

Decision No. C21-0009-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19M-0026T

IN THE MATTER OF THE CENTURYLINK QC BASIC EMERGENCY SERVICE
DIVERSITY PLAN PURSUANT TO 4 CODE OF COLORADO REGULATIONS
723-2-2143(A)(II).

**INTERIM COMMISSION DECISION SETTING
RESPONSE TIME**

Mailed Date: January 6, 2021

Adopted Date: January 6, 2021

I. BY THE COMMISSION

A. Statement, Findings, and Conclusions

1. On January 9, 2019, Qwest Corporation d.b.a. CenturyLink QC (CenturyLink) filed a Basic Emergency Service Diversity Plan (Diversity Plan) pursuant to Rule 2143¹ of the Commission's Rules Regulating Telecommunications Services and Providers of Telecommunications Services (Telecom Rules), 4 *Code of Colorado Regulations* (CCR) 723-2.

2. Through Decision No. C19-0117-I, issued January 23, 2019, the Commission established initial procedures for this proceeding. The Commission granted CenturyLink's request to initiate a series of regularly scheduled technical conferences or workshops in which participants,

¹ Rule 2143(a)(II) requires each BESP to develop and to file confidentially 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. The rule requires the diversity plan to include: (1) maps depicting the provider's (BES) architecture; (2) a list and description, including geographic location, of every point within the BESP's portion of the 9-1-1 system and network where monitoring, backup power, and/or physical and geographically diverse redundancy are not present; (3) a description of the improvements to be made, with a proposed timetable, with respect to that list; (4) a description of forgone improvements with an explanation of why the BESP proposes to not make the improvements; and (5) the costs, averaged statewide, associated with the improvements listed in plan.

including representatives of Public Safety Answering Points (PSAPs) and other stakeholders, engage in a collaborative review of the Diversity Plan. In addition to establishing confidentiality requirements, the Commission required CenturyLink to submit a status report regarding the technical workshop process and its recommendations on how the Commission should proceed with respect to the Diversity Plan every two months, with the first status report submitted no later than March 1, 2019.

3. Stakeholders, including Staff of the Colorado Public Utilities Commission (Staff), were permitted to file responsive comments to CenturyLink's status reports no later than ten days following the filing date of each status report. Currently, Daryl Branson, State 9-1-1 Program Manager, represents Staff in the informal technical workshops addressing CenturyLink's Diversity Plan.²

4. Regular workshops were held and reports were provided throughout 2019. However, CenturyLink noted in its report dated February 3, 2020, that "after months of productive discussions" the participants determined that the primary obstacle to solving the diversity problems in rural Colorado remains funding to support the significant financial commitments required to transition from E9-1-1 to NextGen 9-1-1 ESInet service. At that time, CenturyLink indicated that participants were focused on developing legislation to provide funding for projects such as improving diversity for rural 9-1-1 communications. While the participants worked towards these legislative and funding goals, CenturyLink represented that the proceeding should not be closed.

5. Regular reports through the remainder of 2020 indicate that stakeholder workshops continued. The final report in 2020, dated November 30, 2020, indicates that stakeholders had

² See Staff Letter Dated July 10, 2019 (indicating Commission Staffing changes and designating Daryl Branson as the Trial Staff representative in this matter).

resumed regular meetings and intended to ensure progress continues by meeting every two weeks beginning December 1, 2020.

6. On December 29, 2020, Mr. Branson filed a letter in this proceeding (Letter), stating that the ongoing workshops over the last two years have been “extremely valuable as a mechanism for better defining and understanding the issues surrounding 9-1-1 network diversity....” However, Mr. Branson echoes the February 2020 Report that indicated funding concerns effect the challenges in 9-1-1 diversity planning. The Letter explains that the passage of House Bill 20-1293 that was signed into law on July 10, 2020, provides among other changes to 9-1-1 funding, a new state 9-1-1 surcharge. Mr. Branson represents that these funding mechanisms present an opportunity to improve and support 9-1-1 diversity throughout Colorado, but that rule changes should be considered. Therefore, Mr. Branson requests that the Commission close this proceeding and, instead, consider whether revisions to the Commission’s Telecom Rules are appropriate, without the burden of an ongoing, parallel proceeding on 9-1-1 network diversity.

7. We permit participants in the proceeding through January 8, 2021, to respond to Staff’s letter, including whether the Commission should at this time close this proceeding such that it can better direct Staff to engage in proposing rule revisions regarding 9-1-1 diversity planning for Commission and stakeholder consideration.

II. ORDER

A. It Is Ordered That:

1. Responses to the letter filed December 29, 2020, by Daryl Branson, 9-1-1 Program Manager, representing Staff of the Colorado Public Utilities Commission in this proceeding, shall be filed no later than January 8, 2021.

2. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 6, 2021.**

(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

MEGAN M. GILMAN

Commissioners