

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0197T

IN THE MATTER OF THE APPLICATION OF QWEST CORPORATION D/B/A
CENTURYLINK QC FOR THE 2023 BASIC EMERGENCY SERVICE PROVIDER
IMPROVEMENT PLAN.

**COMMISSION DECISION GRANTING MOTION TO
MODIFY RECOMMENDED DECISION AND GRANTING
IN PART EXCEPTIONS TO RECOMMENDED DECISION**

Issued Date: September 24, 2024
Adopted Date: September 18, 2024

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I. STATEMENT, FINDINGS, AND CONCLUSIONS

A. Statement

1. Through this Decision, the Commission grants the Unopposed Motion (“Motion”) to amend Decision R24-0566, issued August 7, 2024, by Administrative Law Judge (“ALJ”) Robert Garvey (“Recommended Decision”), filed by Qwest Corporation, doing business as

CenturyLink QC (“CenturyLink”), to correct the “improvement amount” approved by the Recommended Decision from \$323.59 per concurrent session per month to \$310.86 per concurrent session per month.

2. By this Decision, the Commission grants, in part, and denies, in part, the Exceptions filed jointly on August 27, 2024, by the Colorado Council of Authorities and the Larimer Emergency Telephone Authority (“CCOA/LETA”) to Decision No. R24-0566.

3. Other than the calculation updates and revisions addressed in this decision, we affirm the Recommended Decision that rightly emphasized the importance of this process aimed at improvements in the Basic Emergency Service (“BES”) network. This Proceeding is the first use of the process set forth in 4 *Code of Colorado Regulations* (“CCR”) 723-2-2143(b) (“Rule 2143(b)”) that correlates 9-1-1 improvement planning with state funding processes. The Commission’s purpose in creating this process was “to create a funding mechanism that will both require and incentivize the Basic Emergency Service Provider (“BESP”) to make improvements to the Basic Emergency Service [“BES”] network, while allowing the costs of those improvements to be reimbursed to the local 9-1-1 governing bodies through the Commission’s annual modification of the state 9-1-1 surcharge rate.”¹ While this is the inaugural proceeding to implement Rule 2143(b), the rule contemplates another Improvement Plan Application to be filed as every two years to continue to ensure ongoing improvements and support for these critical systems.

4. The two-year 9-1-1 improvement planning process compliments and informs annual surcharge processes. Governing bodies are provided with necessary, additional funding through the state 9-1-1 surcharge to defray the costs of the proposed improvements. An annual

¹ See Decision No. C22-0174, ¶ 27.

proceeding to set the surcharge rate for calendar year 2025 is currently underway,² and must, by statute, be completed by October 1, 2024.³

5. For this proceeding, timely consideration of improvements to the BES network's reliability and resilience allows implementation of critical updates that better facilitate emergency services, which by definition can be lifesaving for many Coloradans. While concerns about cost, efficiency, and cost-effectiveness are certainly important factors in determining the public interest, ALJ Garvey noted that no party argues that the proposals here would not improve the 911 system.⁴ The public interest is served by ensuring that the BES network is reliable, resilient, and effective. As found by the ALJ, the record here supports approval of important updates to continue to ensure emergency service throughout Colorado. Reductions in the costs to support these improvements have been appropriately vetted – and significantly reduced – through the course of this proceeding. The Commission believes that every 9-1-1 call should be delivered, and the purpose of the process set forth in Rule 2143(b) is to further that objective.

6. In sum, and consistent with the discussion below, we therefore: 1.) grant the requested calculation revisions proposed in the Motion; 2.) grant, in part, and deny, in part, exceptions; and 3.) adopt the Recommended Decision with the revisions discussed.

B. Background

7. On April 24, 2023, CenturyLink filed its Application pursuant to 4 CCR 723-2-2143(b), for approval of several projects to be funded through an additional tariff rate (the “improvement amount”) with the goal of improving redundancy, geographic diversity, and resilience of the Basic Emergency Service network.

² See Proceeding No. 24M-0329T.

³ § 29-11-102.3(1)(b), C.R.S.

⁴ See Decision R24-0566, ¶ 85.

8. On May 12, 2023, the Commission issued Interim Decision C23-0322-I, taking administrative notice of items reported by CenturyLink to the Federal Communications Commission in the company's annual 9-1-1 reliability submission, and filed with the Commission in Proceeding No. 18M-0294T, and deeming the Application complete.

9. On June 22, 2023, ALJ Harris Adams issued Recommended Decision R23-0412-I, granting interventions. These interventions were filed by the Office of the Utility Consumer Advocate; the Colorado Cable Telecommunications Association; the Boulder Regional Emergency Telephone Service Authority ("BRETSA"), the Douglas County Emergency Telephone Service Authority ("DCETSA"), and the El Paso Teller County Emergency Telephone Service Authority ("El Paso-Teller 911"), filing jointly; the Colorado Council of Authorities; and the Larimer Emergency Telephone Service Authority.

10. On August 2, 2023, at a Prehearing Conference, CenturyLink expressed its intent to withdraw the Application, noting that the Application was crafted under the assumption that federal grant funds would fund a portion of the projects being proposed.

11. On August 3, 2023, BRETSA, DCETSA, and El Paso-Teller 911, filed a joint motion to hold the Proceeding open until February of 2024 in order to give CenturyLink time to file an amended Application. On August 8, 2023, CenturyLink filed a response to this Motion stating that it did not oppose holding the Proceeding open.

12. On August 16, 2023, ALJ Harris Adams issued Decision R23-0530-I granting the Motion to Hold Proceeding Open, conditioned upon a waiver of the applicable statutory period.

13. On August 18, 2023, CenturyLink filed a Waiver of Commission Decision Deadline pursuant to § 40-6-109.5, C.R.S.

14. On December 22, 2023, ALJ Harris Adams issued Decision R23-0858-I, granting an Unopposed Motion for Late-Filed Intervention by Commission Trial Staff.

15. On February 15, 2024, CenturyLink filed an Amended Application with a different set of proposed projects. CenturyLink subsequently filed a Second Amended Application on March 4, 2024.

16. On March 8, 2024, ALJ Harris Adams issued Decision R24-0154-I accepting the amended application and amending the caption of the proceeding to refer to the company as Qwest Corporation, doing business as CenturyLink QC.⁵

17. On April 19, 2024, CenturyLink filed its Motion to Extend the Improvement Plan Amount Deadline, noting that Commission Rule 2143(b)(II) requires for an Improvement Plan to be approved by August 1 in order to be considered in the state 9-1-1 surcharge proceeding to be opened by August 1 of each year and concluded before October 1 of each year, pursuant to Rule 2148.

18. On August 7, 2024, ALJ Robert Garvey issued Decision R24-0566, granting CenturyLink's motion to extend the August 1 deadline found in Rule 2143(b)(II), noting that the waiver does not bind the Commission to considering the improvement amount under Commission Rule 2148, but allows the Commission to consider the improvement amount in such a proceeding.⁶ The Recommended Decision also approved all of the projects proposed by CenturyLink in the Second Amended Application filed on March 4, 2024, with the exception of the

⁵ The original Application that initiated this proceeding was filed by Lumen, doing business as CenturyLink QC. However, ALJ Adams noted CenturyLink's explanation that the company is commonly referred to as "Lumen," but that CenturyLink as the Applicant had not registered Lumen as a trade name for itself.

⁶ See Proceeding No. 24M-0329T.

“Telluride-Norwood” project, which CenturyLink indicated in testimony that it no longer wished to pursue and provided no additional documentation to support.

19. On August 19, 2024, CenturyLink filed an Unopposed Motion to Amend the Recommended Decision, stating that the improvement amount approved by the Decision was based off of an outdate estimate and that testimony provided by CenturyLink contained a more current improvement amount which would lower the tariffed rate from \$323.59 per concurrent session per month to \$310.86 per concurrent session per month.

20. On August 27, 2024, CCOA/LETA jointly filed Exceptions to the Recommended Decision. CenturyLink filed its response to the Exceptions on September 3, 2024.

C. Motion To Amend

21. On August 19, 2024, CenturyLink filed an Unopposed Motion to Amend the Recommended Decision, stating that the improvement amount approved by the Decision was based off of an outdated estimate and that testimony provided by CenturyLink contained a more current improvement amount which would lower the tariffed rate from \$323.59 per concurrent session per month to \$310.86 per concurrent session per month.

22. In the Motion, CenturyLink noted that the figure of \$323.59 per concurrent session per month was obtained from Hearing Exhibit 101, Attachment SD-4, but that CenturyLink filed a revised version of that exhibit and attachment on June 18, 2024, which reduced the estimated total costs for the combined projects, thus reducing the proposed improvement amount to \$310.86 per concurrent session per month.

23. CenturyLink requests in its Motion to modify Ordering Paragraph No. 3 of the Recommended Decision to be amended to read:

CenturyLink shall be required to file a tariff amendment within 45 days to recover the estimated costs over a 24-month period. The amounts to be collected shall be those listed on Exhibit 101, Attach. SD-4, revision 2, which was incorporated by reference into the Supplemental Testimony of Steve DeLoach (“\$310.86 per concurrent session”).

24. The Commission agrees the more current estimate, and thus the one that should have been referenced in the Recommended Decision, was “\$310.86 per concurrent session,” and grants the Motion.

D. Exceptions To Recommended Decision

25. On August 27, 2024, CCOA/LETA filed exceptions to the Recommended Decision. Specifically, CCOA/LETA objected to the improvement amount approved by the Recommended Decision, the approval of each individual project in the Application, and the manner in which the “Telluride-Norwood” project was withdrawn, and objected to each of the approved projects on a number of different grounds that are discussed below.

26. No other participants filed exceptions to the Recommended Decision.

27. On September 3, 2024, CenturyLink filed responses to the Exceptions.

28. Because a number of CCOA/LETA’s Exceptions essentially represent the same or similar objections directed at the different projects contained with the Second Amended Improvement Plan Application, we group exceptions below, addressing each as indicated.

1. Error in the Improvement Amount

a. Exceptions and Response

29. CCOA/LETA’s first Exception regarded the improvement amount approved by the Recommended Decision, which was \$323.59 per concurrent session per month, whereas the most

recent estimate provided by CenturyLink in testimony proposed a rate of \$310.86 per concurrent session per month.⁷

30. In its response to the Exceptions, CenturyLink stated that it would support the Commission correcting the improvement amount and noted that it had also filed an Unopposed Motion to Amend the Recommended Decision for the same reason.

b. Findings and Conclusions

31. As discussed above in reference to the Motion to Amend filed by CenturyLink, the Commission agrees with this assessment and corrects this error by granting CenturyLink's motion to amend the ordering paragraphs of the Recommended Decision to reflect an improvement amount of \$310.86 rather than \$323.59.

32. For this reason, the Commission grants CCOA/LETA's exception and, consistent with our determination to grant the Motion, modifies the Recommended Decision to reflect the correct improvement amount of \$310.86 per concurrent session per month.

2. Telluride to Norwood - Secondary or Diverse Path

33. The Second Amended Application for an Improvement Plan filed by CenturyLink in this proceeding included a proposed project to create a secondary or diverse path between Telluride and Norwood, which would have potentially increased network diversity in Southwest Colorado and reduced the likelihood of network events impacting Public Safety Answering Points ("PSAP") in San Miguel and Montrose Counties.

34. CenturyLink subsequently stated in direct testimony filed May 10, 2024, that it intended to withdraw this project from consideration. In this testimony, CenturyLink's witness

⁷ Exception A(1) from CCOA/LETA's Exceptions, filed on August 27, 2024.

stated that “After re-evaluating the Norwood office’s reliance on microwave connectivity, it was decided it wouldn’t be prudent to spend the capital while still utilizing legacy technology.”

35. The initially proposed “Telluride-Norwood” project was not mentioned in the Recommended Decision.

a. Exceptions and Response

36. CCOA/LETA states that the Recommended Decision makes no mention of this initially proposed project and that CenturyLink never moved to amend the Second Amended Application under Rule 1309.⁸ CCOA/LETA also states that the direct testimony in which CenturyLink made it known that it wished to withdraw this project from consideration was filed on May 10, 2024, which was 45 days before the first day of the hearing, which was June 24, 2024. CCOA/LETA argues that under Rule 1309, such action may only be taken *prior to* 45 days before the first hearing.

37. CCOA/LETA also states that there is a need for a secondary or diverse path for 9-1-1 in this area and requests that the Commission compel CenturyLink to “comply with Rule 2143(b)(I)(B)(iv),” which requires that, for every project proposed in a BES Improvement Plan Application, the company provide “an explanation of different technological options and contractual arrangements considered by the BESP for this project, including, as appropriate, fiber, microwave, satellite, and third party facilities, and the reasons the BESP has selected the options included in its improvement plan for this project, including considerations of cost effectiveness and effectiveness at improving reliability...”

38. CCOA/LETA also requests that the Commission require CenturyLink to provide quarterly progress reports on its implementation of this network improvement “as could have been

⁸ CCOA/LETA Exception B(1).

required” by Rule 2143(b)(IV)(B)(i), which requires companies to provide a description of all work completed pursuant to an approved improvement plan on a quarterly basis.

39. In its response to the Exceptions, CenturyLink states that it informed all parties that CenturyLink would not be supporting evidence for this project because CenturyLink did not believe the route, as proposed, met the criteria for approval. CenturyLink also states that it intends to continue to “consider a workable solution for this route,” but that the “ongoing regulatory requirements” sought by CCOA/LETA, presumably the request to require quarterly reporting, have no basis in Rule 2143.

b. Findings and Conclusions

40. We disagree with CCOA/LETA that CenturyLink’s withdrawal that this one project from its slate of projects for the Improvement Plan somehow violates Rule 1309(d). The rule states that parties may withdraw *an application or petition* upon notification to the Commission and all parties prior to 45 days before the first day of hearing. CenturyLink has not withdrawn the Application. Instead, it chose not to provide evidentiary support for one project within the Application and made it known to the Commission and all parties that it did not intend to pursue the project. CCOA/LETA’s argument on this point are based on a misreading of the rule and circumstances here; it is not relevant whether CenturyLink notified the Commission that it no longer wished to pursue the Telluride-Norwood project 45 days before the first hearing.

41. Furthermore, Rule 2143(b)(III) states that the Commission may “approve the improvement plan application, in full or as modified by the Commission.” By approving all of the projects proposed except for the Telluride-Norwood project, the Recommended Decision is exercising its right to approve the improvement plan as modified by the Commission.

42. Finally, per Rule 2143(b)(I)(B), the list of projects to include in an Improvement Plan Application is to be provided by the company submitting the Application. The rules do not anticipate or provide for the Commission or other parties to force the BESP to include specific projects in its Application.

43. Regarding CCOA/LETA's request that the Commission require CenturyLink to provide "an explanation of different technological options and contractual arrangements considered by the BESP for this project, including, as appropriate, fiber, microwave, satellite, and third party facilities, and the reasons the BESP has selected the options included in its improvement plan for this project, including considerations of cost effectiveness and effectiveness at improving reliability....", the consequences for *not* providing such information for a specific project is that the Commission may choose not to approve the project. The Commission does not approve this withdrawn project. Therefore, we decline to force the company to provide detailed planning information through this proceeding for a project that the BESP does not intend to pursue until a later date.

44. Regarding CCOA/LETA's request that the Commission require CenturyLink to require quarterly reporting on the progress of all approved projects, the rule cited only applies to *approved* projects. Again, because this project is not approved through this proceeding, we do not require reporting on the progress of the unapproved project.

45. For the reasons stated above, the Commission denies this Exception.

3. Exceptions Related to "Firm Estimated Costs"

46. Rule 2143(b)(I)(B)(ii), 4 CCR 723-2 requires that the BESP provide provided "firm estimated costs" for each of its proposed projects in an Improvement Plan Application.

Through the Recommended Decision, ALJ Garvey stated that “firm estimate” is an undefined, and perhaps oxymoronic phrase used within the Commission’s rules, and that he interpreted the meaning of this phrase to require cost estimates that tended toward precision rather than ranges. He also noted that Rule 2143(b)(VI) requires ongoing compliance filings that allow examination of actual cost expenditures and for tariff rates to be adjusted, if necessary.

a. Exceptions and Response

47. CCOA/LETA raise arguments rejected by the ALJ, arguing that CenturyLink did not provide a “first estimated cost” for several of the projects approved in the Recommended Decision, and to support this claim provides a history of the evolution of the cost estimate provided by the company from the Second Amended Application to its final estimates provided in direct testimony, including the addition of 15 percent per year for capital costs and 6 percent for other overhead costs.⁹

48. Additionally, in CCOA/LETA’s objection asserts that CenturyLink failed to provide a “firm estimated cost” for the Last Mile Diversity project because its initial estimate of \$259,106.14 for the project’s cost was later revised to \$258,350.60.¹⁰

49. CenturyLink noted that in the Recommended Decision, the ALJ considered and rejected similar arguments.

b. Findings and Conclusions

50. The Commission agrees with CenturyLink and ALJ Garvey that “firm estimate” is an imprecise and undefined term. We agree that ALJ Garvey’s interpretation of the meaning of the term is appropriate. The exact costs of large projects that are subject to inflation and market

⁹ CCOA/LETA Exceptions C(1), D(1), E(1), second F(1).

¹⁰ CCOA/LETA Exception F(3).

fluctuations for services, supplies, equipment, and personnel to be implemented over the course of two years can never be anything more precise than an estimate.

51. The Commission also confirms that it may, based upon recommendations of Commission staff following review of the quarterly reports required under Rule 2143(b)(IV)(B), make adjustments to the approved improvement amount, up to and including suspending the improvement amount temporarily (Rule 2143(b)(VI)) and revoking approval of the improvement amount (Rule 2143(b)(VIII)). This authority makes the danger of an overestimate much less impactful, since the Commission has the ability to adjust, suspend, or terminate the improvement amount if it determines that the revenues being collected by CenturyLink for this project significantly exceed the company's costs in implementing the project.

52. Additionally, the Commission finds the CCOA/LETA's Exception that the Last Mile Project estimate changed to be insubstantial considering that the two estimates are less than \$1,000 in difference and that the most recent estimate is actually lower than what was actually provided.

53. The Commission also notes that each of the projects implicated in these Exceptions would address specific vulnerabilities in the BES network, making the completion of these projects not only a matter of public interest but an urgent matter that better improves public safety.

54. For the reasons stated above, the Commission denies these Exceptions.

4. Suggestion to Apply Initial Collections from the Improvement Amount to "Carrying/Capital Costs"

55. CenturyLink included 15 percent "carrying/capital" costs and 6 percent overhead to all of its proposed projects to estimate for its total overhead costs in implementing the projects.

a. Exceptions and Response

56. CCOA/LETA asserts that CenturyLink “could use the first two months its [*sic*] collects of the improvement amount under Tariff 25 and applying those funds to this project, avoiding entirely” the necessity of the 15 percent overhead estimate, as it relates to the Burlington-to-Lamar project, and one month as it relates to the project to provide a portable generator and fuel tank trailer to several central offices with a focus on Central City.¹¹ CCOA/LETA claims that this would save ratepayers \$74,829.46 as it relates to the Burlington-to-Lamar project and \$51,962.24 as it relates to the portable generator project. While not stating this assertion as a request, the implication is that CCOA/LETA would prefer that the Commission reduce the estimate for this project by 15 percent and allow CenturyLink to simply keep the first two months of the improvement amount as its compensation for the overhead.

57. CenturyLink refers to CCOA/LETA’s suggestion as an “accounting trick” and states that the Exceptions do not sufficiently explain how CCOA/LETA’s suggestion would reduce capital costs. CenturyLink further states that it intends to begin incurring costs on all of approved projects immediately, and therefore delaying the initiation of the project for two months would not be appropriate.

b. Findings and Conclusions

58. CCOA/LETA’s suggestion indicates a misunderstanding of how costs for projects are distributed across the twenty-four months of the approved project period based on this record. The total costs, including the 15 percent and 6 percent overhead estimates, are totaled and divided over the 24 months period of the recovery. Setting apart the first two months as overhead recovery then spreading the remaining costs over 22 months instead of 24 months would not save the

¹¹ CCOA/LETA Exceptions C(2) and D(2).

ratepayers any costs. We agree with CenturyLink that this alteration would not save money, and likely risks delay.

59. Furthermore, CCOA/LETA's concern seems to be based on the fear that CenturyLink may retain revenues that it receives from the improvement plan without spending them on the approved projects. However, the Commission's rules account for this possibility and the Commission has the option, as mentioned above, of suspending or terminating the improvement amount until expenses on approved projects catch up to revenues realized from the improvement amount. Additionally, the Commission may consider any improvement amount funds not expended at the end of the 24-month period in the next round of improvement projects to be considered in the next Improvement Plan Application.

60. For the reasons stated above, the Commission denies these Exceptions.

5. Objection to Full Cost Recovery of Projects

61. All approved projects in the Recommended Decision were approved with 100 percent cost recovery.

a. Exceptions and Response

62. CCOA/LETA asserts that 100 percent of the cost of this project should not be allocated to Basic Emergency Service, and that it is CenturyLink's burden of proof to prove the proper allocation of costs between the BES network and the non-BES network under Rule 2143(b)(I)(B)(v).¹² CCOA/LETA goes on to state that the improvement of network diversity also benefits CenturyLink as an Originating Service Provider ("OSP"), and not just as the BESP.

63. Additionally, regarding the project to provide a portable generator and fuel tank for the Central City central office and surrounding area, CCOA/LETA assert that CenturyLink cannot

¹² CCOA/LETA Exceptions C(3) and D(3).

prove the need for an additional portable generator and fuel tank trailer because the witness for CenturyLink could not state how many portable generators and fuel tank trailers CenturyLink already possesses in Colorado in oral testimony.

64. CenturyLink notes that in its direct testimony, the company asserted that none of the proposed Projects would be implemented soon without 100 percent funding, and that while CenturyLink customers may benefit from network improvements in terms of reducing outages, CenturyLink did not anticipate any of these benefits leading to increased revenues. CenturyLink also notes that improved network reliability, as an externality of the project, “is a positive thing.” They also stated, and noted that ALJ Garvey agreed, that there was no basis to pass any costs onto CenturyLink.

b. Findings and Conclusions

65. In the Recommended Decision, ALJ Garvey took note that intervenors questioned CenturyLink’s proposal to receive 100 percent cost recovery for the projects. However, he found approval of the projects at a 100 percent recovery rate appropriate for the following reasons:

- a. No intervenor proposed an alternative cost allocation, nor did any intervenor propose a method for determining a more appropriate cost allocation.
- b. At no point did any intervenor argue that the primary purpose of each of the proposed projects was anything other than to improve the BES network.
- c. CenturyLink stated that there may be collateral benefits, but that those cannot be measured and that without Commission funding these projects may not be completed.

66. ALJ Garvey continued by stating that:

While these projects may provide an additional benefit to CenturyLink there will be a benefit to the 911 system and to the citizens of Colorado. To deny these projects because there may be some benefit to CenturyLink that cannot be measured at this time would be a reckless act that weakens the 911 system for all and could have catastrophic consequences.

Regarding the requirement of Rule 2143(b)(I)(B)(v), the rule does not require that the Applicant “prove” the cost allocation being proposed. It only requires that the Applicant provide a statement regarding “whether the benefit of the improvement will be exclusive to BES, and, if not, the estimated percentage of the benefit to BES versus other uses of the improvement, such as commercial uses....” In the Second Amended Application filed by CenturyLink on March 4, 2024, CenturyLink stated:

CenturyLink has not targeted these projects for any specific commercial opportunity. The projects would be constructed to provide redundancy and resiliency into CenturyLink’s network for the PSAPs on the routes and at the locations specified. The benefit thus primarily is for the identified PSAPs. However, there may be collateral benefit for other customers whose traffic would be carried over these routes, *which benefits cannot be measured* and would not, in any event, be reflected in any direct financial benefit to CenturyLink or the customer. It is important to note that, but for Commission funding, these projects would not be implemented in the near term, if ever. [Emphasis added.]

67. The Commission agrees with ALJ Garvey’s assessment and also notes that in many areas of the state CenturyLink serves as the underlying transport provider for numerous other telecommunications providers. If BES network improvements also improve the reliability of not only CenturyLink but a wide array of other wireless and VoIP providers, then there is a strong tangential benefit to be realized through the completion of these projects. It does little good to ensure that CenturyLink’s BES network can deliver 9-1-1 calls to a PSAP if 9-1-1 calls cannot reach the BES network to begin with.

68. Regarding the assertion that CenturyLink failed to prove the need for the fuel trailer, the Commission finds it unlikely that CenturyLink does not know how many fuel trailer it owns despite its witness being unable to answer the question during oral cross examination, nor does the Commission find the question relevant since the matter at issue is the funding of a portable

generator and fuel tank trailer specifically to be housed for rapid use at the Central City central office, not how many such trailers they may possess in other parts of the state.

69. For the reasons stated above, the Commission denies these Exceptions.

6. Objections to the Approval of Projects in the Absence of a “Past Outage Pattern”

70. Rule 2143(b)(I)(B)(iv) provides a list of categories or criteria that a project must meet in order to be included in a BES Improvement Plan, the first of which is “projects that have the potential to reduce the likelihood of outages based on past patterns of outages in the BES network and based on the existence of points in the network, equipment, or software that represent a lack of redundancy or diversity.”

a. Exceptions and Response

71. CCOA/LETA assert that two of the approved projects should not have been included in the Application because their inclusion was not based on past patterns of outage due to the vulnerabilities being addressed by the projects as required by Rule 2143(b)(I)(B)(vi)(1).¹³

72. CenturyLink responded to this Exception as it relates to the project to provide a portable generator and fuel tank trailer at the Central City central office by stating that power outages are an “obvious” cause of outages and stating that CCOA/LETA was suggesting that power outages could not occur at the Central City central office, and called this a “dangerous argument” and one that “belies history,” stating that there will be power outages at the central office, particularly during a disaster.

73. CenturyLink’s response to this Exception as it related to the SONET-to-Ethernet Upgrade project is that the project “is related to type [*sic*] of outage sought to be remedied by

¹³ CCOA/LETA Exceptions D(4) and E(2).

Rule 2143,” and goes on to state that the project will have a number of ancillary benefits to the 9-1-1 network, including increasing consistency of the technologies used across the network, avoid the use of unsupported and outdated equipment, and allow for implementation of advanced technologies that will increase the ability of the network to support new capabilities and features in the 9-1-1 network.

b. Findings and Conclusions

74. CCOA/LETA implies that it is a requirement that all proposed projects be based on past patterns of outages. This is not true. Rule 2143(b)(I)(B)(iv) requires that proposed projects be based on one or more of *five different categories*, only the first of which is that projects may be based on past patterns of outages. The full list of categories that projects can be proposed to address are:

- a. projects that have the potential to reduce the likelihood of outages based on past patterns of outages in the BES network and based on the existence of points in the network, equipment, or software that represent a lack of redundancy or diversity;
- b. projects that have the potential to reduce the duration or scope of outages;
- c. projects that have the potential to improve reliability for more than one PSAP;
- d. projects that, when implemented with other projects proposed in the improvement plan application, balance improvements to portions of the network serving both urban and rural communities; and
- e. other projects that the BESP determines would be beneficial to the overall reliability and resiliency of the BES network.

75. While there has not been a particular history of BES outages due to power disruptions in Gilpin County, the proposed project (1) has the potential to reduce the duration of scope of outages by eliminating them entirely if they are due to commercial power outages and (2) has the potential to improve reliability for more than one PSAP, namely the Black Hawk Police Department PSAP and the Gilpin County Sheriff’s Office PSAP.

76. Commercial power outages can have a significant impact on telecommunications reliability. The only strategy for mitigating the impact of such outages is to ensure that sufficient backup power is available to power telecommunications infrastructure until such time as commercial power can be restored.

77. We also agree with CenturyLink and the underlying Recommended Decision to deny CCOA/LETA's Exception as they relate to the SONET-to-Ethernet Upgrade Project. When a potential vulnerability is identified that could disrupt 9-1-1 service to *forty-seven PSAPs, over half* of the state's PSAPs at the same time, as was stated by CenturyLink in its Testimony,¹⁴ the Commission finds that it would be imprudent to wait for an outage to occur before considering implementing a solution that could have prevented it from happening. Eliminating possible statewide outages should, in fact, be the top priority for projects being considered for funding under Rule 2143(b).

78. For these reasons, the Commission denies these Exceptions.

7. Objection to the Necessity of Upgrading Outdated SONET Network Technology to Ethernet

a. Exceptions and Response

79. In addition to the SONET-to-Ethernet Upgrade Project arguments discussed above, CCOA/LETA note that, per testimony of CenturyLink's witness under cross-examination, CenturyLink has already upgraded the network from SONET to Ethernet for six PSAPs at the company's own expense.¹⁵ CCOA/LETA also notes the mention of an "augmentation program" in CenturyLink's direct testimony that seems to be referring to an ongoing program to upgrade the

¹⁴ Exhibit 100 at 15.

¹⁵ CCOA/LETA Exception E(3).

SONET ring network to Ethernet for PSAPs that are currently still served by outdated network components.¹⁶

80. CCOA/LETA also referred to interrogatories filed in the Proceeding in which CenturyLink implied that it would perform a certain number of these upgrades per year in the normal course of maintaining the network, but that, “If it is the desire of the state and customers to significantly increase the timetable to make these upgrades across the board and bring the entire state along at the same time, additional funding is required.” CCOA/LETA concludes from this that the project could be discarded entirely in favor of waiting for CenturyLink to upgrade the network a few PSAPs per year until the upgrade is complete.

81. In its response, CenturyLink confirms that it would, without the funding for this project, eventually replace all SONET components of the network serving the PSAPs with Ethernet, but that the costs for doing so may be passed on to the 9-1-1 governing bodies and PSAPs in the form of future tariff rate elements.

82. Additionally, CenturyLink states that without a capital budget for such a large-scale upgrade, it would take year or even decades for all PSAPs to receive the upgrade.

b. Findings and Conclusion

83. The Commission, having been informed of a potential vulnerability that could impact over half of the state’s PSAPs at the same time, agrees with the ALJ’s conclusions in approving this project where there is an urgent need to eliminate the vulnerability. Leaving such a vulnerability in place for “years or even decades,” when those costs will be borne by the ratepayers regardless either through future BES tariff elements or through customer billing would be an

¹⁶ CCOA/LETA Exception E(4).

unacceptable outcome. Consistent with the findings of the ALJ, approving this project furthers the reliability of the BES network and is supported in this record.

84. For these reasons, the Commission denies these Exceptions.

8. Last Mile Diversity Project Objections

85. The Last Mile Diversity project is a component of the Ethernet Upgrade project which would provide last-mile diversity or at least redundancy to the PSAPs, with “last mile” referring to the network connection between the central office serving the PSAP and the PSAP. This project would provide such diversity or redundancy to sixty-two PSAPs in the state, or roughly three-fourths of the state’s PSAPs.

a. Exceptions and Response

86. CCOA/LETA states that this request was not included in the Second Amended Application filed by CenturyLink on March 4, 2024, and therefore shouldn’t be considered.¹⁷

87. CCOA/LETA also states that CenturyLink failed to provide a start or end date for the project, and suggested that a deployment schedule for each of the sixty-two affected PSAPs should have been included.¹⁸

88. CCOA/LETA also states that CenturyLink has failed to state whether the project would be physically and geographically diverse at every point as required by Rule 2143(a), 4 CCR 723-2.¹⁹

89. In its response, CenturyLink asserts that CCOA/LETA does not identify any prejudice introduced by CenturyLink making a request that was not explicitly included in the

¹⁷ CCOA/LETA Exception F(1).

¹⁸ CCOA/LETA Exception F(4).

¹⁹ CCOA/LETA Exception F(5).

Application, and that the request was sufficiently related to the Ethernet Upgrade to be included without prejudice.

90. CenturyLink states that it did provide a timeline for this project. “The projects would begin in 2024 for some locations that have already begun this conversion. The projects will take approximately two years to complete, meaning end of 2026.” CenturyLink went on to provide references in its testimony where this information was provided.

91. CenturyLink states, “Rule 2143(a) does not include criteria for approval of a network improvement application under Rule 2143(b). Moreover, Rule 2143(a) does not absolutely require geographic and physically diverse routes, only stating that this should happen ‘where feasible.’”

b. Findings and Conclusions

92. The Commission agrees with CenturyLink that no prejudice was introduced by including this project as an ancillary benefit of the Ethernet Upgrade project, which was included in the Second Amended Application.

93. The Commission believes that a specific timeline of when each individual PSAP will be provided with last mile redundancy is desirable for planning purposes, and that this is something that should be discussed between the parties, perhaps using the ESInet Users Group of the Commission’s 9-1-1 Advisory Task Force as a forum for discussion and planning. However, the Commission does not find that such granularity to the proposed timeline for the project is necessary for the purposes of an Improvement Plan Application, nor is it practical to require such a timeline broken down to the individual PSAP level since such timelines are subject

to adjustment. As such, the timeline provided, beginning in 2024 and ending before the end of 2026, is sufficient.

94. Additionally, CenturyLink will be required to provide quarterly updates on its progress for this and all other approved projects, pursuant to Rule 2143(b)(IV)(B), meaning that it will be very easy for all parties to monitor the progress of the project as it develops.

95. CenturyLink is correct in its assertion that Rule 2143(a) only requires physical and geographic diversity of BES circuits “where feasible,” and does not define what feasibility means in this context. The testimony under cross-examination indicated by CCOA/LETA in its Exception indicates that CenturyLink does intend to implement physical and geographic diversity in the Last Mile Project where feasible but acknowledges that it may not be feasible in every situation.

96. The lack of last mile diversity from the central office to the PSAP has been an identified issue of concern for the Commission for at least five years, going as far back as Proceeding No. 19M-0026T. While geographic diversity is preferable to simple redundancy, the Commission recognizes that it is not always feasible in every circumstance, hence why such diversity is only required “where feasible” in Rule 2143(a).

97. For these reasons, the Commission denies these Exceptions.

9. Last Mile Diversity Project Monthly Recurring Charge Exceptions

98. CenturyLink requested a permanent, ongoing monthly recurring cost (“MRC”) to be approved to pay for ongoing maintenance of improvements related to the Last Mile Project. The requested MRC was \$24.25 per concurrent session per month, and this MRC would persist beyond the two-year period of the Improvement Plan.

a. Exceptions and Response

99. CCOA objected to what it believed to be the approval of this permanent MRC in the Recommended Decision, stating that the amount of the MRC approved in the Recommended Decision was not clear, since CenturyLink provided more than one estimated amount of this MRC during the course of the Proceeding.²⁰ Through response, CenturyLink also appears to have understood the Recommended Decision to have approved the Monthly Recurring Charge at a rate of \$24.25 per concurrent session per month.

b. Findings and Conclusions

100. Both CCOA/LETA and CenturyLink are mistaken regarding the status of the request to approve a permanent MRC increase for the Last Mile Diversity project. The Recommended Decision does not approve the additional, ongoing MRC. Rather, ALJ Garvey found that “to allow CenturyLink to extend recovery beyond two years would be inconsistent” with the plain language of the rules regarding the BES Improvement Plan Application process outlined in Rule 2143(b), and instead states that CenturyLink may file a tariff amendment to recover the ongoing monthly recurring charges.²¹

101. In other words, ongoing charges beyond the two-year improvement amount were not approved through an Improvement Plan Application process here. If CenturyLink requires the additional tariff amount for maintenance it must file a tariff amendment, as it would for any other change to the ongoing MRC. The appropriateness of that additional MRC could then be adjudicated through that proceeding rather than this one, which is only concerned with the BES Improvement Plan Application and the approval of an improvement amount.

²⁰ CCOA/LETA Exception F(2).

²¹ See Recommended Decision No. R24-0566, Para 115-117.

102. For these reasons, the Commission grants the Exception and clarifies that the MRC was not approved in the Recommended Decision.

10. Additional Objections to the Middle Mile Projects

103. Two projects were related to providing alternate paths for multiple central offices in the CenturyLink BES network to connect to the rest of the network through the construction of “middle mile” fiber builds between Idaho Spring and Central City as well as Salida and Howard.

a. Exceptions and Response

104. In addition to objecting to the “firm estimated costs” provided by CenturyLink for these two projects, CCOA/LETA levels additional objections in five main areas. CenturyLink responded in opposition to each.

105. First, CCOA/LETA assert that despite adding “expensive” secondary paths for 9-1-1 calls in these middle-mile segments, the central offices remain “unavoidable” single points of failure.²²

106. CenturyLink responds to this concern arguing that many central offices are potential single points of failure, but that adding additional paths for the central office to connect to the rest of the BES network “drastically reduces the chance for outages” of these central offices.

107. Second, CCOA/LETA asserts that CenturyLink was required to consider third party options under Rule 2143(b)(I)(B)(iv), but never contacted any third parties to discuss alternatives to new fiber builds for these two middle-mile projects.²³ In response to the second assertion, CenturyLink states that it did consider third-party options regarding these projects and stated so in its testimony.

²² CCOA/LETA Exception second F(2).

²³ CCOA/LETA Exception second F(3).

108. Third, CCOA/LETA assert that the benefit of the secondary path for 9-1-1 calls is not exclusive to BES, and that CenturyLink could use the additional diversity to improve its services for its non-BES customers or to generate revenue via a lease or swap. CCOA/LETA notes that the fiber build will install 122 strands of fiber, only two of which will initially be used for BES network connectivity. It goes on to complain that the Recommended Decision puts no restriction on the use of the excess fiber capacity in the diverse connection, such as a requirement to provide notice to the Commission if any of the 122 fiber strands are used for any purpose other than BES or whether any revenue generated should be “reverted back to ratepayers” or converted into a reduction of the MRC under Tariff No. 25.²⁴

109. In its response to the third assertion, CenturyLink reiterated that it had testified that while there could be external benefits for CenturyLink customers resulting from some of these improvements, CenturyLink had identified no opportunities for new revenues. CenturyLink further testified that it would not move forward with any of these projects without 100 percent funding.

110. Fourth, CCOA/LETA asserts that there are other potential middle-mile projects that CenturyLink could have proposed instead of the two referenced here that would have been lower cost and would not require “years’ delay for new construction.”²⁵

111. In response to the fourth objection, CenturyLink states that the alternative projects proposed by CCOA/LETA in its Exception would not serve the central offices served by the two middle-mile projects that it did propose. While CCOA/LETA did not state what remedy they wish the Commission to provide in response to this Exception, CenturyLink states that if the request is for the Commission to deny funding for these two projects in favor of other projects that

²⁴ CCOA/LETA Exception second F(4).

²⁵ CCOA/LETA Exception second F(5).

CenturyLink did not propose, then the request should be denied. CenturyLink also states that the rules do not require CenturyLink to propose the best possible projects, although it believes it has done so.

112. Fifth, CCOA/LETA asserts that CenturyLink has already installed, “at unspecified costs and for unspecified reasons,” fiber to the four end points that it now seeks to connect through the middle mile fiber builds. It goes on to assert that this indicates that CenturyLink had a business case for installing that fiber at each of the four central offices implicated in the middle mile fiber projects, and that therefore CenturyLink’s statements that it doesn’t have a business case to construct the middle mile fiber builds without the subsidy provided through the improvement plan are proven false.²⁶

113. Finally, in response to the fifth assertion, that the existence of fiber near the end offices means that there must be a business case to build these middle-mile connections without additional funding, CenturyLink summarizes CCOA/LETA’s argument to mean that since CenturyLink had a business case to build fiber near the four central offices, that means the business case must also exist for CenturyLink to connect the central offices at their own expense. CenturyLink asserts that the fact that it has not already done so is evidence that there is not a business case for connecting the central offices.

b. Findings and Conclusions

114. We agree with CenturyLink that the Recommended Decision was correctly decided, and reject each of CCOA/LETA’s arguments.

115. Regarding CCOA/LETA’s first objection to these middle-mile projects, the Commission notes that with very few exceptions, every PSAP in the state is served by a single

²⁶ CCOA/LETA Exception second F(6).

central office and would lose service if the central office loses functionality. The purpose of building additional, diverse connections from the central office to the rest of the BES network is to reduce the likelihood of a central office isolation due to a fiber cut. According to the 9-1-1 Advisory Task Force's outage dashboard, accidental cable cuts accounted for over a quarter of all BES outages, making it significant issue to address, even if it does not eliminate the possibility of other types of outages.²⁷

116. Regarding CCOA/LETA's second objection to these middle-mile projects, the rule referred to by CCOA/LETA, Rule 2143(b)(I)(B)(iv), requires the BES Improvement Plan Applicant to include an explanation of different options considered by the BESP for this project, including the use of third-party facilities. CenturyLink included such an explanation in its Second Amended Application, which included a statement that:

Consideration was given to other solutions, for example, leasing fiber for the proposed fiber build projects. The result is that none of the routes had a sufficient connection for the length of the route needed. Leasing would require some fiber to still be built while exposing the new route to oversight and repair delays that would be out of the control of CenturyLink.

117. The record here supports that CenturyLink did consider, and subsequently rejected for the reasons stated, the use of third-party facilities.

118. Regarding CCOA/LETA's third objection to these middle-mile projects, CCOA/LETA's arguments in this Exception are similar to ones made regarding the cost allocation of other projects in that CCOA/LETA insists that no other tangential benefit, either to the company or the public, must be realized through the implementation of any of the BES improvement projects approved by the Recommended Decision. However, it is unreasonable to insist that no tangential benefit be realized by the company in terms of additional reliability to its network when such

²⁷ <https://sites.google.com/state.co.us/9-1-1-advisory-task-force/outage-dashboard>

reliability is necessary for calls to reach the BES network in the first place. While the Commission does not regulate and cannot directly fund projects to improve diversity in the paths available for calls to reach the BES network for delivery to a PSAP, there is little point to ensuring the reliability of the BES network if calls cannot reach it. If, through the funding of a BES improvement project, reliability of central office connectivity is also improved, that is a benefit for the 9-1-1 system and for the ability of the public to call 9-1-1.

119. It is equally impractical to expect a company to implement a fiber build to install only two strands of fiber, particularly since doing so wouldn't significantly reduce the overall cost of the project.

120. The Commission also notes that while the Improvement Plan provides funding to CenturyLink for the implementation of these fiber builds, it does not provide funding for ongoing maintenance. If the company finds it is able to generate other revenue from the final result of the project, that revenue may help provide for the ongoing maintenance of the build without additional costs to the 9-1-1 governing bodies and PSAPs.

121. Regarding CCOA/LETA's fifth objection to these middle mile projects, the Commission notes that Rule 2143(b) calls for an improvement plan application to be filed every two years, and that this is the first such application of this rule. It was never intended that all potential projects would be funded in the first iteration of the improvement plan, and that each year a slate of projects, or perhaps one large project, may be funded through this mechanism. It is therefore incumbent upon the Applicant to propose a slate of projects that it believes are most beneficial to improving the reliability of the network at the time that the Application is being filed.

122. It is not expected that the Applicant will select its proposed projects devoid of input from the 9-1-1 stakeholders. Rule 2143(b)(I)(B)(vi) requires that the projects be selected for the Application “following informal consultation with stakeholders.” CenturyLink states in its response to CCOA/LETA’s exceptions that it held “at least” nine video conference with other parties and entities, and that both CCOA and LETA attended those meetings, and that “their witnesses conceded that they did not identify a single project they proposed that CenturyLink did not adopt.”

123. The improvement plan rules in Rule 2143(b), therefore, provide an opportunity to discuss alternative proposals that stakeholders believe the company should consider, and that opportunity comes well before the Exceptions period following approval of the Application. CCOA and LETA were involved in that process based on the record here, and can continue to provide their stakeholder feedback in anticipation of the next improvement plan filing.

124. The Commission also notes that while its rules require the BESP to consult with stakeholders regarding its slate of proposed projects, it does not require the BESP to adopt a slate chosen for it by those stakeholders. The Application is required to be filed by the BESP, and the BESP must choose which projects to propose and justify the selection of those projects in its Application by describing the benefit to the BES network provided by each project, which it has done here.

125. Finally, regarding the assertion that there must be a business case to build these middle-mile connections due to the existence of fiber near the end offices, the business case for building fiber connected to a central office in a populated area where the central office can be found is very different than any business case that could be made for providing redundant

connections between two central offices. Furthermore, the fact that it has not been built represents an existing vulnerability in the BES network that the Commission now has the opportunity to rectify through the improvement plan process.

126. We agree with the ALJ that middle mile projects proposed here are supported in the record and should be approved. For these reasons, the Commission denies these Exceptions.

E. Summary and Conclusion

127. In the Recommended Decision, ALJ Garvey wrote:

The importance of robust modern 911 system cannot be overstated. Very few decisions made by the Commission can have a direct life or death consequence; this proceeding can have that type of consequence. The Commission plays an important role in assuring the citizens of Colorado can rely on a 911 system. The undersigned ALJ views the application as a means for the Commission to secure the best 911 system for Colorado in a cost-effective manner.²⁸

128. The Commission agrees with the ALJ's assessment of the importance of the Commission's role in making use of every tool at its disposal to ensure that the citizens, residents, and visitors of the State of Colorado have access to a reliable 9-1-1 system. This would include processes and mechanisms created by the Commission specifically for this purpose, including specifically the improvement plan and correlating annual surcharge review processes.

129. The Commission also notes that the topic of BES network diversity has long been a matter of concern before the Commission. The Commission thoroughly investigated the extensive outages caused in 2012 and 2013 by floods and fires in Proceeding No. 13I-1147T. This investigation led to the instigation of ongoing improvements, including in the Commission's rules and processes, culminating in the creation of the 9-1-1 diversity and improvement planning process. By 2017, the Commission adopted rules in Decision No. C17-1066, which required,

²⁸ See Decision R24-0566, footnote 53.

among other things, that the BESP file 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.”

130. Learning from our processes in 2017, in 2019 the Commission was prompted to again considered the issue of BES network reliability in Proceeding No. 19M-0026T, which engaged stakeholders in regular meetings to discuss the content of the plan and how to implement it. This proceeding was concluded with direction being provided to Commission staff “to engage with stakeholders and propose rule revisions regarding 9-1-1 diversity planning for further Commission and stakeholder consideration.”²⁹

131. Commission staff, following this direction, began an extensive stakeholder engagement process. The result of that process was a set of draft rules proposed by the Commission in Decision No. C22-0174. The final rules adopted by the Commission from that rulemaking include the process at work in this proceeding. On a high level, this process requires plan determinations every two years, and annual review of the surcharge rates, such that these proceedings can work in concert to continually improve and financially support 9-1-1 access and availability throughout Colorado.³⁰

132. The BES Improvement Plan process is iterative. It is not intended to resolve all potential vulnerabilities in the network in one cycle, and we recognize and appreciate continued stakeholder engagement. The goal is continuous improvement of the network over time, as evidenced by fewer PSAP service disruptions. After at least eleven years of contemplating and

²⁹ See Decision C21-0036, ¶ 9.

³⁰ This is a topic that has long been a concern of the Commission and that many hours of stakeholder engagement. LETA was a significant participant in the workshops in which the improvement plan process was developed and codified into draft rules, and that CCOA filed comments in the rulemaking. Neither entity objected to the process as prescribed in the rulemaking.

discussing this topic and searching for solutions over the span of five separate proceedings, the record here, taken as a whole and as addressed by the ALJ fully supports the needed improvements to the BES network.

133. Regarding the Motion and the first Exception by CCOA/LETA to amend the approved improvement amount of \$323.59 per concurrent session per month to \$310.86 per concurrent session per month, the Commission finds the Motion and first Exception to be justified and grants the Motion and Exception.

134. Regarding the two Exceptions provided by CCOA/LETA regarding the permanent and ongoing MRC for the maintenance of last mile redundancy/diversity for the PSAPs, the Commission grants the Exceptions by clarifying that the Recommended Decision does not approve the requested MRC, but rather directs CenturyLink to file tariff pages and an advice letter to adjudicate the requested MRC through a separate and appropriate proceeding.

135. The balance of the Exceptions filed by CCOA/LETA are denied, consistent with the discussion above.

II. ORDER

A. It Is Ordered That:

1. The Unopposed Motion (“Motion”) to amend Recommended Decision R24-0566, issued August 7, 2024, by Administrative Law Judge (“ALJ”) Robert Garvey (“Recommended Decision”), filed by Qwest Corporation, doing business as CenturyLink QC (“CenturyLink”), to correct the “improvement amount” approved by the Recommended Decision from \$323.59 per concurrent session per month to \$310.86 per concurrent session per month, is granted.

2. Exceptions to the Recommended Decision filed jointly by the Colorado Council of Authorities and the Larimer Emergency Telephone Authority (“CCOA/LETA”) on August 27, 2024, are granted, in part, and denied, in part, consistent with the discussion above.

3. Ordering Paragraph No. 3 of the Recommended Decision is hereby amended as follows:

CenturyLink shall be required to file a tariff amendment within 45 days to recover the estimated costs over a 24-month period. The amounts to be collected shall be those listed on Exhibit 101, Attach. SD-4, revision 2, which was incorporated by reference into the Supplemental Testimony of Steve DeLoach (“\$310.86 per concurrent session”).

4. The Commission clarifies that the Recommended Decision does not approve the ongoing and permanent monthly recurring charge requested by CenturyLink over the temporary amount of \$310.86 per concurrent session.

5. 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.

6. This Decision is effective immediately on its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 18, 2024.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners