

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES

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[indicates omission of unaffected rules]

2008. Incorporations by Reference.

- (a) The Commission incorporates by reference 47 C.F.R., Parts 32, 36, 54, 68, 69 and Part 64 Subparts I and K (as published February 4, 2015). No later amendments to or editions of these regulations are incorporated in these rules.
- (b) The Commission incorporates by reference the regulations published in 47 C.F.R. Part 64 Subpart U as revised on June 8, 2007. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (c) The Commission incorporates by reference the National Electrical Safety Code, C2-2007 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (d) The Commission incorporates by reference the regulations published in 47 C.F.R. 51.307 through 51.319, as revised on January 28, 2013. No later amendments to or editions of these regulations are incorporated into these rules.
- (e) The Commission incorporates by reference the rule promulgated by the FCC's *LNP First Report and Order*, Decision No. FCC 96-286 in CC Docket No. 95-116, released July 2, 1996. No later amendments to or editions of these requirements are incorporated into these rules.
- (f) The Commission incorporates by reference the FCC's Truth in Billing Rules found at 47 C.F.R. § 64.2401, et seq. revised on November 30, 2012. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (g) The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library.

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[indicates omission of unaffected rules]

Basic Emergency Service

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to: (1) define and describe basic emergency service as regulated by § 40-15-201, C.R.S.; (2) prescribe multi-line telephone system (MLTS) operator requirements regarding disclosure to end users of the proper method for accessing 9-1-1 service, and regarding the capability of the MLTS to transmit end users' telephone numbers and location information; (3) prescribe the interconnection environment and relationships between basic emergency service providers (BESPs) and originating service providers and other BESPs; (4) permit use of 9-1-1 databases for outbound wide area notifications in times of emergency; (5) prescribe reporting times of 9-1-1 outages and interruptions; and (6) explicitly recognize the potential for multiple BESPs in Colorado.

The statutory authority for the promulgation of these rules is found at §§ 29-11-102(2)(b); 29-11-106(3); 40-2-108; 40-3-102; 40-3-103; 40-4-101(1) and (2); 40-15-201; 40-15-301; and 40-15-503(2)(g), C.R.S.

2130. Applicability.

- (a) Except as otherwise provided, rules 2130 through 2159 apply to BESPs.
- (b) Some of the provisions in these rules apply to MLTS operators whose systems do not have automatic number and automatic location identification capability, or whose systems require the dialing of an additional digit(s) to access the public switched network.

2131. Definitions.

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.
- (b) "9-1-1 facilities" means the facilities (e.g., trunks or transmission paths) that connect from the central office serving the individual telephone that originates a 9-1-1 call to the 9-1-1 selective router or functional equivalent and subsequently connects to a Public Safety Answering Point (PSAP). These may include, but are not limited to, point-to-point private line facilities owned, leased or otherwise acquired by a BESP. Common or shared facilities also may be used. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.
- (c) "9-1-1 outage" means a situation in which 9-1-1 calls cannot be transported from the end users to the PSAP responsible for answering the 9-1-1 emergency calls. 9-1-1 failures also include the inability to deliver location information to the PSAP from the 9-1-1 Automatic Location Identification (ALI) database or a loss of the 9-1-1 ALI functionality.
- (d) "9-1-1 selective router" means the telecommunications switch or functional equivalent dedicated to aggregation of 9-1-1 call traffic from public networks and proper routing of 9-1-1 call traffic to PSAPs.
- (e) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user placing a 9-1-1 call to the PSAP serving the caller's location. 9-1-1 service also includes any related caller location information routed to the PSAP, if any.

- (f) "Automatic Location Identification" (ALI) means the automatic display, on equipment at the PSAP, of the telephone number and location of the caller. ALI data includes non-listed and non-published numbers and addresses, and other information about the caller's location.
- (g) "ALI provider" means any person or entity that, on a for-profit or not-for-profit basis, provides ALI to basic emergency service providers and the governing body for a specific geographic area.
- (h) "ALI service" means all the services, features, and functionalities of elements and components used to provide ALI, including the applications, databases, management processes and services, selective routing, aggregation, and transport, without regard to the technology used, provided to the governing body or PSAP of a specific geographic area. ALI service does not include the provision of ALI by originating service providers, PSAPs, 9-1-1 governing bodies, or local governments.
- (i) "Automatic Number Identification" (ANI) means the automatic display of the caller's telephone number at the PSAP.
- (j) "Basic emergency service" means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of ALI service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. Basic emergency service does not include:
 - (I) the portion of a 9-1-1 call provided by an originating service provider;
 - (II) the services provided by an intermediary aggregation service provider;
 - (III) the delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP;
 - (IV) the delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or
 - (V) the delivery of text-to-9-1-1 via interim methods.
- (k) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service.
- (l) "Demarcation point" means the physical point where the responsibility of a portion of a network changes from one party to another.
- (m) "Emergency notification service" (ENS) means a service in which, upon activation by a public safety agency:
 - (I) the 9-1-1 database or a database which may be derived in whole or in part from the 9-1-1 database is searched to identify all stations located within a geographic area;

- (II) a call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.); and
 - (III) a recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).
 - (IV) ENS may also include the transmission of messages to individuals by other means, including text messages, e-mail, facsimile, or other mass alerting method or system.
- (n) "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., or established by § 29-11-102.5(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S.
- (o) "Enhanced 9-1-1" (E9-1-1) means 9-1-1 service that includes the association of ANI and ALI (including non-listed and non-published numbers and addresses), and selective routing.
- (p) "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- (q) "Governing body" means the organization responsible for establishing, collecting, and disbursing the emergency telephone charge in a specific geographic area, pursuant to §§ 29-11-102, 103, and 104, C.R.S.
- (r) "Intermediary aggregation service provider" means a person that aggregates and transports 9-1-1 calls for one or more originating service providers for delivery to a BESP selective router or the functional equivalent of such a router.
- (s) "Multi-line telephone system" (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
- (I) Network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
 - (II) Systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- (t) "Multiple-line telephone system operator" means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- (u) "Originating service provider" (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.
- (v) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP.
- (w) "Selective routing" means the capability of routing a 9-1-1 call to a designated PSAP based upon the location of the end user, as indicated by the 10-digit telephone number of the fixed location

subscriber dialing 9-1-1, the p-ANI (ESRK or ESQK), or otherwise permitted by FCC rule, regulation, or order.

2132. -2133. [Reserved].

2134. Process for Certification of Basic Emergency Service Providers (BESPs).

- (a) The Commission finds and declares that the public convenience and necessity require the availability, and, when requested, the provision of basic emergency service throughout Colorado, and further that such basic emergency service is vital to the public health and safety and shall be provided solely by properly certificated BESPs.
- (b) The Commission may certify additional or different BESPs to offer basic emergency service if such certification is in the public interest. Each application for certification shall be considered on a case-by-case basis.
- (c) Notwithstanding paragraphs 2103(a) and 2002(b), an application for authority to provide basic emergency service shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attachments:
 - (I) the name and address of the applicant;
 - (II) the name(s) under which the applicant is, or will be, providing telecommunications service in Colorado;
 - (III) the name, address, telephone number, and e-mail address of the applicant's representative to whom all inquiries concerning the application should be made.
 - (IV) the name, address, telephone number, and e-mail address of the applicant's contact person for customer inquiries concerning the application, if that contact person is different from the person listed in subparagraph (III);
 - (V) a statement indicating the town or city, and any alternate town or city, where the applicant prefers any hearings be held (if not at the Commission's offices in Denver, the town or city and any alternate town or city shall be within applicant's proposed initial service area);
 - (VI) a statement that the applicant agrees to respond to all questions propounded by the Commission or Commission staff concerning the application;
 - (VII) a statement that the applicant shall permit the Commission or Commission staff to inspect the applicant's books and records as part of the investigation into the application;
 - (VIII) a statement that the applicant understands that if any portion of the application is found to be false or to contain material misrepresentations, any authorities granted may be revoked upon Commission order;
 - (IX) acknowledgment that, by signing the application, applicant understands that:
 - (A) the filing of the application does not by itself constitute approval of the application;

- (B) if the application is granted, the applicant shall not commence the requested action until the applicant complies with applicable Commission rules and with any conditions established by Commission order granting the application;
 - (C) if a hearing is held, the applicant shall present evidence at the hearing to establish its qualifications to undertake, and its right to undertake, the requested action; and
 - (D) in lieu of the statements contained in subparagraphs (b)(IX)(A) through (C) of this rule, an applicant may include a statement that it has read, and agrees to abide by, the provisions of subparagraphs (b)(IX)(A) through (C) of this rule.
- (X) An attestation which is made under penalty of perjury; which is signed by an officer, a partner, an owner, an employee of, an agent for, or an attorney for the applicant, as appropriate, who is authorized to act on behalf of the applicant; and which states that the contents of the application are true, accurate, and correct. The application shall contain the title and the complete address of the affiant;
 - (XI) the applicant's proposed notice to the public and its customers, if such notice is required;
 - (XII) name, mailing address, toll free telephone number, and e-mail address of applicant's representative responsible for responding to customer disputes;
 - (XIII) name, mailing address, telephone number, and e-mail address of applicant's representative responsible for responding to the Commission concerning customer informal complaints;
 - (XIV) the applicant's applicable organizational documents, e.g., Articles of Incorporation; Partnership Agreement; Articles of Organization, etc.;
 - (XV) if the applicant is not organized in Colorado, a current copy of the certificate issued by the Colorado Secretary of State authorizing the applicant to transact business in Colorado;
 - (XVI) name and address of applicant's Colorado agent for service of process;
 - (XVII) a description of the applicant's affiliation, if any, with any other company and the name and address of all affiliated companies;
 - (XVIII) the applicant's most recent audited balance sheet, income statement, and statement of retained earnings;
 - (XIX) if the applicant is a newly created company that is unable to provide the audited financial information requested in subparagraph (VIII): detailed information on the sources of capital funds that will be used to provide telecommunications services, including the amount of any loans, lines of credit, or equity infusions that have been received or requested, and the names of each source of capital funds;
 - (XX) the names, business addresses, and titles of all officers, directors, partners, agents and managers who will be responsible for the provisioning of basic emergency service in Colorado;
 - (XXI) any management contracts, service agreements, marketing agreements or any other agreements between the applicant and any other entity, including affiliates of the

applicant, that relate to the provisioning of jurisdictional telecommunications services in Colorado;

- (XXII) an applicant which has contracted with, or is otherwise relying upon one or more unaffiliated service providers to provide a major component of basic emergency service under its certificate shall identify all such contractors or unaffiliated service providers.
- (XXIII) identification of any of the following actions by any court or regulatory body within the last five years regarding the provisioning of regulated telecommunications services by the applicant, by any of applicant's agents, officers, board members, managers, partners, or management company personnel, or by any of applicant's affiliates that resulted in:
 - (A) assessment of fines or civil penalties;
 - (B) assessment of criminal penalties;
 - (C) injunctive relief;
 - (D) corrective action;
 - (E) reparations;
 - (F) a formal complaint proceeding brought by any regulatory body;
 - (G) initiation of or notification of a possible initiation of a disciplinary action by any regulatory body, including but not limited to any proceeding to limit or to place restrictions on any authority to operate any CPCN or any service offered;
 - (H) refusal to grant authority to operate or to provide a service;
 - (I) limitation, de-certification, or revocation of authority to operate or to provide a service; or
 - (J) any combination of the above.
- (XXIV) For each item identified in subparagraph (XXIII) of this paragraph: an identification of the jurisdiction, summary of any applicable notification of a possible initiation or pending procedure, including the docket, case, or file number, and, upon the request of the Commission or its Staff, a copy of any written decision; and
- (XXV) acknowledgment that by signing the application, the applicant:
 - (A) certifies that it possesses the requisite managerial qualifications, technical competence, and financial resources to provide the telecommunications services for which it is applying;
 - (B) understands that:
 - (i) the filing of the application does not by itself constitute authority to operate;
 - (ii) a Commission finding that the application is complete is not a ruling on the merits of the application;

- (iii) if the application is granted, the applicant shall not provide service until:
 - (a) the applicant complies with applicable Commission rules and any conditions established by Commission order granting the application; (b) has an effective tariff on file with the Commission; and (c) the Commission approves its Declaration of Intent to Serve, if seeking to provide local exchange service in the service territory of a rural telecommunications provider;
 - (C) agrees to respond in writing, within ten days, to all customer informal complaints made to the Commission;
 - (D) agrees to contribute, in a manner prescribed by federal or state statute, rule, or administrative order establishing an explicit subsidy mechanism or other fund to which basic emergency service providers are required to contribute;
 - (E) certifies that, pursuant to the tariff under which its service is offered, it will not unjustly discriminate among customers in the same class of service; and
 - (F) certifies that the applicant will not permit any other person or entity to operate under its Commission-granted authority without explicit Commission approval.
- (XXVI) The BESP's service area shall be the state of Colorado, but the applicant shall identify the geographic area it initially intends to serve;
- (XXVII) If the applicant has previously filed with the Commission current reports or material that include the information required in subparagraph (I) and (II), it may confirm this by filing an attestation of completeness and accuracy with proper citation of title and date of the other filed material; and
- (XXVIII) a detailed statement describing the means by which it will provide basic emergency service. This statement shall include, but is not be limited to:
- (A) the technical specifications for the system that will be used to provide the basic emergency service, including information on emergency restoration of the system;
 - (B) all inter-company agreements used to implement and operate the service;
 - (C) all interconnection agreements between the BESP and: basic local exchange carriers, wireless carriers, other BESP, and other telecommunications providers; and
 - (D) proposed tariffs.
- (d) An acknowledgment that the applicant will provide basic emergency service in accordance with these rules and all applicable quality of service rules.
 - (e) While the application is pending, the application shall amend its application to report any changes to the information provided within five business days of any such change, so as to keep its application current.

2135. Uniform System of Accounts, Cost Segregation and Collection.

All BESP shall maintain their books and records and perform separation of costs as prescribed by rules 2400 through 2459, or as otherwise prescribed by the Commission.

2136. Obligations of Basic Emergency Service Providers.

- (a) A BESP certificated by the Commission, shall obtain facilities from or interconnect with all originating service providers telecommunications providers who have customers in areas served by the BESP. BESP shall interconnect with all other BESP.
- (b) At the request of an originating service provider, intermediary aggregation service provider, or other BESP, a BESP shall provide and/or arrange for the necessary facilities to interconnect, route and transport 9-1-1 calls and ALI from originating service provider, intermediary aggregation service provider, or other BESP to the PSAP that is responsible for answering the 9-1-1 calls. Interconnection shall be accomplished in a timely manner, generally not more than 30 days from the time the BESP receives a written order. Interconnection facilities shall generally be engineered as follows:
 - (I) dedicated facilities for connecting originating service provider or intermediary aggregation service provider to a BESP shall be based on the requirements established by the BESP to serve the customers within that local exchange; or
 - (II) if shared or common facility groups are used to transport calls from the originating service provider or intermediary aggregation service provider to a BESP, they shall be sized to carry the additional call volume requirements. Additionally, common or shared groups shall be arranged to provide 9-1-1 calls on a priority basis where economically and technically feasible.
- (c) A BESP shall develop and file with the Commission tariffs that establish cost-based rates for basic emergency service. These rates shall be averaged over the entire geographic areas the BESP is certificated to serve, except as otherwise provided in subparagraph 2143(a)(III)
- (d) A BESP shall render a single monthly bill for its tariff services provided to the appropriate governing body. The monthly bill shall be sufficiently detailed to allow the governing body to determine that it is being billed properly based on the billing increments as approved by the Commission.
- (e) The BESP shall coordinate with the 9-1-1 Advisory Task Force to establish a process for ensuring units used for tariff pricing are accurate and up-to-date.
- (f) BESP shall ensure, to the extent possible and in the most efficient manner, that telecommunication services are available for transmitting 9-1-1 calls from deaf, hard of hearing, and persons with speech impairments to the appropriate PSAP.
- (g) A BESP shall ensure that all basic emergency service facilities, and interconnections between it and the originating service providers and intermediary aggregation service providers are engineered, installed, maintained and monitored in order to provide a minimum of two circuits and a minimum P.01 grade of service (one percent or less blocking during the busy hour), or such other minimum grade of service requirements approved by the Commission.
- (h) Where a BESP obtains facilities from a basic local exchange carrier for delivery of 9-1-1 calls to a PSAP, the rates for such facilities shall be reflected in a tariff or agreement filed for approval with

the Commission. Such tariffs or agreements shall ensure that such facilities are engineered, installed, maintained and monitored to provide a minimum of two circuits and a grade of service that has one percent (P.01) or less blocking. The basic local exchange carrier providing such facilities shall not be considered a BESP. The provisions of this rule shall not apply to routing arrangements implemented pursuant to paragraph 2143(d).

- (i) To expedite the restoration of service following a 9-1-1 outage, each BESP shall designate a telephone number for PSAPs originating service providers to report trouble. Such telephone number shall be staffed seven days a week, 24 hours a day, by personnel capable of processing calls to initiate immediate corrective action.
- (j) A BESP shall keep on file with the Commission its contingency plan as described in paragraph 2143(d).
- (k) BESPs shall identify service providers supplying service within a governing body or PSAP's service area, or statewide, to the extent that the BESP possesses such information, in response to a request from a governing body, PSAP, or the Commission.

2137. [Reserved].

2138. Obligations of Payphone Providers.

All payphone providers must ensure that access to dial tone, emergency calls, and telecommunications relay service calls for the deaf, hard of hearing, and individuals with speech impairments is available from all payphones at no charge to the caller, pursuant to 47 C.F.R. 64.1330(b).

2139. – 2140. [Reserved].

2141. Obligations of Multi-line Telephone Systems (MLTS).

- (a) For purposes of this rule:
 - (I) "End user" means the person making telephone calls, including 9-1-1 calls, from the MLTS that provides telephone service to the person's place of employment, school, or to the person's permanent or temporary residence.
 - (II) "Residence" or "residence facility" shall be interpreted broadly to mean single family and multi-family facilities including apartments, townhouses, condominiums, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures.
 - (III) "Written information" means information provided by electronic mail, facsimile, letter, memorandum, postcard, or other forms of printed communication.
- (b) When the method of dialing a local call from an MLTS telephone requires the end user to dial an additional number to access the public switched network, MLTS operators shall provide written information to each of their end users describing the proper method of accessing 9-1-1 service in an emergency.
 - (I) Such written information shall be provided to each end user by placing stickers or cards including the appropriate method to access 9-1-1 on each MLTS telephone. Additionally, such written information shall be provided to each individual end user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility.

- (II) At a minimum, such written information that is attached to the telephone and provided annually shall include the following words: "To dial 9-1-1 in an emergency, you must dial #-9-1-1." [# = Insert proper dialing sequence].
- (c) When calls to access 9-1-1 service from an MLTS do not give one distinctive ANI and one distinctive ALI, or both, for each end user, the MLTS operator shall instruct, in writing, that the end user must stay on the telephone and tell the 9-1-1 telecommunicator operator the telephone number and exact location.
 - (I) Such written information shall be provided to each individual end user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility. Whenever possible, such information also shall be placed on cards or stickers on or next to the MLTS telephone.
 - (II) At a minimum, such written information shall include the following words: "When calling 9-1-1 from this telephone in an emergency, you must stay on the telephone and tell 9-1-1 your phone number and exact location. This telephone does not automatically give 9-1-1 your phone number and exact location. This information is critical for a quick response by police, fire, or ambulance."
 - (III) If an MLTS operator provides telephones that are not assigned to a particular end user, but that may be used by members of the public, the MLTS operator shall place a sticker or card on or next to the pertinent telephone either identifying the method for dialing 9-1-1 from that telephone or stating there is no 9-1-1 access from that telephone.
- (d) Exemption from rules. The disclosure requirements of this rule shall not apply to MLTS provided to inmates in penal institutions, jails, or correctional facilities, to residents of mental health facilities, or to residents of privately contracted community correctional facilities, including substance abuse and mental health treatment facilities, or other such facilities where access to 9-1-1 service is not required.

2142. Nondisclosure of Name/Number/Address Information.

- (a) ALI database information shall not be used for purposes other than for responding to requests for 9-1-1 emergency assistance (including maintenance of GIS address data used for 9-1-1 responses), initiating delivery of emergency warnings using an emergency notification service (including development of an emergency notification database and addressing verification), or periodic testing of these services. BESP's that provide ALI service shall provide one database extract per year to requesting 9-1-1 governing bodies at no cost. Additional extracts may be purchased at cost.
- (b) If personal information is improperly disclosed and that disclosure is the fault of a BESP, the BESP shall pay the applicable for changing a customer's telephone number, unless the customer declines such number change.

2143. Diverse Routing and Priority Service Restoration.

- (a) Diversity of 9-1-1 circuits.
 - (I) All BESP's providing 9-1-1 service to a governing body or PSAP's demarcation point shall take reasonable measures to provide reliable basic emergency service with respect to circuit diversity, central-office backup power, and diverse network monitoring. Where feasible, 9-1-1 circuits shall be physically and geographically diverse.

- (A) Circuits or equivalent data paths are physically diverse if they provide more than one physical route between end points with no common points where a single failure at that point would cause both circuits to fail. Circuits that share a common segment such as a fiber-optic cable or circuit board are not physically diverse even if they are logically diverse for purposes of transmitting data.
 - (B) Circuits or equivalent data paths are geographically diverse if they take different paths from endpoint to endpoint, not following the same geographic route.
- (II) On a date six months from adoption of this rule, and at such other times as may be deemed necessary by the Commission, each BESP and ALI provider (if offering service separately from a BESP) shall develop and file confidentially, in an appropriate proceeding with the Commission, a 9-1-1 diversity plan for deploying, monitoring, backup power, and physically and geographically diverse redundancy for the provider's portion of the 9-1-1 system and network where such measures of reliability are lacking. Information confidentially filed with this diversity plan shall include:
- (A) maps depicting the provider's basic emergency service architecture;
 - (B) a list and description, including geographic location, of every point within the provider's portion of the 9-1-1 system and network where monitoring, backup power, and/or physical and geographically diverse redundancy are not present;
 - (C) a description of which items from subparagraph (a)(II)(B) of this rule the provider proposes to improve, how the provider proposes to improve the items, and a proposed timetable for deploying these improvements;
 - (D) a description of which items from subparagraph (a)(II)(B) of this rule the provider proposes to not improve, and an explanation of why it proposes to not improve them; and
 - (E) the costs, averaged statewide, associated with each improvement listed in subparagraphs (a)(II)(C) and (D) of this rule.
- (III) Following Commission approval of the diversity plan, or portions thereof, the provider shall file a new tariff or modify an existing tariff for implementation of the plan, as directed by the Commission. A 9-1-1 governing body or PSAP may submit a request to a BESP for diversity not included in the approved diversity plan. Following negotiation, the BESP shall file an application requesting Commission approval of the proposed prices, terms, and conditions responsive to the request.
- (IV) Pursuant to subparagraph (a)(II) of this rule, after the effective date of the tariff each provider shall file quarterly updates with the PUC on its efforts to meet the deployment schedule required by subparagraph (a)(II)(C).
- (b) BESP's shall work cooperatively with the PSAP's to ensure an effective way of tracking the status of 9-1-1 outages (e.g., issuance of trouble ticket). Originating service providers should work cooperatively with the PSAP's and the BESP to track the status of 9-1-1 outages. Each provider should provide to the 9-1-1 governing body or PSAP and the BESP a telephone number that the PSAP's or BESP's can use to report trouble. Such telephone number should be staffed seven days a week, 24 hours a day by personnel capable of processing the call to initiate immediate corrective action.

- (c) A BESP shall notify the responsible parties designated by the governing bodies regarding a present or potential 9-1-1 outage. These notifications shall include the nature and extent of the 9-1-1 outages and the actions taken to correct them, to the extent known by the BESP. In the event the PSAP detects a failure in the 9-1-1 system, the PSAP should notify the BESP which provide 9-1-1 service in the geographic area affected by the outage. These notifications shall be made as soon as is practicable.
- (d) Beginning in 2018, each BESP and ALI provider (if offering service separately from a BESP) shall develop a 9-1-1 reliability and contingency plan in collaboration with all affected BESPs, basic local exchange carriers which provide final delivery of 9-1-1 calls to a PSAP, ALI providers, intermediary aggregation service providers, originating service providers, governing bodies, and PSAPs, to be confidentially filed annually with the Commission no later than April 30. A 9-1-1 reliability and contingency plan shall include:
- (I) identification and location of all primary and backup facilities, equipment and databases or any and all other components related to basic emergency service;
 - (II) an identification and description of all demarcation points with BESP, ALI providers, and PSAPs;
 - (III) all contingency processes and information from BESP, originating service providers, intermediary aggregation service providers, PSAPs, and governing bodies necessary for public safety operations until 9-1-1 service is restored;
 - (IV) contact information for designated representatives for each PSAP and/or governing body; and
 - (V) any other details deemed relevant as determined by the relevant parties or the Commission.
 - (VI) All providers required to file a 9-1-1 reliability and contingency plan pursuant to this paragraph (d) shall notify affected PSAPs of any known changes that may require an update to the 9-1-1 reliability and contingency plan.
- (e) If a 9-1-1 failure exceeds or is anticipated to exceed 15 minutes from the time a BESP becomes aware of the outage and after notification to the PSAP, the BESP shall implement the contingency plan required by paragraph 2143(d) or provide temporary solutions so that 9-1-1 calls can be answered until 9-1-1 service is restored, as mutually agreed upon(f) A BESP shall have qualified service technicians on site, when necessary, within two hours of discovering a 9-1-1 outage, or their best effort.
- (g) If a disruption of basic emergency service exceeds 30 minutes, the responsible BESP or the responsible basic local exchange carrier providing facilities pursuant to paragraph 2136(i) shall inform the Commission within two hours. Such notification shall be made in a manner prescribed by the Commission, outlining the nature and extent of the outage. This notification shall be followed by a report with the Commission, which follows Commission reporting format and guidelines within 30 days of such outage. As an alternative to or in addition to the 30-day written report, the Director, or the Director's designee, may request, on a case-by-case basis, a separate written report within five days from the time of the request, outlining the nature, cause and extent of the outage, and corrective action taken.
- (h) Following the restoration of 9-1-1 service, the BESP shall, at the request of a PSAP or governing body, provide to the affected PSAPs the call back numbers of any calls that were made to 9-1-1 by were unable to be delivered due to the 9-1-1 outage, if available to the BESP. This

information shall be provided within two hours of the restoration of 9-1-1 service or as soon as possible under the circumstances. When possible, this information should also include associated ALL information.

- (i) Nothing in rule 2143 shall be construed to impose any obligation on any provider other than BESPs.

2144. Reports.

Each BESP shall furnish to the Commission at such time(s) and in such form as the Commission may require, a report(s) in which the provider shall specifically answer the Commission's questions regarding the provision of basic emergency service.

2145. 9-1-1 Advisory Task Force.

- (a) The Commission shall establish a 9-1-1 Advisory Task Force. The purpose of the Advisory Task Force is to provide oversight of the statewide implementation and provision of basic emergency service. The Advisory Task Force shall include, but is not limited to, the following representative parties directly interested in 9-1-1 services: customer groups, governing bodies, basic local exchange service providers, wireless service providers, providers of basic emergency services, customers of basic emergency service, ALL database providers, and other telecommunications providers. The Commission Staff shall be responsible for administering the Advisory Task Force and facilitating its meetings and agenda. The Advisory Task Force shall evaluate alternate technologies, service, and pricing issues related to implementing statewide 9-1-1 services in a cost effective fashion. The 9-1-1 Advisory Task Force shall provide periodic reports to the Commission on the implementation of 9-1-1 services statewide.
- (b) The Advisory Task Force shall:
 - (I) serve as a forum for the members to discuss matters pertaining to 9-1-1;
 - (II) make future recommendations and report to the Commission concerning the continued improvement and advancement of 9-1-1 services in Colorado;
 - (III) consider 9-1-1 service quality and cost in urban and rural areas in developing its report and recommendations;
 - (IV) investigate, analyze, or recommend resolutions for existing or anticipated 9-1-1 issues within the state;
 - (V) investigate and report to the Commission the development, implementation, and transition to any new 9-1-1 technologies and capabilities, including any impacts to the consumer, originating service provider, service end user, or PSAP; and
 - (VI) monitor and report to the Commission proceedings and activities of the FCC and other national organizations and agencies on matters that may affect 9-1-1 services in Colorado.

2146. Technical Standards.

The Commission may consider standards adopted by standards bodies using accredited, nonproprietary, consensus-based approaches to standards development, as appropriate, in connection with its interpretation, evaluations, or enforcement of rules 2130-2159. The Commission's 9-1-1 Advisory Task

Force shall publish, at least annually, a list of standards that it recommends be considered by the Commission for this purpose.

2147. Applications by the Governing Body for Approval of an Emergency Telephone Charge in Excess of Seventy Cents per Month.

- (a) A governing body requesting approval pursuant to § 29-11-102(2)(b), C.R.S., for an emergency telephone charge in excess of the limit established by § 29-11-102(2), C.R.S., shall file an application with this Commission pursuant to 4 CCR 723-2-2002, paragraphs (a) through (c) and (e). The Commission may provide a form for this purpose, consistent with these rules.
- (b) All applications shall include an attestation that the applicant has not used emergency telephone charge funds for purposes not authorized by § 29-11-104(2), C.R.S. within the last 18 months, that the planned use of all future revenues raised from emergency telephone charges are authorized by § 29-11-104(2), C.R.S. and that the applicant agrees to comply with § 29-11-104(5), C.R.S.
- (c) Documentation to be included in the application shall be supporting attachments of budget information, cost information and such other information the Commission may rely upon for justification of the proposed increase in emergency telephone charge. The attached information should include present and proposed emergency telephone charge remittance estimates, all other revenue sources and amounts, and any other information that may be used to justify the proposed increase in the emergency telephone charge.
- (d) Notice. Notwithstanding paragraph 2002(d), this rule shall establish the notice procedure for governing bodies applying for approval of an emergency telephone charge in excess of the amount established pursuant to § 29-11-102(2), C.R.S. Within three days after the Commission issues notice of the application, the applicant shall publish a notice of the application in at least one newspaper of general circulation in the area of applicability in at least one edition. The notice shall also be made available for a period of no less than two weeks on the governing body's website, if one exists. The notice shall include:
 - (I) the name, address and telephone number of the requesting governing body and the Colorado Public Utilities Commission;
 - (II) a statement that the governing body has filed with the Colorado Public Utilities Commission an application to change its currently effective emergency telephone charge, and identify both the current and proposed emergency telephone charge;
 - (III) the proceeding number and the deadline for interventions or objections;
 - (IV) the proposed effective date of the new charge;
 - (V) a statement of the purpose of the application, including an explanation of the proposed changes;
 - (VI) a statement that the application is available for inspection at the office of the governing body utility and at the Colorado Public Utilities Commission; and
 - (VII) a statement that any person may attend the hearing, if any, and may make a statement under oath about the application, even if such person has not filed a written objection or intervention.

- (e) All persons other than the Commission who are required to provide notice shall, within 15 days of providing notice, file an affidavit with the Commission stating the date notice was completed, and the method used to provide it. This affidavit shall be accompanied by a copy of the notice or notices provided.

2148. – 2159. [Reserved].