

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES

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[indicates omission of unaffected rules]

PROGRAMS

2800. – 2819. [Reserved].

Telecommunications Relay Services for Telephone Users with Disabilities

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to implement Article 17 of Title 40, C.R.S., Telecommunications Relay Services (TRS) for Telephone Users with Disabilities compliant with the federal Americans with Disabilities Act of 1990 and which are consistent with the Commission's quality of service rules; require relay-communicated messages to be delivered promptly, accurately, privately, and confidentially; specify the types of calls that are included as telecommunications relay services; and implement a cost recovery mechanism.

The statutory authority for the promulgation of these rules is found at §§ 29-11-102.7; 40-3.4-106; 40-15-502(3)(a); 40-17-103(2) and (3); and 40-2-108, C.R.S.

2820. Applicability.

Rules 2820 through 2839 are applicable to all providers of voice services to the general public within the state.

2821. Definitions.

- (a) "Telephone access line" means each voice grade channel or its equivalent assigned to a residential or commercial end user customer by a voice service provider, regardless of the technology used to provide the service.

- (b) “Telecommunications relay services” (TRS) means any telecommunications transmission services that allow a person who has a hearing or speech disability to communicate by wire or radio in a manner that is functionally equivalent to the ability of a person who does not have a hearing or speed disability. Such terms include any service that enables two-way communication between a person who uses a telecommunications device or other non-voice terminal device and a person who does not use such a device.
- (c) “Voice service provider” means a company that provides telephone access lines to members of the general public who are its customers for voice service.
- (d) “TRS contractor” means the company that provides telecommunication relay services in accordance with the state’s TRS request for proposal and all Colorado Public Utilities Commission and Federal Communication Commission’s rules and regulations for TRS.
- (e) “TRS custodial receiver” means a designee selected by the Commission that performs certain administrative functions of the TRS program under the direction of the Commission.

2822. Incorporation by Reference.

References in rules 2820 through 2839 to Part 64 are references to rules issued by the FCC and have been incorporated by reference, as identified in rule 2008.

2823. Conformity with the Federal Americans with Disabilities Act of 1990.

- (a) Adoption of federal regulations. For the purpose of providing telecommunications relay services in Colorado, the Commission adopts the FCC’s rules and regulations establishing mandatory minimum operational and technical standards, found at 47 C.F.R. §§ 64.601 and 64.604 (a) and (b). These rules require that telecommunication relay service providers relay communicated messages promptly and accurately, maintain the privacy of persons who receive telecommunications relay services, and preserve confidentiality of all parties in connection with relayed messages.
- (b) Enforcement. The Commission shall resolve any formal complaint alleging a violation of this rule pursuant to its normal complaint process, except that the Commission shall take final action regarding such formal complaint within 180 days after the formal complaint is filed.
- (c) Public access to information. All voice service providers shall assure that callers in their service areas are aware of the availability and the use of all telecommunications relay services pursuant to the FCC’s rules and regulations found at 47 C.F.R. §§ 64.604(c)(3).
- (d) The FCC has assigned the abbreviated dialing code 7-1-1 for access to telecommunications relay services. All voice service providers must allow for call completion using this abbreviated dialing code.
- (e) Jurisdictional separation of costs.
 - (l) Where appropriate, the costs of providing telecommunications relay services shall be separated in accordance with applicable federal separations procedures and agreements (see § 40-15-108(1)).

- (II) Costs caused by interstate telecommunication relay services shall be recovered according to applicable federal rule. Costs caused by intrastate telecommunication relay services shall be recovered from the intrastate jurisdiction consistent with this rule.

2824. Conformity with the Commission's Quality of Service Rules.

The provider of TRS in Colorado shall be subject to any applicable Commission quality of service rule(s). In the case of conflict between the Commission's rule and the federal rule incorporated by reference in rule 2822, the more stringent of the two shall apply.

2825. Rates – Calls Included as Telecommunications Relay Calls.

Intrastate local, intraLATA interexchange, and interLATA interexchange calls shall be included as TRS. The costs of any toll service or any other service that is not a basic local exchange service is to be borne by the TRS user; however, the TRS user shall pay rates no greater than the rate paid for functionally equivalent voice communication services with respect to factors such as the duration of the call, the time of day, and the place of origination to the place of termination.

2826. Commission Powers and Duties.

- (a) The Commission shall administer and contract for telecommunications relay services with a telecommunications provider (~~TRS Contractor~~). The Commission, as Administrator, shall direct that the cost of these services shall be paid from the Colorado Telephone Users with Disabilities Fund. The contract shall conform to these rules, and shall make available adequate procedures and remedies for enforcing the requirements.
- (b) Each month, the ~~TRS Contractor~~ shall request reimbursement of its expenses from the Commission. The Commission shall, upon its approval of the expenses, remit the approved amount to the Contractor and shall debit the approved amount from the Colorado Telephone Users with Disabilities Fund.
- (c) Each voice service provider shall maintain a record of the monthly surcharge imposed on each customer and collected by the voice service provider for a period of three years from the date of billing.
- (d) The Commission, at its own expense, may require an audit of a voice service provider's records for the sole purpose of ensuring compliance with §§ 40-17-101 through 105, C.R.S.
- (e) The Commission may annually adjust the monthly surcharge when necessary to accurately reflect a change in the costs of providing telecommunications relay services, pursuant to § 40-17-103, C.R.S.

2827. Administration of the Colorado Telephone Users with Disabilities Fund.

- (a) Fund administration. The Commission shall determine, and by appropriate order, impose a uniform charge on each commercial and residential access line in a uniform amount. In order to adjust the uniform charge the Commission requires certain information.

- (I) In compliance with annual state budget cycle timelines and requirements, the Commission shall estimate its administrative expenses incurred under §§ 40-17-101 through 104, C.R.S.
 - (II) The monthly uniform charge, per telephone access line, as determined by the Commission, shall not exceed 15 cents.
 - (III) All voice service providers must register and provide appropriate contact information to the Commission ~~no later than July 1, 2016 or~~ within 30 days of operating in the state of Colorado. A form is available from the Commission or on its website. Voice service providers shall provide an updated form within 15 days of any change in the information previously provided to the Commission including for any discontinuance of service. All TRS registration forms, including any updates, shall be filed in the Commission proceeding opened annually for such purpose.
- (b) Uniform charge.
- (I) ~~Effective September 1, 2016, a~~All voice service providers shall collect and remit the TRS charge assessed on each telephone access line. ~~All providers of basic local exchange telecommunications service shall continue to collect and remit the TRS charge assessed on each access line.~~
 - (II) The uniform charge imposed pursuant to § 40-17-103(3)(a), C.R.S., shall be billed monthly to each access line provided by each voice service provider. Each multiline voice communication service that is capable of simultaneous outbound calling shall constitute a separate telephone access line; however, the number of telephone access lines for which a customer may be assessed a monthly charge cannot exceed the number of outbound voice calls that the voice service provider has enabled and activated to be made simultaneously.
 - (III) A seller of prepaid wireless service shall collect a prepaid wireless TRS charge from a consumer, pursuant to § 29-11-~~201~~102.7, C.R.S. and remit the charge to the Department of Revenue. The Department of Revenue shall transmit the money collected to the State Treasurer for deposit into the Colorado Telephone Users with Disabilities Fund, created in § 40-17-104(1), C.R.S.
 - (IV) The TRS charge shall not be assessed or collected on any federally supported Lifeline service or customer. Each provider exempt from collecting the uniform charge on a Lifeline customer shall maintain complete documentation and shall make such documentation available to the Commission upon request.
 - (V) The uniform charge shall be listed as a separate item appearing on each customer's monthly billing statement as rendered by each voice service provider. The charge shall be listed as the "Colorado Telecommunications Relay Service Fund Surcharge."

- (VI) Each voice service provider may retain, from the total charges collected, a vendor fee in the amount of three-fourths of one percent of the amount of total monthly uniform charges collected by such local exchange provider. The vendor fee is intended to reimburse voice service providers for administrative costs in imposing and collecting the uniform charge.
 - (VII) Prior to January 1, 2017, ~~each~~ voice service provider shall remit no later than the last day of the following month and as directed by the Commission, the amount the provider collected for the previous month, less the applicable vendor fee.
 - (VIII) Beginning January 1, 2017, each voice service provider shall remit no later than 30 days after the end of each quarter and as directed by the Commission, the amount collected for the three months in the prior quarter, less the applicable vendor fee.
- (c) Colorado Telecommunications Relay Service Surcharge form.
- (I) Each remittance shall be accompanied by a completed Colorado Telecommunications Relay Service Surcharge form that includes information for each month remitted. This form is available from the Commission or its website.
 - (A) The Colorado Telecommunications Relay Service Surcharge form must be signed and dated by a company representative authorized to do so. The name and telephone number of the most appropriate company representative to whom questions may be directed must also be included on the form.
 - (B) The Colorado Telecommunications Relay Service Surcharge form ~~may~~shall be filed with the Commission through its E-Filings System into the proceeding opened for that purpose. The Commission, for good cause shown, may grant a waiver of the E-Filings requirement.
 - (C) Voice service providers ~~are encouraged to~~shall submit all surcharge remittances along with the Relay Service Surcharge form to the TRS custodial receiver to the Contractor directly. ~~However, the Colorado Telecommunications~~ The Colorado Relay Service Surcharge form ~~must accompany any remittance to the Contractor and also be submitted to the~~ shall also be filed with the Commission through the E-Filings System.

2828. – 2839. [Reserved].

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[indicates omission of unaffected rules]