

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24M-0329T

IN THE MATTER OF ESTABLISHING THE 2025 EMERGENCY TELEPHONE CHARGE THRESHOLD, STATEWIDE 911 SURCHARGE, PREPAID WIRELESS 911 CHARGE, AND SURCHARGE DISTRIBUTION FORMULAS PURSUANT TO §§ 29-11-102 THROUGH 102.5, C.R.S.

**COMMISSION DECISION GRANTING INTERVENTIONS;
AND ESTABLISHING THRESHOLD, SURCHARGE AND
CHARGE AMOUNTS, AND DISTRIBUTION FORMULA**

Issued Date: October 2, 2024
Adopted Date: September 25, 2024

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I. BY THE COMMISSION**A. Statement**

1. The Commission opened this proceeding through Decision No. C24-0557, adopted July 31, 2024 (“Opening Decision”) to fulfill the Commission’s obligations under §§ 29-11-102 through 102.5, C.R.S., which require the Commission establish by October 1, annually, the local Emergency Telephone Charge threshold, a statewide 9-1-1 surcharge, a prepaid wireless 9-1-1 charge, a formula for distribution of money from the statewide 9-1-1 surcharge to governing bodies, and a formula for distribution of money from the prepaid wireless 9-1-1 charge to governing bodies, each to be effective the following January 1.

2. Through this Decision, we address intervention pleadings and establish the following amounts and formula to be effective January 1, 2025: (1) an authorized Emergency Telephone Charge threshold of \$2.12; (2) a statewide 9-1-1 surcharge of \$0.12; (3) a prepaid wireless 9-1-1 charge of \$2.09; (4) a distribution formula through which the Commission will distribute funds from the statewide 9-1-1 surcharge, less administrative costs to be determined by the Commission but not exceeding 4 percent, to each 9-1-1 governing body in amounts proportional to the number of concurrent sessions each 9-1-1 governing body maintains at its Public Safety Answering Points (“PSAPs”) as a percentage of the total number of concurrent sessions in the state; and (5) a distribution formula through which the Colorado Department of Revenue will distribute funds from the prepaid wireless 9-1-1 charge, less administrative costs to be determined by the Department of Revenue but not exceeding 3 percent, to each 9-1-1 governing

body in amounts proportional to the number of wireless 9-1-1 calls received at its PSAPs as a percentage of the total number of wireless 9-1-1 calls received by all PSAPs in the state.

B. Background

3. As described in our Opening Decision, we proposed for participant comment amounts and formulas required by statute to be established by October 1, 2024, with an effective date of January 1, 2025. The proposed rates and distribution formulas were calculated as prescribed by statute and 4 *Code of Colorado Regulations* (“CCR”) 723-2-2148 of the Commission’s Rules Regulating Telecommunications Services and Providers of Telecommunications Services.

4. Interested persons were invited to submit comments or briefing, in addition to intervention requests, by August 21, 2024, and to submit responsive briefs or comments by September 4, 2024.

C. Intervention

5. On August 20, 2024, the Office of Utility Consumer Advocate (“UCA”) filed a Notice of Intervention as a Matter of Right and Entry of Appearance pursuant to Rules 4 CCR 723-1-1200(a)(V), 1201(c), 1204, 1401(a), and 1401(b), and § 40-6.5-104, C.R.S. UCA states that “pursuant to 40-6.5-104(1), C.R.S, UCA represents the public interest and...the specific interests of residential consumers, agricultural consumers, and small business consumers by appearing in proceedings before the commission and appeals therefrom in matters which involved proposed changes in a public utility’s rates and charges” among other matters. We recognize UCA as an intervenor of right in this proceeding.

6. On August 21, 2024, Qwest Corporation doing business as CenturyLink QC (“CenturyLink”), filed a Motion to Intervene pursuant to Commission Rules 1400 and 1401(b). CenturyLink states that “as the only active certificated Basic Emergency Service Provider in the

state of Colorado...no other party or potential party in this proceeding can adequately represent CenturyLink's interests."

7. On August 21, 2024, the Boulder Regional Emergency Telephone Service Authority ("BRETSA"), Douglas County Emergency Telephone Service Authority, and the El Paso/Teller County Emergency Telephone Service Authority (collectively, the "Best 911 Authorities") filed a Motion to Intervene pursuant to Commission Rules 1401(a) and (b). Best 911 Authorities states that they are customers of the BESP, and recipients of the 9-1-1 Surcharge. Additionally, Best 911 Authorities were intervenors in Proceeding 23A-0197T, in which the BESP filed an improvement plan, the cost of which will affect Best 911 Authorities.

8. On August 21, 2024, the Adams County 911 Authority, the Arapahoe County 911 Authority, and the Jefferson County Emergency Communications Authority (collectively, the "AAJ Authorities"), filed a Motion to Intervene pursuant to Commission Rules 1400 and 1401(c). AAJ Authorities state that the subject of the proceeding is the AAJ Authorities' revenue streams, and as such, no other party or potential party in this proceeding can adequately represent the AAJ Authorities' interests.

9. Under Rule 1401(c), 4 CCR 723-1, persons seeking permissive intervention must demonstrate that the proceeding may substantially affect the pecuniary or tangible interests of the movant, and that the movant's interested would not otherwise be adequately represented.

10. The potential intervenors that represent governing bodies (i.e., BRETSA, Douglas and El Paso/Teller, as Best 911 Authorities; and AAJ Authorities all demonstrate through their filings a direct interest in the outcome of the proceeding since they represent entities that will receive distributions from the prepaid wireless 9-1-1 charge and the state 9-1-1 surcharge, and they would potentially be impacted by the threshold for Emergency Telephone Charge rates above

which Commission approval will be required. Therefore, Best 911 Authorities and AAJ Authorities meet the requirements in rule and we grant each permissive intervention in this proceeding.

11. The proposed 9-1-1 surcharge rate of \$0.09 per 9-1-1 access connection per month was calculated to reimburse 9-1-1 governing bodies for the cost of CenturyLink's tariffed ESInet service.¹ As such, and under Rule 1401(c), 4 CCR 723-1, CenturyLink demonstrates that it has a pecuniary or tangible interest that would not otherwise adequately be represented. Therefore, CenturyLink's pleading seeking intervention meets the requirements in our rule and is granted.

12. UCA, Best 911 Authorities, AAJ Authorities, and CenturyLink are parties to this proceeding.²

D. Emergency Telephone Charge Threshold

13. Section 29-11-102, C.R.S., requires the Commission to take into account inflation and the needs of the governing bodies in setting the authorized Emergency Telephone Charge threshold. This threshold sets the rate above which approval by the Commission is required for a 9-1-1 governing body to set its Emergency Telephone Charge.³ As required by Rule 2148(a)(I)(A) and (B), 4 CCR 723-2 of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, the Commission must take into account, at a minimum, historical

¹ The initially proposed rate of \$0.09 did not include the recently approved "Improvement Amount." See Decision R24-0566, Proceeding No. 23A-0197T.

² Colorado Council of Authorities, Inc. ("CCOA") filed comments in this proceeding but did not file a motion to intervene. CCOA is not a party to this proceeding but its public comments are nevertheless considered as included in this Decision.

³ See § 29-11-102(2)(c), C.R.S. For example, with the 2023 Emergency Telephone Charge Threshold set by the Commission at \$1.97 per 9-1-1 access connection per month, a 9-1-1 governing body has the statutory authority to adopt an Emergency Telephone Charge rate up to and including \$1.97 per 9-1-1 access connection per month. To adopt an Emergency Telephone Charge in excess of the threshold, the governing body must first file an application and the application must be approved by the Commission.

data, future projections, inflation rates, the rate of increase of the average emergency telephone charge, comments provided to the Commission, and other factors the Commission deems relevant.

14. In our Opening Decision, we proposed for stakeholder comment an authorized Emergency Telephone Charge threshold of \$2.12. This is an increase of \$0.07 over the current threshold of \$2.05, and reflects the 3.3 percent inflation rate provided by the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers from May 2023 to May 2024.⁴

15. Also in our Opening Decision, we requested comment on whether there were other factors the Commission should consider when setting this threshold. In their comments, CCOA and AAJ Authorities supported this proposal.

16. Therefore, we find no reason to modify our original proposal established in the Opening Decision and establish an authorized Emergency Telephone Charge threshold of \$2.12, effective January 1, 2025.

E. Statewide 9-1-1 Surcharge

1. Opening Decision

17. Pursuant to § 29-11-102.3, C.R.S., the statewide 9-1-1 surcharge must be reasonably calculated to meet the needs of governing bodies to operate the 9-1-1 system, and the amount may not exceed \$0.50 per month per 9-1-1 access connection. To establish this amount, Rule 2148(a)(II)(B) provides that the Commission shall consider historical data, costs to the 9-1-1 governing body of basic emergency service tariffs, comments of interested stakeholders, and other factors the Commission deems relevant. Additionally, § 29-11-102.3(3)(c)(III), C.R.S., implies that the purpose of the surcharge is to “reimburse” governing bodies for the concurrent

⁴ See https://www.bls.gov/news.release/archives/cpi_06122024.htm

sessions being purchased from the Basic Emergency Service Provider (“BESP”). Additionally, Rule 2148(a)(II)(B) states that the Commission shall take into account “the most recently approved improvement amount as described in subparagraph 2137(e)(II)....”

18. In our Opening Decision, we proposed for stakeholder comment on a statewide 9-1-1 surcharge rate of \$0.09 per 9-1-1 access connection per month. This proposed amount was intended to raise enough funding statewide that when distributed to the 9-1-1 governing bodies, the amount will reimburse 9-1-1 governing bodies for the monthly recurring charges they are required under the tariff to pay the BESP for the concurrent sessions at each of the PSAPs funded by the governing body. The proposed amount was based on 617 concurrent sessions being paid by 9-1-1 governing bodies.⁵ This number, multiplied by the monthly recurring tariff rate, provides the total statewide cost for all concurrent sessions per month. This represents a maintenance of the current rate of \$0.09.

19. Also in our Opening Decision, we noted that CenturyLink intended to file a tariff amendment in August 2025, adding several features to the ESInet. As of the preparation of this Decision, this tariff amendment has not been filed.

20. Also noted in our Opening Decision, the passage of Senate Bill 24-139 creates a 9-1-1 Services Enterprise. This Enterprise is to set an Enterprise Fee, which the Commission will then be required to collect alongside the state 9-1-1 surcharge. However, as of the writing of the Opening Decision, the Enterprise had not yet been established and had not yet established an Enterprise Fee. We proposed that it would be premature to collect funds for an Enterprise Fee that had not yet been established, and we asked parties to comments on this analysis.

⁵ See Attachment A to the Opening Decision.

21. Also noted in our Opening Decision, § 29-11-102.3(1)(b), C.R.S., does not necessarily limit the use of the state 9-1-1 surcharge to reimbursement of current tariff rates for Basic Emergency Service, and rather states that the amount “must be reasonably calculated to meet the needs of governing bodies to operate the 911 system.”

22. The Commission requested comment on whether this approach is appropriate, and if it is not, what alternative approached the Commission may use to determine the statewide tariff costs to the governing bodies. The Commission also requested comment on whether there are other expenses appropriate for reimbursement through an adjustment to the 9-1-1 surcharge, noting that the distribution of the surcharge must be based on the number of concurrent sessions being purchased or funded by each of the governing bodies.

2. Comments

23. In their comments, CCOA proposes a surcharge rate of \$.15, intended to reimburse governing bodies for a proposed tariff amendment which, at the time that the comments were provided, was anticipated from but not yet filed by CenturyLink, and an improvement amount of \$310.86 as approved in Proceeding 23A-0197T.⁶ They also anticipate CenturyLink adding an additional \$23.36 per concurrent session per month to address an increase in costs due to adding last-mile diversity as part of the improvement plan.⁷ CCOA calculates an increase of \$0.03 to reimburse the governing bodies for these charges.

⁶ As originally approved in Recommended Decision R24-0566, the improvement amount was \$323.59. CenturyLink filed an Unopposed Motion to Modify the Recommended Decision on August 19, 2024, to a corrected amount of \$310.86. This Motion was subsequently granted on September 18, 2024. The Decision number for the Decision granting this motion is pending.

⁷ This additional, permanent increase to the monthly recurring costs in Tariff No. 25 was not approved in R24-0566, but may be filed in the form of tariff pages and an advice letter by the company at a future date.

24. CCOA proposes an increase of an additional \$0.03 to cover the amount of additional features CenturyLink intended to add, via tariff amendment in August 2024. CCOA calculates that this additional tariff amount would be \$262.11 per concurrent session per month.

25. CCOA provided attachments showing calculations for these additional charges that include an additional 5 percent to cover the up to 4 percent, the Commission may retain to cover its costs for administering the surcharge, and 1 percent that the carriers are allowed to retain when they collect the surcharge.

26. CCOA further “observes,” but does not specifically propose, that local Emergency Telephone Charge rates could be increased by the amount needed to cover increases to tariffed charges rather than these costs being reimbursed by the statewide 9-1-1 surcharge. CCOA argues that governing bodies “lose” up to 5 percent of the revenue due to administration of the 9-1-1 surcharge. CCOA argues that this proposal would result in governing bodies receiving 98 percent of gross revenue instead of “about 95%.”

27. Overall, CCOA proposes \$0.06 to be added to the surcharge, for a total surcharge amount of \$0.15. CCOA argues that failure to include these additional charges when calculating the surcharge would result in governing bodies covering these costs, which may require local governments to significantly increase their Emergency Telephone Charge rates, which it also implies may be a preferred option to increasing the surcharge rate.

28. In its comments, the AAJ Authorities support the proposal of a surcharge rate of \$0.09. The AAJ Authorities also commented that it is premature to provide an increase due to the creation of the 9-1-1 Services Enterprise created by SB 24-139.

29. In its comments, CenturyLink proposes a surcharge amount of \$0.13, intended to cover the increase associated with the improvement plan approved in Proceeding 23A-0197T, and the increase associated with the anticipated tariff filing offering new services.

30. CenturyLink indicated in its comments that it would not require all customers to purchase the new tariff offerings in 2025 but stated that there would be some customers who choose to purchase in 2025 and argue that the 2025 surcharge rate should be calculated accordingly.

31. CenturyLink thus proposes a \$0.03 increase attributable to the network improvements, and a \$0.01 increase for new tariff features, for a total of \$0.04 increase, bringing the surcharge rate to \$0.13.

32. In its reply comments, Best 911 Authorities stated that, for the first time, CenturyLink was offering optional services as well as mandatory services, and proposed that the Commission include in the distribution of 9-1-1 surcharge proceeds an equal amount per concurrent session allocated for the purchase of optional tariffed services to all Colorado PSAPs even if they are not taking the optional services.

33. Best 911 Authorities proposed that large non-recurring charges associated with the proposed tariff amendment to provide additional services should be assessed by CenturyLink over a twelve, twenty-four, or thirty-six month period, in order for governing bodies to more easily bear the potentially large budgetary impacts of these non-recurring charges.

34. In its comments, Best 911 Authorities argues that the 2025 surcharge should be calculated to begin collecting fees for the 9-1-1 Services Enterprise created by SB24-139, in order to position the Enterprise to provide matching funds for any forthcoming federal grant opportunities.

35. Best 911 Authorities states in its comments that the 9-1-1 surcharge should be calculated to include the improvement plan amount approved in Proceeding No. 23A-0197T, even if a decision regarding the Exceptions filed by CCOA is not issued by the conclusion of this proceeding. Best 911 Authorities proposed that the BESP agree to place in escrow any surcharge proceedings in excess of the amount required to complete any approved projects and use such escrowed amounts to fund future improvement projects or future tariff charges.

36. In its reply comments, Best 911 Authorities states that CCOA's comments regarding the "loss" of revenue to administration of the 9-1-1 surcharge are "nonsensical" and "wholly inapposite to the current proceeding inasmuch as the ETC and 9-1-1 Surcharge are established by statute (C.R.S 29-11-102 and C.R.S. 29-11-102.3, respectively)." Best Authorities assert that administration costs are not lost to governing bodies because the Commission "grosses up" the surcharge amount by the percentage it is permitted to retain.

37. In addressing CCOA's comment suggesting that the governing bodies are "losing" revenue costs to the Commission and that governing bodies would be better served without the 9-1-1 surcharge, we agree with Best 911 Authorities that this is a legislative matter that cannot be addressed in this Proceeding. The 9-1-1 surcharge, as well as the Commission's administrative allowance from the surcharge, is set by statute C.R.S. 29-11-102.3, and that attempts to change the process by which it is collected or that 9-1-1 is funded in Colorado in this proceeding are inappropriate.

38. While the Commission agrees with Best 911 Authorities that the Commission's administrative allowance for administering the state 9-1-1 surcharge is a legislative matter and outside the scope of this proceeding, we also note that CCOA's comments seem to suggest that governing bodies themselves incur no overhead costs in administering their Emergency Telephone

Charges, which the Commission finds unlikely. Administration of any monies necessarily incurs costs, and although the Commission is permitted to retain up to 4 percent for reimbursement of its administration costs, the Commission currently retains only 2 percent, an exceptionally low amount for the administration of a statewide fund.

39. The Commission also notes that without the state 9-1-1 surcharge to serve as a mechanism for governing bodies to be reimbursed for tariffed costs, more burden would be placed upon local Emergency Telephone Charge rates, some of which are already as high as \$4.00 per line per month in some governing body service areas. Smaller communities, with commensurately smaller subscriber bases, would bear the brunt of the additional costs to be covered by local Emergency Telephone Charges and would further exacerbate the already significant disparities in ETC rates across the state.

3. Tariff Considerations

40. In Decision No. R24-0566, Proceeding No. 23A-0197T, Administrative Law Judge (“ALJ”) Garvey ordered that CenturyLink may file a tariff amendment to recover the additional, ongoing monthly recurring charges requested for the last-mile diversity project. In its proposal in Proceeding No. 23A-0197T, CenturyLink proposed this amount at \$24.25 per concurrent session.

41. CenturyLink has not yet filed a tariff amendment for the recovery of monthly recurring costs for last-mile diversity, and in its testimony in Proceeding 23A-0197T CenturyLink stated that the ethernet upgrade project, to which this MRC is tied, would take two years to complete. We therefore find it unlikely that CenturyLink would begin incurring last-mile diversity costs from third-party providers in 2025, and – while this amount may be appropriate to consider for inclusion in future years - we do not include this amount in calculating the 2025 9-1-1 surcharge rate.

42. While no tariff filing has yet been made for the ongoing costs related to the last-mile diversity project in Proceeding No. 23A-1097T, on September 18, 2024, CenturyLink filed Advice Letter 3169, along with tariff pages that would introduce four new tariffed features for a total of \$262.11 per concurrent session per month in recurring charges and \$2,933.44 per concurrent session in non-recurring charges.⁸ However, these charges would be “optional” for the first 12 months from the effective date of the tariff. The proposed effective date of the new tariff pages is October 18, 2024.

43. While CenturyLink, Best 911 Authorities, and CCOA each provided comments in support of the surcharge being adjusted for the new recurring costs in this expected tariff filing, we find it unlikely that the rates will be effective before the beginning of 2025, based on the history of BES tariff filings before the Commission. In nearly every case, BES tariff filings result in protests which then lead into extended proceedings, meaning that it is very unlikely for the rates to be effective before January 1, 2025, which also means that they will not be mandatory for any 9-1-1 governing body or PSAP in calendar year 2025. We also note that the history of tariff rates filed with the Commission by CenturyLink tend to be adjusted prior to final approval of the tariff, and we are hesitant to adjust the surcharge rate based on tariff rates that will likely change, perhaps significantly, before they become effective. For these reasons, until there are final decisions regarding the proposed tariffs, we decline to consider the tariff rates from Advice Letter 3169 in setting the 9-1-1 surcharge rate for 2025.

4. 9-1-1 Services Enterprise Fee

44. We decline to begin collecting funds for the 9-1-1 Services Enterprise as part of the 2025 surcharge assessment. First and foremost, we do not see a legal mechanism or justification

⁸⁸ See Proceeding 24AL-0397T.

for the Commission to set aside funds for a 9-1-1 Services Enterprise Fee that has not yet been established. As of the drafting of this Decision, the Enterprise Board has yet to be seated. Although Best 911 Authorities argued that the Enterprise Board begin collecting funds ahead of any federal grant funding opportunities, the Commission is only permitted by statute to collect funds for the Enterprise in connection to an established Enterprise Fee. In the absence of that established Fee, any funds raised from the 9-1-1 surcharge would necessarily be distributed to the governing bodies as required by C.R.S. 29-11-102.3(3)(c)(I). AAJ Authorities in its comments agree that it is premature to collect funds for the Enterprise.

5. BES Improvement Amount

45. On September 18, 2024, the Commission issued Decision No. C24-0688 in Proceeding No. 23A-0197T, largely upholding Recommended Decision No. R24-0566 that approved a slate of projects for a BES Improvement Plan under Rule 2143(b). The Decision also granted an Unopposed Motion to Amend the Recommended Decision as well as a related Exception filed jointly by CCOA and the Larimer Emergency Telephone Authority, requesting that the approved Improvement Amount for the BES Improvement Plan be amended to \$310.86 per concurrent session per month.

46. Additionally, while the deadline for an improvement amount to be consideration in the state 9-1-1 surcharge would normally be August 1, Recommended Decision No. R24-0566 also waived this deadline by granting, in part, the Motion filed by CenturyLink on April 19, 2024, requesting that the deadline be extended to August 21, 2024.⁹

47. Decision No. C24-0688 is a final Commission Decision, approving important improvement updates for the BES network. As indicated in comments filed in this proceeding, we

⁹ The Motion was granted “in part” because ALJ Garvey chose to waive the deadline rather than extend it.

therefore find it appropriate and necessary under Rule 2148(a)(II)(B) to consider the amount of \$310.86 in this proceeding as a cost which may be incurred beginning in 2025 by governing bodies.¹⁰

6. Calculation of the 9-1-1 Surcharge Rate

48. Since the opening of this proceeding, Clear Creek County has indicated to the Commission its intention to relinquish its four concurrent sessions, due to the closing of their PSAP. This brings the number of concurrent sessions to 613, which is reflected in Attachment A to this Decision.

49. Taking into consideration the addition of \$310.86 to the per-concurrent session improvement amount, and using the updated concurrent session count of 613, we find a total amount necessary to be distributed to the governing bodies of \$8,614,464.48 in 2025. This figure is based on monthly recurring charges of \$752.22 per concurrent session per month for ESInet service and \$108.00 for ECaTS, both of which are outlined in Tariff No. 25, and \$310.86, which has been approved by Decision Nos. C24-0688 and R24-0566 as the Improvement Amount for 2025 and 2026, in Proceeding No. 23A-0197T. Adding these three rates together and multiplying by 613 concurrent sessions and by twelve months yields the figure of \$8,614,464.48. Adding an additional five percent to account for the one percent administrative retention allowed to the telecommunications providers and the Commission's four percent allowed administrative retention brings the amount to be raised to \$9,045,187.70.¹¹ The average number of lines from June

¹⁰ Several commenters in this proceeding urged the Commission to include an additional amount to reimburse governing bodies for the improvement amount that they anticipated the Commission may approve in Proceeding 23A-0197T. *See* Best 911 Authorities responsive comments filed Sept. 4, 2024, para. 10-12; CCOA comments filed Aug. 21, 2024, para 30; and CenturyLink's comments filed Aug. 21, 2024, pp. 1-3.

¹¹ Although the Commission is only currently retaining two percent of the revenues from the 9-1-1 surcharge for administrative costs, we choose to calculate this additional amount at four percent in the event that the Commission finds the need to raise the retention amount in the future.

2023 through May 2024 reported statewide was 6,799,289.4. Based on this, we calculate that a surcharge rate of 11 cents would raise \$8,975,062.01, less than the amount required, and 12 cents would raise \$9,790,976.74, more than the amount required.

50. Based on this, we find it necessary to increase the 9-1-1 surcharge from the proposed \$0.09 to \$0.12. The 2025 9-1-1 surcharge rate is therefore set at \$0.12.

F. Prepaid Wireless 9-1-1 Charge

51. Pursuant to § 29-11-102.5, C.R.S., and Rule 2148, 4 CCR 723-2, the flat rate per transaction prepaid wireless 9-1-1 charge is to be calculated by adding the average of the local Emergency Telephone Charge rates as of July 1 of that year and the amount of the statewide 9-1-1 surcharge amount established by the Commission for the following year. In our Opening Decision, we stated that the average Emergency Telephone Charge as of June 1, 2024 was \$1.97, an assertion supported by data presented in Attachment B to the Opening Decision and this Decision.¹² Taking our proposal of \$0.09 for the statewide 9-1-1 surcharge and adding the average Emergency Telephone Charge of \$1.97, we proposed setting the prepaid wireless 9-1-1 charge rate of \$2.06 per prepaid wireless service transaction for calendar year 2025.

52. CCOA in its comments supported the increase in the prepaid wireless charge, noting that if the Commission adjusted its 9-1-1 surcharge, then the prepaid wireless charge would need to be adjusted accordingly.

53. In its comments, AAJ Authorities supported the recommendation regarding the prepaid wireless 9-1-1 charge.

¹² The average ETC rate may not change between June 1 and July 1, primarily because governing bodies are only permitted by statute to adjust their rates with an effective date of February 1 or June 1 of each year. § 29-11-102(2)(b), C.R.S.

54. We agree with commenters that the prepaid wireless 9-1-1 charge rate must increase to mirror any increase to the 9-1-1 surcharge, as required by § 29-11-102.5(2)(c), C.R.S. Calculating the average Emergency Telephone Charge of \$1.97 to the adopted \$0.12 9-1-1 surcharge rate established above rather than the \$0.09 rate originally proposed, we therefore have a resulting prepaid wireless 9-1-1 charge rate of \$2.09 per prepaid wireless service transaction.

55. Considering the comments and the statewide 9-1-1 surcharge rate under § 29-11-102.5, C.R.S., and Rule 2148, 4 CCR 723-2, we establish a prepaid wireless 9-1-1 charge of \$2.09, effective January 1, 2025.

G. Statewide 9-1-1 Surcharge Distribution Formula

56. Pursuant to § 29-11-102.3(3)(c)(III), C.R.S., and Rule 2148, 4 CCR 723-2, the Commission must establish a formula for distribution of money collected from the statewide 9-1-1 surcharge to the governing bodies. This formula must be based on the number of concurrent sessions maintained by the PSAPs of each governing body, and the Commission may retain up to 4 percent of the collected surcharges to cover the direct and indirect costs of administering the surcharge.

57. To implement this statutory requirement, through our Opening Decision, we proposed a distribution formula through which the Commission will distribute funds from the statewide 9-1-1 surcharge, less administrative costs to be determined by the Commission but not exceeding 4 percent, to each 9-1-1 governing body in amounts proportional to the number of concurrent sessions each 9-1-1 governing body maintains at its PSAPs as a percentage of the total number of concurrent sessions. Through the Opening Decision, we provided that the formula proposed would include the 617 concurrent sessions identified in Attachment A to that decision and invited participant comment.

58. In its comments, AAJ Authorities support the proposed distribution formula.

59. As noted above, with Clear Creek County's decision to relinquish its concurrent sessions, the total number of concurrent sessions in Colorado that are subject to receiving a portion of the 9-1-1 surcharge revenues decreases to 613, which is reflected in Attachment A to this Decision.

60. We establish a distribution formula as discussed in our Opening Decision, with the amended number of concurrent sessions, attached to this Decision as Attachment A. The Commission will distribute funds from the statewide 9-1-1 surcharge, less administrative costs to be determined by the Commission but not exceeding 4 percent, to each 9-1-1 governing body in amounts proportional to the number of concurrent sessions each 9-1-1 governing body maintains at its PSAPs as a percentage of the total number of concurrent sessions in the state, effective January 1, 2025.

H. Prepaid Wireless 9-1-1 Charge Distribution Formula

61. Pursuant to § 29-11-102.5(3)(e)(III), C.R.S., and Rule 2148, 4 CCR 723-2, the Commission must establish a formula for distribution of money collected from the prepaid wireless 9-1-1 charge to the governing bodies. This formula must be based on the number of wireless 9-1-1 calls received by the PSAPs of each governing body as a percentage of the total number of wireless 9-1-1 calls received by all PSAPs in the state. The Commission must transmit the formula to the Colorado Department of Revenue by October 1 of each year, to take effect on the following January 1.

62. To implement this statutory requirement, through our Opening Decision, we proposed a distribution formula for transmittal to the Department of Revenue establishing percentages for each 9-1-1 governing body based on wireless 9-1-1 call volume, as reported to

Commission Staff by the BESP. We provided a formula as Attachment C to the Opening Decision and invited participant comment.

63. The AAJ Authorities in its comments supported this proposed formula.

64. We establish a distribution formula for transmittal to the Colorado Department of Revenue for the prepaid wireless 9-1-1 charge as discussed in our Opening Decision and attached to the Opening Decision and this Decision as Attachment C. The effective date of this formula will be January 1, 2025.

II. ORDER

A. The Commission Orders That:

1. The Intervention filing provided by Qwest Corporation doing business as CenturyLink QC (“CenturyLink”), on August 21, 2024, is granted, consistent with the discussion above.

2. The Intervention filing provided by the Boulder Regional Emergency Telephone Service Authority (“BRETSA”), Douglas County Emergency Telephone Service Authority, and the El Paso/Teller County Emergency Telephone Service Authority (collectively, the “Best 911 Authorities”) on August 21, 2024, is granted, consistent with the discussion above.

3. The Intervention filing provided by the Adams County 911 Authority, the Arapahoe County 911 Authority, and the Jefferson County Emergency Communications Authority (collectively, the AAJ Authorities) on August 21, 2024, is granted, consistent with the discussion above.

4. Effective January 1, 2025, the authorized Emergency Telephone Charge threshold shall be \$2.12.

5. Effective January 1, 2025, the statewide 9-1-1 surcharge shall be \$0.12.

6. Effective January 1, 2025, the prepaid wireless 9-1-1 charge shall be \$2.09.

7. Effective January 1, 2025, we establish a distribution formula through which the Commission will distribute funds from the statewide 9-1-1 surcharge, less administrative costs to be determined by the Commission but not exceeding 4 percent, to each 9-1-1 governing body in amounts proportional to the number of concurrent sessions each 9-1-1 governing body maintains at its Public Safety Answering Points as a percentage of the total number of concurrent sessions in the state.

8. We establish a distribution formula for the distribution of prepaid wireless 9-1-1 charge funds, to be transmitted to the Colorado Department of Revenue by October 1, 2024, for an effective date of January 1, 2025.

9. The 20-day period provided for in § 40-6-114(1), C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

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

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 25, 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