

Decision No. C14-0299

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).

COMMISSION DECISION GRANTING APPLICATION

Mailed Date: March 20, 2014

Adopted Date: March 19, 2014

I. BY THE COMMISSION

A. Statement

1. On January 21, 2014, the Boulder Regional Emergency Telephone Service Authority (BRETSA or Applicant) filed its application pursuant to § 29-11-102(2)(b), C.R.S., for approval of an emergency telephone charge increase from \$0.50 to \$0.75 per service user per month (Application).

2. On January 29, 2014, the Commission gave notice of the Application stating that parties wishing to participate in this Proceeding should file an Intervention or other appropriate pleading within 14 days after the date of the Notice.

3. The Intergovernmental Agreement (IGA) for BRETSA requires approval for the surcharge increase by all the IGA entities. Boulder County Commissioners and the Boulder and Longmont City Councils approved the surcharge increase prior to the application being filed. The remaining approvals required are the City of Erie, the Town of Jamestown, the City of Lafayette, the City of Longmont, the City of Louisville, the Town of Lyons,

the Town of Nederland, and the Town of Superior. These approvals were pursued simultaneously by BRETSA.

4. BRETSA filed a Motion for Waiver of Statutory Notice Provisions of § 40-3-104, C.R.S., for authorization to give an alternative form of notice pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1003 of the Rules of Practice and Procedure and requested a shortened intervention response period pursuant to Commission Rule 4 CCR 723-1-1401(a) for 30 days to 14 days. BRETSA requested to provide notice of the proposed surcharge increase to be published for two consecutive weeks in the *Boulder Daily Camera* and the *Longmont Times Call*, local newspapers of general circulation in Boulder County.

5. By Decision No. C14-0110-I, adopted January 29, 2014 and mailed on January 30, 2014, the Commission approved the alternative form of notice and the shortened intervention response time to 14 days.

6. On February 21, 2014, BRETSA filed its affidavit stating that the first week's publication occurred February 4, 2014 and the second week's publication occurred February 11, 2014. BRETSA attached copies of each publisher's Affidavit of Publication.

II. FINDINGS AND CONCLUSIONS

7. Since the Application is now uncontested, the matter will be considered pursuant to the Commission's modified procedure, § 40-6-109(5), C.R.S., and the Commission's Rules of Practice and Procedure, 4 CCR 723-1-1403.

8. A governing body¹ may incur equipment, installation, and other costs directly related to the continued operation of emergency telephone service pursuant to

¹ As defined at § 29-11-101(4), C.R.S.

§ 29-11-102, C.R.S. As provided in paragraph (a) of subsection (2) of that statute, such allowable costs may be categorized as equipment directly related to receipt and routing of emergency calls, monthly recurring charges for the emergency telephone service, reimbursement of costs for equipment changes necessary for the provision or transmission of wireless Automatic Number Identification or wireless Automatic Location Identification to a public safety answering point (PSAP), costs related to the provision of emergency notification service and emergency telephone service, and “other” directly related costs. Personnel expenses necessarily incurred for a PSAP may also be paid with funds collected from 911 charges.²

§ 29-11-104(2)(b), C.R.S.

9. A governing body is statutorily authorized to collect up to \$0.70 per month per exchange access facility, per wireless communications access, and per interconnected Voice over Internet Protocol service to cover such costs of service within its jurisdiction. In the event a charge in excess of \$0.70 is necessary to provide adequate emergency telephone service, the governing body shall obtain the approval of the Commission before imposing such higher charge. § 29-11-102(2), C.R.S.

10. Currently, the monthly emergency telephone surcharge is \$0.50 in BRETSA’s service territory. The Application seeks to increase the charge to \$0.75 per month.

11. The Application is supported by the affidavit and verification of the information filed with the Commission by Applicant’s counsel. BRETSA is an emergency telephone service Authority comprised of a group of ten local government entities whose jurisdictional boundaries

² Such personnel include employees who take and dispatch telephone calls, or who maintain the computer database of the PSAP.

are within the County. Those governmental entities cooperate pursuant to the terms and conditions of the IGA concerning the implementation of an E-911 Telephone Service.

12. BRETSA was formed in 1987 when several parties desired to enter into a new IGA. The parties entering into the new IGA were the County of Boulder, the City of Boulder, the City of Lafayette, the City of Longmont, the City of Louisville, the City of Erie, the Town of Jamestown, the Town of Lyons, the Town of Nederland, and the Town of Superior.

13. BRETSA has determined that an increase in the emergency telephone surcharge is needed for three primary reasons: 1) Inflation. BRETSA has not increased its surcharge since 1990; 2) Technical support for the Computer Aided Dispatch system installed and deployed in 2013; and 3) Replacement of the radio dispatch consoles in the three PSAPs operated by the Boulder County Sheriff's Office, Boulder Police Department, and the Longmont Department of Public Safety. The existing radio dispatch consoles are no longer supported by the vendor.

14. The radio dispatch consoles have in the past been paid for by the public safety agencies which operate the BRETSA supported PSAPs, however, that funding source has been depleted due to the 2013 floods. Replacement estimates are \$2.9 Million.

15. Applicant has provided budget forecasts for fiscal years 2013 through 2024. The Application establishes the necessity of anticipated increased costs in operational expenses and investment to improve system reliability of emergency telephone service.

16. Based on this evidence, the Commission agrees with Applicant that the costs identified by Applicant are necessary and directly related to providing emergency telephone service as required by § 29-11-102(2), C.R.S. Increasing the surcharge to \$0.75 per month is just, reasonable, and in the public interest. The funds derived from the increase in the emergency telephone service surcharge will be used to pay for operating costs, investments, expenses, and

services as permitted by § 29-11-104(2), C.R.S. The increase is necessary to fund the investments that are required to allow BRETSA to continue to provide adequate and reasonable emergency telephone service.

III. ORDER

A. The Commission Orders That:

1. The application of the Boulder Regional Emergency Telephone Service Authority (BRETSA) seeking to increase the emergency telephone charge to \$0.75 per access line per month is deemed complete and granted.

2. BRETSA shall notify each affected service provider of the increase in the emergency telephone surcharge by registered mail at least 60 days prior to the new rate becoming effective.

3. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 19, 2014.**

(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

PAMELA J. PATTON

GLENN A. VAAD

Commissioners