

Decision No. C19-0868

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19A-0498T

IN THE MATTER OF THE APPLICATION OF ELBERT COUNTY COMMUNICATIONS
AUTHORITY FOR A SURCHARGE INCREASE PURSUANT TO C.R.S. 29-11-102(2)(B).

COMMISSION DECISION GRANTING APPLICATION

Mailed Date: October 28, 2019

Adopted Date: October 23, 2019

I. BY THE COMMISSION

A. Statement

1. On September 17, 2019, the Elbert County Communications 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 \$1.20 to \$1.80 per service user per month (Application).

2. On September 18, 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 September 20, 2019, the Applicant filed an Affidavit attesting that it had published notice of the Application on its website, and on October 10, 2019, the Applicant filed Proof of Publication of notice of the Application in a local newspaper of record.

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

II. FINDINGS AND CONCLUSIONS

5. 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 *Code of Colorado Regulations* 723-1-1403.

6. 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 2.

7. 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.

8. 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

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

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.

9. Currently, the monthly emergency telephone surcharge is \$1.20 in the Applicant's service territory. The Application seeks to increase the charge to \$1.80 per month.

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

11. The Applicant does not fund a PSAP within Elbert County, but rather contracts with the Douglas County Sheriff's Office for 9-1-1 call taking and dispatching services.

12. The Applicant has determined that an increase in the emergency telephone surcharge is needed for several purposes: (1) to subsidize the replacement of first responder radio equipment in the county; (2) to pay for higher tariffed rates charged by the Basic Emergency Service Provider following migration of the Douglas County PSAP to an Emergency Services IP Network expected to take place in 2020²; and (3) to upgrade the radio dispatch infrastructure within Elbert County.

13. The increase requested by the Applicant will increase revenues for the Applicant by an average of roughly \$210,000 per year, or about \$1,000,000 over the next five years. Without any increase, the Applicant will exhaust its funds in 2021. With the requested increase, assuming no unforeseen costs, funding should be sufficient for at least the next five years.

14. 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

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

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 Elbert County Communications 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
October 23, 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

JOHN GAVAN

Commissioners

COMMISSIONER FRANCES A. KONCILJA
ABSENT.