in support of its application. Other parties may appear and present evidence in support of their position.

10. If a party does not meet the requirements of this Decision, the Commission may dismiss or strike the application or intervention upon motion filed by any other party, or upon the Commission's own motion, unless good cause for failure to meet the requirements is shown.

11. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 29, 2014.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

PAMELA J. PATTON

GLENN A. VAAD

Commissioners