

Decision No. R15-0505-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 15R-0318T

IN THE MATTER OF THE PROPOSED RULES REGARDING BASIC EMERGENCY SERVICE, 4 CODE OF COLORADO REGULATIONS 723-2.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
PAUL C. GOMEZ
GRANTING JOINT MOTION IN PART
AND DENYING IN PART**

Mailed Date: May 27, 2015

I. STATEMENT

1. The Colorado Public Utilities Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) on May 13, 2015 by Decision No. C15-0453, regarding rules regulating basic emergency service, currently Rules 2130 through 2159 of the Rules Regulating Telecommunications Providers, Services, and Products, 4 *Code of Colorado Regulations* 723-2.

2. The purpose of the NOPR was to provide notice that the Commission is considering revisions to its 9-1-1 rules in response to recent legislation and in response to recent events which affected 9-1-1 network reliability in Colorado, including recent catastrophic fires and floods. The potential and actual entry into the market for 9-1-1 services by new and different providers to Public Safety Answering Points, as well as the addition of significant technological advancements also led the Commission to consider revisions to its rules.

3. Pursuant to the NOPR, the Commission set a schedule for the filing of comments, replies, and a date for a public hearing on the proposed rules. The Commission requested that initial comments be filed no later than June 5, 2015. The Commission also requested that

reply comments be submitted no later than June 19, 2015. The Commission established a public hearing date of June 26, 2015.

4. On May 19, 2015, the 9-1-1 Advisory Task Force,¹ as well as Qwest Corporation, doing business as CenturyLink QC; Boulder Regional Emergency Telephone Service; Intrado, Inc.; MCImetro Access Transmission Services LLC, doing business as Verizon Access Transmission Services; Jefferson County Emergency Communications Authority; Arapahoe County E-911 Emergency Communications Service Authority; Adams County Emergency Telephone Service Authority; AT&T Corp. and Teleport Communications America, LLC; Sprint Communications Company LP, Sprint Spectrum LP, and Virgin Mobile USA; Larimer Emergency Telephone Authority; Douglas County Emergency Telephone Service Authority; Shirl Garcia (911 Advisory Task Force Member at Large); the Colorado Telecommunications Association; Comcast Phone of Colorado LLC; and El Paso - Teller County Emergency Telephone Service Authority filed a Joint Motion to Extend Hearing and Comment Cycle, and request to Waive or Shorten Response Time (Joint Motion).

5. The Joint Motion states that given the significant importance of the proposed rule changes, it is important the Commission's regulation of basic emergency service be carefully reviewed, and input from stakeholders be thoughtfully considered. In addition, the Joint Motion states that each stakeholder should be given sufficient time to develop its positions and comments. The proposed timeline in the NOPR does not permit the time necessary for review, consideration, or communications, and the timeframe is too compressed to allow for meaningful participation and consideration, according to the Joint Motion.

¹ Attached to the Joint Motion was a Voting Member Roster for the Colorado 9-1-1 Task Force.

6. As a result, the parties to the Joint Motion propose an alternative schedule in which initial comments would be due by June 29, 2015, and reply comments would be due by July 20, 2015. No date for a public hearing was proposed by the parties.

7. On May 26, 2015, Montrose Emergency Telephone Service Authority (METSA) filed a letter supporting the Joint Motion. The letter indicates that the METSA Board voted at its regular meeting on May 21, 2015 in support of the Joint Motion to extend the timeline to file comments to the proposed rule changes.

II. FINDINGS

8. It is agreed that the schedule set forth in the Commission's NOPR may not provide sufficient time for the parties to file meaningful comments that will assist in adopting final rules that are truly effective and consequential. However, it is understood that the parties have spent considerable time addressing the issues raised in the proposed 9-1-1 rules attached to the NOPR. It is also understood that the timeline was established in order to timely complete this rulemaking and have permanent rules in place as soon as possible to address the issues regarding emergency 9-1-1 services in Colorado.

9. Consequently, the Joint Motion will be granted in part. The deadline for interested parties to file comments will be extended to June 25, 2015. The deadline to file reply comments will be extended to July 17, 2015.

10. As indicated *supra*, the Joint Motion did not propose a date for a public hearing on the proposed rules. Amending the hearing date established in the NOPR requires re-noticing the new hearing date through a NOPR or Supplemental NOPR in *The Colorado Register* pursuant to § 24-4-103(3)(a) and (11), C.R.S. However, the deadline for submitting a NOPR for the purposes of publication of the new hearing date in the June edition of *The Colorado Register*

has passed. Publication could not occur until the July edition, and a hearing after publication could not occur until at least 20 days after such publication. In order to make this extension of time process as straightforward as possible, and to provide sufficient notice of a public hearing on the proposed rules during which public comment will be taken, the original hearing date of June 26, 2015 will remain in effect. That original hearing date will be convened *only* for the purpose of scheduling a subsequent hearing date.² However, if a party nonetheless wishes to provide comment at the June 26, 2015 public hearing, it will not be precluded from doing so. It is determined that this procedure is within the letter and spirit of § 24-4-103, C.R.S.

11. Therefore, the Joint Motion will be granted in part and denied in part.

III. ORDER

A. It Is Ordered That:

1. The Joint Motion of the 9-1-1 Advisory Task Force and Others to Extend Hearing and Comment Cycle is granted in part and denied in part consistent with the discussion above.

2. The deadline for interested parties to file written comments shall be extended to June 25, 2015.

3. The deadline for interested parties to file comments responsive to the written comments shall be extended to July 17, 2015.

4. The public comment hearing on the proposed rules and related matters shall be held on June 26, 2015, consistent with the hearing date as indicated in the Commission's Notice of Proposed Rulemaking issued on May 13, 2015 by Decision No. C15-0453.

² It is anticipated that a subsequent public comment hearing will be scheduled for August 10 or August 17, 2015.

5. The public comment hearing scheduled for June 26, 2015 will be held for the purpose of scheduling an additional public comment hearing.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

PAUL C. GOMEZ

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director