

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 17R-0488T

IN THE MATTER OF PROPOSED AMENDMENTS TO TELECOMMUNICATIONS
RULES 4 CODE OF COLORADO REGULATIONS 723-2-2130 THROUGH 2159 AND
2008(a).

**DECISION DENYING EXCEPTIONS
AND ADOPTING FINAL RULES**

Mailed Date: December 27, 2017
Adopted Date: November 29, 2017

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I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) on July 28, 2017, that initiated this Proceeding.¹ Through its

¹ See Decision No. C17-0575 issued August 1, 2017.

NOPR, the Commission proposed revisions to Rules 4 *Code of Colorado Regulations* (CCR) 723-2-2130 through 2150 and 2008(a) (9-1-1 Rules) in response to a Petition for Rulemaking² filed by the Commission's 9-1-1 Advisory Task Force (Task Force).³

1. In Decision No. R17-0821 (Recommended Decision) issued October 13, 2017, the assigned Administrative Law Judge recommends this Commission adopt rules agreed to by an almost unanimous consensus of participants in this proceeding that modernize the Commission's 9-1-1 Rules.⁴

2. We deny exceptions to the Recommended Decision filed on October 30, 2017, by the Larimer Emergency Telephone Authority (LETA). The questions raised by LETA in its exceptions are best addressed through future adjudications or diversity planning proceedings that are facilitated through the recommended 9-1-1 Rules. We adopt the recommended rules with minor clerical revisions as discussed below.

B. Procedural History and Related Proceedings

3. On May 6, 2015, the Commission issued a NOPR in Proceeding No. 15R-0318T regarding rules regulating basic emergency service, which included revisions to the 9-1-1 Rules.⁵ In the NOPR, the Commission recognized that legislative reform deregulated certain aspects of telecommunications service. The Commission retained jurisdiction over "basic emergency service" as set forth in § 40-15-201, C.R.S. The Commission also noted that, through rulemaking, it hoped to address network diversity concerns raised by certain events that had

² Decision No. C17-0561, Proceeding No. 17M-0319T issued July 13, 2017.

³ The Task Force is a body created by 4 CCR 723-2-2145 for the purpose of advising the Commission broadly on issues related to 9-1-1 service delivery.

⁴ The statutory authority for the rules proposed here is found at §§ 24-4-101 *et seq.*; 40-2-108; 40-3-101, 102, 103, and 110; 40-4-101; 40-15-101, 107, 108(2), 201, 202, 302, 401, 501, 502, 503, and 503.5; and 40-17-103(2), C.R.S.

⁵ See Decision No. C15-0453, Proceeding No. 15R-0318T, issued May 13, 2015.

affected 9-1-1 network reliability in Colorado. In addition, the Commission aimed to address technological advancements in the provision of basic emergency services.⁶

4. Proceeding No. 15R-0318T was assigned to an Administrative Law Judge (ALJ) who conducted hearings and workshops throughout 2015 and, ultimately, issued his Recommended Decision on March 11, 2016 (2016 Recommended Decision).⁷ As evident in the 2016 Recommended Decision⁸ and subsequent exceptions from numerous participants to the rulemaking, positions on potential rule revisions were exceedingly contentious. This contentiousness was evident throughout the entire rulemaking process and was the reason the ALJ set a series of “on the record” and webcast workshops, which resulted in more consistent statements and positions from the parties regarding their issues with the rulemaking.⁹

5. Prior to the Commission ruling on exceptions or adopting the 2016 Recommended Decision, on April 25, 2016, Jacki Cooper Melmed, Chief Legal Counsel for Governor John Hickenlooper, filed a letter in the proceeding asking the Commission to suspend the rulemaking indefinitely “while the Commission and other stakeholders [engaged] in a forward-looking process focused on the future of Colorado’s 9-1-1 system.” The next day, on April 26, 2016, the Commission held a Commission Deliberations Meeting to discuss the rulemaking proceeding.

6. The Commission discussed the Melmed letter, the exceptions filed by participants, and avenues towards progress. The Commission found good cause to allow for

⁶ *Id.*, ¶¶ 2-4.

⁷ Decision No. R16-0201, Proceeding No. 15R-0318T, issued March 11, 2016.

⁸ *See Id.*, at ¶¶ 21-27, and 67-68 (describing participant positions and disagreements over rule proposals, in addition to a request for a declaration that the Commission exceeded its authority).

⁹ Transcripts of each workshop are available through the Commission’s electronic filing system in Proceeding No. 15R-0318T.

additional stakeholder discussions with the goal of protecting public safety and addressing challenges posed by emerging technologies.¹⁰ The Commission, therefore, suspended the rulemaking. To allow continued stakeholder efforts, the Commission issued a decision on August 3, 2016, terminating the rulemaking without adopting final rules, and without regard to the findings of fact and conclusions of the assigned ALJ in his 2016 Recommended Decision.¹¹

7. Through the end of 2016 and early 2017, Commission Staff initiated a series of informal workshops through the Task Force to develop a consensus revision of the 9-1-1 Rules. Under current rules, the Task Force has a mandate “to provide oversight of the statewide implementation of basic emergency service.”¹² The Task Force is also required to investigate various topics related to 9-1-1 service in the state and report its findings to the Commission.¹³ Consistent with its duties set forth in the Commission rule, the Task Force regularly continued workshops with diverse stakeholder groups until May 2017.

8. Thirty-seven stakeholders participated in approximately 14 workshops, including, without limitation, industry representatives and representatives of local 9-1-1 governing bodies and public safety answering points (PSAPs) that had participated in the rulemaking proceeding initiated in 2015.¹⁴ The Task Force and participating stakeholders endeavored to create compromise and consensus rule revisions to update the 9-1-1 Rules.

¹⁰ See Decision No. C16-0429, Proceeding No. 15R-0318T, issued April 26, 2017, ¶ 8.

¹¹ See Decision No. C16-0719, Proceeding No. 15R-0318T, issued August 3, 2017, ¶ 10.

¹² Rule 4 CCR 723-2-2145(a).

¹³ Rule 4 CCR 723-2145(b).

¹⁴ A full list of participants to the workshops is identified in Exhibit C to the petition for rulemaking filed May 24, 2017, Proceeding No. 17M-0319T.

9. Culminating its efforts in these workshops, on May 24, 2017, the Task Force filed a petition for rulemaking for the Commission's consideration.¹⁵ In its petition, the Task Force recommended the Commission commence rulemaking to consider specific rule proposals and an extensive revision to the Commission's 9-1-1 Rules. Stakeholders filed comments supporting the proposed rules and petition. The Commission received no filings in opposition to the proposed rules or the Task Force recommendation to commence a rulemaking to revise the 9-1-1 Rules. The Commission granted the petition through its order issued July 13, 2017,¹⁶ and quickly commenced this rulemaking proceeding through its NOPR issued August 1, 2017.¹⁷ The rulemaking was noticed to all telecommunications stakeholders, including industry and PSAP representatives.

10. The Commission assigned the rulemaking to an ALJ, who received comments and held a public hearing on September 18, 2017. After comment and hearing, the rules adopted in the Recommended Decision, issued October 13, 2017, are largely unchanged from the consensus rules agreed to by the diverse stakeholder groups participating in the Task Force workshops. The adopted rules do, however, include corrections based on comments filed by interested participants in this rulemaking proceeding.

C. Exceptions

11. On October 30, 2017, LETA filed exceptions in response to the Recommended Decision. No other parties filed exceptions.

¹⁵ See Proceeding No. 17M-0319T.

¹⁶ See Decision No. C17-0561, Proceeding No. 17M-0319T.

¹⁷ Decision No. C17-0575, Proceeding No. 17R-0488T.

12. First, LETA describes the amended definition of Basic Emergency Service Provider (BESP) in the Adopted Rules. LETA does not state a specific problem with the definition or propose rule language. Rather, LETA seeks answers to two questions: (1) who would be responsible for implementing conditional rerouting of 9-1-1 calls in the event of an outage; and (2) what remedy a governing body or PSAP has if rerouting is not implemented timely.¹⁸

13. Second, LETA discusses other definitions that it believes are unclear or overlap. Specifically, LETA states that “feasible” is undefined and asks if the adopted rules are “clear enough” that the BESP is required to have geographic and physical diversity.

14. Third, LETA objects to the deletion of a definition for the term “E9-1-1 facilities”. LETA states that the definition “should not be lost” and that its substance should be included in the definition of “9-1-1 facilities,” which definition is being retained.

15. On November 13, 2017, replies to LETA’s exceptions were filed by CTIA – The Wireless Association[®] (CTIA); Qwest Corporation, doing business as CenturyLink QC (CenturyLink); and the Colorado Telecommunications Association. These replies note that the adopted rules proposed through the Recommended Decision are based largely on the result of several months of intensive workshops, including a wide array of participants. CenturyLink asserts that LETA has pointed out no “error of law, fact or policy made by the [R]ecommended [D]ecision.” CenturyLink and CTIA also noted that LETA’s Exceptions include no alternative language for the Commission to consider. Responses also point out that LETA had both the

¹⁸ Condition 4 routing is the conditional rerouting of 9-1-1 calls to a local ten-digit telephone number when a local switch becomes isolated, preventing 9-1-1 calls from reaching the BESP’s selective router.

opportunity to participate and in fact participated in the Task Force efforts and rulemaking process that resulted in the adopted rules.

D. Discussion

16. LETA's exceptions raise worthwhile questions that can and should be addressed through other Commission processes rather than this rulemaking proceeding. For example, LETA's concerns about who is responsible for contingency routing is appropriately addressed as part of the newly expanded contingency plans required by the adopted 9-1-1 Rules. Likewise, the degree of diversity and redundancy required of the BESP is the type of topic to be addressed by the new 9-1-1 diversity planning process required by the adopted 9-1-1 Rules. Other concerns raised by LETA seek a degree of specificity within the rules that cannot reasonably be accommodated, especially when there is rapidly changing technology. Such specificity is appropriately included in a basic emergency service tariff, which is specific to a particular set of service offerings and provider.

17. Stakeholders interested in addressing these issues of specific applicability are encouraged to participate as appropriate in tariff proceedings, BESP application proceedings, and the 9-1-1 network diversity planning proceeding called for in the adopted rules to ensure that these important questions are raised in the discussion.

18. Regarding LETA's third area of concern, we find that a definition of "E9-1-1 facilities" is unnecessary, since the term is not used anywhere in the adopted rules. The existing definition of "E9-1-1 facilities" is also technologically specific; thus, keeping it or incorporating the substance of it into another definition would be counter to the goal of making the definitions more "technology neutral" and generally applicable. We deny LETA's request to

revise the rule. The adopted 9-1-1 Rules in the Recommended Decision, accomplish the following:

- (a) Delete obsolete and unnecessary rules;
- (b) Modify definitions to be more technology neutral and in line with current usage;¹⁹
- (c) Revise and clarify the certification process for basic emergency service providers (BESPs), sparing applicants from having to compare and combine the requirements of three different sections of the Commission's rules governing applications;²⁰
- (d) Update rules regarding the BESP's billing to local 9-1-1 governing bodies to match current practices and provide the Commission with flexibility in the future, in addition to creating a relationship between the BESP and the Commission's 9-1-1 Advisory Task Force to help ensure that future billing practices are accurate;²¹
- (e) Clarify comprehensive annual 9-1-1 contingency planning requirements for the BESP;²²
- (f) Establish a process by which the 9-1-1 community and the BESP will work together, within the structure of a Commission proceeding, to identify, prioritize, and plan for the improvement of basic emergency service network redundancy and diversity, statewide;
- (g) Remove outdated technical standards that were previously incorporated by reference but have now been removed in order that the 9-1-1 Advisory Task Force can develop and keep an updated list of standards that it will recommend the Commission consider when applying its rules, allowing the Commission to account for the rapidly changing nature of 9-1-1 technology and operational practices;²³ and
- (h) Update the role and responsibilities of the Commission's 9-1-1 Advisory Task Force to be more relevant to the current technology and areas in need of consideration.²⁴

¹⁹ Proposed Rule 2131.

²⁰ Proposed Rule 2134.

²¹ Proposed Rules 2136(d) and (e).

²² Proposed Rule 2143(d).

²³ *See, generally*, Proposed Rule 2143.

²⁴ Proposed Rule 2145.

19. We find that the rules, as adopted by the ALJ, move Colorado forward towards modernizing basic emergency service networks, including processes to ensure continued reliability of this critical network.

20. We adopt the rules as set out in the Recommended Decision with the minor revisions discussed below. As indicated above, we find that LETA's questions are best addressed through Commission proceedings outside of this rulemaking, including the processes established through the rules adopted by this Decision.

E. Final Edits

21. Two non-substantive errors in the adopted rules will also be corrected: (1) The word "and" will be inserted between the words "PSAPs" and "originating" in Rule 2136(i); and (2) the word "operator" will be deleted from Rule 2141(c).

22. The adopted rules with these minor revisions are attached to this Decision, as Attachment A, written in legislative format, and attached as Attachment B, written in final form.

II. ORDER

A. The Commission Orders That:

1. The exceptions filed October 30, 2017, by the Larimer Emergency Telephone Authority (LETA) to Recommended Decision No. R17-0821 (Recommended Decision) are denied consistent with the discussion above.

2. The rules set out in the Recommended Decision are hereby adopted, including rule revisions with minor clerical edits, consistent with the discussion above.

3. Rules 4 *Code of Colorado Regulations* 723-2-2130 through 2159 and 2008(a) of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, contained in Attachment A to this Decision and shown in final format in Attachment B,

are adopted consistent with the discussion above, and are available through the Commission's Electronic Filing (E-Filings) system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=17R-0488T

4. Subject to a filing of an application for rehearing, reargument, or reconsideration, the opinion of the Attorney General of the State of Colorado shall be obtained regarding constitutionality and legality of the rules as finally adopted. A copy of the final, adopted rules shall be filed with the Office of the Secretary of State. The rules adopted by this Decision shall be effective 20 days after publication in *The Colorado Register* by the Office of the Secretary of State.

5. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 29, 2017.**

(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

FRANCES A. KONCILJA

WENDY M. MOSER

Commissioners

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

* * *

[indicates omission of unaffected rules]

2008. Incorporations by Reference.

- ~~(a) The Commission incorporates by reference the following standards issued by the National Emergency Number Association: the Recommended Formats & Protocols For Data Exchange (NENA-02-010), revised as of February 25, 2006; NENA Recommended Data Standards for Local Exchange Carriers, All Service Providers & 9-1-1 Jurisdictions (NENA-02-011), revised as of November 9, 2004; NENA Network Quality Assurance (NENA-03-001), original as of June 12, 1995; NENA Recommendation for the implementation of Enhanced MF Signaling, E9-1-1 tandem to PSAP (NENA-03-002), recommended June 21, 1998; and NENA Recommended Standards for Local Service Provider Interconnection Information Sharing (NENA-06-001), revised as of August 2004. No later amendments to or editions of these standards are incorporated into these rules.~~
- (ab) The Commission incorporates by reference 47 C.F.R., Parts 32, 36, 54, 68, 69 and Part 64 Subparts I and K (as published February 4, 2015). No later amendments to or editions of these regulations are incorporated in these rules.
- (be) The Commission incorporates by reference the regulations published in 47 C.F.R. Part 64 Subpart U as revised on June 8, 2007. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (cd) The Commission incorporates by reference the National Electrical Safety Code, C2-2007 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (ed) The Commission incorporates by reference the regulations published in 47 C.F.R. 51.307 through 51.319, as revised on January 28, 2013. No later amendments to or editions of these regulations are incorporated into these rules.
- (fe) The Commission incorporates by reference the rule promulgated by the FCC's *LNP First Report and Order*, Decision No. FCC 96-286 in CC Docket No. 95-116, released July 2, 1996. No later amendments to or editions of these requirements are incorporated into these rules.
- (gf) The Commission incorporates by reference the FCC's Truth in Billing Rules found at 47 C.F.R. § 64.2401, et seq. revised on November 30, 2012. No later amendments to or editions of the C.F.R. are incorporated into these rules.

- (hg) The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library.

* * *

[indicates omission of unaffected rules]

Basic Emergency 9-1-1 Services for Emergency Telecommunications Service Providers and Basic Local Exchange Carriers

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to: (1) ~~recognize Enhanced 9-1-1 (E9-1-1)~~ define and describe basic emergency service as ~~a service~~ regulated by § 40-15-201, C.R.S.; (2) prescribe multi-line telephone system (MLTS) operator requirements regarding disclosure to end users of the proper method for accessing 9-1-1 service, and regarding the capability of the MLTS to transmit end users' telephone numbers and location information; (3) prescribe the interconnection environment and relationships between basic emergency service providers (BESPs) and originating service providers and other BESPs wireless carriers, BESPs and LECs, and BESPs and other telecommunications providers; (4) permit use of 9-1-1 databases for outbound wide area notifications in times of emergency; (5) prescribe reporting times of 9-1-1 outages and interruptions; and (6) explicitly recognize the potential for multiple BESPs in Colorado.

The statutory authority for the promulgation of these rules is found at §§ 29-11-102(2)(b); 29-11-106(3); 40-2-108; 40-3-102; 40-3-103; 40-4-101(1) and (2); 40-15-201; 40-15-301; and 40-15-503(2)(a), (b), and (g); ~~and 40-2-108~~, C.R.S.

2130. Applicability.

- (a) Except as otherwise provided, R rules 2130 through 2159 apply to ~~all basic local exchange carriers and~~ BESPs.
- ~~(b) To the extent these rules specifically refer to wireless carriers as a condition of interconnection with any BESP, such rules apply to wireless carriers who agree to comply with them.~~
- ~~(eb)~~ Some of the provisions in these rules apply to MLTS operators whose systems do not have automatic number and automatic location identification capability, or whose systems require the dialing of an additional digit(s) to access the public switched network.

2131. Definitions.

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.

- (b) "9-1-1 facilities" means the facilities (e.g., trunks or transmission paths) that connect from the central office serving the individual telephone that originates a 9-1-1 call to the 9-1-1 selective router or functional equivalent~~tandem~~ and subsequently connects ~~the tandem~~ to a Public Safety Answering Point (PSAP). These may include, but are not limited to, point-to-point private line facilities ~~and E9-1-1 facilities~~ owned, leased or otherwise acquired by a BESP. Common or shared facilities also may be used. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.
- (c) ~~"9-1-1 failure" or~~ "9-1-1 outage" means a situation in which 9-1-1 calls cannot be transported from the end users to the PSAP responsible for answering the 9-1-1 emergency calls. 9-1-1 failures also include the inability to deliver location information to the PSAP from the 9-1-1 Automatic Location Identification (ALI) database or a loss of the 9-1-1 ALI functionality.
- (d) "9-1-1 ~~tandem~~selective router" ~~or "9-1-1 tandem switch"~~ means the telecommunications switch or functional equivalent dedicated to aggregation of 9-1-1 call traffic from public networks and proper routing of 9-1-1 call traffic to PSAPs.
- ~~(e) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user placing a 9-1-1 call to the PSAP serving the caller's location. 9-1-1 service also includes any related caller location information routed to the PSAP, if any.~~
- ~~(e) "ALI database provider" means any person or entity that, on a for-profit or not-for-profit basis, provides ALI to basic emergency service providers and the governing body for a specific geographic area.~~
- (f) ~~[Reserved].~~
- ~~(g) "Automatic Location Identification" (ALI) means the automatic display, on equipment at the PSAP, of the telephone number and other information concerning the location of the caller. The ALI database includes non-listed and non-published numbers and addresses, and other information about the caller's location.~~
- ~~(g) "ALI provider" means any person or entity that, on a for-profit or not-for-profit basis, provides ALI to basic emergency service providers and the governing body for a specific geographic area.~~
- ~~(h) "ALI service" means all the services, features, and functionalities of elements and components used to provide ALI, including the applications, databases, management processes and services, selective routing, aggregation, and transport, without regard to the technology used, provided to the governing body or PSAP or a specific geographic area. ALI service does not include the provision of ALI by originating service providers, PSAPs, 9-1-1 governing bodies, or local governments.~~
- (hi) "Automatic Number Identification" (ANI) means ~~the process used on customer-dialed calls to automatically identify the calling station, and~~ the automatic display of the caller's telephone number ~~on telephone answering equipment used by operators~~ at the PSAP.
- (ij) "Basic emergency service" means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of ALI service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. Part II telecommunications service (§ 40-15-201(2), C.R.S.) permitting the use of the basic local

~~exchange network and the 9-1-1 abbreviated dialing code for reporting police, fire, medical, or other emergency situations to a PSAP and referral to a public agency. [Temporary ALI Service rules expired September 21, 2015]. Basic emergency service does not include:~~

- ~~(I) the portion of a 9-1-1 call provided by an originating service provider;~~
- ~~(II) the services provided by an intermediary aggregation service provider;~~
- ~~(III) the delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP;~~
- ~~(IV) the delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or~~
- ~~(V) the delivery of text-to-9-1-1 via interim methods.~~

~~(jk) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service to aggregate and transport 9-1-1 calls from the basic LEC, wireless carrier, or other telecommunications provider to a PSAP.~~

~~(k) "E9-1-1 facilities" means the facilities provided by a BESP that interconnects to basic local exchange carriers, wireless carriers, and other telecommunications providers that are used to transport 9-1-1 calls to the PSAP. The facilities may include the use of 9-1-1 tandem switches or direct trunks connecting 9-1-1 calls to the PSAPs and E9-1-1 facilities owned, leased, or otherwise acquired by a BESP. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.~~

~~(l) "E9-1-1 features" means the ANI, ALI database and selective routing capabilities and all other components of an E9-1-1 system, not including the transport and switching facilities.~~

~~(m) "E9-1-1 tandem" means the switch that receives E9-1-1 calls from the originating local exchange central offices, wireless switch, or any other telecommunications provider's switch, employs the ANI information associated with such calls, determines the correct destination of the call, and forwards the call and the ANI information to that destination.~~

~~(l) "Demarcation point" means the physical point where the responsibility of a portion of a network changes from one party to another.~~

~~(Am) "Emergency notification service" (ENS) means a service in which, upon activation by a public safety agency:~~

- ~~(I) The 9-1-1 database or a database which may be derived in whole or in part from the 9-1-1 database is searched to identify all stations located within a geographic area;~~
- ~~(II) A call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.); and~~
- ~~(III) A recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).~~
- ~~(IV) ENS may also include the transmission of messages to individuals by other means, including text messages, e-mail, facsimile, or other mass alerting method or system.~~

- (en) "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., or established by § 29-11-102.5(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S. equipment costs, the installation costs, and the directly-related costs of the continued operation of an emergency telephone service according to the rates and schedules filed with the Colorado Public Utilities Commission.
- ~~(p) "Emergency telephone service" (ETS) means a telephone system using the abbreviated dialing code 9-1-1 to report police, fire, medical, or other emergency situations.~~
- (eo) "Enhanced 9-1-1" (E9-1-1) means 9-1-1 service that includes a basic emergency telephone service that includes the association of information such as ANI and ALI (including non-listed and non-published numbers and addresses), and (optionally) selective routing, to facilitate public safety response.
- (fp) "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- (sg) "Governing body" means the a representative organization responsible for establishing, collecting, and disbursing the emergency telephone charge the oversight of 9-1-1 response activities in a specific geographic area, pursuant to. A governing body may be comprised of a board of county commissioners, a board of directors of a special district, a city council or other governing body of a city and/or county, or a separate legal entity established under §§ 29-11-201-102, 103, and 104, C.R.S., et seq.
- ~~(r) "Intermediary aggregation service provider" means a person that aggregates and transports 9-1-1 calls for one or more originating service providers for delivery to a BESP selective router or the functional equivalent of such a router.~~
- (ts) "Multi-line telephone system" (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
- (I) Network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
 - (II) Systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- (ut) "Multiple-line telephone system operator" means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- ~~(v) "National Emergency Number Association" (NENA) means the international not-for-profit organization whose purpose is to lead, assist, and provide for the development, availability, implementation and enhancement of a universal emergency telephone number or system common to all jurisdictions through research, planning, publications, training and education.~~
- ~~(wu) "Other telecommunications providers" means any provider of exchange service, regardless of the types of technology used. "Originating service provider" (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.~~

- (xv) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP ~~on a 24-hour basis. PSAPs are responsible to direct the disposition of 9-1-1 calls.~~
- ~~(y) "Routing" means the central office programming required to transport a 9-1-1 call to the correct 9-1-1 tandem.~~
- (zw) "Selective routing" means the capability of routing a 9-1-1 call to a designated PSAP based upon the location of the end user, as indicated by the ten-digit telephone number of the fixed location subscriber dialing 9-1-1, the p-ANI (ESRK or ESQK), or otherwise permitted by FCC rule, regulation, or order~~seven digit or ten-digit telephone number of the subscriber dialing 9-1-1.~~
- ~~(aa) "Telecommunications device for the deaf" (TDD) or "text phone" means an instrument defined by the Communications Act of 1934 as a device that employs graphic communication in the transmission of coded signals through a wire or radio communication system.~~
- ~~(bb) "Telecommunications device for the deaf emergency access" or "text phone access" mean the provision of 9-1-1 access to individuals that use TDDs and computer modems.~~

2132. ~~-2133.~~ [Reserved].

~~2133. Service Components and Requirements.~~

- ~~(a) Basic emergency service is the telecommunications service that aggregates and transports 9-1-1 calls to a PSAP. The aggregation of calls is the process of collecting 9-1-1 calls from one or more local exchange, wireless carrier, or other telecommunications provider switches that serve a geographic area for the purpose of determining and transporting 9-1-1 calls to the PSAP designated to receive such calls. Basic emergency service may be provided using connections between the PSAP and a local exchange central office switch, using connections to a 9-1-1 tandem, using connections between a wireless carrier switch and the 9-1-1 tandem, or by using other technology. Basic emergency service includes, but is not limited to, the provision of a 9-1-1 tandem switch, connections to each local exchange carrier, wireless carrier, or other telecommunications provider switch (excluding the trunk units on the switches to the 9-1-1 tandem switch), transport between the 9-1-1 tandem switch and the PSAP, and connections to the PSAP (excluding trunk units at the PSAP). E9-1-1 also includes the provision of transport facilities from the ALI database to the PSAP. In many instances an ALI database also may be interconnected with the other components of the service.~~
- ~~(b) ALI database service is integral to the provision of E9-1-1 services. On a timely basis, all basic local exchange carriers shall provide the ALI database provider with access to all telephone numbers, including non-published and non-listed numbers, that are maintained by the services of the basic local exchange carrier, wireless carrier, reseller of a basic local exchange, or other telecommunications provider. E9-1-1 service is distinguished from 9-1-1 service in the ability of the BESP to provide greater routing flexibility for 9-1-1 calls based on information that is placed in a computer database. The ALI database also provides the means for the PSAP to display the address as well as the telephone number for incoming 9-1-1 calls and additional customer-provided information about the 9-1-1 caller's location.~~
- ~~(c) The PSAP(s) is responsible for receiving the 9-1-1 calls from a BESP and, if applicable, ALI database information. The PSAP(s) forwards the 9-1-1 call, and where applicable, the ALI database information to the proper public agency such as the fire department, emergency medical services, sheriff, or police.~~

2134. Process for Certification of Basic Emergency Service Providers (BESPs).

- (a) The Commission finds and declares that the public convenience and necessity require the availability, and, when requested, the provision of basic emergency service ~~throughout within each local exchange area in~~ Colorado, and further that such basic emergency service is vital to the public health and safety and shall be provided solely by properly certificated BESPs.
- (b) The Commission may certify additional or different BESPs to offer basic emergency service if such certification is in the public interest. Each application for certification shall be considered on a case-by-case basis.
- (c) ~~Notwithstanding paragraphs 2103(a) and 2002(b), A~~an application for authority to provide basic emergency service shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attach~~ments ~~exhibits~~:
 - (I) ~~The information required by paragraph 2103(a)~~the name and address of the applicant;
 - (II) the name(s) under which the applicant is, or will be, providing telecommunications service in Colorado;
 - (III) the name, address, telephone number, and e-mail address of the applicant's representative to whom all inquiries concerning the application should be made.
 - (IV) the name, address, telephone number, and e-mail address of the applicant's contact person for customer inquiries concerning the application, if that contact person is different from the person listed in subparagraph (III);
 - (V) a statement indicating the town or city, and any alternate town or city, where the applicant prefers any hearings be held (if not at the Commission's offices in Denver, the town or city and any alternate town or city shall be within applicant's proposed initial service area);
 - (VI) a statement that the applicant agrees to respond to all questions propounded by the Commission or Commission staff concerning the application;
 - (VII) a statement that the applicant shall permit the Commission or Commission staff to inspect the applicant's books and records as part of the investigation into the application;
 - (VIII) a statement that the applicant understands that if any portion of the application is found to be false or to contain material misrepresentations, any authorities granted may be revoked upon Commission order;
 - (IX) acknowledgment that, by signing the application, applicant understands that:
 - (A) the filing of the application does not by itself constitute approval of the application;
 - (B) if the application is granted, the applicant shall not commence the requested action until the applicant complies with applicable Commission rules and with any conditions established by Commission order granting the application;
 - (C) if a hearing is held, the applicant shall present evidence at the hearing to establish its qualifications to undertake, and its right to undertake, the requested action; and

- (D) in lieu of the statements contained in subparagraphs (b)(IX)(A) through (C) of this rule, an applicant may include a statement that it has read, and agrees to abide by, the provisions of subparagraphs (b)(IX)(A) through (C) of this rule.
- (X) An attestation which is made under penalty of perjury; which is signed by an officer, a partner, an owner, an employee of, an agent for, or an attorney for the applicant, as appropriate, who is authorized to act on behalf of the applicant; and which states that the contents of the application are true, accurate, and correct. The application shall contain the title and the complete address of the affiant;
- (XI) the applicant's proposed notice to the public and its customers, if such notice is required;
- (XII) name, mailing address, toll free telephone number, and e-mail address of applicant's representative responsible for responding to customer disputes;
- (XIII) name, mailing address, telephone number, and e-mail address of applicant's representative responsible for responding to the Commission concerning customer informal complaints;
- (XIV) the applicant's applicable organizational documents, e.g., Articles of Incorporation; Partnership Agreement; Articles of Organization, etc.;
- (XV) if the applicant is not organized in Colorado, a current copy of the certificate issued by the Colorado Secretary of State authorizing the applicant to transact business in Colorado;
- (XVI) name and address of applicant's Colorado agent for service of process;
- (XVII) a description of the applicant's affiliation, if any, with any other company and the name and address of all affiliated companies;
- (XVIII) the applicant's most recent audited balance sheet, income statement, and statement of retained earnings;
- (XIX) if the applicant is a newly created company that is unable to provide the audited financial information requested in subparagraph (VIII): detailed information on the sources of capital funds that will be used to provide telecommunications services, including the amount of any loans, lines of credit, or equity infusions that have been received or requested, and the names of each source of capital funds;
- (XX) the names, business addresses, and titles of all officers, directors, partners, agents and managers who will be responsible for the provisioning of basic emergency service in Colorado;
- (XXI) any management contracts, service agreements, marketing agreements or any other agreements between the applicant and any other entity, including affiliates of the applicant, that relate to the provisioning of jurisdictional telecommunications services in Colorado;
- (XXII) an applicant which has contracted with, or is otherwise relying upon one or more unaffiliated service providers to provide a major component of basic emergency service under its certificate shall identify all such contractors or unaffiliated service providers.
- (XXIII) identification of any of the following actions by any court or regulatory body within the last five years regarding the provisioning of regulated telecommunications services by the

applicant, by any of applicant's agents, officers, board members, managers, partners, or management company personnel, or by any of applicant's affiliates that resulted in:

- (A) assessment of fines or civil penalties;
- (B) assessment of criminal penalties;
- (C) injunctive relief;
- (D) corrective action;
- (E) reparations;
- (F) a formal complaint proceeding brought by any regulatory body;
- (G) initiation of or notification of a possible initiation of a disciplinary action by any regulatory body, including but not limited to any proceeding to limit or to place restrictions on any authority to operate any CPCN or any service offered;
- (H) refusal to grant authority to operate or to provide a service;
- (I) limitation, de-certification, or revocation of authority to operate or to provide a service; or
- (J) any combination of the above.

(XXIV) For each item identified in subparagraph (XXIII) of this paragraph: an identification of the jurisdiction, summary of any applicable notification of a possible initiation or pending procedure, including the docket, case, or file number, and, upon the request of the Commission or its Staff, a copy of any written decision; and

(XXV) acknowledgment that by signing the application, the applicant:

- (A) certifies that it possesses the requisite managerial qualifications, technical competence, and financial resources to provide the telecommunications services for which it is applying;
- (B) understands that:
 - (i) the filing of the application does not by itself constitute authority to operate;
 - (ii) a Commission finding that the application is complete is not a ruling on the merits of the application;
 - (iii) if the application is granted, the applicant shall not provide service until: (a) the applicant complies with applicable Commission rules and any conditions established by Commission order granting the application; (b) has an effective tariff on file with the Commission; and (c) the Commission approves its Declaration of Intent to Serve, if seeking to provide local exchange service in the service territory of a rural telecommunications provider;

- ~~(C)~~ agrees to respond in writing, within ten days, to all customer informal complaints made to the Commission;
- ~~(D)~~ agrees to contribute, in a manner prescribed by federal or state statute, rule, or administrative order establishing an explicit subsidy mechanism or other fund to which basic emergency service providers are required to contribute;
- ~~(E)~~ certifies that, pursuant to the tariff under which its service is offered, it will not unjustly discriminate among customers in the same class of service; and
- ~~(F)~~ certifies that the applicant will not permit any other person or entity to operate under its Commission-granted authority without explicit Commission approval.
- ~~(HXXVI)~~ The BESP's service area shall be the state of Colorado, but the applicant shall identify the geographic area the BESP initially intends to serve;
- ~~(III)~~ The name, address, and telephone number of each provider offering local exchange services in the geographic area that is the subject of the application;
- ~~(HXXVII)~~ If the applicant has previously filed with the Commission current reports or material that include the information required in subparagraph (I) and (II), it may confirm this by filing an attestation of completeness and accuracy with proper citation of title and date of the other filed material; and
- ~~(VXXVIII)~~ Aa detailed statement describing the means by which it will provide basic emergency service. This statement shall include, but is not be limited to:
 - ~~(A)~~ The technical specifications for the system that will be used to provide the basic emergency services, including information on emergency restoration of the system;
 - ~~(B)~~ All inter-company agreements used to implement and operate the service;
 - ~~(C)~~ All agreements with ALI database providers;
 - ~~(D)~~ All inter-governmental agreements regarding governing bodies or PSAPs;
 - ~~(EC)~~ All interconnection agreements between the BESP and: basic local exchange carriers, wireless carriers, other BESP, and other telecommunications providers; and
 - ~~(FD)~~ Proposed tariffs.
- ~~(d)~~ A current, audited financial statement showing that the applicant's assets, liabilities, and net worth are sufficient to provide emergency services.
- ~~(ed)~~ An acknowledgment that the applicant will provide basic emergency service in accordance with these rules and all applicable quality of service rules.
- ~~(e)~~ While the application is pending, the application shall amend its application to report any changes to the information provided within five business days of any such change, so as to keep its application current.

2135. Uniform System of Accounts, Cost Segregation and Collection.

All BESPs shall maintain their books and records and perform separation of costs as prescribed by rules 2400 through 2459, or as otherwise prescribed by the Commission.

2136. Obligations of Basic Emergency Service Providers.

- (a) A BESP certificated by the Commission, shall obtain facilities from or interconnect with all ~~basic local exchange carriers, rule-compliant wireless carriers, and other originating service providers~~ telecommunications providers who have customers in areas ~~designated by governing bodies for the aggregation and transmission of 9-1-1 calls or E9-1-1 calls in the area~~ served by the BESP. BESPs shall interconnect with all other BESPs ~~with facilities in the serving area. A BESP shall create, or amend as necessary, provisions in its interconnection agreements with all basic local exchange carriers, wireless carriers, other BESPs, and other telecommunications providers to require compliance with rule 2130 through 2159.~~
- (b) At the request of ~~a basic local exchange carrier, wireless carrier, or other telecommunications provider within the area specified by a governing body,~~ a BESP shall provide and/or arrange for the necessary facilities to interconnect, switch route and transport 9-1-1 calls and ALI from ~~the basic local exchange carriers, wireless carriers, originating service provider, intermediary aggregation service provider, or other BESPs, or other telecommunications providers~~ to the PSAP that is responsible for answering the 9-1-1 calls. Interconnection shall be accomplished in a timely manner, generally not more than 30 days from the time the BESP receives a written order. Interconnection facilities shall generally be engineered as follows:
- (I) ~~D~~edicated facilities for connecting ~~each basic local exchange, wireless carrier, or other telecommunications provider switch originating service provider or intermediary aggregation service provider~~ to a BESP shall be based on the requirements established by the BESP to serve the customers within that local exchange; or
- (II) ~~I~~f shared or common facility groups are used to transport calls from the ~~basic local exchange carrier, wireless, or other telecommunications provider switch originating service provider or intermediary aggregation service provider~~ to a BESP, they shall be sized to carry the additional call volume requirements. Additionally, common or shared groups shall be arranged to provide 9-1-1 calls on a priority basis where economically and technically feasible.
- (c) A BESP shall develop and file with the Commission tariffs that establish cost-based rates for basic emergency services. These rates shall be averaged over the entire geographic area the BESP is certificated to it serves, except as otherwise provided in subparagraph 2143(a)(III). ~~The costs shall include an aggregation of all costs to the BESP of E9-1-1 related facilities provided to it by all basic local exchange carriers, wireless carriers, resellers, or other telecommunications providers in the geographic area as well as the costs of the E9-1-1 related facilities provided by the BESP itself.~~
- (d) A BESP shall render a single monthly bill for its tariff services provided to the appropriate governing body. The monthly bill shall ~~identify the total number of lines billed to the governing body and shall also separately identify the wireless communications access and wireline access quantities used to compute the monthly bill~~ be sufficiently detailed to allow the governing body to determine that it is being billed properly based on the billing increments as approved by the Commission.
- (e) ~~On a quarterly basis, 30 days after the end of each quarter, each LEC shall report to the BESP the local exchange access line quantities and each wireless provider shall report to the BESP the~~

~~wireless communications quantities by geographical area in the manner specified by the BESP so that the BESP may compute the monthly billing to the each governing body for the tariff services provided by the BESP. On a quarterly basis, 60 days after the end of each quarter, the BESP shall re-compute the monthly billing to the governing body and shall furnish to the governing body the detailed quantities, by LEC and wireless provider, that will be used in the computation of the subsequent monthly billing by the BESP to the governing body. A BESP shall not be required to interconnect with a LEC or wireless provider for the provision of E9-1-1 related facilities that will not identify to the BESP on a quarterly basis, 30 days after the end of each quarter, the quantities of exchange access lines for the LEC and the wireless communications quantities by geographical area in the manner specified by the BESP. The BESP shall coordinate with the 9-1-1 Advisory Task Force to establish a process for ensuring units used for tariff pricing are accurate and up-to-date.~~

- (f) BESP shall ensure, to the extent possible and in the most efficient manner, that telecommunication services are available for transmitting 9-1-1 calls from deaf, hard of hearing, and persons with speech impairments ~~hearing and speech impaired persons~~ to the appropriate PSAP.
- (g) A BESP shall ensure that all basic emergency service facilities ~~E9-1-1 facilities, including and interconnections between it and the basic local exchange carriers, wireless carriers, and other telecommunications providers~~ originating service providers and intermediary aggregation service providers are engineered, installed, maintained and monitored in order to provide a minimum of two circuits and a minimum grade of service that has 1 percent (P.01) grade of service (one percent or less blocking during the busy hour), or such other minimum grade of service requirements approved by the Commission.
- ~~(h) Where a BESP obtains facilities from a basic local exchange carrier for delivery of 9-1-1 calls to a PSAP, the rates for such facilities shall be reflected in a tariff or agreement filed for approval with the Commission. Such tariffs or agreements shall ensure that such facilities are engineered, installed, maintained and monitored to provide a minimum of two circuits and a grade of service that has one percent (P.01) or less blocking. The basic local exchange carrier providing such facilities shall not be considered a BESP. The provisions of this rule shall not apply to routing arrangements implemented pursuant to paragraph 2143(d).~~
- ~~(hi) To expedite the restoration of service following a 9-1-1 failures or outages, each BESP shall designate a telephone number for PSAPs and wireless carriers, LECs, or other telecommunications providers~~ originating service providers to report trouble. Such telephone number shall be staffed seven days a week, 24 hours a day, by personnel capable of processing calls to initiate immediate corrective action.
- ~~(ij) A BESP shall keep on file with the Commission its contingency plan as described in paragraph 2143(d) and include in its contingency plan designated phone numbers of the LECs, CLECs, resellers, wireless carriers, other telecommunications providers, PSAPs, and governing bodies to expedite the restoration of service as described in rule 2143. These telephones shall be staffed seven days a week, 24 hours a day, by personnel capable of processing calls to initiate immediate corrective action. It shall be the responsibility of the individual LECs, resellers, wireless carriers, other telecommunications providers, PSAPs, and governing bodies to convey this information, and any updates or changes, to the Commission and to the BESP for inclusion in the contingency plan.~~
- ~~(jk) BESP shall identify service providers supplying service within a governing body or PSAP's service area, or statewide, to the extent that the BESP possesses such information, in response to a request from a governing body, PSAP, or the Commission and ALL database providers may request access to line counts and wireless customer counts by geographic area from the LECs, resellers, wireless carriers, and other telecommunications providers who are, pursuant to the~~

~~request of a governing body, providing 9-1-1 service. Such information allows a BESP and/or ALI database provider to properly bill its appropriate 9-1-1 services to the governing bodies; however, line counts shall be treated as confidential and not improperly disclosed by the BESP or ALI database provider to any person or entity other than the PSAPs for exclusive use in billing purposes. The BESP or ALI Database Provider shall gain agreement from the PSAPs that, as a condition of receiving this information, the PSAPs shall not disclose confidential access line and wireless customer counts, nor use this information for any purpose other than to verify BESP or ALI database provider billing to the PSAP or to verify the accuracy of the emergency telephone charge billing by the carriers to their end users.~~

2137. ~~Obligations of ALI Database Providers~~[Reserved].

- ~~(a) The ALI database provider shall provide sufficient facilities to interconnect its database to the PSAPs to meet the requirements of the PSAPs or the governing body.~~
- ~~(b) If the ALI database provider is not the BESP, it shall provide to BESPs, for the geographic areas served, all information required by the BESPs to ensure that calls are routed from the end users to the correct PSAP.~~
- ~~(c) No BESP, LEC, wireless carrier, or other telecommunications provider shall interconnect with an ALI database provider unless the ALI database provider provides sufficient facilities to interconnect its database to the PSAPs so that it can meet the requirements of the governing body or PSAP and comply with paragraphs 2137(a) and (b) and the relevant provisions of rule 2141 of these rules.~~
- ~~(d) If the ALI database provider is also a BESP, basic local exchange carrier, wireless carrier, or other telecommunications provider, the ALI database provider shall interconnect in the manner prescribed for BESP in paragraph 2136(b).~~

2138. ~~Obligations of Basic Local Exchange Carriers~~Payphone Providers.

All payphone providers must ensure that access to dial tone, emergency calls, and telecommunications relay service calls for the deaf, hard of hearing, and individuals with speech impairments is available from all payphones at no charge to the caller, pursuant to 47 C.F.R. 64.1330(b).

- ~~(a) All basic local exchange carriers in a geographic area for which a governing body has requested the provision of 9-1-1 service shall deliver 9-1-1 calls, at an agreed point of interconnection within that geographic area, to a certificated BESP at rates in an approved tariff applicable to BESP. If the BESP and the basic local exchange carrier or reseller agree, direct trunks, tandem switched trunks, common or joint circuits may be used to transport calls from the basic local exchange carrier or reseller to the PSAP.~~
- ~~(b) All basic local exchange carriers shall furnish name, address and telephone number information for all customers of the basic local exchange carrier, including non-published or non-listed customers, to the ALI database providers for the provision of 9-1-1 services and emergency notification services. All basic local exchange carriers shall furnish such information within 24 hours and in accordance with rule 2144 only after each recipient has stated formally in writing that the recipient has complied with rule 2142 of these rules. All costs for providing this customer information and updates to this information shall be considered as part of basic local exchange service and shall be recovered through the non-recurring basic local exchange rates, unless provided for in a separate tariff approved by the Commission.~~
- ~~(c) All local exchange carriers and resellers of local exchange services shall collect and remit the emergency telephone charge as required by § 29-11-100.5, C.R.S., et seq., to the appropriate governing body.~~

- ~~(d) — The basic local exchange carrier shall ensure that all E9-1-1 facilities and interconnections between it and a BESP are engineered, installed, maintained and monitored to provide a minimum of two circuits and a grade of service that has one percent (P.01) or less blocking.~~
- ~~(e) — To expedite the restoration of service following 9-1-1 failures or outages, each basic local exchange carrier shall designate a telephone number that PSAPs or BESPs can use to report trouble. Such telephone number shall be staffed seven days a week, 24 hours a day by personnel capable of processing the call to initiate immediate corrective action.~~
- ~~(f) — On a quarterly basis and no later than 30 days after the end of each quarter, each LEC shall report, to the BESP, the local exchange access line quantities by geographical area, in the manner specified by the BESP, so that the BESP may compute the monthly billing to each governing body for the tariff services provided by the BESP.~~
- ~~(g) — All basic local exchange carriers shall give formal written notice of intent to provide dial tone within an exchange to the governing body responsible for the PSAP within that exchange prior to activating service. This notice is for purposes of the governing body arranging the appropriate connections to a BESP, exchange of seven days per week, 24 hours per day telephone contact information, and arrangements for the collection and remittance of the 9-1-1 emergency telephone charge.~~
- ~~(h) — Interconnections with payphone providers.
 - ~~(I) — A basic local exchange carrier shall not interconnect with a payphone provider unless that provider:
 - ~~(A) — Allows customers to place a 9-1-1 call without requiring a coin deposit or other charges; and~~
 - ~~(B) — Furnishes the ALL database provider(s), the LEC that provides the dial tone connection, the PSAP, the governing body, and the BESP, the Commission-required name and location information.~~~~
 - ~~(II) — The prohibition in this paragraph (g) shall not apply to payphones provided to inmates in penal institutions where access to 9-1-1 is not required.~~~~

2139. – 2140. [Reserved]. — Obligations of Resellers Of Basic Local Exchange Service.

- ~~(a) — All resellers of basic local exchange service shall ensure that the underlying basic local exchange carrier has sufficient facilities to transport the 9-1-1 calls from the reseller's customers to a BESP.~~
- ~~(b) — If the reseller is using a switch, for example a PBX, to aggregate or switch calls before the calls are in the facilities of a basic local exchange carrier, the reseller shall ensure that its switch is capable of delivering ANI for each telephone extension connected to the switch.~~
- ~~(c) — On a quarterly basis, and no later than 30 days after the end of each quarter, each reseller shall report to the BESP the local exchange access line quantities by geographical area in the manner specified by the BESP so that the BESP may compute the monthly billing to each governing body for the tariff services provided by the BESP.~~

~~2140.—Obligations of Wireless Providers.~~

~~All wireless providers interconnecting to the facilities of the BESP for the provision of Enhanced 9-1-1 services shall on a quarterly basis, 30 days after the end of each quarter, provide a report to the BESP the wireless communications quantities by geographical area in the manner specified by the BESP so that the BESP may compute the monthly billing to each governing body for the tariff services provided by the BESP.~~

2141. Obligations of Multi-line Telephone Systems (MLTS).

- (a) For purposes of this rule:
- (I) "End user" means the person making telephone calls, including 9-1-1 calls, from the MLTS that provides telephone service to the person's place of employment, school, or to the person's permanent or temporary residence.
 - (II) "Residence" or "residence facility" shall be interpreted broadly to mean single family and multi-family facilities including apartments, townhouses, condominiums, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures.
 - (III) "Written information" means information provided by electronic mail, facsimile, letter, memorandum, postcard, or other forms of printed communication.
- (b) When the method of dialing a local call from an MLTS telephone requires the end user to dial an additional number to access the public switched network, MLTS operators shall provide written information to each of their end users describing the proper method of accessing ~~emergency telephone service (ETS), or 9-1-1,~~ service in an emergency.
- (I) Such written information shall be provided to each end user by placing stickers or cards including the appropriate method to access ETS-9-1-1 on each MLTS telephone. Additionally, such written information shall be provided to each individual end user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility.
 - (II) At a minimum, such written information that is attached to the telephone and provided annually, shall include the following words: "To dial 9-1-1 in an emergency, you must dial #-9-1-1." [# = Insert proper dialing sequence].
- (c) When calls to access ETS-9-1-1 service from an MLTS do not give one distinctive ANI and one distinctive ALI, or both, for each end user, the MLTS operator shall instruct, in writing, that the end user must stay on the telephone and tell the ETS-9-1-1 telecommunicator operator the telephone number and exact location.
- (I) Such written information shall be provided to each individual end user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility. Whenever possible, such information also shall be placed on cards or stickers on or next to the MLTS telephone.
 - (II) At a minimum, such written information shall include the following words: "When calling 9-1-1 from this telephone in an emergency, you must stay on the telephone and tell ~~the~~ 9-1-1 ~~operator~~ your phone number and exact location. This telephone does not automatically give ~~the~~ 9-1-1 ~~operator~~ your phone number and exact location. This information is critical for a quick response by police, fire, or ambulance."

(III) If an MLTS operator provides telephones that are not assigned to a particular end user, but that may be used by members of the public, the MLTS operator shall place a sticker or card on or next to the pertinent telephone either identifying the method for dialing 9-1-1 from that telephone or stating there is no 9-1-1 access from that telephone.

(d) Exemption from rules. The disclosure requirements of this rule shall not apply to MLTS provided to inmates in penal institutions, jails, or correctional facilities, to residents of mental health facilities, or to residents of privately contracted community correctional facilities, including substance abuse and mental health treatment facilities, or other such facilities where access to ETS-9-1-1 service is not required.

2142. Nondisclosure of Name/Number/Address Information.

~~(a) ALI database providers, governing bodies and PSAPs shall sign non-disclosure agreements consistent with this rule. If an ALI database provider, governing body or PSAP does not execute a non-disclosure agreement, LECs, wireless carriers, other telecommunications providers, and BESP's shall not be required to provide telephone numbers, including non-published and non-listed telephone numbers.~~

~~(b) Pursuant to rules 1103, 1104, and 2360 through 2399, no basic local exchange carrier shall disclose personal information of any person to any BESP, ALI database provider, governing body, or PSAP unless each potential recipient of personal information has stated formally in writing to the basic local exchange carrier or reseller of basic local exchange service that it has agreed to non-disclosure of personal information consistent with this rule.~~

~~(ea) ALI database information shall not be used for purposes other than for responding to requests for 9-1-1 emergency assistance (including maintenance of GIS address data used for 9-1-1 responses), initiating delivery of emergency warnings using an emergency notification service (including development of an emergency notification database and addressing verification), or periodic testing of these services. BESP's that provide ALI service shall provide one database extract per year to requesting 9-1-1 governing bodies at no cost. Additional extracts may be purchased at cost. For example, the ALI database includes listed as well as non-listed and non-published telephone numbers. Use of the ALI database to obtain non-listed or non-published numbers for purposes other than responding to requests for 9-1-1 emergency assistance or emergency notification service is prohibited. However, a query, or reverse search of the ALI database, initiated at the PSAP to electronically obtain the ALI data associated with a known telephone for purposes of handling an 9-1-1 emergency call is permitted.~~

~~(eb) If personal information is improperly disclosed and that disclosure is the fault of a by the BESP, the provider BESP responsible for disclosing it shall pay the applicable tariff rates of the basic local exchange carrier, wireless carrier, reseller, or other telecommunications provider for changing a customer's telephone number, unless the customer declines such number change.~~

2143. Diverse Routing and Priority Service Restoration.

~~(a) Diversity of 9-1-1 circuits.~~

~~(I) All BESP's providing 9-1-1 service to a governing body or PSAP's demarcation point shall take reasonable measures to provide reliable basic emergency service with respect to circuit diversity, central-office backup power, and diverse network monitoring. Where feasible, 9-1-1 circuits shall be physically and geographically diverse.~~

~~(A) Circuits or equivalent data paths are physically diverse if they provide more than one physical route between end points with no common points where a single failure at that point would cause both circuits to fail. Circuits that share a~~

common segment such as a fiber-optic cable or circuit board are not physically diverse even if they are logically diverse for purposes of transmitting data.

(B) Circuits or equivalent data paths are geographically diverse if they take different paths from endpoint to endpoint, not following the same geographic route.

(II) On a date six months from adoption of this rule, and at such other times as may be deemed necessary by the Commission, each BESP and ALI provider (if offering service separately from a BESP) shall develop and file confidentially, in an appropriate proceeding with the Commission, 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. Information confidentially filed with this diversity plan shall include:

(A) maps depicting the provider's basic emergency service architecture;

(B) a list and description, including geographic location, of every point within the provider's portion of the 9-1-1 system and network where monitoring, backup power, and/or physical and geographically diverse redundancy are not present;

(C) a description of which items from subparagraph (a)(II)(B) of this rule the provider proposes to improve, how the provider proposes to improve the items, and a proposed timetable for deploying these improvements;

(D) a description of which items from subparagraph (a)(II)(B) of this rule the provider proposes to not improve, and an explanation of why it proposes to not improve them; and

(E) the costs, averaged statewide, associated with each improvement listed in subparagraphs (a)(II)(C) and (D) of this rule.

(III) Following Commission approval of the diversity plan, or portions thereof, the provider shall file a new tariff or modify an existing tariff for implementation of the plan, as directed by the Commission. A 9-1-1 governing body or PSAP may submit a request to a BESP for diversity not included in the approved diversity plan. Following negotiation, the BESP shall file an application requesting Commission approval of the proposed prices, terms, and conditions responsive to the request.

(IV) Pursuant to subparagraph (a)(II) of this rule, after the effective date of the tariff each provider shall file quarterly updates with the PUC on its efforts to meet the deployment schedule required by subparagraph (a)(II)(C).

~~(a) Facilities for 9-1-1 service shall be diversely routed, using different circuit routes wherever feasible. When the governing body requests diverse routing, the BESP shall develop cost-based tariff rates for diverse routing of 9-1-1 circuits. Basic local exchange carriers shall ensure that current 9-1-1 circuit routing profiles are maintained and that circuits are individually tagged where possible to prevent inadvertent disruption. Upon request by the governing body for priority service restoration, basic local exchange carriers and BESP shall develop and implement cost-based tariff rates for priority service restoration of 9-1-1 services.~~

~~(b) BESP, wireless carriers, basic local exchange carriers, and other telecommunications providers shall work cooperatively with the PSAPs to ensure an effective way of tracking the status report of a 9-1-1 failure or outages (e.g., issuance of a trouble ticket number in order to track such a failure or outage). Originating service providers should work cooperatively with the PSAPs and the BESP to track the status of 9-1-1 outages. Each provider should provide to the 9-1-1 governing~~

body or PSAP and the BESP a telephone number that the PSAPs or BESPs can use to report trouble. Such telephone number should be staffed seven days a week, 24 hours a day by personnel capable of processing the call to initiate immediate corrective action.

- (c) A BESP~~s~~ shall notify ~~the a person, agency, or~~ responsible party~~ies~~ designated by the governing body~~ies~~ regarding a present or potential 9-1-1 ~~failure or~~ outage. ~~These notifications shall include~~A BESP shall notify the designee of the governing body immediately of the nature ~~and, extent of the, and actions being taken to correct the present or potential 9-1-1 failure or outages and the actions taken to correct them,~~ to the extent known by the BESP. In the event the PSAP detects a failure in the 9-1-1 system, the PSAP ~~should shall immediately~~ notify the BESP~~s~~ ~~which provide 9-1-1 service in that the~~ geographic area ~~affected by the outage of the failure.~~ ~~These notifications shall be made as soon as is practicable.~~
- (d) ~~9-1-1 contingency plans. Beginning in 2018, each BESP and ALI provider (if offering service separately from a BESP) shall develop a 9-1-1 reliability and contingency plan in collaboration with all affected BESP, basic local exchange carriers which provide final delivery of 9-1-1 calls to a PSAP, ALI providers, intermediary aggregation service providers, originating service providers, governing bodies, and PSAPs, to be confidentially filed annually with the Commission no later than April 30. A 9-1-1 reliability and contingency plan shall include:~~
- ~~(I) identification and location of all primary and backup facilities, equipment and databases or any and all other components related to basic emergency service;~~
 - ~~(II) an identification and description of all demarcation points with BESP, ALI providers, and PSAPs;~~
 - ~~(III) all contingency processes and information from BESP, originating service providers, intermediary aggregation service providers, PSAP, and governing bodies necessary for public safety operations until 9-1-1 service is restored;~~
 - ~~(IV) contact information for designated representatives for each PSAP and/or governing body; and~~
 - ~~(V) any other details deemed relevant as determined by the relevant parties or the Commission.~~
 - ~~(VI) All providers required to file a 9-1-1 reliability and contingency plan pursuant to this paragraph (d) shall notify affected PSAPs of any known changes that may require an update to the 9-1-1 reliability and contingency plan.~~
- ~~(I) Basic local exchange carriers, wireless carriers, other telecommunications providers, and BESP, in cooperation with the governing bodies, shall develop 9-1-1 contingency plans. The plan shall detail the actions to be taken in the event of a 9-1-1 failure or outage. A BESP shall maintain a copy of each of these plans. BESP are required to provide a copy of the plan to the Commission by April 30 each year. The basic local exchange carriers and BESP shall notify the PSAPs of any changes in the network which may require a change to the previously agreed upon 9-1-1 contingency plan. Nothing in this rule shall preclude the BESP or the basic local exchange carrier from developing and seeking rate recovery for permanent equipment or alternate route solutions to mitigate 9-1-1 failures or outages.~~
- ~~(II) A 9-1-1 contingency plan shall:~~
- ~~(A) Include the designated telephone number of the LEC, CLEC, reseller, wireless carrier, other telecommunications provider, PSAP, or governing body, as required in rule 2136(h);~~

- ~~(B) — Arrange to temporarily re-route 9-1-1 calls to another PSAP;~~
- ~~(C) — Arrange, with the cooperation of the basic local exchange carrier, wireless carrier, or other telecommunications provider to route 9-1-1 calls to a local telephone number; or~~
- ~~(D) — Provide another mutually agreed upon temporary solution so that 9-1-1 calls can be answered until 9-1-1 service is restored.~~
- (e) If a 9-1-1 failure ~~or outage~~ exceeds or is anticipated to exceed 15 minutes from the time a BESP becomes aware of the outage and after notification to the PSAP, the BESP shall implement the contingency plan ~~of required by rule paragraph 2143(d) or provide temporary solutions so that 9-1-1 calls can be answered until 9-1-1 service is restored, as mutually agreed upon and shall perform the following actions, if applicable:~~
- ~~(I) — Arrange to temporarily re-route 9-1-1 calls to another PSAP;~~
- ~~(II) — Arrange, with the cooperation of the basic local exchange carrier, to route 9-1-1 calls to a local telephone number;~~
- ~~(III) — Use facilities obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions, such as private network facilities and governmental facilities; or~~
- ~~(IV) — Provide other mutually agreed upon temporary solutions so that 9-1-1 calls can be answered until 9-1-1 service is restored.~~
- ~~(f) — In the event that the anticipated failure in the provision of 9-1-1 service is in the facilities of the basic local exchange carrier, wireless carrier, or other telecommunications provider, such provider shall notify the BESP that is responsible for delivering 9-1-1 calls to the PSAP for its customers. In the event that the anticipated failure in the provision of 9-1-1 Service is in the facilities of the BESP, it shall be responsible for notification of all basic local exchange carriers, wireless carriers, other telecommunications providers, and PSAPs that will be affected by the failure.~~
- ~~(gf) A BESP and the basic local exchange carrier shall have qualified service technicians on site, when necessary, within two hours or their best effort, after being notified by the PSAP of discovering a a failure of the 9-1-1 outage, or their best efforts system.~~
- ~~(hg) If a disruption of basic emergency service 9-1-1 failure or outage exceeds 30 minutes, the responsible BESP or the responsible basic local exchange carrier providing facilities pursuant to paragraph 2136(i) shall verbally inform the Commission within two hours. Such notification shall be made in a manner prescribed in compliance with the policies adopted by the Commission, outlining the nature and extent of the outage. to implement this paragraph, within two hours outlining the nature and extent of the outage, and shall file a written report with the Commission. This notification shall be followed by a report with the Commission, which follows Commission reporting format and guidelines within 30 days of such outage. As an alternative to or in addition to the 30-day written report, the Director, or the Director's designee, may request, on a case-by-case basis, a separate written report within five days from the time of the request, outlining the nature, cause, and extent of the outage, and corrective action taken.~~
- ~~(h) Following the restoration of 9-1-1 service, the BESP shall, at the request of a PSAP or governing body, provide to the affected PSAPs the call back numbers of any calls that were made to 9-1-1 by were unable to be delivered due to the 9-1-1 outage, if available to the BESP. This information shall be provided within two hours of the restoration of 9-1-1 service or as soon as~~

possible under the circumstances. When possible, this information should also include associated ALI information.

- (i) Nothing in rule 2143 shall be construed to impose any obligation on any provider other than BESPs.

2144. Reports.

~~(a) Each BESP and basic local exchange carrier shall furnish to the Commission at such time(s) and in such form as the Commission may require, a report(s) in which the provider shall specifically answer the Commission's questions regarding all questions propounded regarding the implementation, usage, availability, 9-1-1 failures or outages, cost of providing, and such other information relevant to the provision of this basic emergency service. These reports shall be provided at regular intervals, to be determined by the Commission, and on a form approved by the Commission.~~

~~(b) Periodic or special reports concerning any matter about which the Commission is concerned relative to the provision of 9-1-1 services, such as the failure or outages of 9-1-1 services, shall be provided in a manner determined by the Commission, and on a form approved by the Commission.~~

~~(c) Each basic local exchange service carrier and BESP shall report to the Commission its progress in the implementation of basic emergency service in each local exchange area of the state. Such report shall be filed with its Annual Report.~~

2145. 9-1-1 Advisory Task Force.

(a) The Commission shall establish a 9-1-1 Advisory Task Force. The purpose of the Advisory Task Force is to provide oversight of the statewide implementation and provision of basic emergency service. The Advisory Task Force shall include, but is not limited to, the following representative parties directly interested in 9-1-1 services: customer groups, governing bodies, basic local exchange service providers, wireless service providers, providers of basic emergency services, customers of basic emergency service, ALI database providers, and other telecommunications providers. The Commission Staff shall be responsible for administering the Advisory Task Force and facilitating its meetings and agenda. The Advisory Task Force shall evaluate alternate technologies, service, and pricing issues related to implementing statewide 9-1-1 services in a cost effective fashion. The 9-1-1 Advisory Task Force~~Commission Staff~~ shall provide periodic reports to the Commission on the implementation of 9-1-1 services statewide.

(b) The Advisory Task Force shall:

(I) serve as a forum for the members to discuss matters pertaining to 9-1-1;

(II) Make future recommendations and report to the Commission concerning the continued improvement and advancement of, but not limited to the development of database formatting standards, processes to facilitate the transfer of ALI data, and the implementation of 9-1-1 services in Colorado;

(III) Consider 9-1-1 service quality and the cost of 9-1-1 service to the PSAPs, in both urban and rural areas, and to end use customers of 9-1-1 service in developing its report and recommendations;

(IV) Investigate, analyze, or recommend resolutions and report for existing or anticipated 9-1-1 issues within the state to the Commission the impact of wireless carriers on PSAPs;

- (IV) ~~I~~investigate and report to the Commission the development, implementation, and transition to any-of new 9-1-1 technologies and capabilities, including any impacts to the consumer, originating service provider, service end user, or PSAP; and
- ~~(V) Study and report to the Commission on the overall costing, funding and billing issues of providing 9-1-1 service, including the 9-1-1 surcharge, tariffs, and PSAP equipment costs; and~~
- (VI) ~~M~~onitor and report to the Commission ~~on FCC~~ proceedings and activities of the FCC and other national organizations and agencies on matters that may affect 9-1-1 services in Colorado.

2146. ~~National Emergency Number Association (NENA) Data~~Technical Standards.

~~The NENA standards incorporated by reference as identified in rule 2008 shall be used for the purpose of defining standard formats for ALI data exchange between basic local exchange carriers, ALI database providers, governing bodies, and BESP. The Commission may consider standards adopted by standards bodies using accredited, nonproprietary, consensus-based approaches to standards development, as appropriate, in connection with its interpretation, evaluations, or enforcement of rules 2130 through 2159. The Commission's 9-1-1 Advisory Task Force shall publish, at least annually, a list of standards that it recommends be considered by the Commission for this purpose.~~

2147. Applications by the Governing Body for Approval of an ~~9-1-1~~ Emergency Telephone Charge in Excess of Seventy Cents per Month.

- (a) A governing body requesting approval pursuant to § 29-11-102(2)(b), C.R.S., for an emergency telephone charge in excess of ~~seventy cents per month~~ the limit established by § 29-11-102(2), C.R.S., shall file an application with this Commission pursuant to 4 CCR 723-2-2002, paragraphs (a) through (c) and (e). ~~The Commission may provide a form for this purpose, consistent with these rules. Included in the application shall be supporting attachments or exhibits of budget information, cost information and such other information the Commission may rely upon for justification of the proposed increase in surcharge. The attached information should include present and proposed surcharge remittance estimates, all other revenue sources and amounts, and any other information such as audit reports that may be used to justify the proposed increase in the 9-1-1 charge above \$0.70 per month.~~
- ~~(b) All applications shall include an attestation that the applicant has not used emergency telephone charge funds for purposes not authorized by § 29-11-104(2), C.R.S. within the last 18 months, that the planned use of all future revenues raised from emergency telephone charges are authorized by § 29-11-104(2), C.R.S. and that the applicant agrees to comply with § 29-11-104(5), C.R.S.~~
- ~~(c) Documentation to be included in the application shall be supporting attachments of budget information, cost information and such other information the Commission may rely upon for justification of the proposed increase in emergency telephone charge. The attached information should include present and proposed emergency telephone charge remittance estimates, all other revenue sources and amounts, and any other information that may be used to justify the proposed increase in the emergency telephone charge.~~
- ~~(bd) Notice. Notwithstanding paragraph 2002(d), this rule shall establish the notice procedure for governing bodies applying for approval of an emergency telephone charge in excess of the amount established pursuant to § 29-11-102(2), C.R.S. Within three days after the Commission issues notice of the application, the applicant shall publish a notice of the application in at least one newspaper of general circulation in the area of applicability in at least one edition. The notice shall also be made available for a period of no less than two weeks on the governing body's~~

~~website, if one exists. The notice shall include: The governing body filing an application for approval of a 9-1-1 charge in excess of \$0.70 per month shall:~~

- ~~(I) Within three days after filing the application, publish one notice of the application in at least one newspaper of general circulation in the area of applicability for at least two weeks.~~
- ~~(II) Ensure that newspaper notice contains:~~
 - (IA) ~~T~~he name, address and telephone number of the requesting governing body and the Colorado Public Utilities Commission;
 - (BI) Aa statement that the governing body has filed with the Colorado Public Utilities Commission an application to change its currently effective ~~surcharge-emergency telephone charge, and identify both the current and proposed emergency telephone charge to a charge in excess of \$0.70 per month;~~
 - (IIIC) ~~T~~he ~~date the application was filed with the Commission and the assigned docket number~~proceeding number and the deadline for interventions or objections;
 - (IVD) ~~T~~he proposed effective date of the new charge;
 - (VE) Aa statement of the purpose of the application, including an explanation of the proposed changes;
 - (VIF) Aa statement that the application is available for inspection at the office of the governing body utility and at the Colorado Public Utilities Commission; and
 - ~~(G) A statement that any person may file with the Commission a written objection to the application, or an intervention to participate as a party, and an explanation that a mere objection without an intervention shall not be adequate to permit participation as a party;~~
 - ~~(H) A statement that any person filing a written objection within 60 days of the date the application was filed or a person may file an intervention within 30 days of the date the application was filed; and~~
 - (~~IV~~II) Aa statement that any person may attend the hearing, if any, and may make a statement under oath about the application, even if such person has not filed a written objection or intervention.
- (ee) All persons other than the Commission who are required to provide notice shall, within 15 days of providing notice, file an affidavit with the Commission stating the date notice was completed, and the method used to provide it. This affidavit shall be accompanied by a copy of the notice or notices provided.

~~2148. [Reserved].~~

~~21498. – 2159. [Reserved].~~

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

* * *

[indicates omission of unaffected rules]

2008. Incorporations by Reference.

- (a) The Commission incorporates by reference 47 C.F.R., Parts 32, 36, 54, 68, 69 and Part 64 Subparts I and K (as published February 4, 2015). No later amendments to or editions of these regulations are incorporated in these rules.
- (b) The Commission incorporates by reference the regulations published in 47 C.F.R. Part 64 Subpart U as revised on June 8, 2007. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (c) The Commission incorporates by reference the National Electrical Safety Code, C2-2007 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (d) The Commission incorporates by reference the regulations published in 47 C.F.R. 51.307 through 51.319, as revised on January 28, 2013. No later amendments to or editions of these regulations are incorporated into these rules.
- (e) The Commission incorporates by reference the rule promulgated by the FCC's *LNP First Report and Order*, Decision No. FCC 96-286 in CC Docket No. 95-116, released July 2, 1996. No later amendments to or editions of these requirements are incorporated into these rules.
- (f) The Commission incorporates by reference the FCC's Truth in Billing Rules found at 47 C.F.R. § 64.2401, et seq. revised on November 30, 2012. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (g) The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library.

* * *

[indicates omission of unaffected rules]

Basic Emergency Service

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to: (1) define and describe basic emergency service as regulated by § 40-15-201, C.R.S.; (2) prescribe multi-line telephone system (MLTS) operator requirements regarding disclosure to end users of the proper method for accessing 9-1-1 service, and regarding the capability of the MLTS to transmit end users' telephone numbers and location information; (3) prescribe the interconnection environment and relationships between basic emergency service providers (BESPs) and originating service providers and other BESPs; (4) permit use of 9-1-1 databases for outbound wide area notifications in times of emergency; (5) prescribe reporting times of 9-1-1 outages and interruptions; and (6) explicitly recognize the potential for multiple BESPs in Colorado.

The statutory authority for the promulgation of these rules is found at §§ 29-11-102(2)(b); 29-11-106(3); 40-2-108; 40-3-102; 40-3-103; 40-4-101(1) and (2); 40-15-201; 40-15-301; and 40-15-503(2)(g), C.R.S.

2130. Applicability.

- (a) Except as otherwise provided, rules 2130 through 2159 apply to BESPs.
- (b) Some of the provisions in these rules apply to MLTS operators whose systems do not have automatic number and automatic location identification capability, or whose systems require the dialing of an additional digit(s) to access the public switched network.

2131. Definitions.

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.
- (b) "9-1-1 facilities" means the facilities (e.g., trunks or transmission paths) that connect from the central office serving the individual telephone that originates a 9-1-1 call to the 9-1-1 selective router or functional equivalent and subsequently connects to a Public Safety Answering Point (PSAP). These may include, but are not limited to, point-to-point private line facilities owned, leased or otherwise acquired by a BESP. Common or shared facilities also may be used. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.
- (c) "9-1-1 outage" means a situation in which 9-1-1 calls cannot be transported from the end users to the PSAP responsible for answering the 9-1-1 emergency calls. 9-1-1 failures also include the inability to deliver location information to the PSAP from the 9-1-1 Automatic Location Identification (ALI) database or a loss of the 9-1-1 ALI functionality.
- (d) "9-1-1 selective router" means the telecommunications switch or functional equivalent dedicated to aggregation of 9-1-1 call traffic from public networks and proper routing of 9-1-1 call traffic to PSAPs.

- (e) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user placing a 9-1-1 call to the PSAP serving the caller's location. 9-1-1 service also includes any related caller location information routed to the PSAP, if any.
- (f) "Automatic Location Identification" (ALI) means the automatic display, on equipment at the PSAP, of the telephone number and location of the caller. ALI data includes non-listed and non-published numbers and addresses, and other information about the caller's location.
- (g) "ALI provider" means any person or entity that, on a for-profit or not-for-profit basis, provides ALI to basic emergency service providers and the governing body for a specific geographic area.
- (h) "ALI service" means all the services, features, and functionalities of elements and components used to provide ALI, including the applications, databases, management processes and services, selective routing, aggregation, and transport, without regard to the technology used, provided to the governing body or PSAP or a specific geographic area. ALI service does not include the provision of ALI by originating service providers, PSAPs, 9-1-1 governing bodies, or local governments.
- (i) "Automatic Number Identification" (ANI) means the automatic display of the caller's telephone number at the PSAP.
- (j) "Basic emergency service" means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of ALI service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. Basic emergency service does not include:
- (I) the portion of a 9-1-1 call provided by an originating service provider;
 - (II) the services provided by an intermediary aggregation service provider;
 - (III) the delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP;
 - (IV) the delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or
 - (V) the delivery of text-to-9-1-1 via interim methods.
- (k) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service.
- (l) "Demarcation point" means the physical point where the responsibility of a portion of a network changes from one party to another.
- (m) "Emergency notification service" (ENS) means a service in which, upon activation by a public safety agency:
- (I) the 9-1-1 database or a database which may be derived in whole or in part from the 9-1-1 database is searched to identify all stations located within a geographic area;

- (II) a call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.); and
 - (III) a recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).
 - (IV) ENS may also include the transmission of messages to individuals by other means, including text messages, e-mail, facsimile, or other mass alerting method or system.
- (n) "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., or established by § 29-11-102.5(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S.
- (o) "Enhanced 9-1-1" (E9-1-1) means 9-1-1 service that includes the association of ANI and ALI (including non-listed and non-published numbers and addresses), and selective routing.
- (p) "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- (q) "Governing body" means the organization responsible for establishing, collecting, and disbursing the emergency telephone charge in a specific geographic area, pursuant to §§ 29-11-102, 103, and 104, C.R.S.
- (r) "Intermediary aggregation service provider" means a person that aggregates and transports 9-1-1 calls for one or more originating service providers for delivery to a BESP selective router or the functional equivalent of such a router.
- (s) "Multi-line telephone system" (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
- (I) Network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
 - (II) Systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- (t) "Multiple-line telephone system operator" means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- (u) "Originating service provider" (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.
- (v) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP.
- (w) "Selective routing" means the capability of routing a 9-1-1 call to a designated PSAP based upon the location of the end user, as indicated by the ten-digit telephone number of the fixed location

subscriber dialing 9-1-1, the p-ANI (ESRK or ESQK), or otherwise permitted by FCC rule, regulation, or order.

2132. -2133. [Reserved].

2134. Process for Certification of Basic Emergency Service Providers (BESPs).

- (a) The Commission finds and declares that the public convenience and necessity require the availability, and, when requested, the provision of basic emergency service throughout Colorado, and further that such basic emergency service is vital to the public health and safety and shall be provided solely by properly certificated BESPs.
- (b) The Commission may certify additional or different BESPs to offer basic emergency service if such certification is in the public interest. Each application for certification shall be considered on a case-by-case basis.
- (c) Notwithstanding paragraphs 2103(a) and 2002(b), an application for authority to provide basic emergency service shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attachments:
 - (I) the name and address of the applicant;
 - (II) the name(s) under which the applicant is, or will be, providing telecommunications service in Colorado;
 - (III) the name, address, telephone number, and e-mail address of the applicant's representative to whom all inquiries concerning the application should be made.
 - (IV) the name, address, telephone number, and e-mail address of the applicant's contact person for customer inquiries concerning the application, if that contact person is different from the person listed in subparagraph (III);
 - (V) a statement indicating the town or city, and any alternate town or city, where the applicant prefers any hearings be held (if not at the Commission's offices in Denver, the town or city and any alternate town or city shall be within applicant's proposed initial service area);
 - (VI) a statement that the applicant agrees to respond to all questions propounded by the Commission or Commission staff concerning the application;
 - (VII) a statement that the applicant shall permit the Commission or Commission staff to inspect the applicant's books and records as part of the investigation into the application;
 - (VIII) a statement that the applicant understands that if any portion of the application is found to be false or to contain material misrepresentations, any authorities granted may be revoked upon Commission order;
 - (IX) acknowledgment that, by signing the application, applicant understands that:
 - (A) the filing of the application does not by itself constitute approval of the application;

- (B) if the application is granted, the applicant shall not commence the requested action until the applicant complies with applicable Commission rules and with any conditions established by Commission order granting the application;
 - (C) if a hearing is held, the applicant shall present evidence at the hearing to establish its qualifications to undertake, and its right to undertake, the requested action; and
 - (D) in lieu of the statements contained in subparagraphs (b)(IX)(A) through (C) of this rule, an applicant may include a statement that it has read, and agrees to abide by, the provisions of subparagraphs (b)(IX)(A) through (C) of this rule.
- (X) An attestation which is made under penalty of perjury; which is signed by an officer, a partner, an owner, an employee of, an agent for, or an attorney for the applicant, as appropriate, who is authorized to act on behalf of the applicant; and which states that the contents of the application are true, accurate, and correct. The application shall contain the title and the complete address of the affiant;
 - (XI) the applicant's proposed notice to the public and its customers, if such notice is required;
 - (XII) name, mailing address, toll free telephone number, and e-mail address of applicant's representative responsible for responding to customer disputes;
 - (XIII) name, mailing address, telephone number, and e-mail address of applicant's representative responsible for responding to the Commission concerning customer informal complaints;
 - (XIV) the applicant's applicable organizational documents, e.g., Articles of Incorporation; Partnership Agreement; Articles of Organization, etc.;
 - (XV) if the applicant is not organized in Colorado, a current copy of the certificate issued by the Colorado Secretary of State authorizing the applicant to transact business in Colorado;
 - (XVI) name and address of applicant's Colorado agent for service of process;
 - (XVII) a description of the applicant's affiliation, if any, with any other company and the name and address of all affiliated companies;
 - (XVIII) the applicant's most recent audited balance sheet, income statement, and statement of retained earnings;
 - (XIX) if the applicant is a newly created company that is unable to provide the audited financial information requested in subparagraph (VIII): detailed information on the sources of capital funds that will be used to provide telecommunications services, including the amount of any loans, lines of credit, or equity infusions that have been received or requested, and the names of each source of capital funds;
 - (XX) the names, business addresses, and titles of all officers, directors, partners, agents and managers who will be responsible for the provisioning of basic emergency service in Colorado;
 - (XXI) any management contracts, service agreements, marketing agreements or any other agreements between the applicant and any other entity, including affiliates of the

applicant, that relate to the provisioning of jurisdictional telecommunications services in Colorado;

- (XXII) an applicant which has contracted with, or is otherwise relying upon one or more unaffiliated service providers to provide a major component of basic emergency service under its certificate shall identify all such contractors or unaffiliated service providers.
- (XXIII) identification of any of the following actions by any court or regulatory body within the last five years regarding the provisioning of regulated telecommunications services by the applicant, by any of applicant's agents, officers, board members, managers, partners, or management company personnel, or by any of applicant's affiliates that resulted in:
 - (A) assessment of fines or civil penalties;
 - (B) assessment of criminal penalties;
 - (C) injunctive relief;
 - (D) corrective action;
 - (E) reparations;
 - (F) a formal complaint proceeding brought by any regulatory body;
 - (G) initiation of or notification of a possible initiation of a disciplinary action by any regulatory body, including but not limited to any proceeding to limit or to place restrictions on any authority to operate any CPCN or any service offered;
 - (H) refusal to grant authority to operate or to provide a service;
 - (I) limitation, de-certification, or revocation of authority to operate or to provide a service; or
 - (J) any combination of the above.
- (XXIV) For each item identified in subparagraph (XXIII) of this paragraph: an identification of the jurisdiction, summary of any applicable notification of a possible initiation or pending procedure, including the docket, case, or file number, and, upon the request of the Commission or its Staff, a copy of any written decision; and
- (XXV) acknowledgment that by signing the application, the applicant:
 - (A) certifies that it possesses the requisite managerial qualifications, technical competence, and financial resources to provide the telecommunications services for which it is applying;
 - (B) understands that:
 - (i) the filing of the application does not by itself constitute authority to operate;
 - (ii) a Commission finding that the application is complete is not a ruling on the merits of the application;

- (iii) if the application is granted, the applicant shall not provide service until:
 - (a) the applicant complies with applicable Commission rules and any conditions established by Commission order granting the application; (b) has an effective tariff on file with the Commission; and (c) the Commission approves its Declaration of Intent to Serve, if seeking to provide local exchange service in the service territory of a rural telecommunications provider;
 - (C) agrees to respond in writing, within ten days, to all customer informal complaints made to the Commission;
 - (D) agrees to contribute, in a manner prescribed by federal or state statute, rule, or administrative order establishing an explicit subsidy mechanism or other fund to which basic emergency service providers are required to contribute;
 - (E) certifies that, pursuant to the tariff under which its service is offered, it will not unjustly discriminate among customers in the same class of service; and
 - (F) certifies that the applicant will not permit any other person or entity to operate under its Commission-granted authority without explicit Commission approval.
- (XXVI) The BESP's service area shall be the state of Colorado, but the applicant shall identify the geographic area it initially intends to serve;
- (XXVII) If the applicant has previously filed with the Commission current reports or material that include the information required in subparagraph (I) and (II), it may confirm this by filing an attestation of completeness and accuracy with proper citation of title and date of the other filed material; and
- (XXVIII) a detailed statement describing the means by which it will provide basic emergency service. This statement shall include, but is not be limited to:
- (A) the technical specifications for the system that will be used to provide the basic emergency service, including information on emergency restoration of the system;
 - (B) all inter-company agreements used to implement and operate the service;
 - (C) all interconnection agreements between the BESP and: basic local exchange carriers, wireless carriers, other BESPs, and other telecommunications providers; and
 - (D) proposed tariffs.
- (d) An acknowledgment that the applicant will provide basic emergency service in accordance with these rules and all applicable quality of service rules.
 - (e) While the application is pending, the application shall amend its application to report any changes to the information provided within five business days of any such change, so as to keep its application current.

2135. Uniform System of Accounts, Cost Segregation and Collection.

All BESP shall maintain their books and records and perform separation of costs as prescribed by rules 2400 through 2459, or as otherwise prescribed by the Commission.

2136. Obligations of Basic Emergency Service Providers.

- (a) A BESP certificated by the Commission, shall obtain facilities from or interconnect with all originating service providers telecommunications providers who have customers in areas served by the BESP. BESP shall interconnect with all other BESP.
- (b) At the request of an originating service provider, intermediary aggregation service provider, or other BESP, a BESP shall provide and/or arrange for the necessary facilities to interconnect, route and transport 9-1-1 calls and ALI from originating service provider, intermediary aggregation service provider, or other BESP to the PSAP that is responsible for answering the 9-1-1 calls. Interconnection shall be accomplished in a timely manner, generally not more than 30 days from the time the BESP receives a written order. Interconnection facilities shall generally be engineered as follows:
 - (I) dedicated facilities for connecting originating service provider or intermediary aggregation service provider to a BESP shall be based on the requirements established by the BESP to serve the customers within that local exchange; or
 - (II) if shared or common facility groups are used to transport calls from the originating service provider or intermediary aggregation service provider to a BESP, they shall be sized to carry the additional call volume requirements. Additionally, common or shared groups shall be arranged to provide 9-1-1 calls on a priority basis where economically and technically feasible.
- (c) A BESP shall develop and file with the Commission tariffs that establish cost-based rates for basic emergency service. These rates shall be averaged over the entire geographic areas the BESP is certificated to serve, except as otherwise provided in subparagraph 2143(a)(III)
- (d) A BESP shall render a single monthly bill for its tariff services provided to the appropriate governing body. The monthly bill shall be sufficiently detailed to allow the governing body to determine that it is being billed properly based on the billing increments as approved by the Commission.
- (e) The BESP shall coordinate with the 9-1-1 Advisory Task Force to establish a process for ensuring units used for tariff pricing are accurate and up-to-date.
- (f) BESP shall ensure, to the extent possible and in the most efficient manner, that telecommunication services are available for transmitting 9-1-1 calls from deaf, hard of hearing, and persons with speech impairments to the appropriate PSAP.
- (g) A BESP shall ensure that all basic emergency service facilities, and interconnections between it and the originating service providers and intermediary aggregation service providers are engineered, installed, maintained and monitored in order to provide a minimum of two circuits and a minimum P.01 grade of service (one percent or less blocking during the busy hour), or such other minimum grade of service requirements approved by the Commission.
- (h) Where a BESP obtains facilities from a basic local exchange carrier for delivery of 9-1-1 calls to a PSAP, the rates for such facilities shall be reflected in a tariff or agreement filed for approval with the Commission. Such tariffs or agreements shall ensure that such facilities are engineered,

installed, maintained and monitored to provide a minimum of two circuits and a grade of service that has one percent (P.01) or less blocking. The basic local exchange carrier providing such facilities shall not be considered a BESP. The provisions of this rule shall not apply to routing arrangements implemented pursuant to paragraph 2143(d).

- (i) To expedite the restoration of service following a 9-1-1 outage, each BESP shall designate a telephone number for PSAPs and originating service providers to report trouble. Such telephone number shall be staffed seven days a week, 24 hours a day, by personnel capable of processing calls to initiate immediate corrective action.
- (j) A BESP shall keep on file with the Commission its contingency plan as described in paragraph 2143(d).
- (k) BESP's shall identify service providers supplying service within a governing body or PSAP's service area, or statewide, to the extent that the BESP possesses such information, in response to a request from a governing body, PSAP, or the Commission.

2137. [Reserved].

2138. Obligations of Payphone Providers.

All payphone providers must ensure that access to dial tone, emergency calls, and telecommunications relay service calls for the deaf, hard of hearing, and individuals with speech impairments is available from all payphones at no charge to the caller, pursuant to 47 C.F.R. 64.1330(b).

2139. – 2140. [Reserved].

2141. Obligations of Multi-line Telephone Systems (MLTS).

- (a) For purposes of this rule:
 - (I) "End user" means the person making telephone calls, including 9-1-1 calls, from the MLTS that provides telephone service to the person's place of employment, school, or to the person's permanent or temporary residence.
 - (II) "Residence" or "residence facility" shall be interpreted broadly to mean single family and multi-family facilities including apartments, townhouses, condominiums, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures.
 - (III) "Written information" means information provided by electronic mail, facsimile, letter, memorandum, postcard, or other forms of printed communication.
- (b) When the method of dialing a local call from an MLTS telephone requires the end user to dial an additional number to access the public switched network, MLTS operators shall provide written information to each of their end users describing the proper method of accessing 9-1-1 service in an emergency.
 - (I) Such written information shall be provided to each end user by placing stickers or cards including the appropriate method to access 9-1-1 on each MLTS telephone. Additionally, such written information shall be provided to each individual end user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility.

- (II) At a minimum, such written information that is attached to the telephone and provided annually shall include the following words: "To dial 9-1-1 in an emergency, you must dial #-9-1-1." [# = Insert proper dialing sequence].
- (c) When calls to access 9-1-1 service from an MLTS do not give one distinctive ANI and one distinctive ALI, or both, for each end user, the MLTS operator shall instruct, in writing, that the end user must stay on the telephone and tell the 9-1-1 telecommunicator the telephone number and exact location.
 - (I) Such written information shall be provided to each individual end user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility. Whenever possible, such information also shall be placed on cards or stickers on or next to the MLTS telephone.
 - (II) At a minimum, such written information shall include the following words: "When calling 9-1-1 from this telephone in an emergency, you must stay on the telephone and tell 9-1-1 your phone number and exact location. This telephone does not automatically give 9-1-1 your phone number and exact location. This information is critical for a quick response by police, fire, or ambulance."
 - (III) If an MLTS operator provides telephones that are not assigned to a particular end user, but that may be used by members of the public, the MLTS operator shall place a sticker or card on or next to the pertinent telephone either identifying the method for dialing 9-1-1 from that telephone or stating there is no 9-1-1 access from that telephone.
- (d) Exemption from rules. The disclosure requirements of this rule shall not apply to MLTS provided to inmates in penal institutions, jails, or correctional facilities, to residents of mental health facilities, or to residents of privately contracted community correctional facilities, including substance abuse and mental health treatment facilities, or other such facilities where access to 9-1-1 service is not required.

2142. Nondisclosure of Name/Number/Address Information.

- (a) ALI database information shall not be used for purposes other than for responding to requests for 9-1-1 emergency assistance (including maintenance of GIS address data used for 9-1-1 responses), initiating delivery of emergency warnings using an emergency notification service (including development of an emergency notification database and addressing verification), or periodic testing of these services. BESP's that provide ALI service shall provide one database extract per year to requesting 9-1-1 governing bodies at no cost. Additional extracts may be purchased at cost.
- (b) If personal information is improperly disclosed and that disclosure is the fault of a BESP, the BESP shall pay the applicable for changing a customer's telephone number, unless the customer declines such number change.

2143. Diverse Routing and Priority Service Restoration.

- (a) Diversity of 9-1-1 circuits.
 - (I) All BESP's providing 9-1-1 service to a governing body or PSAP's demarcation point shall take reasonable measures to provide reliable basic emergency service with respect to circuit diversity, central-office backup power, and diverse network monitoring. Where feasible, 9-1-1 circuits shall be physically and geographically diverse.

- (A) Circuits or equivalent data paths are physically diverse if they provide more than one physical route between end points with no common points where a single failure at that point would cause both circuits to fail. Circuits that share a common segment such as a fiber-optic cable or circuit board are not physically diverse even if they are logically diverse for purposes of transmitting data.
 - (B) Circuits or equivalent data paths are geographically diverse if they take different paths from endpoint to endpoint, not following the same geographic route.
- (II) On a date six months from adoption of this rule, and at such other times as may be deemed necessary by the Commission, each BESP and ALI provider (if offering service separately from a BESP) shall develop and file confidentially, in an appropriate proceeding with the Commission, 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. Information confidentially filed with this diversity plan shall include:
- (A) maps depicting the provider's basic emergency service architecture;
 - (B) a list and description, including geographic location, of every point within the provider's portion of the 9-1-1 system and network where monitoring, backup power, and/or physical and geographically diverse redundancy are not present;
 - (C) a description of which items from subparagraph (a)(II)(B) of this rule the provider proposes to improve, how the provider proposes to improve the items, and a proposed timetable for deploying these improvements;
 - (D) a description of which items from subparagraph (a)(II)(B) of this rule the provider proposes to not improve, and an explanation of why it proposes to not improve them; and
 - (E) the costs, averaged statewide, associated with each improvement listed in subparagraphs (a)(II)(C) and (D) of this rule.
- (III) Following Commission approval of the diversity plan, or portions thereof, the provider shall file a new tariff or modify an existing tariff for implementation of the plan, as directed by the Commission. A 9-1-1 governing body or PSAP may submit a request to a BESP for diversity not included in the approved diversity plan. Following negotiation, the BESP shall file an application requesting Commission approval of the proposed prices, terms, and conditions responsive to the request.
- (IV) Pursuant to subparagraph (a)(II) of this rule, after the effective date of the tariff each provider shall file quarterly updates with the PUC on its efforts to meet the deployment schedule required by subparagraph (a)(II)(C).
- (b) BESP's shall work cooperatively with the PSAP's to ensure an effective way of tracking the status of 9-1-1 outages (e.g., issuance of trouble ticket). Originating service providers should work cooperatively with the PSAP's and the BESP to track the status of 9-1-1 outages. Each provider should provide to the 9-1-1 governing body or PSAP and the BESP a telephone number that the PSAP's or BESP's can use to report trouble. Such telephone number should be staffed seven days a week, 24 hours a day by personnel capable of processing the call to initiate immediate corrective action.
- (c) A BESP's shall notify the responsible parties designated by the governing bodies regarding a present or potential 9-1-1 outage. These notifications shall include the nature and extent of the 9-

1-1 outages and the actions taken to correct them, to the extent known by the BESP. In the event the PSAP detects a failure in the 9-1-1 system, the PSAP should notify the BESP which provide 9-1-1 service in the geographic area affected by the outage. These notifications shall be made as soon as is practicable.

- (d) Beginning in 2018, each BESP and ALI provider (if offering service separately from a BESP) shall develop a 9-1-1 reliability and contingency plan in collaboration with all affected BESP, basic local exchange carriers which provide final delivery of 9-1-1 calls to a PSAP, ALI providers, intermediary aggregation service providers, originating service providers, governing bodies, and PSAPs, to be confidentially filed annually with the Commission no later than April 30. A 9-1-1 reliability and contingency plan shall include:
- (I) identification and location of all primary and backup facilities, equipment and databases or any and all other components related to basic emergency service;
 - (II) an identification and description of all demarcation points with BESP, ALI providers, and PSAPs;
 - (III) all contingency processes and information from BESP, originating service providers, intermediary aggregation service providers, PSAPs, and governing bodies necessary for public safety operations until 9-1-1 service is restored;
 - (IV) contact information for designated representatives for each PSAP and/or governing body; and
 - (V) any other details deemed relevant as determined by the relevant parties or the Commission.
 - (VI) All providers required to file a 9-1-1 reliability and contingency plan pursuant to this paragraph (d) shall notify affected PSAPs of any known changes that may require an update to the 9-1-1 reliability and contingency plan.
- (e) If a 9-1-1 failure exceeds or is anticipated to exceed 15 minutes from the time a BESP becomes aware of the outage and after notification to the PSAP, the BESP shall implement the contingency plan required by paragraph 2143(d) or provide temporary solutions so that 9-1-1 calls can be answered until 9-1-1 service is restored, as mutually agreed upon(f) A BESP shall have qualified service technicians on site, when necessary, within two hours of discovering a 9-1-1 outage, or their best effort.
- (g) If a disruption of basic emergency service exceeds 30 minutes, the responsible BESP or the responsible basic local exchange carrier providing facilities pursuant to paragraph 2136(i) shall inform the Commission within two hours. Such notification shall be made in a manner prescribed by the Commission, outlining the nature and extent of the outage. This notification shall be followed by a report with the Commission, which follows Commission reporting format and guidelines within 30 days of such outage. As an alternative to or in addition to the 30-day written report, the Director, or the Director's designee, may request, on a case-by-case basis, a separate written report within five days from the time of the request, outlining the nature, cause and extent of the outage, and corrective action taken.
- (h) Following the restoration of 9-1-1 service, the BESP shall, at the request of a PSAP or governing body, provide to the affected PSAPs the call back numbers of any calls that were made to 9-1-1 by were unable to be delivered due to the 9-1-1 outage, if available to the BESP. This information shall be provided within two hours of the restoration of 9-1-1 service or as soon as possible under the circumstances. When possible, this information should also include associated ALI information.

- (i) Nothing in rule 2143 shall be construed to impose any obligation on any provider other than BESPs.

2144. Reports.

Each BESP shall furnish to the Commission at such time(s) and in such form as the Commission may require, a report(s) in which the provider shall specifically answer the Commission's questions regarding the provision of basic emergency service.

2145. 9-1-1 Advisory Task Force.

- (a) The Commission shall establish a 9-1-1 Advisory Task Force. The purpose of the Advisory Task Force is to provide oversight of the statewide implementation and provision of basic emergency service. The Advisory Task Force shall include, but is not limited to, the following representative parties directly interested in 9-1-1 services: customer groups, governing bodies, basic local exchange service providers, wireless service providers, providers of basic emergency services, customers of basic emergency service, ALI database providers, and other telecommunications providers. The Commission Staff shall be responsible for administering the Advisory Task Force and facilitating its meetings and agenda. The Advisory Task Force shall evaluate alternate technologies, service, and pricing issues related to implementing statewide 9-1-1 services in a cost effective fashion. The 9-1-1 Advisory Task Force shall provide periodic reports to the Commission on the implementation of 9-1-1 services statewide.
- (b) The Advisory Task Force shall:
 - (I) serve as a forum for the members to discuss matters pertaining to 9-1-1;
 - (II) make future recommendations and report to the Commission concerning the continued improvement and advancement of 9-1-1 services in Colorado;
 - (III) consider 9-1-1 service quality and cost in urban and rural areas in developing its report and recommendations;
 - (IV) investigate, analyze, or recommend resolutions for existing or anticipated 9-1-1 issues within the state;
 - (V) investigate and report to the Commission the development, implementation, and transition to any new 9-1-1 technologies and capabilities, including any impacts to the consumer, originating service provider, service end user, or PSAP; and
 - (VI) monitor and report to the Commission proceedings and activities of the FCC and other national organizations and agencies on matters that may affect 9-1-1 services in Colorado.

2146. Technical Standards.

The Commission may consider standards adopted by standards bodies using accredited, nonproprietary, consensus-based approaches to standards development, as appropriate, in connection with its interpretation, evaluations, or enforcement of rules 2130 through 2159. The Commission's 9-1-1 Advisory Task Force shall publish, at least annually, a list of standards that it recommends be considered by the Commission for this purpose.

2147. Applications by the Governing Body for Approval of an Emergency Telephone Charge in Excess of Seventy Cents per Month.

- (a) A governing body requesting approval pursuant to § 29-11-102(2)(b), C.R.S., for an emergency telephone charge in excess of the limit established by § 29-11-102(2), C.R.S., shall file an application with this Commission pursuant to 4 CCR 723-2-2002, paragraphs (a) through (c) and (e). The Commission may provide a form for this purpose, consistent with these rules.
- (b) All applications shall include an attestation that the applicant has not used emergency telephone charge funds for purposes not authorized by § 29-11-104(2), C.R.S. within the last 18 months, that the planned use of all future revenues raised from emergency telephone charges are authorized by § 29-11-104(2), C.R.S. and that the applicant agrees to comply with § 29-11-104(5), C.R.S.
- (c) Documentation to be included in the application shall be supporting attachments of budget information, cost information and such other information the Commission may rely upon for justification of the proposed increase in emergency telephone charge. The attached information should include present and proposed emergency telephone charge remittance estimates, all other revenue sources and amounts, and any other information that may be used to justify the proposed increase in the emergency telephone charge.
- (d) Notice. Notwithstanding paragraph 2002(d), this rule shall establish the notice procedure for governing bodies applying for approval of an emergency telephone charge in excess of the amount established pursuant to § 29-11-102(2), C.R.S. Within three days after the Commission issues notice of the application, the applicant shall publish a notice of the application in at least one newspaper of general circulation in the area of applicability in at least one edition. The notice shall also be made available for a period of no less than two weeks on the governing body's website, if one exists. The notice shall include:
 - (I) the name, address and telephone number of the requesting governing body and the Colorado Public Utilities Commission;
 - (II) a statement that the governing body has filed with the Colorado Public Utilities Commission an application to change its currently effective emergency telephone charge, and identify both the current and proposed emergency telephone charge;
 - (III) the proceeding number and the deadline for interventions or objections;
 - (IV) the proposed effective date of the new charge;
 - (V) a statement of the purpose of the application, including an explanation of the proposed changes;
 - (VI) a statement that the application is available for inspection at the office of the governing body utility and at the Colorado Public Utilities Commission; and
 - (VII) a statement that any person may attend the hearing, if any, and may make a statement under oath about the application, even if such person has not filed a written objection or intervention.
- (e) All persons other than the Commission who are required to provide notice shall, within 15 days of providing notice, file an affidavit with the Commission stating the date notice was completed, and the method used to provide it. This affidavit shall be accompanied by a copy of the notice or notices provided.

2148. – 2159. [Reserved].

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 17R-0488T

IN THE MATTER OF PROPOSED AMENDMENTS TO TELECOMMUNICATIONS
RULES 4 CODE OF COLORADO REGULATIONS 723-2-2130 THROUGH 2159 AND
2008(a).

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
ADOPTING RULES**

Mailed Date: October 13, 2017

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I. STATEMENT

1. The Colorado Public Utilities Commission (Commission) issued a Notice of Proposed Rulemaking to amend the Rules Regulating Telecommunications Services and

Providers of Telecommunications Services contained in 4 *Code of Colorado Regulations* 723-2-2130 through 2159 and 2008(a) (9-1-1 Rules) on July 17, 2017.

1. The changes proposed were reflective of the consensus revision of these rules submitted to the Commission by the 9-1-1 Advisory Task Force (Task Force) in a Petition for Rulemaking, granted by the Commission on July 12, 2017.

2. The Commission invited interested participants to file comments and include suggested rule revisions in legislative format.

3. By Decision No. C17-0575 issued August 1, 2017, the matter was set for hearing for September 18, 2017 and was referred to an Administrative Law Judge (ALJ) for a recommended decision.

4. Eight parties provided Comments to the proposed rules. Five parties submitted Reply Comments.

5. A hearing was held on September 18, 2017. Present for the hearing were 14 parties.¹ Not all parties participated in the hearing.

6. The ALJ did not believe further hearings were necessary after September 18, 2017.

7. Being fully advised in this matter and consistent with the discussion below, in accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record and exhibits in this proceeding along with a written recommended decision

¹ The parties present for the hearing were AT&T Corp., CTIA – The Wireless Association, CenturyLink Communications LLC, Colorado Telecommunications Association, Comcast Communications, LLC, Bresnan Broadband Colorado, Time Warner Cable, Boulder Regional Telephone Services Authority, Larimer Emergency Telephone Authority, 9-1-1 Resource Center, 9-1-1 Solutions, Adams County 911, Arapahoe 911, and Jefferson County 911.

II. DISCUSSION

A. **9-1-1 Advisory Task Force Petition for Rulemaking**

8. On May 24, 2017, the Task Force filed a Petition for the Commission to commence a rulemaking proceeding for the 9-1-1 Rules.² As attachments to that Petition, the Task Force provided a proposed set of consensus-based revisions to the 9-1-1 Rules, which the Task Force developed over the course of several months through the use of multi-stakeholder workshops. The Task Force stated that the rule revisions update, streamline, and make certain improvements to the 9-1-1 Rulemakings, including redefining existing terminology in a technology-neutral manner.

9. The Task Force had met 14 times and had 37 participants. The consensus-based revisions to the 9-1-1 Rules represented compromises made by the parties working toward resolution of the issues.

B. **Proposed Rule Changes**

10. The undersigned ALJ has reviewed the record in this proceeding to date, including written and oral comments.

11. Not all modifications to the proposed rules are specifically addressed herein. Any changes incorporated into the redline version of the rules appended hereto are recommended for adoption.

1. **Rule 2130: Applicability**

12. Rule 2130(a) – Add the phrase “only to” before “BESPs” to make clear that these rules only apply to Basic Emergency Service Providers (BESPs) unless otherwise stated.

² The Petition was filed in Proceeding No. 17M-0319T.

2. Rule 2131: Definitions

13. Rule 2131(g) – Use the following language that was included in Attachment A to the Petition for Rulemaking,³ but was not reflected in Attachment A to the Notice of Proposed Rulemaking.

“ALI provider” means any person other than a PSAP or originating service provider that provides ALI service to the PSAP in connection with a 9-1-1 call.

14. Rule 2131(h) – “Intermediary aggregation service providers” is added to the list of entities that do not provide “ALI service.”

3. Rule 2134: Process for Certification of Basic Emergency Service Providers

15. Rule 2134(c)(XXI) – The undefined term “jurisdictional telecommunications services” is changed to the defined term of “basic emergency service.”

16. Rule 2134(c)(XXV)(A) - The undefined term “telecommunications services” is changed to the defined term of “basic emergency service.”

4. Rule 2136: Obligations of Basic Emergency Service Providers.

17. Rule 2136(b)(I) – The word “or” is deleted prior to the phrase “intermediary aggregation” and the phrase “or other BEBP” is added to the list. This change is made in case there are multiple BEBPs operating in the state.

18. Rule 2136(b)(II) – The word “or” is deleted prior to the phrase “intermediary aggregation” and the phrase “or other BEBP” is added to the list. This change is made in case there are multiple BEBPs operating in the state

³ See Proceeding No. 17M-0319T.

5. Rule 2143: Diverse Routing and Priority Service Restoration

19. Proposed Rule 2143(a)(I) – The phrase “All BESPs providing 9-1-1 service” is changed to “All BESPs providing basic emergency service.” This change is made for consistency in the use of defined terms and keeps the concepts of 9-1-1 service and Basic Emergency Service separate.

20. Proposed Rule 2143(c) – The phrase “or degradation” is added after the word “failure” to clarify that any degradation of 9-1-1 service at the public safety answering point (PSAP) should prompt the PSAP to notify the BESP of the issue.

21. Proposed Rule 2143(d)(VI) – “PSAPs” is changed to “PSAPs and governing bodies” since, in some cases, the 9-1-1 governing body is more involved in contingency planning than the PSAP. In these cases it would make sense for the provider to notify both the governing authority and the PSAP.

22. The adopted rules are available as Attachment A and B through the Commission’s E-Filings system in this proceeding (17R-0488T) at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=17R-0488T.

III. ORDER

A. The Commission Orders That:

1. The Rules Regulating Telecommunications Services and Providers of Telecommunications Services contained in 4 *Code of Colorado Regulations* 723-2-2130 through 2159 and 2008(a) (9-1-1 Rules), contained in redline and strikeout format in Attachment A are adopted.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

3. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

4. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

5. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

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

* * *

[indicates omission of unaffected rules]

2008. Incorporations by Reference.

- ~~(a) — The Commission incorporates by reference the following standards issued by the National Emergency Number Association: the Recommended Formats & Protocols For Data Exchange (NENA-02-010), revised as of February 25, 2006; NENA Recommended Data Standards for Local Exchange Carriers, All Service Providers & 9-1-1 Jurisdictions (NENA-02-011), revised as of November 9, 2004; NENA Network Quality Assurance (NENA-03-001), original as of June 12, 1995; NENA Recommendation for the implementation of Enhanced MF Signaling, E9-1-1 tandem to PSAP (NENA-03-002), recommended June 21, 1998; and NENA Recommended Standards for Local Service Provider Interconnection Information Sharing (NENA-06-001), revised as of August 2004. No later amendments to or editions of these standards are incorporated into these rules.~~
- (ab) The Commission incorporates by reference 47 C.F.R., Parts 32, 36, 54, 68, 69 and Part 64 Subparts I and K (as published February 4, 2015). No later amendments to or editions of these regulations are incorporated in these rules.
- (be) The Commission incorporates by reference the regulations published in 47 C.F.R. Part 64 Subpart U as revised on June 8, 2007. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (cd) The Commission incorporates by reference the National Electrical Safety Code, C2-2007 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (ed) The Commission incorporates by reference the regulations published in 47 C.F.R. 51.307 through 51.319, as revised on January 28, 2013. No later amendments to or editions of these regulations are incorporated into these rules.
- (fe) The Commission incorporates by reference the rule promulgated by the FCC's *LNP First Report and Order*, Decision No. FCC 96-286 in CC Docket No. 95-116, released July 2, 1996. No later amendments to or editions of these requirements are incorporated into these rules.

- (gf) The Commission incorporates by reference the FCC's Truth in Billing Rules found at 47 C.F.R. § 64.2401, et seq. revised on November 30, 2012. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (hg) The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library.

* * *

[indicates omission of unaffected rules]

Basic Emergency 9-1-1 Services for Emergency Telecommunications Service Providers and Basic Local Exchange Carriers

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to: (1) ~~recognize Enhanced 9-1-1 (E9-1-1)~~ define and describe basic emergency service as a service regulated by § 40-15-201, C.R.S.; (2) prescribe multi-line telephone system (MLTS) operator requirements regarding disclosure to end users of the proper method for accessing 9-1-1 service, and regarding the capability of the MLTS to transmit end users' telephone numbers and location information; (3) prescribe the interconnection environment and relationships between basic emergency service providers (BESPs) and originating service providers and other BESPs wireless carriers, BESPs and LECs, and BESPs and other telecommunications providers; (4) permit use of 9-1-1 databases for outbound wide area notifications in times of emergency; (5) prescribe reporting times of 9-1-1 outages and interruptions; and (6) explicitly recognize the potential for multiple BESPs in Colorado.

The statutory authority for the promulgation of these rules is found at §§ 29-11-102(2)(b); 29-11-106(3); 40-2-108; 40-3-102; 40-3-103; 40-4-101(1) and (2); 40-15-201; 40-15-301; and 40-15-503(2)(a), (b), and (g); and 40-2-108, C.R.S.

2130. Applicability.

- (a) Except as otherwise provided, Rules 2130 through 2159 apply only to ~~all basic local exchange carriers and~~ BESPs.
- ~~(b) To the extent these rules specifically refer to wireless carriers as a condition of interconnection with any BESP, such rules apply to wireless carriers who agree to comply with them.~~
- (cb) Some of the provisions in these rules apply to MLTS operators whose systems do not have automatic number and automatic location identification capability, or whose systems require the dialing of an additional digit(s) to access the public switched network.

2131. Definitions.

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.

- (b) "9-1-1 facilities" means the facilities (e.g., trunks or transmission paths) that connect from the central office serving the individual telephone that originates a 9-1-1 call to the 9-1-1 selective router or functional equivalent~~tandem~~ and subsequently connects ~~the tandem~~ to a Public Safety Answering Point (PSAP). These may include, but are not limited to, point-to-point private line facilities ~~and E9-1-1 facilities~~ owned, leased or otherwise acquired by a BESP. Common or shared facilities also may be used. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.
- (c) ~~"9-1-1 failure" or~~ "9-1-1 outage" means a situation in which 9-1-1 calls cannot be transported from the end users to the PSAP responsible for answering the 9-1-1 emergency calls. 9-1-1 ~~failures~~ outages also include the inability to deliver location information to the PSAP from the 9-1-1 Automatic Location Identification (ALI) database or a loss of the 9-1-1 ALI functionality.
- (d) "9-1-1 ~~tandem~~selective router" ~~or "9-1-1 tandem switch"~~ means the telecommunications switch or functional equivalent dedicated to aggregation of 9-1-1 call traffic from public networks and proper routing of 9-1-1 call traffic to PSAPs.
- ~~(e) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user placing a 9-1-1 call to the PSAP serving the caller's location. 9-1-1 service also includes any related caller location information routed to the PSAP, if any.~~
- ~~(e) "ALI database provider" means any person or entity that, on a for-profit or not-for-profit basis, provides ALI to basic emergency service providers and the governing body for a specific geographic area.~~
- (f) [Reserved]
- ~~(g) "Automatic Location Identification" (ALI) means the automatic display, on equipment at the PSAP, of the telephone number and other information concerning the location of the caller. The ALI database includes non-listed and non-published numbers and addresses, and other information about the caller's location.~~
- ~~(g) "ALI provider" means any person that provides ALI service to basic emergency service providers and the governing body for a specific geographic area.~~
- ~~(h) "ALI service" means all the services, features, and functionalities of elements and components used to provide ALI, including the applications, databases, management processes and services, selective routing, aggregation, and transport, without regard to the technology used, provided to the governing body or PSAP of a specific geographic area. ALI service does not include the provision of ALI by originating service providers, intermediary aggregation service providers, PSAPs, 9-1-1 governing bodies, or local governments.~~
- (hi) "Automatic Number Identification" (ANI) means ~~the process used on customer-dialed calls to automatically identify the calling station, and~~ the automatic display of the caller's telephone number ~~on telephone answering equipment used by operators~~ at the PSAP.
- (ij) "Basic emergency service" means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of ALI service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. ~~Part II~~

~~telecommunications service (§ 40-15-201(2), C.R.S.) permitting the use of the basic local exchange network and the 9-1-1 abbreviated dialing code for reporting police, fire, medical, or other emergency situations to a PSAP and referral to a public agency. [Temporary ALI Service rules expired September 21, 2015]. Basic emergency service does not include:~~

- ~~(I) the portion of a 9-1-1 call provided by an originating service provider;~~
- ~~(II) the services provided by an intermediary aggregation service provider;~~
- ~~(III) the delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP;~~
- ~~(IV) the delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or~~
- ~~(V) the delivery of text-to-9-1-1 via interim methods.~~

~~(jk) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service to aggregate and transport 9-1-1 calls from the basic LEC, wireless carrier, or other telecommunications provider to a PSAP.~~

~~(k) "E9-1-1 facilities" means the facilities provided by a BESP that interconnects to basic local exchange carriers, wireless carriers, and other telecommunications providers that are used to transport 9-1-1 calls to the PSAP. The facilities may include the use of 9-1-1 tandem switches or direct trunks connecting 9-1-1 calls to the PSAPs and E9-1-1 facilities owned, leased, or otherwise acquired by a BESP. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.~~

~~(l) "E9-1-1 features" means the ANI, ALI database and selective routing capabilities and all other components of an E9-1-1 system, not including the transport and switching facilities.~~

~~(m) "E9-1-1 tandem" means the switch that receives E9-1-1 calls from the originating local exchange central offices, wireless switch, or any other telecommunications provider's switch, employs the ANI information associated with such calls, determines the correct destination of the call, and forwards the call and the ANI information to that destination.~~

~~(l) "Demarcation point" means the physical point where the responsibility for a portion of a network changes from one party to another.~~

~~(Am) "Emergency notification service" (ENS) means a service in which, upon activation by a public safety agency:~~

- ~~(I) The 9-1-1 database or a database which may be derived in whole or in part from the 9-1-1 database is searched to identify all stations located within a geographic area;~~
- ~~(II) Aa call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.); and~~
- ~~(III) Aa recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).~~

- (IV) ENS may also include the transmission of messages to individuals by other means, including text messages, e-mail, facsimile, or other mass alerting method or system.
- ~~(en)~~ "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., or established by § 29-11-102.5(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S. equipment costs, the installation costs, and the directly-related costs of the continued operation of an emergency telephone service according to the rates and schedules filed with the Colorado Public Utilities Commission.
- ~~(ep)~~ "Emergency telephone service" (ETS) means a telephone system using the abbreviated dialing code 9-1-1 to report police, fire, medical, or other emergency situations.
- ~~(eq)~~ "Enhanced 9-1-1" (E9-1-1) means 9-1-1 service that includes a basic emergency telephone service that includes the association of information such as ANI and ALI (including non-listed and non-published numbers and addresses), and (optionally) selective routing, to facilitate public safety response.
- ~~(ep)~~ "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- ~~(eq)~~ "Governing body" means the a representative organization responsible for establishing, collecting, and disbursing the emergency telephone charge the oversight of 9-1-1 response activities in a specific geographic area, pursuant to. A governing body may be comprised of a board of county commissioners, a board of directors of a special district, a city council or other governing body of a city and/or county, or a separate legal entity established under §§ 29-11-201, 102, 103, and 104, C.R.S., et seq.
- ~~(r)~~ "Intermediary aggregation service provider" means a person that aggregates and transports 9-1-1 calls for one or more originating service providers for delivery to a BESP selective router or the functional equivalent of such a router.
- ~~(ts)~~ "Multi-line telephone system" (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
- (I) Network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
 - (II) Systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- ~~(ut)~~ "Multiple-line telephone system operator" means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- ~~(v)~~ "National Emergency Number Association" (NENA) means the international not-for-profit organization whose purpose is to lead, assist, and provide for the development, availability, implementation and enhancement of a universal emergency telephone number or system common to all jurisdictions through research, planning, publications, training and education.

- (wu) ~~"Other telecommunications providers" means any provider of exchange service, regardless of the types of technology used. "Originating service provider" (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.~~
- (xv) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP ~~on a 24-hour basis. PSAPs are responsible to direct the disposition of 9-1-1 calls.~~
- (y) ~~"Routing" means the central office programming required to transport a 9-1-1 call to the correct 9-1-1 tandem.~~
- (zw) "Selective routing" means the capability of routing a 9-1-1 call to a designated PSAP based upon the location of the end user, as indicated by the 10-digit telephone number of the fixed location subscriber dialing 9-1-1, the p-ANI (ESRK or ESQK), or otherwise permitted by FCC rule, regulation, or order ~~seven digit or ten-digit telephone number of the subscriber dialing 9-1-1.~~
- (aa) ~~"Telecommunications device for the deaf" (TDD) or "text phone" means an instrument defined by the Communications Act of 1934 as a device that employs graphic communication in the transmission of coded signals through a wire or radio communication system.~~
- (bb) ~~"Telecommunications device for the deaf emergency access" or "text phone access" mean the provision of 9-1-1 access to individuals that use TDDs and computer modems.~~

2132. ~~-2133.~~ [Reserved].

~~2133. Service Components and Requirements.~~

- (a) ~~Basic emergency service is the telecommunications service that aggregates and transports 9-1-1 calls to a PSAP. The aggregation of calls is the process of collecting 9-1-1 calls from one or more local exchange, wireless carrier, or other telecommunications provider switches that serve a geographic area for the purpose of determining and transporting 9-1-1 calls to the PSAP designated to receive such calls. Basic emergency service may be provided using connections between the PSAP and a local exchange central office switch, using connections to a 9-1-1 tandem, using connections between a wireless carrier switch and the 9-1-1 tandem, or by using other technology. Basic emergency service includes, but is not limited to, the provision of a 9-1-1 tandem switch, connections to each local exchange carrier, wireless carrier, or other telecommunications provider switch (excluding the trunk units on the switches to the 9-1-1 tandem switch), transport between the 9-1-1 tandem switch and the PSAP, and connections to the PSAP (excluding trunk units at the PSAP). E9-1-1 also includes the provision of transport facilities from the ALI database to the PSAP. In many instances an ALI database also may be interconnected with the other components of the service.~~
- (b) ~~ALI database service is integral to the provision of E9-1-1 services. On a timely basis, all basic local exchange carriers shall provide the ALI database provider with access to all telephone numbers, including non-published and non-listed numbers, that are maintained by the services of the basic local exchange carrier, wireless carrier, reseller of a basic local exchange, or other telecommunications provider. E9-1-1 service is distinguished from 9-1-1 service in the ability of the BESP to provide greater routing flexibility for 9-1-1 calls based on information that is placed in a computer database. The ALI database also provides the means for the PSAP to display the address as well as the telephone number for incoming 9-1-1 calls and additional customer-provided information about the 9-1-1 caller's location.~~

~~(c) The PSAP(s) is responsible for receiving the 9-1-1 calls from a BESP and, if applicable, ALL database information. The PSAP(s) forwards the 9-1-1 call, and where applicable, the ALL database information to the proper public agency such as the fire department, emergency medical services, sheriff, or police.~~

2134. Process for Certification of Basic Emergency Service Providers (BESPs).

- (a) The Commission finds and declares that the public convenience and necessity require the availability, and, when requested, the provision of basic emergency service ~~throughout within each local exchange area in~~ Colorado, and further that such basic emergency service is vital to the public health and safety and shall be provided solely by properly certificated BESPs.
- (b) The Commission may certify additional or different BESPs to offer basic emergency service if such certification is in the public interest. Each application for certification shall be considered on a case-by-case basis.
- (c) ~~Notwithstanding paragraphs 2103(a) and 2002(b), A~~an application for authority to provide basic emergency service shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified ~~attach~~ments~~ed~~ exhibits:
- (I) ~~The information required by paragraph 2103(a)~~the name and address of the applicant;
 - (II) the name(s) under which the applicant is, or will be, providing telecommunications service in Colorado;
 - (III) the name, address, telephone number, and e-mail address of the applicant's representative to whom all inquiries concerning the application should be made.
 - (IV) the name, address, telephone number, and e-mail address of the applicant's contact person for customer inquiries concerning the application, if that contact person is different from the person listed in subparagraph (III);
 - (V) a statement indicating the town or city, and any alternate town or city, where the applicant prefers any hearings be held (if not at the Commission's offices in Denver, the town or city and any alternate town or city shall be within applicant's proposed initial service area);
 - (VI) a statement that the applicant agrees to respond to all questions propounded by the Commission or Commission staff concerning the application;
 - (VII) a statement that the applicant shall permit the Commission or Commission staff to inspect the applicant's books and records as part of the investigation into the application;
 - (VIII) a statement that the applicant understands that if any portion of the application is found to be false or to contain material misrepresentations, any authorities granted may be revoked upon Commission order;
 - (IX) acknowledgment that, by signing the application, applicant understands that:
 - (A) the filing of the application does not by itself constitute approval of the application;

- (B) if the application is granted, the applicant shall not commence the requested action until the applicant complies with applicable Commission rules and with any conditions established by Commission order granting the application;
- (C) if a hearing is held, the applicant shall present evidence at the hearing to establish its qualifications to undertake, and its right to undertake, the requested action; and
- (D) in lieu of the statements contained in subparagraphs (b)(IX)(A) through (C) of this rule, an applicant may include a statement that it has read, and agrees to abide by, the provisions of subparagraphs (b)(IX)(A) through (C) of this rule.
- (X) Aan attestation which is made under penalty of perjury; which is signed by an officer, a partner, an owner, an employee of, an agent for, or an attorney for the applicant, as appropriate, who is authorized to act on behalf of the applicant; and which states that the contents of the application are true, accurate, and correct. The application shall contain the title and the complete address of the affiant;
- (XI) the applicant's proposed notice to the public and its customers, if such notice is required;
- (XII) name, mailing address, toll free telephone number, and e-mail address of applicant's representative responsible for responding to customer disputes;
- (XIII) name, mailing address, telephone number, and e-mail address of applicant's representative responsible for responding to the Commission concerning customer informal complaints;
- (XIV) the applicant's applicable organizational documents, e.g., Articles of Incorporation; Partnership Agreement; Articles of Organization, etc.;
- (XV) if the applicant is not organized in Colorado, a current copy of the certificate issued by the Colorado Secretary of State authorizing the applicant to transact business in Colorado;
- (XVI) name and address of applicant's Colorado agent for service of process;
- (XVII) a description of the applicant's affiliation, if any, with any other company and the name and address of all affiliated companies;
- (XVIII) the applicant's most recent audited balance sheet, income statement, and statement of retained earnings;
- (XIX) if the applicant is a newly created company that is unable to provide the audited financial information requested in subparagraph (VIII): detailed information on the sources of capital funds that will be used to provide telecommunications services, including the amount of any loans, lines of credit, or equity infusions that have been received or requested, and the names of each source of capital funds;
- (XX) the names, business addresses, and titles of all officers, directors, partners, agents and managers who will be responsible for the provisioning of basic emergency service in Colorado;

- (XXI) any management contracts, service agreements, marketing agreements or any other agreements between the applicant and any other entity, including affiliates of the applicant, that relate to the provisioning of basic emergency service in Colorado;
- (XXII) an applicant which has contracted with, or is otherwise relying upon one or more unaffiliated service providers to provide a major component of basic emergency service under its certificate shall identify all such contractors or unaffiliated service providers;
- (XXIII) identification of any of the following actions by any court or regulatory body within the last five years regarding the provisioning of regulated telecommunications services by the applicant, by any of applicant's agents, officers, board members, managers, partners, or management company personnel, or by any of applicant's affiliates that resulted in:
- (A) assessment of fines or civil penalties;
 - (B) assessment of criminal penalties;
 - (C) injunctive relief;
 - (D) corrective action;
 - (E) reparations;
 - (F) a formal complaint proceeding brought by any regulatory body;
 - (G) initiation of or notification of a possible initiation of a disciplinary action by any regulatory body, including but not limited to any proceeding to limit or to place restrictions on any authority to operate any CPCN or any service offered;
 - (H) refusal to grant authority to operate or to provide a service;
 - (I) limitation, de-certification, or revocation of authority to operate or to provide a service; or
 - (J) any combination of the above.
- (XXIV) For each item identified in subparagraph (XXIII) of this paragraph: an identification of the jurisdiction, summary of any applicable notification of a possible initiation or pending procedure, including the docket, case, or file number, and, upon the request of the Commission or its Staff, a copy of any written decision; and
- (XXV) acknowledgment that by signing the application, the applicant:
- (A) certifies that it possesses the requisite managerial qualifications, technical competence, and financial resources to provide the basic emergency service for which it is applying;
 - (B) understands that:
 - (i) the filing of the application does not by itself constitute authority to operate;

- ~~(ii)~~ a Commission finding that the application is complete is not a ruling on the merits of the application;
- ~~(iii)~~ if the application is granted, the applicant shall not provide service until:
 - (a) the applicant complies with applicable Commission rules and any conditions established by Commission order granting the application;
 - and (b) has an effective tariff on file with the Commission;
- ~~(C)~~ agrees to respond in writing, within ten days, to all customer informal complaints made to the Commission;
- ~~(D)~~ agrees to contribute, in a manner prescribed by federal or state statute, rule, or administrative order establishing an explicit subsidy mechanism or other fund to which basic emergency service providers are required to contribute;
- ~~(E)~~ certifies that, pursuant to the tariff under which its service is offered, it will not unjustly discriminate among customers in the same class of service; and
- ~~(F)~~ certifies that the applicant will not permit any other person or entity to operate under its Commission-granted authority without explicit Commission approval.
- ~~(#XXVI)~~ The BESP's service area shall be the state of Colorado, but the applicant shall identify the geographic area the BESP initially intends to serve;
- ~~(III)~~ The name, address, and telephone number of each provider offering local exchange services in the geographic area that is the subject of the application;
- ~~(#XXVII)~~ If the applicant has previously filed with the Commission current reports or material that include the information required in subparagraph (I) and (II), it may confirm this by filing an attestation of completeness and accuracy with proper citation of title and date of the other filed material; and
- ~~(#XXVIII)~~ Aa detailed statement describing the means by which it will provide basic emergency service. This statement shall include, but is not be limited to:
 - ~~(A)~~ Tthe technical specifications for the system that will be used to provide the basic emergency services, including information on emergency restoration of the system;
 - ~~(B)~~ Aall inter-company agreements used to implement and operate the service;
 - ~~(C)~~ All agreements with ALI database providers;
 - ~~(D)~~ All inter-governmental agreements regarding governing bodies or PSAPs;
 - ~~(EC)~~ Aall interconnection agreements between the BESP and: basic local exchange carriers, wireless carriers, other BESPs, and other telecommunications providers; and
 - ~~(FD)~~ Pproposed tariffs.
- ~~(d)~~ A current, audited financial statement showing that the applicant's assets, liabilities, and net worth are sufficient to provide emergency services.

(ed) An acknowledgment that the applicant will provide basic emergency service in accordance with these rules and all applicable quality of service rules.

(e) While the application is pending, the applicant shall amend its application to report any changes to the information provided within five business days of any such change, so as to keep its application current.

2135. Uniform System of Accounts, Cost Segregation and Collection.

All BESP's shall maintain their books and records and perform separation of costs as prescribed by rules 2400 through 2459, or as otherwise prescribed by the Commission.

2136. Obligations of Basic Emergency Service Providers.

- (a) A BESP certificated by the Commission, shall obtain facilities from or interconnect with all ~~basic local exchange carriers, rule-compliant wireless carriers, and other~~originating service providers telecommunications providers who have customers in areas ~~designated by governing bodies for the aggregation and transmission of 9-1-1 calls or E9-1-1 calls in the area served by the BESP.~~ BESP's shall interconnect with all other BESP's ~~with facilities in the serving area.~~ ~~A BESP shall create, or amend as necessary, provisions in its interconnection agreements with all basic local exchange carriers, wireless carriers, other BESP's, and other telecommunications providers to require compliance with rule 2130 through 2159.~~
- (b) At the request of ~~a basic local exchange carrier, wireless carrier~~an originating service provider, intermediary aggregation service provider, or other BESP, ~~or other telecommunications provider within the area specified by a governing body,~~ a BESP shall provide and/or arrange for the necessary facilities to interconnect, switch route and transport 9-1-1 calls and ALL from the ~~basic local exchange carriers, wireless carriers, originating service provider, intermediary aggregation service provider, or~~ other BESP's, ~~or other telecommunications providers~~ to the PSAP that is responsible for answering the 9-1-1 calls. Interconnection shall be accomplished in a timely manner, generally not more than 30 days from the time the BESP receives a written order. Interconnection facilities shall generally be engineered as follows:
- (I) ~~D~~edicated facilities for connecting each ~~basic local exchange, wireless carrier, or other telecommunications provider switch originating service provider, intermediary aggregation service provider, or other BESP~~ to a BESP shall be based on the requirements established by the BESP to serve the customers within that local exchange; or
- (II) ~~I~~f shared or common facility groups are used to transport calls from the ~~basic local exchange carrier, wireless, or other telecommunications provider switch originating service provider or intermediary aggregation service provider~~ to a BESP, they shall be sized to carry the additional call volume requirements. Additionally, common or shared groups shall be arranged to provide 9-1-1 calls on a priority basis where economically and technically feasible.
- (c) A BESP shall develop and file with the Commission tariffs that establish cost-based rates for basic emergency services. These rates shall be averaged over the entire geographic area the BESP is certificated to it serves, except as otherwise provided in subparagraph 2143(a)(III). ~~The costs shall include an aggregation of all costs to the BESP of E9-1-1 related facilities provided to it by all basic local exchange carriers, wireless carriers, resellers, or other telecommunications providers in the geographic area as well as the costs of the E9-1-1 related facilities provided by the BESP itself.~~

- (d) A BESP shall render a single monthly bill for its tariff services provided to the appropriate governing body. The monthly bill shall ~~identify the total number of lines billed to the governing body and shall also separately identify the wireless communications access and wireline access quantities used to compute the monthly bill~~ be sufficiently detailed to allow the governing body to determine that it is being billed properly based on the billing increments as approved by the Commission.
- (e) ~~On a quarterly basis, 30 days after the end of each quarter, each LEC shall report to the BESP the local exchange access line quantities and each wireless provider shall report to the BESP the wireless communications quantities by geographical area in the manner specified by the BESP so that the BESP may compute the monthly billing to the each governing body for the tariff services provided by the BESP. On a quarterly basis, 60 days after the end of each quarter, the BESP shall re-compute the monthly billing to the governing body and shall furnish to the governing body the detailed quantities, by LEC and wireless provider, that will be used in the computation of the subsequent monthly billing by the BESP to the governing body. A BESP shall not be required to interconnect with a LEC or wireless provider for the provision of E9-1-1 related facilities that will not identify to the BESP on a quarterly basis, 30 days after the end of each quarter, the quantities of exchange access lines for the LEC and the wireless communications quantities by geographical area in the manner specified by the BESP. The BESP shall coordinate with the 9-1-1 Advisory Task Force to establish a process for ensuring units used for tariff pricing are accurate and up-to-date.~~
- (f) BESP shall ensure, to the extent possible and in the most efficient manner, that telecommunication services are available for transmitting 9-1-1 calls from the deaf, hard of hearing, and persons with speech impairments ~~hearing and speech impaired persons~~ to the appropriate PSAP.
- (g) A BESP shall ensure that all basic emergency service facilities ~~E9-1-1 facilities, including and interconnections between it and the basic local exchange carriers, wireless carriers, and other telecommunications providers~~ originating service providers, intermediary aggregation service providers, and other BESPs are engineered, installed, maintained and monitored in order to provide a minimum of two circuits and a minimum grade of service that has 1 percent (P.01) grade of service (one percent or less blocking during the busy hour), or such other minimum grade of service requirements approved by the Commission.
- ~~(h) Where a BESP obtains facilities from a basic local exchange carrier for delivery of 9-1-1 calls to a PSAP, the rates for such facilities shall be reflected in a tariff or agreement filed for approval with the Commission. Such tariffs or agreements shall ensure that such facilities are engineered, installed, maintained and monitored to provide a minimum of two circuits and a grade of service that has one percent (P.01) or less blocking. The basic local exchange carrier providing such facilities shall not be considered a BESP. The provisions of this rule shall not apply to routing arrangements implemented pursuant to paragraph 2143(d).~~
- (hi) To expedite the restoration of service following a 9-1-1 failures or outages, each BESP shall designate a telephone number for PSAPs, ~~wireless carriers, LECs, or other telecommunications providers~~ originating service providers to report trouble. Such telephone number shall be staffed seven days a week, 24 hours a day, by personnel capable of processing calls to initiate immediate corrective action.
- (ij) A BESP shall keep on file with the Commission its contingency plan as described in paragraph 2143(d) ~~and include in its contingency plan designated phone numbers of the LECs, CLECs, resellers, wireless carriers, other telecommunications providers, PSAPs, and governing bodies to expedite the restoration of service as described in rule 2143. These telephones shall be staffed seven days a week, 24 hours a day, by personnel capable of processing calls to initiate~~

~~immediate corrective action. It shall be the responsibility of the individual LECs, resellers, wireless carriers, other telecommunications providers, PSAPs, and governing bodies to convey this information, and any updates or changes, to the Commission and to the BESP for inclusion in the contingency plan.~~

- (jk) ~~BESPs shall identify originating service providers supplying service within a governing body or PSAP's service area, or statewide, to the extent that the BESP possesses such information, in response to a request from a governing body, PSAP, or the Commission and ALI database providers may request access to line counts and wireless customer counts by geographic area from the LECs, resellers, wireless carriers, and other telecommunications providers who are, pursuant to the request of a governing body, providing 9-1-1 service. Such information allows a BESP and/or ALI database provider to properly bill its appropriate 9-1-1 services to the governing bodies; however, line counts shall be treated as confidential and not improperly disclosed by the BESP or ALI database provider to any person or entity other than the PSAPs for exclusive use in billing purposes. The BESP or ALI Database Provider shall gain agreement from the PSAPs that, as a condition of receiving this information, the PSAPs shall not disclose confidential access line and wireless customer counts, nor use this information for any purpose other than to verify BESP or ALI database provider billing to the PSAP or to verify the accuracy of the emergency telephone charge billing by the carriers to their end users.~~

2137. ~~Obligations of ALI Database Providers~~[Reserved].

- (a) ~~The ALI database provider shall provide sufficient facilities to interconnect its database to the PSAPs to meet the requirements of the PSAPs or the governing body.~~
- (b) ~~If the ALI database provider is not the BESP, it shall provide to BESPs, for the geographic areas served, all information required by the BESPs to ensure that calls are routed from the end users to the correct PSAP.~~
- (c) ~~No BESP, LEC, wireless carrier, or other telecommunications provider shall interconnect with an ALI database provider unless the ALI database provider provides sufficient facilities to interconnect its database to the PSAPs so that it can meet the requirements of the governing body or PSAP and comply with paragraphs 2137(a) and (b) and the relevant provisions of rule 2141 of these rules.~~
- (d) ~~If the ALI database provider is also a BESP, basic local exchange carrier, wireless carrier, or other telecommunications provider, the ALI database provider shall interconnect in the manner prescribed for BESPs in paragraph 2136(b).~~

2138. ~~Obligations of Basic Local Exchange Carriers~~Payphone Providers.

~~All payphone providers must ensure that access to dial tone, emergency calls, and telecommunications relay service calls for the deaf, hard of hearing, and individuals with speech impairments is available from all payphones at no charge to the caller, pursuant to 47 C.F.R. 64.1330(b).~~

- (a) ~~All basic local exchange carriers in a geographic area for which a governing body has requested the provision of 9-1-1 service shall deliver 9-1-1 calls, at an agreed point of interconnection within that geographic area, to a certificated BESP at rates in an approved tariff applicable to BESPs. If the BESP and the basic local exchange carrier or reseller agree, direct trunks, tandem switched trunks, common or joint circuits may be used to transport calls from the basic local exchange carrier or reseller to the PSAP.~~
- (b) ~~All basic local exchange carriers shall furnish name, address and telephone number information for all customers of the basic local exchange carrier, including non-published or non-listed~~

~~customers, to the ALL database providers for the provision of 9-1-1 services and emergency notification services. All basic local exchange carriers shall furnish such information within 24 hours and in accordance with rule 2144 only after each recipient has stated formally in writing that the recipient has complied with rule 2142 of these rules. All costs for providing this customer information and updates to this information shall be considered as part of basic local exchange service and shall be recovered through the non-recurring basic local exchange rates, unless provided for in a separate tariff approved by the Commission.~~

- ~~(c) All local exchange carriers and resellers of local exchange services shall collect and remit the emergency telephone charge as required by § 29-11-100.5, C.R.S., et seq., to the appropriate governing body.~~
- ~~(d) The basic local exchange carrier shall ensure that all E9-1-1 facilities and interconnections between it and a BESP are engineered, installed, maintained and monitored to provide a minimum of two circuits and a grade of service that has one percent (P.01) or less blocking.~~
- ~~(e) To expedite the restoration of service following 9-1-1 failures or outages, each basic local exchange carrier shall designate a telephone number that PSAPs or BESP's can use to report trouble. Such telephone number shall be staffed seven days a week, 24 hours a day by personnel capable of processing the call to initiate immediate corrective action.~~
- ~~(f) On a quarterly basis and no later than 30 days after the end of each quarter, each LEC shall report, to the BESP, the local exchange access line quantities by geographical area, in the manner specified by the BESP, so that the BESP may compute the monthly billing to each governing body for the tariff services provided by the BESP.~~
- ~~(g) All basic local exchange carriers shall give formal written notice of intent to provide dial tone within an exchange to the governing body responsible for the PSAP within that exchange prior to activating service. This notice is for purposes of the governing body arranging the appropriate connections to a BESP, exchange of seven days per week, 24 hours per day telephone contact information, and arrangements for the collection and remittance of the 9-1-1 emergency telephone charge.~~
- ~~(h) Interconnections with payphone providers.
 - ~~(I) A basic local exchange carrier shall not interconnect with a payphone provider unless that provider:
 - ~~(A) Allows customers to place a 9-1-1 call without requiring a coin deposit or other charges; and~~
 - ~~(B) Furnishes the ALL database provider(s), the LEC that provides the dial tone connection, the PSAP, the governing body, and the BESP, the Commission-required name and location information.~~~~
 - ~~(II) The prohibition in this paragraph (g) shall not apply to payphones provided to inmates in penal institutions where access to 9-1-1 is not required.~~~~

~~2139. – 2140. [Reserved].—Obligations of Resellers Of Basic Local Exchange Service.~~

- ~~(a) All resellers of basic local exchange service shall ensure that the underlying basic local exchange carrier has sufficient facilities to transport the 9-1-1 calls from the reseller's customers to a BESP.~~
- ~~(b) If the reseller is using a switch, for example a PBX, to aggregate or switch calls before the calls are in the facilities of a basic local exchange carrier, the reseller shall ensure that its switch is capable of delivering ANI for each telephone extension connected to the switch.~~
- ~~(c) On a quarterly basis, and no later than 30 days after the end of each quarter, each reseller shall report to the BESP the local exchange access line quantities by geographical area in the manner specified by the BESP so that the BESP may compute the monthly billing to each governing body for the tariff services provided by the BESP.~~

~~2140.—Obligations of Wireless Providers.~~

~~All wireless providers interconnecting to the facilities of the BESP for the provision of Enhanced 9-1-1 services shall on a quarterly basis, 30 days after the end of each quarter, provide a report to the BESP the wireless communications quantities by geographical area in the manner specified by the BESP so that the BESP may compute the monthly billing to each governing body for the tariff services provided by the BESP.~~

2141. Obligations of Multi-line Telephone Systems (MLTS).

- (a) For purposes of this rule:
 - (I) "End user" means the person making telephone calls, including 9-1-1 calls, from the MLTS that provides telephone service to the person's place of employment, school, or to the person's permanent or temporary residence.
 - (II) "Residence" or "residence facility" shall be interpreted broadly to mean single family and multi-family facilities including apartments, townhouses, condominiums, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures.
 - (III) "Written information" means information provided by electronic mail, facsimile, letter, memorandum, postcard, or other forms of printed communication.
- (b) When the method of dialing a local call from an MLTS telephone requires the end user to dial an additional number to access the public switched network, MLTS operators shall provide written information to each of their end users describing the proper method of accessing ~~emergency telephone service (ETS), or 9-1-1, service~~ in an emergency.
 - (I) Such written information shall be provided to each end user by placing stickers or cards including the appropriate method to access ~~ETS-9-1-1~~ on each MLTS telephone. Additionally, such written information shall be provided to each individual end user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility.
 - (II) At a minimum, such written information that is attached to the telephone and provided annually, shall include the following words: "To dial 9-1-1 in an emergency, you must dial #-9-1-1." [# = Insert proper dialing sequence].

- (c) When calls to access ETS-9-1-1 service from an MLTS do not give one distinctive ANI and one distinctive ALI, or both, for each end user, the MLTS operator shall instruct, in writing, that the end user must stay on the telephone and tell the ETS-9-1-1 telecommunicator operator the telephone number and exact location.
- (I) Such written information shall be provided to each individual end user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility. Whenever possible, such information also shall be placed on cards or stickers on or next to the MLTS telephone.
- (II) At a minimum, such written information shall include the following words: "When calling 9-1-1 from this telephone in an emergency, you must stay on the telephone and tell ~~the~~ 9-1-1 ~~operator~~ your phone number and exact location. This telephone does not automatically give ~~the~~ 9-1-1 ~~operator~~ your phone number and exact location. This information is critical for a quick response by police, fire, or ambulance."
- (III) If an MLTS operator provides telephones that are not assigned to a particular end user, but that may be used by members of the public, the MLTS operator shall place a sticker or card on or next to the pertinent telephone either identifying the method for dialing 9-1-1 from that telephone or stating there is no 9-1-1 access from that telephone.
- (d) Exemption from rules. The disclosure requirements of this rule shall not apply to MLTS provided to inmates in penal institutions, jails, or correctional facilities, to residents of mental health facilities, or to residents of privately contracted community correctional facilities, including substance abuse and mental health treatment facilities, or other such facilities where access to ETS-9-1-1 service is not required.

2142. Nondisclosure of Name/Number/Address Information.

- ~~(a) ALI database providers, governing bodies and PSAPs shall sign non-disclosure agreements consistent with this rule. If an ALI database provider, governing body or PSAP does not execute a non-disclosure agreement, LECs, wireless carriers, other telecommunications providers, and BESP s shall not be required to provide telephone numbers, including non-published and non-listed telephone numbers.~~
- ~~(b) Pursuant to rules 1103, 1104, and 2360 through 2399, no basic local exchange carrier shall disclose personal information of any person to any BESP, ALI database provider, governing body, or PSAP unless each potential recipient of personal information has stated formally in writing to the basic local exchange carrier or reseller of basic local exchange service that it has agreed to non-disclosure of personal information consistent with this rule.~~
- (ea) ALI database information shall not be used for purposes other than for responding to requests for 9-1-1 emergency assistance (including maintenance of GIS address data used for 9-1-1 responses), initiating delivery of emergency warnings using an emergency notification service (including development of an emergency notification database and address verification), or periodic testing of these services. BESP s that provide ALI service shall provide one database extract per year to requesting 9-1-1 governing bodies at no cost. Additional extracts may be purchased at cost. For example, the ALI database includes listed as well as non-listed and non-published telephone numbers. Use of the ALI database to obtain non-listed or non-published numbers for purposes other than responding to requests for 9-1-1 emergency assistance or emergency notification service is prohibited. However, a query, or reverse search of the ALI database, initiated at the PSAP to electronically obtain the ALI data associated with a known telephone for purposes of handling an 9-1-1 emergency call is permitted.

- (db) If personal information is improperly disclosed and that disclosure is the fault of a ~~by the~~ BESP, the provider ~~BESP responsible for disclosing it~~ shall pay the applicable charges tariff rates of the basic local exchange carrier, wireless carrier, reseller, or other telecommunications provider for changing a customer's telephone number, unless the customer declines such number change.

2143. Diverse Routing and Priority Service Restoration.

(a) Diversity of 9-1-1 circuits.

- (I) All BESP's providing basic emergency service to a governing body or PSAP's demarcation point shall take reasonable measures to provide reliable basic emergency service with respect to circuit diversity, central-office backup power, and diverse network monitoring. Where feasible, 9-1-1 circuits shall be physically and geographically diverse.
- (A) Circuits or equivalent data paths are physically diverse if they provide more than one physical route between end points with no common points where a single failure at that point would cause both circuits to fail. Circuits that share a common segment such as a fiber-optic cable or circuit board are not physically diverse even if they are logically diverse for purposes of transmitting data.
- (B) Circuits or equivalent data paths are geographically diverse if they take different paths from endpoint to endpoint, not following the same geographic route.
- (II) On a date six months from adoption of this rule, and at such other times as may be deemed necessary by the Commission, each BESP and ALI provider (if offering service separately from a BESP) shall develop and file confidentially, in an appropriate proceeding with the Commission, 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. Information confidentially filed with this diversity plan shall include:
- (A) maps depicting the provider's basic emergency service architecture;
- (B) a list and description, including geographic location, of every point within the provider's portion of the 9-1-1 system and network where monitoring, backup power, and/or physical and geographically diverse redundancy are not present;
- (C) a description of which items from subparagraph (a)(II)(B) of this rule the provider proposes to improve, how the provider proposes to improve the items, and a proposed timetable for deploying these improvements;
- (D) a description of which items from subparagraph (a)(II)(B) of this rule the provider proposes to not improve, and an explanation of why it proposes to not improve them; and
- (E) the costs, averaged statewide, associated with each improvement listed in subparagraphs (a)(II)(C) and (D) of this rule.
- (III) Following Commission approval of the diversity plan, or portions thereof, the provider shall file a new tariff or modify an existing tariff for implementation of the plan, as directed by the Commission. A 9-1-1 governing body or PSAP may submit a request to a BESP for diversity not included in the approved diversity plan. Following negotiation, the BESP

shall file an application requesting Commission approval of the proposed prices, terms, and conditions responsive to the request.

(IV) Pursuant to subparagraph (a)(II) of this rule, after the effective date of the tariff each provider shall file quarterly updates with the PUC on its efforts to meet the deployment schedule required by subparagraph (a)(II)(C).

- ~~(a) Facilities for 9-1-1 service shall be diversely routed, using different circuit routes wherever feasible. When the governing body requests diverse routing, the BESP shall develop cost-based tariff rates for diverse routing of 9-1-1 circuits. Basic local exchange carriers shall ensure that current 9-1-1 circuit routing profiles are maintained and that circuits are individually tagged where possible to prevent inadvertent disruption. Upon request by the governing body for priority service restoration, basic local exchange carriers and BESP shall develop and implement cost-based tariff rates for priority service restoration of 9-1-1 services.~~
- (b) BESPs, wireless carriers, basic local exchange carriers, and other telecommunications providers shall work cooperatively with the PSAPs to ensure an effective way of tracking the status report of a 9-1-1 failure or outages (e.g., issuance of a trouble tickets number in order to track such a failure or outage). Originating service providers should work cooperatively with the PSAPs and the BESP to track the status of 9-1-1 outages. Each provider should provide to the 9-1-1 governing body or PSAP and the BESP a telephone number that the PSAPs or BESPs can use to report trouble. Such telephone number should be staffed seven days a week, 24 hours a day by personnel capable of processing the call to initiate immediate corrective action.
- (c) A-BESPs shall notify the a person, agency, or responsible partyies designated by the governing bodyies regarding a present or potential 9-1-1 failure or outage. These notifications shall includeA BESP shall notify the designee of the governing body immediately of the nature and, extent of the, and actions being taken to correct the present or potential 9-1-1 failure or outages and the actions taken to correct them, to the extent known by the BESP(s). In the event the PSAP detects a failure or degradation in the 9-1-1 system, the PSAP should shall immediately notify the BESPs which provide 9-1-1 service in that the geographic area affected by the outageof the failure. These notifications shall be made as soon as is practicable.
- (d) 9-1-1 contingency plans. Beginning in 2018, each BESP and ALI provider (if offering service separately from a BESP) shall develop a 9-1-1 reliability and contingency plan in collaboration with all affected BESPs, basic local exchange carriers which provide final delivery of 9-1-1 calls to a PSAP, ALI providers, intermediary aggregation service providers, originating service providers, governing bodies, and PSAPs, to be confidentially filed annually with the Commission no later than April 30. A 9-1-1 reliability and contingency plan shall include:
- (I) identification and location of all primary and backup facilities, equipment and databases or any and all other components related to basic emergency service;
- (II) an identification and description of all demarcation points with BESPs, ALI providers, and PSAPs;
- (III) all contingency processes and information from BESPs, originating service providers, intermediary aggregation service providers, PSAPs, and governing bodies necessary for public safety operations until 9-1-1 service is restored;
- (IV) contact information for designated representatives for each PSAP and/or governing body; and

- (V) any other details deemed relevant as determined by the relevant parties or the Commission.
- (VI) All providers required to file a 9-1-1 reliability and contingency plan pursuant to this paragraph (d) shall notify affected PSAPs and governing bodies of any known changes that may require an update to the 9-1-1 reliability and contingency plan.
- ~~(I) Basic local exchange carriers, wireless carriers, other telecommunications providers, and BESP, in cooperation with the governing bodies, shall develop 9-1-1 contingency plans. The plan shall detail the actions to be taken in the event of a 9-1-1 failure or outage. A BESP shall maintain a copy of each of these plans. BESP are required to provide a copy of the plan to the Commission by April 30 each year. The basic local exchange carriers and BESP shall notify the PSAPs of any changes in the network which may require a change to the previously agreed upon 9-1-1 contingency plan. Nothing in this rule shall preclude the BESP or the basic local exchange carrier from developing and seeking rate recovery for permanent equipment or alternate route solutions to mitigate 9-1-1 failures or outages.~~
- ~~(II) A 9-1-1 contingency plan shall:~~
- ~~(A) Include the designated telephone number of the LEC, CLEC, reseller, wireless carrier, other telecommunications provider, PSAP, or governing body, as required in rule 2136(h);~~
 - ~~(B) Arrange to temporarily re-route 9-1-1 calls to another PSAP;~~
 - ~~(C) Arrange, with the cooperation of the basic local exchange carrier, wireless carrier, or other telecommunications provider to route 9-1-1 calls to a local telephone number; or~~
 - ~~(D) Provide another mutually agreed upon temporary solution so that 9-1-1 calls can be answered until 9-1-1 service is restored.~~
- ~~(e) If a 9-1-1 failure or outage exceeds or is anticipated to exceed 15 minutes from the time a BESP becomes aware of the outage and after notification to the PSAP, the BESP shall implement the contingency plan of required by rule paragraph 2143(d) or provide temporary solutions so that 9-1-1 calls can be answered until 9-1-1 service is restored, as mutually agreed upon.~~
- ~~and shall perform the following actions, if applicable:~~
- ~~(I) Arrange to temporarily re-route 9-1-1 calls to another PSAP;~~
 - ~~(II) Arrange, with the cooperation of the basic local exchange carrier, to route 9-1-1 calls to a local telephone number;~~
 - ~~(III) Use facilities obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions, such as private network facilities and governmental facilities; or~~
 - ~~(IV) Provide other mutually agreed upon temporary solutions so that 9-1-1 calls can be answered until 9-1-1 service is restored.~~
- ~~(f) In the event that the anticipated failure in the provision of 9-1-1 service is in the facilities of the basic local exchange carrier, wireless carrier, or other telecommunications provider, such provider shall notify the BESP that is responsible for delivering 9-1-1 calls to the PSAP for its~~

~~customers. In the event that the anticipated failure in the provision of 9-1-1 Service is in the facilities of the BESP, it shall be responsible for notification of all basic local exchange carriers, wireless carriers, other telecommunications providers, and PSAPs that will be affected by the failure.~~

- (gf) A BESP ~~and the basic local exchange carrier~~ shall have qualified service technicians on site, when necessary, within two hours ~~or their best effort, after being notified by the PSAP of discovering a a failure of the~~ 9-1-1 ~~outage, or their best efforts~~ system.
- (hg) If a ~~disruption of basic emergency service 9-1-1 failure or outage~~ exceeds 30 minutes, the responsible BESP or the responsible basic local exchange carrier providing facilities pursuant to paragraph 2136(h) shall ~~verbally~~ inform the Commission within two hours. ~~Such notification shall be made in a manner prescribed in compliance with the policies adopted by the Commission, outlining the nature and extent of the outage, and shall file a written report with the Commission. This notification shall be followed by a report filed with the Commission, which follows~~ Commission reporting format and guidelines within 30 days of such outage. As an alternative to ~~or in addition to~~ the 30-day written report, the Director, or the Director's designee, may request, on a case-by-case basis, a separate written report within five days from the time of the request, outlining the nature, cause, and extent of the outage, and corrective action taken.
- (h) ~~Following the restoration of 9-1-1 service, the BESP shall, at the request of a PSAP or governing body, provide to the affected PSAPs the call back numbers of any calls that were made to 9-1-1 but were unable to be delivered due to the 9-1-1 outage, if available to the BESP. This information shall be provided within two hours of the restoration of 9-1-1 service or as soon as possible under the circumstances. When possible, this information should also include associated ALI information.~~
- (i) ~~Nothing in rule 2143 shall be construed to impose any obligation on any provider other than BESP.~~

2144. Reports.

- (a) ~~Each BESP and basic local exchange carrier shall furnish to the Commission at such time(s) and in such form as the Commission may require, a report(s) in which the provider shall specifically answer the Commission's questions regarding all questions propounded regarding the implementation, usage, availability, 9-1-1 failures or outages, cost of providing, and such other information relevant to the provision of this basic emergency service. These reports shall be provided at regular intervals, to be determined by the Commission, and on a form approved by the Commission.~~
- (b) ~~Periodic or special reports concerning any matter about which the Commission is concerned relative to the provision of 9-1-1 services, such as the failure or outages of 9-1-1 services, shall be provided in a manner determined by the Commission, and on a form approved by the Commission.~~
- (c) ~~Each basic local exchange service carrier and BESP shall report to the Commission its progress in the implementation of basic emergency service in each local exchange area of the state. Such report shall be filed with its Annual Report.~~

2145. 9-1-1 Advisory Task Force.

- (a) The Commission shall establish a 9-1-1 Advisory Task Force. The purpose of the Advisory Task Force is to provide oversight of the statewide implementation and provision of basic emergency service. The Advisory Task Force shall include, but is not limited to, the following representative

parties directly interested in 9-1-1 services: customer groups, governing bodies, basic local exchange service providers, wireless service providers, providers of basic emergency services, customers of basic emergency service, ALI database providers, and other telecommunications providers. The Commission Staff shall be responsible for administering the Advisory Task Force and facilitating its meetings and agenda. The Advisory Task Force shall evaluate alternate technologies, service, and pricing issues related to implementing statewide 9-1-1 services in a cost effective fashion. The ~~9-1-1 Advisory Task Force~~Commission Staff shall provide periodic reports to the Commission on the implementation of 9-1-1 services statewide.

(b) The Advisory Task Force shall:

- (I) ~~serve as a forum for the members to discuss matters pertaining to 9-1-1;~~
- (II) ~~M~~make future recommendations and report to the Commission concerning ~~the continued improvement and advancement of, but not limited to the development of database formatting standards, processes to facilitate the transfer of ALI data, and the implementation of~~ 9-1-1 services in Colorado;
- (III) ~~C~~consider 9-1-1 service quality and ~~the cost of 9-1-1 service to the PSAPs, in both urban and rural areas, and to end-use customers of 9-1-1 service~~ in developing its report and recommendations;
- (~~III~~IV) ~~i~~investigate, ~~analyze, or recommend resolutions and report for existing or anticipated 9-1-1 issues within the state to the Commission the impact of wireless carriers on PSAPs;~~
- (~~IV~~V) ~~i~~investigate and report to the Commission the development, ~~implementation, and transition to any of~~ new 9-1-1 technologies ~~and capabilities, including any impacts to the consumer, originating service provider, service end user, or PSAP; and~~
- (~~V~~V) ~~Study and report to the Commission on the overall costing, funding and billing issues of providing 9-1-1 service, including the 9-1-1 surcharge, tariffs, and PSAP equipment costs; and~~
- (VI) ~~M~~monitor and report to the Commission ~~on FCC proceedings and activities of the FCC and other national organizations and agencies on matters~~ that may affect 9-1-1 services in Colorado.

2146. ~~National Emergency Number Association (NENA) Data~~Technical Standards.

~~The NENA standards incorporated by reference as identified in rule 2008 shall be used for the purpose of defining standard formats for ALI data exchange between basic local exchange carriers, ALI database providers, governing bodies, and BESP. The Commission may consider standards adopted by standards bodies using accredited, nonproprietary, consensus-based approaches to standards development, as appropriate, in connection with its interpretation, evaluations, or enforcement of rules 2130-2159. The Commission's 9-1-1 Advisory Task Force shall publish, at least annually, a list of standards that it recommends be considered by the Commission for this purpose.~~

2147. Applications by the Governing Body for Approval of an ~~9-1-1~~ Emergency Telephone Charge in Excess of Seventy Cents per Month.

- (a) A governing body requesting approval pursuant to § 29-11-102(2)(b), C.R.S., for an ~~emergency telephone~~ charge in excess of ~~seventy cents per month~~the limit established by § 29-11-102(2), C.R.S., shall file an application with this Commission pursuant to 4 CCR 723-2-2002, paragraphs

- ~~(a) through (c) and (e). The Commission may provide a form for this purpose, consistent with these rules. Included in the application shall be supporting attachments or exhibits of budget information, cost information and such other information the Commission may rely upon for justification of the proposed increase in surcharge. The attached information should include present and proposed surcharge remittance estimates, all other revenue sources and amounts, and any other information such as audit reports that may be used to justify the proposed increase in the 9-1-1 charge above \$0.70 per month.~~
- ~~(b) All applications shall include an attestation that the applicant has not used emergency telephone charge funds for purposes not authorized by § 29-11-104(2), C.R.S. within the last 18 months, that the planned use of all future revenues raised from emergency telephone charges are authorized by § 29-11-104(2), C.R.S. and that the applicant agrees to comply with § 29-11-104(5), C.R.S.~~
- ~~(c) Documentation to be included in the application shall be supporting attachments of budget information, cost information and such other information the Commission may rely upon for justification of the proposed increase in emergency telephone charge. The attached information should include present and proposed emergency telephone charge remittance estimates, all other revenue sources and amounts, and any other information that may be used to justify the proposed increase in the emergency telephone charge.~~
- ~~(bd) Notice. Notwithstanding paragraph 2002(d), this rule shall establish the notice procedure for governing bodies applying for approval of an emergency telephone charge in excess of the amount established pursuant to § 29-11-102(2), C.R.S. Within three days after the Commission issues notice of the application, the applicant shall publish a notice of the application in at least one newspaper of general circulation in the area of applicability in at least one edition. The notice shall also be made available for a period of no less than two weeks on the governing body's website, if one exists. The notice shall include: The governing body filing an application for approval of a 9-1-1 charge in excess of \$0.70 per month shall:~~
- ~~(I) Within three days after filing the application, publish one notice of the application in at least one newspaper of general circulation in the area of applicability for at least two weeks.~~
- ~~(II) Ensure that newspaper notice contains:~~
- ~~(IA) The name, address and telephone number of the requesting governing body and the Colorado Public Utilities Commission;~~
- ~~(BI) A statement that the governing body has filed with the Colorado Public Utilities Commission an application to change its currently effective surcharge-emergency telephone charge, and identify both the current and proposed emergency telephone charge to a charge in excess of \$0.70 per month;~~
- ~~(IIIC) The date the application was filed with the Commission and the assigned docket number, proceeding number and the deadline for interventions or objections;~~
- ~~(IVD) The proposed effective date of the new charge;~~
- ~~(VE) A statement of the purpose of the application, including an explanation of the proposed changes;~~
- ~~(VIF) A statement that the application is available for inspection at the office of the governing body utility and at the Colorado Public Utilities Commission; and~~

~~(G) — A statement that any person may file with the Commission a written objection to the application, or an intervention to participate as a party, and an explanation that a mere objection without an intervention shall not be adequate to permit participation as a party;~~

~~(H) — A statement that any person filing a written objection within 60 days of the date the application was filed or a person may file an intervention within 30 days of the date the application was filed; and~~

~~(VII)~~ Aa statement that any person may attend the hearing, if any, and may make a statement under oath about the application, even if such person has not filed a written objection or intervention.

~~(ee)~~ All persons other than the Commission who are required to provide notice shall, within 15 days of providing notice, file an affidavit with the Commission stating the date notice was completed, and the method used to provide it. This affidavit shall be accompanied by a copy of the notice or notices provided.

~~2148. — [Emergency regulation expired 09/21/2015]~~

~~21498. – 2159. [Reserved].~~

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

* * *

[indicates omission of unaffected rules]

2008. Incorporations by Reference.

- (a) The Commission incorporates by reference 47 C.F.R., Parts 32, 36, 54, 68, 69 and Part 64 Subparts I and K (as published February 4, 2015). No later amendments to or editions of these regulations are incorporated in these rules.
- (b) The Commission incorporates by reference the regulations published in 47 C.F.R. Part 64 Subpart U as revised on June 8, 2007. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (c) The Commission incorporates by reference the National Electrical Safety Code, C2-2007 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (d) The Commission incorporates by reference the regulations published in 47 C.F.R. 51.307 through 51.319, as revised on January 28, 2013. No later amendments to or editions of these regulations are incorporated into these rules.
- (e) The Commission incorporates by reference the rule promulgated by the FCC's *LNP First Report and Order*, Decision No. FCC 96-286 in CC Docket No. 95-116, released July 2, 1996. No later amendments to or editions of these requirements are incorporated into these rules.
- (f) The Commission incorporates by reference the FCC's Truth in Billing Rules found at 47 C.F.R. § 64.2401, et seq. revised on November 30, 2012. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (g) The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library.

* * *

[indicates omission of unaffected rules]

Basic Emergency Service

Basis, Purpose, and Statutory Authority

The basis and purpose of these rules is to: (1) define and describe basic emergency service as regulated by § 40-15-201, C.R.S.; (2) prescribe multi-line telephone system (MLTS) operator requirements regarding disclosure to end users of the proper method for accessing 9-1-1 service, and regarding the capability of the MLTS to transmit end users' telephone numbers and location information; (3) prescribe the interconnection environment and relationships between basic emergency service providers (BESPs) and originating service providers and other BESPs; (4) permit use of 9-1-1 databases for outbound wide area notifications in times of emergency; (5) prescribe reporting times of 9-1-1 outages and interruptions; and (6) explicitly recognize the potential for multiple BESPs in Colorado.

The statutory authority for the promulgation of these rules is found at §§ 29-11-102(2)(b); 29-11-106(3); 40-2-108; 40-3-102; 40-3-103; 40-4-101(1) and (2); 40-15-201; 40-15-301; and 40-15-503(2)(g), C.R.S.

2130. Applicability.

- (a) Except as otherwise provided, rules 2130 through 2159 apply only to BESPs.
- (b) Some of the provisions in these rules apply to MLTS operators whose systems do not have automatic number and automatic location identification capability, or whose systems require the dialing of an additional digit(s) to access the public switched network.

2131. Definitions.

The following definitions apply only in the context of rules 2130 through 2159:

- (a) "9-1-1" means a three-digit abbreviated dialing code used to report an emergency situation requiring a response by a public agency such as a fire department or police department.
- (b) "9-1-1 facilities" means the facilities (e.g., trunks or transmission paths) that connect from the central office serving the individual telephone that originates a 9-1-1 call to the 9-1-1 selective router or functional equivalent and subsequently connects to a Public Safety Answering Point (PSAP). These may include, but are not limited to, point-to-point private line facilities owned, leased or otherwise acquired by a BESP. Common or shared facilities also may be used. These facilities may include private network facilities and governmental facilities (if available) obtained for alternative routing of E9-1-1 calls for temporary use during service interruptions.
- (c) "9-1-1 outage" means a situation in which 9-1-1 calls cannot be transported from the end users to the PSAP responsible for answering the 9-1-1 emergency calls. 9-1-1 outages also include the inability to deliver location information to the PSAP from the 9-1-1 Automatic Location Identification (ALI) database or a loss of the 9-1-1 ALI functionality.
- (d) "9-1-1 selective router" means the telecommunications switch or functional equivalent dedicated to aggregation of 9-1-1 call traffic from public networks and proper routing of 9-1-1 call traffic to PSAPs.
- (e) "9-1-1 service" means the service by which a 9-1-1 call is routed and transported from the end user placing a 9-1-1 call to the PSAP serving the caller's location. 9-1-1 service also includes any related caller location information routed to the PSAP, if any.

- (f) "Automatic Location Identification" (ALI) means the automatic display, on equipment at the PSAP, of the telephone number and location of the caller. ALI data includes non-listed and non-published numbers and addresses, and other information about the caller's location.
- (g) "ALI provider" means any person that provides ALI service to basic emergency service providers and the governing body for a specific geographic area.
- (h) "ALI service" means all the services, features, and functionalities of elements and components used to provide ALI, including the applications, databases, management processes and services, selective routing, aggregation, and transport, without regard to the technology used, provided to the governing body or PSAP of a specific geographic area. ALI service does not include the provision of ALI by originating service providers, intermediary aggregation service providers, PSAPs, 9-1-1 governing bodies, or local governments.
- (i) "Automatic Number Identification" (ANI) means the automatic display of the caller's telephone number at the PSAP.
- (j) "Basic emergency service" means the aggregation and transportation of a 9-1-1 call directly to a point of interconnection with a governing body or PSAP, regardless of the technology used to provide the service. The aggregation of calls means the collection of 9-1-1 calls from one or more originating service providers or intermediary aggregation service providers for the purpose of selectively routing and transporting 9-1-1 calls directly to a point of interconnection with a governing body or PSAP. The offering or providing of ALI service or selective routing directly to a governing body or PSAP by any person is also a basic emergency service. Basic emergency service does not include:
 - (I) the portion of a 9-1-1 call provided by an originating service provider;
 - (II) the services provided by an intermediary aggregation service provider;
 - (III) the delivery of a 9-1-1 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP;
 - (IV) the delivery of a 9-1-1 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 9-1-1 call; or
 - (V) the delivery of text-to-9-1-1 via interim methods.
- (k) "Basic Emergency Service Provider" (BESP) means any person certificated by the Commission to provide basic emergency service.
- (l) "Demarcation point" means the physical point where the responsibility for a portion of a network changes from one party to another.
- (m) "Emergency notification service" (ENS) means a service in which, upon activation by a public safety agency:
 - (I) the 9-1-1 database or a database which may be derived in whole or in part from the 9-1-1 database is searched to identify all stations located within a geographic area;
 - (II) a call is placed to all such stations or all of a certain class of stations within the geographic area (e.g., to exclude calls to facsimile machines, Internet/data access lines, etc.); and

- (III) a recorded message is played upon answer to alert the public to a hazardous condition or emergency event in the area (e.g., flood, fire, hazardous material incident, etc.).
- (IV) ENS may also include the transmission of messages to individuals by other means, including text messages, e-mail, facsimile, or other mass alerting method or system.
- (n) "Emergency telephone charge" means a charge established by a governing body pursuant to § 29-11-102(2)(a), C.R.S., or established by § 29-11-102.5(2)(a), C.R.S., to pay for the expenses authorized in § 29-11-104, C.R.S.
- (o) "Enhanced 9-1-1" (E9-1-1) means 9-1-1 service that includes the association of ANI and ALI (including non-listed and non-published numbers and addresses), and selective routing.
- (p) "Geographic area" means the area such as a city, municipality, county, multiple counties or other areas defined by a governing body or other governmental entity for the purpose of providing public agency response to 9-1-1 calls.
- (q) "Governing body" means the organization responsible for establishing, collecting, and disbursing the emergency telephone charge in a specific geographic area, pursuant to §§ 29-11-102, 103, and 104, C.R.S.
- (r) "Intermediary aggregation service provider" means a person that aggregates and transports 9-1-1 calls for one or more originating service providers for delivery to a BESP selective router or the functional equivalent of such a router.
- (s) "Multi-line telephone system" (MLTS) means a system comprised of common control units, telephones, and control hardware and software providing local telephone service to multiple customers in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone system includes:
 - (I) Network and premises-based systems such as Centrex, PBX, and hybrid-key telephone systems; and
 - (II) Systems owned or leased by governmental agencies, nonprofit entities, and for-profit businesses.
- (t) "Multiple-line telephone system operator" means the person that operates an MLTS from which an end user may place a 9-1-1 call through the public switched network.
- (u) "Originating service provider" (OSP) means a local exchange carrier, wireless carrier, Voice-over-Internet-Protocol service provider, or other provider of functionally equivalent services supplying the ability to place 9-1-1 calls.
- (v) "Public Safety Answering Point" (PSAP) means a facility equipped and staffed to receive and process 9-1-1 calls from a BESP.
- (w) "Selective routing" means the capability of routing a 9-1-1 call to a designated PSAP based upon the location of the end user, as indicated by the 10-digit telephone number of the fixed location subscriber dialing 9-1-1, the p-ANI (ESRK or ESQK), or otherwise permitted by FCC rule, regulation, or order.

2132. -2133. [Reserved].

2134. Process for Certification of Basic Emergency Service Providers (BESPs).

- (a) The Commission finds and declares that the public convenience and necessity require the availability, and, when requested, the provision of basic emergency service throughout Colorado, and further that such basic emergency service is vital to the public health and safety and shall be provided solely by properly certificated BESPs.
- (b) The Commission may certify additional or different BESPs to offer basic emergency service if such certification is in the public interest. Each application for certification shall be considered on a case-by-case basis.
- (c) Notwithstanding paragraphs 2103(a) and 2002(b), an application for authority to provide basic emergency service shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attachments:
 - (I) the name and address of the applicant;
 - (II) the name(s) under which the applicant is, or will be, providing telecommunications service in Colorado;
 - (III) the name, address, telephone number, and e-mail address of the applicant's representative to whom all inquiries concerning the application should be made.
 - (IV) the name, address, telephone number, and e-mail address of the applicant's contact person for customer inquiries concerning the application, if that contact person is different from the person listed in subparagraph (III);
 - (V) a statement indicating the town or city, and any alternate town or city, where the applicant prefers any hearings be held (if not at the Commission's offices in Denver, the town or city and any alternate town or city shall be within applicant's proposed initial service area);
 - (VI) a statement that the applicant agrees to respond to all questions propounded by the Commission or Commission staff concerning the application;
 - (VII) a statement that the applicant shall permit the Commission or Commission staff to inspect the applicant's books and records as part of the investigation into the application;
 - (VIII) a statement that the applicant understands that if any portion of the application is found to be false or to contain material misrepresentations, any authorities granted may be revoked upon Commission order;
 - (IX) acknowledgment that, by signing the application, applicant understands that:
 - (A) the filing of the application does not by itself constitute approval of the application;
 - (B) if the application is granted, the applicant shall not commence the requested action until the applicant complies with applicable Commission rules and with any conditions established by Commission order granting the application;

- (C) if a hearing is held, the applicant shall present evidence at the hearing to establish its qualifications to undertake, and its right to undertake, the requested action; and
- (D) in lieu of the statements contained in subparagraphs (b)(IX)(A) through (C) of this rule, an applicant may include a statement that it has read, and agrees to abide by, the provisions of subparagraphs (b)(IX)(A) through (C) of this rule.
- (X) an attestation which is made under penalty of perjury; which is signed by an officer, a partner, an owner, an employee of, an agent for, or an attorney for the applicant, as appropriate, who is authorized to act on behalf of the applicant; and which states that the contents of the application are true, accurate, and correct. The application shall contain the title and the complete address of the affiant;
- (XI) the applicant's proposed notice to the public and its customers, if such notice is required;
- (XII) name, mailing address, toll free telephone number, and e-mail address of applicant's representative responsible for responding to customer disputes;
- (XIII) name, mailing address, telephone number, and e-mail address of applicant's representative responsible for responding to the Commission concerning customer informal complaints;
- (XIV) the applicant's applicable organizational documents, e.g., Articles of Incorporation; Partnership Agreement; Articles of Organization, etc.;
- (XV) if the applicant is not organized in Colorado, a current copy of the certificate issued by the Colorado Secretary of State authorizing the applicant to transact business in Colorado;
- (XVI) name and address of applicant's Colorado agent for service of process;
- (XVII) a description of the applicant's affiliation, if any, with any other company and the name and address of all affiliated companies;
- (XVIII) the applicant's most recent audited balance sheet, income statement, and statement of retained earnings;
- (XIX) if the applicant is a newly created company that is unable to provide the audited financial information requested in subparagraph (VIII): detailed information on the sources of capital funds that will be used to provide telecommunications services, including the amount of any loans, lines of credit, or equity infusions that have been received or requested, and the names of each source of capital funds;
- (XX) the names, business addresses, and titles of all officers, directors, partners, agents and managers who will be responsible for the provisioning of basic emergency service in Colorado;
- (XXI) any management contracts, service agreements, marketing agreements or any other agreements between the applicant and any other entity, including affiliates of the applicant, that relate to the provisioning of basic emergency service in Colorado;

- (XXII) an applicant which has contracted with, or is otherwise relying upon one or more unaffiliated service providers to provide a major component of basic emergency service under its certificate shall identify all such contractors or unaffiliated service providers;
- (XXIII) identification of any of the following actions by any court or regulatory body within the last five years regarding the provisioning of regulated telecommunications services by the applicant, by any of applicant's agents, officers, board members, managers, partners, or management company personnel, or by any of applicant's affiliates that resulted in:
 - (A) assessment of fines or civil penalties;
 - (B) assessment of criminal penalties;
 - (C) injunctive relief;
 - (D) corrective action;
 - (E) reparations;
 - (F) a formal complaint proceeding brought by any regulatory body;
 - (G) initiation of or notification of a possible initiation of a disciplinary action by any regulatory body, including but not limited to any proceeding to limit or to place restrictions on any authority to operate any CPCN or any service offered;
 - (H) refusal to grant authority to operate or to provide a service;
 - (I) limitation, de-certification, or revocation of authority to operate or to provide a service; or
 - (J) any combination of the above.
- (XXIV) For each item identified in subparagraph (XXIII) of this paragraph: an identification of the jurisdiction, summary of any applicable notification of a possible initiation or pending procedure, including the docket, case, or file number, and, upon the request of the Commission or its Staff, a copy of any written decision; and
- (XXV) acknowledgment that by signing the application, the applicant:
 - (A) certifies that it possesses the requisite managerial qualifications, technical competence, and financial resources to provide the basic emergency service for which it is applying;
 - (B) understands that:
 - (i) the filing of the application does not by itself constitute authority to operate;
 - (ii) a Commission finding that the application is complete is not a ruling on the merits of the application;
 - (iii) if the application is granted, the applicant shall not provide service until:
 - (a) the applicant complies with applicable Commission rules and any

conditions established by Commission order granting the application;
and (b) has an effective tariff on file with the Commission;

- (C) agrees to respond in writing, within ten days, to all customer informal complaints made to the Commission;
 - (D) agrees to contribute, in a manner prescribed by federal or state statute, rule, or administrative order establishing an explicit subsidy mechanism or other fund to which basic emergency service providers are required to contribute;
 - (E) certifies that, pursuant to the tariff under which its service is offered, it will not unjustly discriminate among customers in the same class of service; and
 - (F) certifies that the applicant will not permit any other person or entity to operate under its Commission-granted authority without explicit Commission approval.
- (XXVI) The BESP's service area shall be the state of Colorado, but the applicant shall identify the geographic area it initially intends to serve;
- (XXVII) if the applicant has previously filed with the Commission current reports or material that include the information required in subparagraph (I) and (II), it may confirm this by filing an attestation of completeness and accuracy with proper citation of title and date of the other filed material; and
- (XXVIII) a detailed statement describing the means by which it will provide basic emergency service. This statement shall include, but is not be limited to:
- (A) the technical specifications for the system that will be used to provide the basic emergency service, including information on emergency restoration of the system;
 - (B) all inter-company agreements used to implement and operate the service;
 - (C) all interconnection agreements between the BESP and: basic local exchange carriers, wireless carriers, other BESPs, and other telecommunications providers; and
 - (D) proposed tariffs.
- (d) An acknowledgment that the applicant will provide basic emergency service in accordance with these rules and all applicable quality of service rules.
- (e) While the application is pending, the applicant shall amend its application to report any changes to the information provided within five business days of any such change, so as to keep its application current.

2135. Uniform System of Accounts, Cost Segregation and Collection.

All BESP's shall maintain their books and records and perform separation of costs as prescribed by rules 2400 through 2459, or as otherwise prescribed by the Commission.

2136. Obligations of Basic Emergency Service Providers.

- (a) A BESP certificated by the Commission, shall obtain facilities from or interconnect with all originating service providers who have customers in areas served by the BESP. BESP's shall interconnect with all other BESP's.
- (b) At the request of an originating service provider, intermediary aggregation service provider, or other BESP, a BESP shall provide and/or arrange for the necessary facilities to interconnect, route and transport 9-1-1 calls and ALI from the originating service provider, intermediary aggregation service provider, or other BESP to the PSAP that is responsible for answering the 9-1-1 calls. Interconnection shall be accomplished in a timely manner, generally not more than 30 days from the time the BESP receives a written order. Interconnection facilities shall generally be engineered as follows:
 - (I) dedicated facilities for connecting each originating service provider, intermediary aggregation service provider, or other BESP to a BESP shall be based on the requirements established by the BESP to serve the customers within that local exchange; or
 - (II) if shared or common facility groups are used to transport calls from the originating service provider or intermediary aggregation service provider to a BESP, they shall be sized to carry the additional call volume requirements. Additionally, common or shared groups shall be arranged to provide 9-1-1 calls on a priority basis where economically and technically feasible.
- (c) A BESP shall develop and file with the Commission tariffs that establish cost-based rates for basic emergency service. These rates shall be averaged over the entire geographic areas the BESP is certificated to serve, except as otherwise provided in subparagraph 2143(a)(III).
- (d) A BESP shall render a single monthly bill for its tariff services provided to the appropriate governing body. The monthly bill shall be sufficiently detailed to allow the governing body to determine that it is being billed properly based on the billing increments as approved by the Commission.
- (e) The BESP shall coordinate with the 9-1-1 Advisory Task Force to establish a process for ensuring units used for tariff pricing are accurate and up-to-date.
- (f) BESP's shall ensure, to the extent possible and in the most efficient manner, that telecommunication services are available for transmitting 9-1-1 calls from the deaf, hard of hearing, and persons with speech impairments to the appropriate PSAP.
- (g) A BESP shall ensure that all basic emergency service facilities, and interconnections between it and the originating service providers, intermediary aggregation service providers, and other BESP's are engineered, installed, maintained and monitored in order to provide a minimum of two circuits and a minimum P.01 grade of service (one percent or less blocking during the busy hour), or such other minimum grade of service requirements approved by the Commission.
- (h) Where a BESP obtains facilities from a basic local exchange carrier for delivery of 9-1-1 calls to a PSAP, the rates for such facilities shall be reflected in a tariff or agreement filed for approval with the Commission. Such tariffs or agreements shall ensure that such facilities are engineered, installed, maintained and monitored to provide a minimum of two circuits and a grade of service that has one percent (P.01) or less blocking. The basic local exchange carrier providing such facilities shall not be considered a BESP. The provisions of this rule shall not apply to routing arrangements implemented pursuant to paragraph 2143(d).

- (i) To expedite the restoration of service following a 9-1-1 outage, each BESP shall designate a telephone number for PSAPs originating service providers to report trouble. Such telephone number shall be staffed seven days a week, 24 hours a day, by personnel capable of processing calls to initiate immediate corrective action.
- (j) A BESP shall keep on file with the Commission its contingency plan as described in paragraph 2143(d).
- (k) BESP's shall identify originating service providers supplying service within a governing body or PSAP's service area, or statewide, to the extent that the BESP possesses such information, in response to a request from a governing body, PSAP, or the Commission.

2137. [Reserved].

2138. Obligations of Payphone Providers.

All payphone providers must ensure that access to dial tone, emergency calls, and telecommunications relay service calls for the deaf, hard of hearing, and individuals with speech impairments is available from all payphones at no charge to the caller, pursuant to 47 C.F.R. 64.1330(b).

2139. – 2140. [Reserved].

2141. Obligations of Multi-line Telephone Systems (MLTS).

- (a) For purposes of this rule:
 - (I) "End user" means the person making telephone calls, including 9-1-1 calls, from the MLTS that provides telephone service to the person's place of employment, school, or to the person's permanent or temporary residence.
 - (II) "Residence" or "residence facility" shall be interpreted broadly to mean single family and multi-family facilities including apartments, townhouses, condominiums, dormitories, hotels, motels, resorts, extended care facilities, or similar entities, facilities, or structures.
 - (III) "Written information" means information provided by electronic mail, facsimile, letter, memorandum, postcard, or other forms of printed communication.
- (b) When the method of dialing a local call from an MLTS telephone requires the end user to dial an additional number to access the public switched network, MLTS operators shall provide written information to each of their end users describing the proper method of accessing 9-1-1 service in an emergency.
 - (I) Such written information shall be provided to each end user by placing stickers or cards including the appropriate method to access 9-1-1 on each MLTS telephone. Additionally, such written information shall be provided to each individual end user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility.
 - (II) At a minimum, such written information that is attached to the telephone and provided annually shall include the following words: "To dial 9-1-1 in an emergency, you must dial #-9-1-1." [# = Insert proper dialing sequence].

- (c) When calls to access 9-1-1 service from an MLTS do not give one distinctive ANI and one distinctive ALI, or both, for each end user, the MLTS operator shall instruct, in writing, that the end user must stay on the telephone and tell the 9-1-1 telecommunicator operator the telephone number and exact location.
- (I) Such written information shall be provided to each individual end user annually and at the time of hiring in the case of an employer, at the time of registration in the case of a school, and at the time of occupancy in the case of a residence facility. Whenever possible, such information also shall be placed on cards or stickers on or next to the MLTS telephone.
- (II) At a minimum, such written information shall include the following words: "When calling 9-1-1 from this telephone in an emergency, you must stay on the telephone and tell 9-1-1 your phone number and exact location. This telephone does not automatically give 9-1-1 your phone number and exact location. This information is critical for a quick response by police, fire, or ambulance."
- (III) If an MLTS operator provides telephones that are not assigned to a particular end user, but that may be used by members of the public, the MLTS operator shall place a sticker or card on or next to the pertinent telephone either identifying the method for dialing 9-1-1 from that telephone or stating there is no 9-1-1 access from that telephone.
- (d) Exemption from rules. The disclosure requirements of this rule shall not apply to MLTS provided to inmates in penal institutions, jails, or correctional facilities, to residents of mental health facilities, or to residents of privately contracted community correctional facilities, including substance abuse and mental health treatment facilities, or other such facilities where access to 9-1-1 service is not required.

2142. Nondisclosure of Name/Number/Address Information.

- (a) ALI database information shall not be used for purposes other than for responding to requests for 9-1-1 emergency assistance (including maintenance of GIS address data used for 9-1-1 responses), initiating delivery of emergency warnings using an emergency notification service (including development of an emergency notification database and address verification), or periodic testing of these services. BESP's that provide ALI service shall provide one database extract per year to requesting 9-1-1 governing bodies at no cost. Additional extracts may be purchased at cost.
- (b) If personal information is improperly disclosed and that disclosure is the fault of a BESP, the BESP shall pay the applicable charges for changing a customer's telephone number, unless the customer declines such number change.

2143. Diverse Routing and Priority Service Restoration.

- (a) Diversity of 9-1-1 circuits.
- (I) All BESP's providing basic emergency service to a governing body or PSAP's demarcation point shall take reasonable measures to provide reliable basic emergency service with respect to circuit diversity, central-office backup power, and diverse network monitoring. Where feasible, 9-1-1 circuits shall be physically and geographically diverse.
- (A) Circuits or equivalent data paths are physically diverse if they provide more than one physical route between end points with no common points where a single failure at that point would cause both circuits to fail. Circuits that share a

common segment such as a fiber-optic cable or circuit board are not physically diverse even if they are logically diverse for purposes of transmitting data.

- (B) Circuits or equivalent data paths are geographically diverse if they take different paths from endpoint to endpoint, not following the same geographic route.
- (II) On a date six months from adoption of this rule, and at such other times as may be deemed necessary by the Commission, each BESP and ALI provider (if offering service separately from a BESP) shall develop and file confidentially, in an appropriate proceeding with the Commission, 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. Information confidentially filed with this diversity plan shall include:
- (A) maps depicting the provider's basic emergency service architecture;
 - (B) a list and description, including geographic location, of every point within the provider's portion of the 9-1-1 system and network where monitoring, backup power, and/or physical and geographically diverse redundancy are not present;
 - (C) a description of which items from subparagraph (a)(II)(B) of this rule the provider proposes to improve, how the provider proposes to improve the items, and a proposed timetable for deploying these improvements;
 - (D) a description of which items from subparagraph (a)(II)(B) of this rule the provider proposes to not improve, and an explanation of why it proposes to not improve them; and
 - (E) the costs, averaged statewide, associated with each improvement listed in subparagraphs (a)(II)(C) and (D) of this rule.
- (III) Following Commission approval of the diversity plan, or portions thereof, the provider shall file a new tariff or modify an existing tariff for implementation of the plan, as directed by the Commission. A 9-1-1 governing body or PSAP may submit a request to a BESP for diversity not included in the approved diversity plan. Following negotiation, the BESP shall file an application requesting Commission approval of the proposed prices, terms, and conditions responsive to the request.
- (IV) Pursuant to subparagraph (a)(II) of this rule, after the effective date of the tariff each provider shall file quarterly updates with the PUC on its efforts to meet the deployment schedule required by subparagraph (a)(II)(C).
- (b) BESPs shall work cooperatively with the PSAPs to ensure an effective way of tracking the status of 9-1-1 outages (e.g., issuance of trouble tickets). Originating service providers should work cooperatively with the PSAPs and the BESP to track the status of 9-1-1 outages. Each provider should provide to the 9-1-1 governing body or PSAP and the BESP a telephone number that the PSAPs or BESP can use to report trouble. Such telephone number should be staffed seven days a week, 24 hours a day by personnel capable of processing the call to initiate immediate corrective action.
- (c) BESP shall notify the responsible parties designated by the governing bodies regarding a present or potential 9-1-1 outage. These notifications shall include the nature and extent of the 9-1-1 outages and the actions taken to correct them, to the extent known by the BESP(s). In the event the PSAP detects a failure or degradation in the 9-1-1 system, the PSAP should notify the

BESPs which provide 9-1-1 service in the geographic area affected by the outage. These notifications shall be made as soon as is practicable.

- (d) Beginning in 2018, each BESP and ALI provider (if offering service separately from a BESP) shall develop a 9-1-1 reliability and contingency plan in collaboration with all affected BESPs, basic local exchange carriers which provide final delivery of 9-1-1 calls to a PSAP, ALI providers, intermediary aggregation service providers, originating service providers, governing bodies, and PSAPs, to be confidentially filed annually with the Commission no later than April 30. A 9-1-1 reliability and contingency plan shall include:
- (I) identification and location of all primary and backup facilities, equipment and databases or any and all other components related to basic emergency service;
 - (II) an identification and description of all demarcation points with BESPs, ALI providers, and PSAPs;
 - (III) all contingency processes and information from BESPs, originating service providers, intermediary aggregation service providers, PSAPs, and governing bodies necessary for public safety operations until 9-1-1 service is restored;
 - (IV) contact information for designated representatives for each PSAP and/or governing body; and
 - (V) any other details deemed relevant as determined by the relevant parties or the Commission.
 - (VI) All providers required to file a 9-1-1 reliability and contingency plan pursuant to this paragraph (d) shall notify affected PSAPs and governing bodies of any known changes that may require an update to the 9-1-1 reliability and contingency plan.
- (e) If a 9-1-1 outage exceeds or is anticipated to exceed 15 minutes from the time a BESP becomes aware of the outage and after notification to the PSAP, the BESP shall implement the contingency plan required by paragraph 2143(d) or provide temporary solutions so that 9-1-1 calls can be answered until 9-1-1 service is restored, as mutually agreed upon.
- (f) A BESP shall have qualified service technicians on site, when necessary, within two hours of discovering a 9-1-1 outage, or their best effort.
- (g) If a disruption of basic emergency service exceeds 30 minutes, the responsible BESP or the responsible basic local exchange carrier providing facilities pursuant to paragraph 2136(h) shall inform the Commission within two hours. Such notification shall be made in a manner prescribed by the Commission, outlining the nature and extent of the outage. This notification shall be followed by a report filed with the Commission, which follows Commission reporting format and guidelines within 30 days of such outage. As an alternative to or in addition to the 30-day written report, the Director, or the Director's designee, may request, on a case-by-case basis, a separate written report within five days from the time of the request, outlining the nature, cause and extent of the outage, and corrective action taken.
- (h) Following the restoration of 9-1-1 service, the BESP shall, at the request of a PSAP or governing body, provide to the affected PSAPs the call back numbers of any calls that were made to 9-1-1 but were unable to be delivered due to the 9-1-1 outage, if available to the BESP. This information shall be provided within two hours of the restoration of 9-1-1 service or as soon as possible under the circumstances. When possible, this information should also include associated ALI information.

- (i) Nothing in rule 2143 shall be construed to impose any obligation on any provider other than BESPs.

2144. Reports.

Each BESP shall furnish to the Commission at such time(s) and in such form as the Commission may require, a report(s) in which the provider shall specifically answer the Commission's questions regarding the provision of basic emergency service.

2145. 9-1-1 Advisory Task Force.

- (a) The Commission shall establish a 9-1-1 Advisory Task Force. The purpose of the Advisory Task Force is to provide oversight of the statewide implementation and provision of basic emergency service. The Advisory Task Force shall include, but is not limited to, the following representative parties directly interested in 9-1-1 services: customer groups, governing bodies, basic local exchange service providers, wireless service providers, providers of basic emergency services, customers of basic emergency service, ALI database providers, and other telecommunications providers. The Commission Staff shall be responsible for administering the Advisory Task Force and facilitating its meetings and agenda. The Advisory Task Force shall evaluate alternate technologies, service, and pricing issues related to implementing statewide 9-1-1 services in a cost effective fashion. The 9-1-1 Advisory Task Force shall provide periodic reports to the Commission on the implementation of 9-1-1 services statewide.
- (b) The Advisory Task Force shall:
 - (I) serve as a forum for the members to discuss matters pertaining to 9-1-1;
 - (II) make future recommendations and report to the Commission concerning the continued improvement and advancement of 9-1-1 services in Colorado;
 - (III) consider 9-1-1 service quality and cost in urban and rural areas in developing its report and recommendations;
 - (IV) investigate, analyze, or recommend resolutions for existing or anticipated 9-1-1 issues within the state;
 - (V) investigate and report to the Commission the development, implementation, and transition to any new 9-1-1 technologies and capabilities, including any impacts to the consumer, originating service provider, service end user, or PSAP; and
 - (VI) monitor and report to the Commission proceedings and activities of the FCC and other national organizations and agencies on matters that may affect 9-1-1 services in Colorado.

2146. Technical Standards.

The Commission may consider standards adopted by standards bodies using accredited, nonproprietary, consensus-based approaches to standards development, as appropriate, in connection with its interpretation, evaluations, or enforcement of rules 2130-2159. The Commission's 9-1-1 Advisory Task Force shall publish, at least annually, a list of standards that it recommends be considered by the Commission for this purpose.

2147. Applications by the Governing Body for Approval of an Emergency Telephone Charge in Excess of Seventy Cents per Month.

- (a) A governing body requesting approval pursuant to § 29-11-102(2)(b), C.R.S., for an emergency telephone charge in excess of the limit established by § 29-11-102(2), C.R.S., shall file an application with this Commission pursuant to 4 CCR 723-2-2002, paragraphs (a) through (c) and (e). The Commission may provide a form for this purpose, consistent with these rules.
- (b) All applications shall include an attestation that the applicant has not used emergency telephone charge funds for purposes not authorized by § 29-11-104(2), C.R.S. within the last 18 months, that the planned use of all future revenues raised from emergency telephone charges are authorized by § 29-11-104(2), C.R.S. and that the applicant agrees to comply with § 29-11-104(5), C.R.S.
- (c) Documentation to be included in the application shall be supporting attachments of budget information, cost information and such other information the Commission may rely upon for justification of the proposed increase in emergency telephone charge. The attached information should include present and proposed emergency telephone charge remittance estimates, all other revenue sources and amounts, and any other information that may be used to justify the proposed increase in the emergency telephone charge.
- (d) Notice. Notwithstanding paragraph 2002(d), this rule shall establish the notice procedure for governing bodies applying for approval of an emergency telephone charge in excess of the amount established pursuant to § 29-11-102(2), C.R.S. Within three days after the Commission issues notice of the application, the applicant shall publish a notice of the application in at least one newspaper of general circulation in the area of applicability in at least one edition. The notice shall also be made available for a period of no less than two weeks on the governing body's website, if one exists. The notice shall include:
 - (I) the name, address and telephone number of the requesting governing body and the Colorado Public Utilities Commission;
 - (II) a statement that the governing body has filed with the Colorado Public Utilities Commission an application to change its currently effective emergency telephone charge, and identify both the current and proposed emergency telephone charge;
 - (III) the proceeding number and the deadline for interventions or objections;
 - (IV) the proposed effective date of the new charge;
 - (V) a statement of the purpose of the application, including an explanation of the proposed changes;
 - (VI) a statement that the application is available for inspection at the office of the governing body utility and at the Colorado Public Utilities Commission; and
 - (VII) a statement that any person may attend the hearing, if any, and may make a statement under oath about the application, even if such person has not filed a written objection or intervention.

- (e) All persons other than the Commission who are required to provide notice shall, within 15 days of providing notice, file an affidavit with the Commission stating the date notice was completed, and the method used to provide it. This affidavit shall be accompanied by a copy of the notice or notices provided.

2148. – 2159. [Reserved].