

Decision No. C24-0750

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24AL-0397T

IN THE MATTER OF ADVICE LETTER NO. 3169 FILED BY QWEST CORPORATION DBA CENTURYLINK QC COLORADO P.U.C. NO. 25 TO ADD ADDITIONAL SERVICES AND FEATURES TO THE ESINET, TO BECOME EFFECTIVE OCTOBER 18, 2024.

**COMMISSION DECISION SETTING MATTER FOR
HEARING, SUSPENDING EFFECTIVE DATE OF
TARIFFS, AND REFERRING PROCEEDING TO AN
ADMINISTRATIVE LAW JUDGE**

Issued Date: October 17, 2024

Adopted Date: October 16, 2024

IMPORTANT NOTICE: ANY PERSON DESIRING TO PARTICIPATE ONLY BY MAKING A STATEMENT MAY DO SO BY APPEARING AT THE HEARING. IF YOU DESIRE TO ASK QUESTIONS OF A WITNESS OR OTHERWISE PARTICIPATE AS A PARTY IN THIS RATE MATTER, YOU MUST REQUEST PERMISSION FROM THE COMMISSION TO BE AN INTERVENOR (EVEN IF YOU HAVE ALREADY FILED AN OBJECTION). ANYONE DESIRING TO INTERVENE MUST CAREFULLY FOLLOW THE LAW AND COMMISSION RULES FOR BECOMING AN INTERVENOR. FOR FURTHER INFORMATION ON HOW TO INTERVENE, CALL (303) 894-2070 (PUC EXTERNAL AFFAIRS OFFICE).

I. BY THE COMMISSION

A. Statement

1. On September 17, 2023, Qwest Corporation, doing business as CenturyLink QC (“CenturyLink”) filed Advice Letter No. 3169 (“AL 3169”).

2. The Advice Letter and Tariff pages modify CenturyLink’s Emergency Reporting Services Tariff Colo. P.U.C. No. 25, sections 9.2.5, subsections B and E, by adding additional services and features, as well as associated pricing, including “GIS Routing” of 9-1-1 calls, “i3 Protocol Conversion” to comply with the Next Generation 9-1-1 Systems standards of the

National Emergency Number Association, Text to 911 service, and Transitional Data Management Service (“TDMS”). The tariff pages include additional monthly recurring charges for the GIS Routing, Text to 911 and TDMS, and non-recurring charges for the i3 Protocol Conversion, Text to 911 service, and TDMS. These additional services would be, under the conditions of the tariff, optional for the first 12 months following the effective date of the tariff, after which the services would become mandatory for all BES Customers, which consist of the governing bodies and Public Safety Answering Points (“PSAPs”) that purchase the service.

3. CenturyLink states that the purpose of this filing is to “add several services/features to the above referenced tariff. These additions to the ESInet [Emergency Services IP Network] will be a benefit to all of Colorado and continues the state down the path of achieving a full i3 NG911 standard.”

4. On October 4, 2024, Protest Letters were independently filed by Commission Staff and Douglas County Emergency Telephone Service Authority, El Paso-Teller County E911, Boulder Regional Emergency Telephone Service Authority, filing jointly as “Best 9-1-1 Authorities,” requesting that the tariff sheets filed under AL 3169 be set for a hearing and their proposed effective date be suspended.

B. Discussion

5. In its protest filing, Staff notes that while it “fully supports” the implementation of GIS Routing, i3 Protocol Conversion, and Text to 911, it does not believe that CenturyLink has met the Commission requirements for this filing. Specifically, Staff notes that 4 *Code of Colorado Regulation* 723-2-2137(e)(I) requires that pricing for Basic Emergency Service tariffs must be based on actual costs plus a proposed profit margin, and that the tariff letter or tariff pages describe the methodology used by the company to determine the proposed pricing. Staff asserts that such

descriptions of the pricing methodology, as well as demonstration that the pricing is based on actual costs with a proposed profit margin, is not included in the filing.

6. In its protest filing, Best 9-1-1 Authorities provide a number of reasons why they believe the AL 3169 and its associated tariff pages should be suspended and set for a hearing. First, Best 9-1-1 Authorities asserts that TDMS, Text to 911 service, and i3 Protocol Conversion should all be offered on an optional basis. Second, if such services are offered on an optional basis, how those services are tariffed, and how such services may be reimbursed by the Commission through the state 9-1-1 surcharge, should be addressed, and Best 9-1-1 Authorities offers some considerations in this regard. Third, Best 9-1-1 Authorities asserts that the tariff should reflect CenturyLink's and its partners' "obligations and limitations in, and for use of, data provided by or for the 9-1-1 Authorities, PSAPs and Colorado Jurisdictions," and that such data, including selective router database contents, address and location information database contents, master street address guides, and geographic information system data, should all be made available to the governing bodies and PSAPs. Finally, Best 9-1-1 Authorities notes that the costs proposed in the tariff for some governing bodies or PSAPs would be very substantial.

C. Conclusions and Findings

7. Pursuant to § 40-6-111(1), C.R.S., the Commission may, in its discretion, set the tariff pages for hearing which will suspend the effective date for 120 days from the proposed effective date. If the Commission does not establish new tariff provisions before the expiration of the suspension period of 120 days, or, in this proceeding, on February 15, 2025, the tariff pages filed by CenturyLink may become effective.

8. Section 40-6-111(1), C.R.S, also provides that the Commission may, in its discretion, be a separate decision, suspend the effective date of the tariff page(s) for an additional

90 days. Thus, the Commission has the power and authority to suspend the effective date of the tariff pages for a maximum of 210 days or, in this proceeding, until May 16, 2025. If the Commission further suspends, by a separate decision, the effective date of the tariff pages for an additional 90 days, and if no new rates are established by the Commission before May 16, 2025, the tariff pages filed by CenturyLink may become effective.

9. We find good cause to suspend the effective date of the tariff pages submitted with AL 3169 and to set this matter for hearing.

10. A pleading to intervene may be filed by any person, firm, or corporation desiring to be a party and fully participate in this proceeding, as ordered below. The filing of any other document protesting the tariff pages shall not allow participation as an intervenor in this matter.

11. This matter is referred to an Administrative Law Judge for the issuance of a Recommended Decision.

II. ORDER

A. The Commission Orders That:

1. The tariff pages filed by Qwest Corporation, doing business as CenturyLink QC (CenturyLink) with Advice Letter No. 3169 (“AL 3169”) are set for hearing pursuant to § 40-6-111(1), C.R.S.

2. The proposed effective date, October 18, 2024, of the tariff pages filed with AL 3169 is suspended for 120 days until February 15, 2025, or until further order of the Commission.

3. This matter is referred to an Administrative Law Judge for the issuance of a Recommended Decision.

4. Any person, firm, or corporation, including any who have previously filed a document protesting the proposed tariff pages, who desire to intervene and participate as a party in this proceeding shall file with the Commission, a notice of intervention of right or a motion to intervene permissively within 30 days after the mailing date of this Decision, and shall serve a copy of the notice or motion on CenturyLink's attorney of record.

5. This Decision is effective immediately upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
October 16, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners