

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES

2011. Regulated Telecommunications Utility Rule Violations, Civil Enforcement, and Civil Penalties.

An admission to or Commission adjudication for liability for an intentional violation of the following may result in the assessment of a civil penalty of up to \$2,000.00 per offense. Fines shall accumulate up to, but shall not exceed, the applicable statutory limits set in § 40-7-113.5, C.R.S.

| Citation | Description | Maximum Penalty Per Violation |
|--|---|--|
| Rule 2109(b),(e)-(g); text preceding (a) | Discontinuance of Regulated Services | \$2000 |
| Rule 2110, text preceding (a) only | Applications to Transfer or Encumber | \$2000 |
| Rule 2122 | Keeping a Current Tariff on File with the Commission | \$2000 |
| Rule 2135 | Uniform System of Accounts, Cost Segregation and Collection | \$2000 |
| Rule 2136 | Obligations of Basic Emergency Service Providers | \$2000 |
| Rule 2139 | Obligations of Resellers of Basic Local Exchange Service | \$2000 |
| Rule 2142 | Nondisclosure of Name/Number/Address Information | \$2000 |
| Rule 2143 | Diverse Routing and Priority Service Restoration | \$2000 |

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| Rule 2150 | Administration of the 9-1-1 Surcharge Trust Cash Fund | \$2000 |
| Rule 2152 | Audit of Service Providers Regarding Emergency Telephone Charge and 9-1-1 Surcharge Practices | \$2000 |
| Rule 2186(a),(d), (e) and (f) | Relinquishment of Designation as Provider of Last Resort | \$2000 |
| Rule 2302(a)-(c);(e)-(g) | Applications for Service, Customer Deposits, and Third Party Guarantees | \$500 |
| Rule 2305, text preceding (a) only | Refund Plans | \$2000 |
| Rule 2334 | Construction and Maintenance Practices for Telecommunications Facilities | \$1000 |
| Rule 2335 | Provision of Service During Maintenance or Emergencies | \$2000 |
| Rule 2337(a) | Standard Performance Characteristics for Customer Access Lines | \$1000 |
| Rule 2413 | Affiliate Transactions for Local Exchange Providers | \$2000 |
| Rule 2533 | Submission of Agreement and Amendments for Approval | \$2000 |
| Rule 2742 | Abbreviated Dialing Codes | \$2000 |
| Rule 2812 | Incarcerated People's Communications Services Provider Reporting and Testing Requirements | \$2000 |
| Rule 2823(a),(c)-(e) | Conformity with the Federal Americans with Disabilities Act of 1990 | \$100 |
| Rule 2824 | Conformity with the Commission's Quality of Service Rules | \$100 |
| Rule 2827(b) | Timely or Completely Filing or Making Appropriate Payments to the TRS Fund | \$100 |

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| Rule (TBD) | Timely or Completely Filing or Making Appropriate Payments to the HCSM Fund | \$100 |
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[indicates omission of unaffected rules]

2804. – 2809. [Reserved].

Incarcerated People’s Communications Services

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to prescribe the process and requirements for reporting and disclosures by incarcerated people’s communications services (IPCS) providers.

The statutory authority for the promulgation of these rules is found at § 17-42-103, C.R.S.

2810. Applicability.

Rules 2810 through 2812 are applicable to incarcerated people’s communications services providers, as defined in rule 2811.

2811. Definitions.

- (a) “Call”, for the purposes of rules 2810-2812, means two-way, realtime electronic communication between an incarcerated individual and another person and does not include electronic mail or messaging services. Unless otherwise specified, such calls may be conducted by video or voice.
- (b) “Commissions” means any form of monetary payment, thing of value, in-kind payment, gift, exchange of services or goods, fee other than for direct cost recovery, or technology allowance paid to a correctional facility or other government entity by an IPCS provider.
- (c) “Correctional facility” means any building, structure, enclosure, institution, or place, whether permanent or temporary, fixed or mobile, where persons are or may be lawfully held in custody or confined and that is operated by a city, county, city and county, state government, or private entity, including but not limited to a jail or prison.
- (d) “Incarcerated people’s communications services (IPCS)” or “Penal communications services” means communications services, including but not limited to telephone, video, or electronic mail or messaging services provided to a correctional facility for use by end users.
- (e) “Incarcerated people’s communications services (IPCS) provider” or “Penal communications services provider” means a person or company that contracts with a correctional facility to provide IPCS or the means to access IPCS regardless of the technology used to provide the services. A person or company that provides one type of communications service but not others is also an incarcerated people’s communications services provider.

2812. Incarcerated Person's Communications Services Provider Reporting and Testing Requirements

- (a) Within 14 days after the end of each quarter, each IPCS provider must submit the following records and data to the Commission for each correctional facility to which it provides IPCS:
- (I) a copy of the existing contract between the IPCS provider and the government entity to provide IPCS to persons in custody in a correctional facility, unless this contract was provided in a previous quarterly report and is unchanged;
 - (II) the total number of video calls and total number of voice calls made from the correctional facility using the IPCS;
 - (III) the total number of video call minutes and total number of voice call minutes made from the correctional facility using the IPCS;
 - (IV) the total revenue, before any commissions payments, collected by the IPCS provider for providing IPCS, including revenue for voice calls, video calls, e-mail, and other electronic messaging, for both intrastate and interstate communications, broken out or combined as directed by Commission staff;
 - (V) a summary of all commissions paid to the correctional facility or any other government entity for all IPCS provided by the IPCS provider;
 - (VI) a copy of the IPCS provider's unclaimed funds policy, unless a copy of this policy was provided in a previous quarterly report and is unchanged;
 - (VII) a list of the rates charged by the IPCS provider to persons in custody making calls to persons not in custody, regardless of whether those rates are paid directly by the person in custody or by the correctional facility on the person's behalf, including any rates charged for:
 - (A) the first minute of an in-state call;
 - (B) minutes subsequent to the first minute of an in-state call;
 - (C) the first minute of an out-of-state call; and
 - (D) minutes subsequent to the first minute for an out-of-state call;
 - (VIII) a list of the fees charged to persons in custody making voice calls to persons not in custody, including fees charged for:
 - (A) initiating a call;
 - (B) depositing money into the incarcerated person's account for IPCS;
 - (C) opening, maintaining, funding, or closing an account with an IPCS provider;

- (D) receiving a refund from an IPCS provider;
 - (E) receiving a paper bill from an IPCS provider; and
 - (F) making payments to the IPCS provider through a third-party company; and
 - (IX) other information as may be requested by Commission staff regarding any other commissions, fees, and charges for the voice calls provided by the IPCS provider; and
 - (X) the total number of complaints related to video quality.
- (b) Commission staff may provide a form to facilitate the quarterly reporting required in paragraph (a).
- (c) Starting on January 1, 2022, rate caps established by the Federal Communications Commission, including any updated rate caps, apply to all in-state debit, prepaid, and collect calls to or from a correctional facility.
- (d) IPCS providers shall cooperate, as necessary, with biannual trial tests conducted by Commission staff and correctional facilities on a statistically valid sample of communications services to and from correctional facilities served by the IPCS provider, including voice calls, at a minimum, but may also include video calls.
- (I) Tests will include trial voice calls to staff phone numbers not already in the provider's system.
 - (II) Tests will assess and monitor the costs and quality of calls, including how the IPCS provider is charging and addressing consumer complaints regarding poor quality calls, including dropped calls.
 - (III) Tests will generally be conducted remotely.
- (e) IPCS providers shall include the following language on their website: "The Public Utilities Commission (PUC) gives consumers the opportunity to file informal complaints about problems with the communications services that the PUC regulates. Complaints can be filed through <https://puc.colorado.gov/inmate-communication-services> or <https://puc.colorado.gov>".
- (I) Both "<https://puc.colorado.gov>" and "<https://puc.colorado.gov/inmate-communication-services>" in the statement shall be hyperlinked to allow visitors to the website to directly access the websites.
 - (II) The language must be posted on the homepage or customer service page of the IPCS provider's website. If posted to the customer service page, this page must be accessible with a single click from the homepage. The language must be displayed in an easy-to-read font, font size, and color.
 - (III) Informal complaints received by Commission staff shall be handled in accordance with rule 1301.

2813. – 2819. [Reserved].

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[indicates omission of unaffected rules]

GLOSSARY OF ACRONYMS

| | |
|-------------|---|
| ABS | Alternate Billing Service |
| ALI | Automatic Location Identification |
| AMA | Automatic Message Accounting |
| AML | Actual Measured Loss |
| ANI | Automatic Number Identification |
| ANSI | American National Standards Institute |
| BER | Bit Error Rate |
| BESP | Basic Emergency Service Provider |
| BRI | Basic Rate Interface |
| BSA | Basic Serving Arrangement |
| BSE | Basic Service Element |
| CASB | Cost Accounting Standards Board |
| CCR | Code of Colorado Regulations |
| CEI | Comparably Efficient Interconnection |
| CFR | Code of Federal Regulations |
| CLASS | Custom Local Area Signaling System |
| CLEC | Competitive Local Exchange Carrier |
| CMRS | Commercial Mobile Radio Service |
| CNS | Complementary Network Service |
| CPCN | Certificate of Public Convenience and Necessity |
| CPNI | Customer Proprietary Network Information |
| CRCP | Colorado Rules of Civil Procedure |
| CRS | Colorado Revised Statutes |
| CSR | Customer Service Record |
| dB | Decibel |
| DMS | Data Management System |
| DS0,DS1,DS3 | Digital Signaling levels 0, 1 and 3 |
| E9-1-1 | Enhanced 911 |
| e-mail | Electronic mail |
| ENS | Emergency Notification Service |
| EP | Eligible Provider |
| ESP | Enhanced Service Provider |
| ETC | Eligible Telecommunications Carrier |
| ETS | Emergency Telephone Service |
| FCC | Federal Communications Commission |
| FDC | Fully Distributed Cost |
| FOC | Firm Order Confirmation |
| GAAP | Generally Accepted Accounting Principles |
| HCSM | High Cost Support Mechanism |
| Hz | Hertz |
| ICB | Individual Case Basis |

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|--------|---|
| IPCS | Incarcerated People's Communication Services |
| IEEE | Institute of Electrical and Electronics Engineers |
| ILEC | Incumbent Local Exchange Carrier |
| ISDN | Integrated Services Digital Network kbit/sec kilobit per second (1,000 bits per second) |
| LATA | Local Access Transport Area |
| LCA | Local Calling Area |
| LEC | Local Exchange Carrier |
| LIDB | Line Identification Database |
| LLC | Limited Liability Company |
| LNP | Local Number Portability |
| LOR | Letter of Registration |
| LRIC | Long Run Incremental Cost |
| LSR | Local Service Request |
| ma | milliamps |
| Mbps | Megabits per second |
| MLTS | Multi-line Telephone System |
| MSA | Metropolitan Statistical Area |
| MSAG | Master Street Address Guide |
| MTB | Minimum Transport Bandwidth |
| MTE | Multi-Tenant Environment |
| NANP | North American Numbering Plan |
| NANPA | North American Numbering Plan Administrator |
| NECA | National Exchange Carrier Association |
| NENA | National Emergency Number Association |
| NID | Network Interface Device |
| NIIF | Network Interconnection Interoperability Forum |
| NPA | Numbering Plan Area |
| NPAC | Number Portability Administration Center |
| OC1 | Optical Carrier-Level 1 Signal |
| ONA | Open Network Architecture |
| OSS | Operational Support Systems |
| PCS | Personal Communications Service |
| PIN | Personal Account Identification Number |
| POLR | Provider of Last Resort |
| PRI | Primary Rate Interface |
| PSAP | Public Safety Answering Point |
| RBOC | Regional Bell Operating Company |
| RTEZ | Rural Technology Enterprise Zone |
| RTF | Rich Text Format |
| RUS | Rural Utility Service |
| SCP | Service Control Point |
| SGAT | Statement of Generally Available Terms and Conditions |
| SLU | Subscriber Line Usage |
| SS7 | Signaling System #7 |
| STP | Signal Transfer Point |
| TDD | Telecommunications Device for the Deaf |
| TRS | Telecommunications Relay Services |
| TSLRIC | Total Service Long Run Incremental Cost |
| UCA | Office of Consumer Advocate |
| UNE | Unbundled Network Element |

USF Universal Service Fund
USOA Uniform System of Accounts
WATS Wide Area Telephone Service