

Decision No. C19-0769

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0407T

IN THE MATTER THE APPLICATION OF EASTERN RIO BLANCO COUNTY
911 TELEPHONE AUTHORITY FOR A SURCHARGE CHARGE INCREASE
PURSUANT TO C.R.S. 29-11-102(2)(B).

COMMISSION DECISION GRANTING APPLICATION

Mailed Date: September 19, 2019
Adopted Date: September 11, 2019

I. BY THE COMMISSION

A. Statement

1. On July 23, 2019, Eastern Rio Blanco County Emergency Telephone Authority (Applicant or Company) filed its application pursuant to § 29-11-102(2)(b), C.R.S., for approval of an emergency telephone charge increase from \$0.70 to \$1.80 per service user per month (Application).

2. On July 25, 2019, 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 30 days after the date of the Notice.

3. On August 19, 2019, the Applicant filed two Amendments to the Application, notifying the Commission that due to an error on its part, public notice as required by 4 *Code of Colorado Regulations* (CCR) 723-2-2147(d) of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services was not published in a timely fashion, and they notified the Commission of the new publication dates. In response,

the Commission issued Interim Decision No. C19-0701-I on August 23, 2019, which extended the deadline for intervention until September 5, 2019.

4. On August 29, 2019, the Applicant filed Proof of Publication of notice of the Application.

5. No interventions were filed or public comments received in response to this Application.

II. FINDINGS AND CONCLUSIONS

6. 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.

7. The Applicant is a governing body as defined in § 29-11-101(4), C.R.S. The Company's status as a governing body is established by Intergovernmental Agreement, a copy of which was included in the Application as Exhibit 7.

8. A governing body may incur equipment, installation, and other costs directly related to the continued operation of emergency telephone service pursuant to § 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 the 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.¹ § 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 that a governing body determines that 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 \$0.70 in the Applicant’s service territory. The Application seeks to increase the charge to \$1.80 per month.

11. The Company is supported by the affidavit and verification of the information filed with the Commission by the Applicant.

12. The Applicant funds one PSAP, Eastern Rio Blanco County 911, located in Meeker, Colorado.

13. The Applicant has determined that an increase in the emergency telephone surcharge is needed for several purposes: (1) to upgrade their 9-1-1 phone system, with an estimated cost of \$304,000; (2) to replace their logging recorder, with an estimated cost of \$4,750; (3) to pay the higher tariffed rates for Basic Emergency Service after migration to the CenturyLink Emergency Services IP Network required beginning in 2020;² (4) to pay for additional eligible expenses, including training for 9-1-1 telecommunicators, Emergency

¹ Such personnel include employees who take and dispatch telephone calls, or who maintain the computer database of the PSAP.

² See Proceeding No. 17AL-0487T, Decision No. R18-1063 issued December 3, 2018.

Notification Service, Emergency Medical Dispatch protocols, and to assist the County with 9-1-1 addressing and Geographic Information System needs related to provision of 9-1-1 service; and (5) to maintain a reasonable cash reserve balance for emergencies.

14. The increase requested by the Applicant will increase revenues for the Applicant by an average of roughly \$69,000 per year, or about \$344,000 over the next five years. Without any increase, the Applicant will exhaust its funds in 2020. With the requested increase, assuming no unforeseen costs, funding should be sufficient for at least the next five years.

15. Based on this evidence, the Commission agrees with Applicant that additional funding that would be raised by a surcharge rate of \$1.80 is necessary in order to maintain the current level of expenditure of all categories of expense allowed pursuant to § 29-11-104(2), C.R.S., and to pay for the Applicant's proposed expenses.

III. ORDER

A. The Commission Orders That:

1. The application of the Eastern Rio Blanco County Emergency Telephone Authority (Applicant) seeking to increase the emergency telephone charge to \$1.80 per access line per month is granted.

2. The Applicant 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
September 11, 2019.**

(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

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners