

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23R-0246T

IN THE MATTER OF THE PROPOSED AMENDMENTS TO 4 CODE OF COLORADO REGULATIONS 723-2 MODIFYING THE COMMISSION RULES REGARDING REMITTANCE PROCEDURES FOR THE 911 SURCHARGE, THE 988 SURCHARGE, AND THE TELECOM RELAY SERVICE SURCHARGE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
G. HARRIS ADAMS
AMENDING RULES**

Mailed Date: August 1, 2023

TABLE OF CONTENTS

I. STATEMENT.....	2
II. FINDINGS, DISCUSSION, AND CONCLUSIONS.....	3
A. Discussion.....	3
1. Rule 2150(c). Administration of the 9-1-1 Surcharge Trust Cash Fund.	3
2. Rule 2150(d). 9-1-1 Surcharge.....	4
3. Rule 2150(e). Remittance Procedure.....	4
4. Rule 2802(c). 9-8-8 Surcharge.....	5
5. Rule 2802(d). Remittance Procedure.	5
6. Rule 2827(a). Administration of the Colorado Telephone Users with Disabilities Fund.....	6
7. Rule 2827(b). Uniform charge.....	6
8. Rule 2827(c). Remittance Procedure.....	6
B. Conclusion	7
III. ORDER.....	8
A. The Commission Orders That:.....	8

I. STATEMENT

1. On May 19, 2023, the Colorado Public Utilities Commission (the Commission) issued the Notice of Proposed Rulemaking (NOPR) that commenced this proceeding to amend the Rules Regulating Telecommunications Services and Providers of Telecommunications Services contained in 4 *Code of Colorado Regulations* (CCR) 723-2-2150, 2802, and 2823 (Surcharge Remittance Rules). *See* Decision No. C23-0330. The Commission referred this matter to an administrative law judge (ALJ) and scheduled a hearing for July 17, 2023.

2. The purpose of this rulemaking is to eliminate the existing requirement that telecommunications service providers complete and file a remittance form for the 9-1-1 surcharge, the 9-8-8 surcharge, and the telecommunications relay service (TRS) surcharge with the Commission, and to instead require that the providers complete a return and submit payment as directed by Commission Staff. This will allow providers to submit their return and submit payment in one step, in most cases. Changes made to Rule 2150, which prescribes the procedures for remittance of 9-1-1 surcharges, are repeated in Rules 2802 and 2827 for the 9-8-8 surcharge and the TRS surcharge, respectively.

3. These changes are being proposed to streamline the remittance process for the telecommunications service providers, eliminate unnecessary paperwork, and enhance the ability of Commission Staff to track remittances and ensure accountability. Additionally, the rulemaking proposes limited updates regarding remittance timelines requiring remittances from telecommunications service providers to be completed by the last day of the month following the month in which the surcharge was collected from the consumer, even if the last day of the month is on a weekend or holiday.

4. On May 19, 2023, the Commission filed the Confirmation of the E-filing of the NOPR with the Secretary of State for publication of hearing.

5. On May 19, 2023, the Commission filed the Confirmation of the E-filing of the NOPR with the office of Regulatory Reform for review notice.

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

Findings, discussion, and conclusions

II. DISCUSSION

7. The proposed rules, provided with Decision No. C23-0330 in legislative (*i.e.*, ~~strikeout~~/underline) format and in final format, were made available to the public through the Commission's Electronic Filings (E-Filings) system.

8. No written comments have been filed in this proceeding.

9. At the noticed time and place, a public comment hearing was convened on July 17, 2023. No member of the public appeared to provide oral comment. During the course of the hearing, Daryl Branson, Telecom Programs Section Chief for the Public Utilities Commission, briefly reviewed the proposed modifications to the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 CCR 723-2.

1. Rule 2150(c). Administration of the 9-1-1 Surcharge Trust Cash Fund.

10. Rule 2150(c) is amended to remove references to the combined Colorado telecommunications relay service and 9-1-1 surcharge registration form and replaces it with a form available from the Commission for the purpose of registering for telecommunication surcharge

contributions. It requires that all telecommunications surcharge registration forms, including any updates, be filed in the Commission proceeding opened annually for such purpose.

2. Rule 2150(d). 9-1-1 Surcharge.

11. Rule 2150(d)(I) is amended to remove references to the combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form.

12. Rule 2150(d)(VI) is amended to include that the amount the originating service provider collected for the previous month, less the applicable vendor fee, shall be remit no later than the last calendar day of the following month, even if that day falls on a holiday or weekend, rather than the next business day.

3. Rule 2150(e). Remittance Procedure.

13. The title of Rule 2150(e) is amended to be titled solely as “Remittance procedure.”

14. Original Rule 2150(e)(I), including its subsections (A) and (B) are deleted in their entirety. Rule 2150(e)(I) is amended to state that originating service providers shall submit a return and remit payment as instructions by Commission Staff.

15. The rule requiring originating service providers to submit all surcharge remittances to the custodial receiver directly is amended to become Rule 2150(e)(II).

16. Rule 2150(e)(D) is amended to become Rule 2150(e)(III). This rule is amended to require payments made by physical check to also include a printed copy of the completed return described in subparagraph (I), rather than the completed combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form, enclosed with the check.

4. Rule 2802(c). 9-8-8 Surcharge.

17. Rule 2802(c)(I) is amended to remove the reference to the combined surcharge remittance form, instead requiring originating service providers to follow a process described in paragraph (d).

18. Rule 2802(c)(VI) is amended to include that the amount of the 9-8-8 surcharges the originating service provider collected for the previous month, less the applicable vendor fee, shall be remit no later than the last calendar day of the following month, even if that day falls on a holiday or weekend, rather than the next business day.

5. Rule 2802(d). Remittance Procedure.

19. Rule 2802(d) is amended to be titled solely as “Remittance procedure.”

20. Rule 2802(d)(I) including its subsections (A) and (B) are deleted in their entirety. Rule 2802(d)(I) is amended to state that originating service providers shall submit a return and remit payment as instructed by Commission Staff.

21. Rule 2802(d)(II) is amended to remove the reference to 9-8-8 originating service providers, referring to originating service providers generally.

22. Rule 2802(d)(I)(D) is amended to become Rule 2802(d)(III). This rule is amended to require payments made by physical check to also include a printed copy of the completed remittance form described in subparagraph (I), rather than the completed combined Colorado telecommunications surcharge remittance form, enclosed with the check.

23. Rule 2802(d)(I)(E) is amended to become Rule 2802(d)(IV).

6. Rule 2827(a). Administration of the Colorado Telephone Users with Disabilities Fund.

24. Rule 2827(a)(III) is amended to remove the reference to the combined Colorado telecommunications relay service and 9-1-1 registration form, replacing it with a form available from the Commission for the purpose of registering for telecommunication surcharge contributions. It requires Colorado telecommunications surcharge registration forms, including any updates, be filed in the Commission proceeding opened annually for such purpose.

7. Rule 2827(b). Uniform charge.

25. Rule 2827(b)(I) is amended to remove the reference to the combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form.

26. Rule 2827(b)(VII) is amended to include that the amount the originating service provider collected for the previous month, less the applicable vendor fee, shall be remit no later than the last calendar day of the following month, even if that day falls on a holiday or weekend, rather than the next business day.

8. Rule 2827(c). Remittance Procedure.

27. Rule 2827(c) is amended to be titled solely as “Remittance procedure.”

28. Rule 2827(c)(I), including its subsections (A) and (B), are deleted in their entirety. Rule 2827(c)(I) is amended to state that voice service providers shall submit a return and remit payment as instructed by Commission Staff.

29. Rule 2827(c)(II) is amended to state that voice service providers shall submit all surcharge remittances to the TRS custodial receiver directly.

30. Rule 2827(c)(I)(D) is amended to become Rule 2827(c)(III). This rule is amended to require payments made by physical check to also include a printed copy of the completed remittance form described in subparagraph (I), rather than the completed combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form, enclosed with the check.

III. CONCLUSION

31. Attachment A to this Decision represents the rule amendments adopted by this Recommended Decision with modifications to the prior Rules 2150, 2802, and 2827 being indicated in redline and strikeout format.

32. Attachment B to this Decision represents the rules amendments adopted by this Decision to the prior Rules 2150, 2802, and 2827 in final form.

33. The adopted rules in legislative format (*i.e.*, strikeout/underline Attachment A) and final format (Attachment B) are available through the Commission's E-Filings in this proceeding (23R-0246T) at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=23R-0246T

34. It is found and concluded that the proposed rules as modified by this Recommended Decision are reasonable and should be adopted.

35. Pursuant to the provisions of § 40-6-109, C.R.S., it is recommended that the Commission adopt the attached rules.

IV. ORDER**A. The Commission Orders That:**

1. Rules 2150, 2802, and 2827 (Surcharge Remittance Rules) of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services, 4 *Code of Colorado Regulations*, 723-2, contained in redline and strikeout format attached to this Recommended Decision as Attachment A, and in final form as Attachment B, 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.

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.

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.

4. 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.

(SEAL)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
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

Table of Contents

2150. Administration of the 9-1-1 Surcharge Trust Cash Fund.

- (a) This rule does not apply to 9-1-1 access connections provided via prepaid wireless telecommunications services or emergency telephone charges remitted to governing bodies pursuant to § 29-11-102, C.R.S. The 9-1-1 surcharge is a statewide surcharge applied to all 9-1-1 access connections in the state of Colorado, and is separate from local emergency telephone charges that originating service providers are required to collect and remit pursuant to 29-11-102 C.R.S., the wireless prepaid 9-1-1 charge imposed upon retail transactions of prepaid wireless service pursuant to 29-11-102.5 C.R.S. and 1 CCR 201-5, Special Rule 43, the Colorado telecommunications relay service charge imposed pursuant to 40-17-101 C.R.S., et seq., and 4 CCR 723-2-2827(b), and the prepaid wireless TRS charge imposed pursuant to 29-11-102.7, C.R.S., and 201-5, Special Rule 43.
- (b) The Commission shall determine, and by appropriate order, impose a uniform 9-1-1 surcharge on each 9-1-1 access connection per month. The surcharge amount will be available on the Commission's web site at least 60 days prior to its effective date.
- (c) All originating service providers must register and provide appropriate contact information to the Commission within 30 days of operating in the state of Colorado. ~~using the combined Colorado telecommunications relay service and 9-1-1 surcharge registration form~~ The Commission will provide a form for this purpose, consistent with these rules. This form is available from the Commission or on its website and shall be filed through the Commission's E-Filing System. Originating service providers shall provide an updated form within 15 days of any change of the information previously provided to the Commission including for any discontinuance of service. All ~~TRS and 9-1-1 registration~~ Colorado telecommunications surcharge registration forms, including any updates, shall be filed in the Commission proceeding opened annually for such purpose.
- (d) 9-1-1 surcharge.
 - (l) Effective January 1, 2021, all originating service providers shall collect and remit the 9-1-1 surcharge assessed upon each service user whose primary service address, if known, or billing address, if service address is unknown, is within the State of Colorado. The surcharge shall be assessed on each 9-1-1 access connection provided to that service

user. Such charges shall be collected monthly and remitted as directed by the Commission ~~using the combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form~~, as discussed in paragraph (e).

- (II) With respect to multi-line telephone systems, the number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.
 - (III) If the originating service provider lists fees separately on its billing to the customer, the 9-1-1 surcharge shall be listed separately as the "Colorado 911 Surcharge." The listing for this charge and the local emergency telephone charge authorized by § 29-11-102, C.R.S. may not be combined on the bill presented to the customer.
 - (IV) The 9-1-1 surcharge is the liability of the service user and not of the originating service provider, except that the originating service provider is liable to remit all 9-1-1 surcharges that the originating service provider collects from service users. An originating service provider is liable only for the 9-1-1 surcharge collected until it is remitted to the Commission. The amount remitted by the originating service provider must reflect the state 9-1-1 surcharges actually collected on the number of 9-1-1 access connections provided in Colorado by the originating service provider.
 - (V) Each originating service provider may retain from the total 9-1-1 surcharges collected and timely remitted, a vendor fee in the amount of one percent of the total monthly charges collected by such provider.
 - (VI) Each originating service provider shall remit the amount the provider collected for the previous month, less the applicable vendor fee, no later than the last calendar day of the following month, ~~even if that day falls on a holiday or weekend. If the last day of the month is a legal holiday, then the remittance shall be due the next business day.~~
 - (VII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (e) ~~Combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form.~~ Remittance procedure.
- (I) ~~Each remittance shall be accompanied by a completed combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form that includes information for each month remitted. This form is available from the Commission or its website.~~
 - (A) ~~The combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form must be signed and dated by a company representative authorized to do so. The name and telephone number of the most appropriate company representative to whom questions may be directed must also be included on the form.~~
 - (B) ~~Regardless of the method of payment, the combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form shall be~~

~~filed with the Commission through its E-Filings System into the proceeding opened for that purpose. The Commission, for good cause shown, may grant a waiver of the E-Filings requirement.~~

- (C) Originating service providers shall submit a return and remit payment as instructed by Commission staff.
 - (II) Originating service providers shall submit all surcharge remittances to the custodial receiver directly.
 - (III) If payments are made by physical check, a printed copy of the completed return described in subparagraph (I) the completed combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form shall also be enclosed with the check.
- (f) All remittances of 9-1-1 surcharges received by the Commission pursuant to this section shall be deposited in the 9-1-1 surcharge trust cash fund established pursuant to § 29-11-102.3(3)(c)(I), C.R.S.

* * * *

[indicates omission of unaffected rules]

2802. Administration of the 9-8-8 Crisis Hotline Cash Fund.

- (a) This rule does not apply to 9-8-8 access connections provided via prepaid wireless telecommunications services. The 9-8-8 surcharge is a statewide surcharge applied to all 9-8-8 access connections in the state of Colorado, and is separate from the wireless prepaid 9-8-8 charge pursuant to § 27-64-103(4)(b), C.R.S.
- (b) Annually prior to October 1, the Commission shall collaborate with the Enterprise to assist the Enterprise in its establishment of the 9-8-8 surcharge rate and prepaid wireless 9-8-8 charge rate, including but not limited to providing the Enterprise with relevant information regarding the number of statewide 9-8-8 access connections and prepaid wireless transactions. After the Enterprise's annual establishment of the 9-8-8 surcharge rate to take effect on the following January 1, the Commission will publish the 9-8-8 surcharge rate on its website and notify 9-8-8 originating service providers at least 60 days prior to the effective date of the surcharge.
- (c) 9-8-8 surcharge.
 - (I) Effective January 1, 2022, all 9-8-8 originating service providers shall collect and remit the 9-8-8 surcharge assessed upon each service user whose primary service address, if known, or billing address, if service address is unknown, is within the state of Colorado. The surcharge shall be assessed on each 9-8-8 access connection provided to that service user. Such charges shall be collected monthly and remitted as directed by the

Commission, ~~using the combined surcharge remittance forms described in paragraph (d).~~

- (II) With respect to multi-line telephone systems, the number of 9-8-8 access connections is determined by the configured capacity for simultaneous outbound calling.
 - (III) The 9-8-8 surcharge must be listed separately or on the same line as the 9-1-1 surcharge established in § 29-11-102.3, C.R.S. If combined, the line item must be listed as “state 911 and 988 surcharges”.
 - (IV) The 9-8-8 surcharge is the liability of the service user and not the 9-8-8 originating service provider, except that the 9-8-8 originating service provider is liable to remit all 9-8-8 surcharges that the originating service provider collects from service users. An originating service provider is liable only for the portion of the 9-8-8 surcharge collected until it is remitted to the Commission. The amount remitted by the 9-8-8 originating service provider must reflect the state 9-8-8 surcharges actually collected on the number of 9-8-8 access connections provided in Colorado by the 9-8-8 originating service provider.
 - (V) Each 9-8-8 originating service provider may retain from the total 9-8-8 surcharges collected and timely remitted, a vendor fee in the amount of one percent of the total monthly charges collected by such provider.
 - (VI) Each 9-8-8 originating service provider shall remit the 9-8-8 surcharge amount the provider collected for the previous month, less the applicable vendor fee, no later than the last calendar day of the following month, even if that day falls on a holiday or weekend. ~~If the last day of the month is a legal holiday, then the remittance shall be due the next business day.~~
 - (VII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (d) ~~Combined Colorado telecommunications surcharge remittance form.~~ Remittance procedure.
- ~~(I) — Each remittance of 9-8-8 surcharges shall be accompanied by a completed combined Colorado telecommunications surcharge remittance form, also referred to as the combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form, that includes information for each month remitted. This form is available from the Commission or on its website.~~
 - ~~(A) — The combined Colorado telecommunications surcharge remittance form must be signed and dated by a company representative authorized to do so. The name and telephone number of the most appropriate company representative to whom questions may be directed must also be included on the form.~~
 - ~~(B) — Regardless of the method of payment, the combined Colorado telecommunications surcharge remittance form shall be filed with the Commission through its E-Filings System into the proceeding opened for that~~

~~purpose. The Commission, for good cause shown, may grant a waiver of the E-Filings requirement.~~

- ~~(I)~~ Originating service providers shall submit a return and remit payment as instructed by Commission staff.
 - ~~(II)~~ 9-8-8 Originating service providers shall submit all 9-8-8 surcharge remittances to the custodial receiver directly.
 - ~~(DIII)~~ If payments are made by physical check, a printed copy of the completed remittance form described in subparagraph (I) the completed combined Colorado telecommunications surcharge remittance form shall also be enclosed with the check.
 - ~~(EIV)~~ All remittances of the 9-8-8 surcharges received by the Commission pursuant to this rule shall be deposited in an 9-8-8 receipt account established for that purpose.
- (e) The Commission may withdraw from the 9-8-8 receipt account an amount up to four percent of the total amount of the fund necessary for the direct and indirect costs of administering the collection and remittance of the 9-8-8 surcharge, including costs related to conducting audits of 9-8-8 originating service providers. Funds deducted for this purpose will be kept in a 9-8-8 administrative retention account created by the Commission until expended. Any funds withdrawn by the Commission for this purpose will be returned to the 9-8-8 trust cash fund if the Commission determines that the funds are not necessary to pay administrative costs.
- (f) On a monthly basis, the Commission shall transfer the amount of funds received into the 9-8-8 receipt account to the 9-8-8 surcharge trust cash fund, less the administrative retention fee authorized in paragraph (e). This transfer shall be made via ACH bank transfer.

* * * *

[indicates omission of unaffected rules]

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

- (a) Fund administration. The Commission shall determine, and by appropriate order, impose a uniform charge on each commercial and residential access line in a uniform amount. In order to adjust the uniform charge, the Commission requires certain information.
 - (I) In compliance with annual state budget cycle timelines and requirements, the Commission shall estimate its administrative expenses incurred under §§ 40-17-101 through 104, C.R.S.
 - (II) The monthly uniform charge, per telephone access line, as determined by the Commission, shall not exceed 15 cents.

- (III) All voice service providers must register and provide appropriate contact information to the Commission within 30 days of operating in the state of Colorado. ~~using the combined Colorado telecommunications relay service and 9-1-1 registration form~~ The Commission will provide a form for this purpose, consistent with these rules. This form is available from the Commission or on its website and shall be filed through the Commission's E-Filing System. Voice service providers shall provide an updated form within 15 days of any change in the information previously provided to the Commission including for any discontinuance of service. All ~~TRS and 9-1-1~~ Colorado telecommunications surcharge registration forms, including any updates, shall be filed in the Commission proceeding opened annually for such purpose.
- (b) Uniform charge.
- (I) All voice service providers shall collect and remit the TRS charge assessed on each telephone access line for which the primary service address, if known, or billing address, if service address is unknown, is within the state of Colorado. Such charges shall be billed monthly and remitted as directed to the Commission ~~using the combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form~~, as discussed in paragraph (c).
- (II) The uniform charge imposed pursuant to § 40-17-103(3)(a), C.R.S., shall be billed monthly to each access line provided by each voice service provider. Each multi-line voice communication service that is capable of simultaneous outbound calling shall constitute a separate telephone access line; however, the number of telephone access lines for which a customer may be assessed a monthly charge cannot exceed the number of outbound voice calls that the voice service provider has enabled and activated to be made simultaneously.
- (III) A seller of prepaid wireless service shall collect a prepaid wireless TRS charge from a consumer, pursuant to § 29-11-102.7, C.R.S. and remit the charge to the Department of Revenue. The Department of Revenue shall transmit the money collected to the State Treasurer for deposit into the Colorado Telephone Users with Disabilities Fund, created in § 40-17-104(1), C.R.S.
- (IV) The TRS charge shall not be assessed or collected on any federally supported Lifeline service or customer. Each provider exempt from collecting the uniform charge on a Lifeline customer shall maintain complete documentation and shall make such documentation available to the Commission upon request.
- (V) The uniform charge shall be listed as a separate item appearing on each customer's monthly billing statement as rendered by each voice service provider. The charge shall be listed as the "Colorado Telecommunications Relay Service Surcharge."
- (VI) Each voice service provider may retain, from the total charges collected, a vendor fee in the amount of three-fourths of one percent of the amount of total monthly uniform charges collected by such local exchange provider.
- (VII) Effective January 1, 2021, each voice service provider shall remit the amount the provider collected for the previous month, less the applicable vendor fee, no later than

the last calendar day of the following month, even if that day falls on a holiday or weekend. ~~If the last day of the month is a legal holiday, then the remittance shall be due the next business day.~~

- (VIII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (c) ~~Combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form.~~ Remittance procedure.
- ~~(I) Each remittance shall be accompanied by a completed Colorado telecommunications relay service and 9-1-1 surcharge remittance form that includes information for each month remitted. This form is available from the Commission or its website.~~
- ~~(A) The combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form must be signed and dated by a company representative authorized to do so. The name and telephone number of the most appropriate company representative to whom questions may be directed must also be included on the form.~~
- ~~(B) Regardless of the method of payment, the combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form shall be filed with the Commission through its E-Filings System into the proceeding opened for that purpose. The Commission, for good cause shown, may grant a waiver of the E-Filings requirement.~~
- ~~(Ic)~~ Voice service providers shall submit a return and remit payment as instructed by Commission staff.
- ~~(II)~~ Voice service providers shall submit all surcharge remittances to the TRS custodial receiver directly.
- ~~(III)~~ D If payments are made by check, a printed copy of the completed remittance form described in subparagraph (I) ~~the completed combined Colorado telecommunications relay service and 9-1-1 surcharge remittance form~~ shall also be enclosed with the check.

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

Table of Contents

2150. Administration of the 9-1-1 Surcharge Trust Cash Fund.

- (a) This rule does not apply to 9-1-1 access connections provided via prepaid wireless telecommunications services or emergency telephone charges remitted to governing bodies pursuant to § 29-11-102, C.R.S. The 9-1-1 surcharge is a statewide surcharge applied to all 9-1-1 access connections in the state of Colorado, and is separate from local emergency telephone charges that originating service providers are required to collect and remit pursuant to 29-11-102 C.R.S., the wireless prepaid 9-1-1 charge imposed upon retail transactions of prepaid wireless service pursuant to 29-11-102.5 C.R.S. and 1 CCR 201-5, Special Rule 43, the Colorado telecommunications relay service charge imposed pursuant to 40-17-101 C.R.S., et seq., and 4 CCR 723-2-2827(b), and the prepaid wireless TRS charge imposed pursuant to 29-11-102.7, C.R.S., and 201-5, Special Rule 43.
- (b) The Commission shall determine, and by appropriate order, impose a uniform 9-1-1 surcharge on each 9-1-1 access connection per month. The surcharge amount will be available on the Commission's web site at least 60 days prior to its effective date.
- (c) All originating service providers must register and provide appropriate contact information to the Commission within 30 days of operating in the state of Colorado. The Commission will provide a form for this purpose, consistent with these rules. This form is available from the Commission or on its website and shall be filed through the Commission's E-Filing System. Originating service providers shall provide an updated form within 15 days of any change of the information previously provided to the Commission including for any discontinuance of service. All Colorado telecommunications surcharge registration forms, including any updates, shall be filed in the Commission proceeding opened annually for such purpose.
- (d) 9-1-1 surcharge.
 - (l) Effective January 1, 2021, all originating service providers shall collect and remit the 9-1-1 surcharge assessed upon each service user whose primary service address, if known, or billing address, if service address is unknown, is within the State of Colorado. The surcharge shall be assessed on each 9-1-1 access connection provided to that service user. Such charges shall be collected monthly and remitted as directed by the Commission, as discussed in paragraph (e).

- (II) With respect to multi-line telephone systems, the number of 9-1-1 access connections is determined by the configured capacity for simultaneous outbound calling.
 - (III) If the originating service provider lists fees separately on its billing to the customer, the 9-1-1 surcharge shall be listed separately as the "Colorado 911 Surcharge." The listing for this charge and the local emergency telephone charge authorized by § 29-11-102, C.R.S. may not be combined on the bill presented to the customer.
 - (IV) The 9-1-1 surcharge is the liability of the service user and not of the originating service provider, except that the originating service provider is liable to remit all 9-1-1 surcharges that the originating service provider collects from service users. An originating service provider is liable only for the 9-1-1 surcharge collected until it is remitted to the Commission. The amount remitted by the originating service provider must reflect the state 9-1-1 surcharges actually collected on the number of 9-1-1 access connections provided in Colorado by the originating service provider.
 - (V) Each originating service provider may retain from the total 9-1-1 surcharges collected and timely remitted, a vendor fee in the amount of one percent of the total monthly charges collected by such provider.
 - (VI) Each originating service provider shall remit the amount the provider collected for the previous month, less the applicable vendor fee, no later than the last calendar day of the following month, even if that day falls on a holiday or weekend.
 - (VII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (e) Remittance procedure.
- (I) Originating service providers shall submit a return and remit payment as instructed by Commission staff.
 - (II) Originating service providers shall submit all surcharge remittances to the custodial receiver directly.
 - (III) If payments are made by physical check, a printed copy of the completed return described in subparagraph (I) shall also be enclosed with the check.
- (f) All remittances of 9-1-1 surcharges received by the Commission pursuant to this section shall be deposited in the 9-1-1 surcharge trust cash fund established pursuant to § 29-11-102.3(3)(c)(I), C.R.S.

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[indicates omission of unaffected rules]

2802. Administration of the 9-8-8 Crisis Hotline Cash Fund.

- (a) This rule does not apply to 9-8-8 access connections provided via prepaid wireless telecommunications services. The 9-8-8 surcharge is a statewide surcharge applied to all 9-8-8 access connections in the state of Colorado, and is separate from the wireless prepaid 9-8-8 charge pursuant to § 27-64-103(4)(b), C.R.S.
- (b) Annually prior to October 1, the Commission shall collaborate with the Enterprise to assist the Enterprise in its establishment of the 9-8-8 surcharge rate and prepaid wireless 9-8-8 charge rate, including but not limited to providing the Enterprise with relevant information regarding the number of statewide 9-8-8 access connections and prepaid wireless transactions. After the Enterprise's annual establishment of the 9-8-8 surcharge rate to take effect on the following January 1, the Commission will publish the 9-8-8 surcharge rate on its website and notify 9-8-8 originating service providers at least 60 days prior to the effective date of the surcharge.
- (c) 9-8-8 surcharge.
 - (I) Effective January 1, 2022, all 9-8-8 originating service providers shall collect and remit the 9-8-8 surcharge assessed upon each service user whose primary service address, if known, or billing address, if service address is unknown, is within the state of Colorado. The surcharge shall be assessed on each 9-8-8 access connection provided to that service user. Such charges shall be collected monthly and remitted as directed by the Commission, as described in paragraph (d).
 - (II) With respect to multi-line telephone systems, the number of 9-8-8 access connections is determined by the configured capacity for simultaneous outbound calling.
 - (III) The 9-8-8 surcharge must be listed separately or on the same line as the 9-1-1 surcharge established in § 29-11-102.3, C.R.S. If combined, the line item must be listed as "state 911 and 988 surcharges".
 - (IV) The 9-8-8 surcharge is the liability of the service user and not the 9-8-8 originating service provider, except that the 9-8-8 originating service provider is liable to remit all 9-8-8 surcharges that the originating service provider collects from service users. An originating service provider is liable only for the portion of the 9-8-8 surcharge collected until it is remitted to the Commission. The amount remitted by the 9-8-8 originating service provider must reflect the state 9-8-8 surcharges actually collected on the number of 9-8-8 access connections provided in Colorado by the 9-8-8 originating service provider.
 - (V) Each 9-8-8 originating service provider may retain from the total 9-8-8 surcharges collected and timely remitted, a vendor fee in the amount of one percent of the total monthly charges collected by such provider.
 - (VI) Each 9-8-8 originating service provider shall remit the 9-8-8 surcharge amount the provider collected for the previous month, less the applicable vendor fee, no later than

the last calendar day of the following month, even if that day falls on a holiday or weekend.

- (VII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (d) Remittance procedure.
- (I) Originating service providers shall submit a return and remit payment as instructed by Commission staff.
 - (II) Originating service providers shall submit all 9-8-8 surcharge remittances to the custodial receiver directly.
 - (III) If payments are made by physical check, a printed copy of the completed remittance form described in subparagraph (I) shall also be enclosed with the check.
 - (IV) All remittances of the 9-8-8 surcharges received by the Commission pursuant to this rule shall be deposited in an 9-8-8 receipt account established for that purpose.
- (e) The Commission may withdraw from the 9-8-8 receipt account an amount up to four percent of the total amount of the fund necessary for the direct and indirect costs of administering the collection and remittance of the 9-8-8 surcharge, including costs related to conducting audits of 9-8-8 originating service providers. Funds deducted for this purpose will be kept in a 9-8-8 administrative retention account created by the Commission until expended. Any funds withdrawn by the Commission for this purpose will be returned to the 9-8-8 trust cash fund if the Commission determines that the funds are not necessary to pay administrative costs.
- (f) On a monthly basis, the Commission shall transfer the amount of funds received into the 9-8-8 receipt account to the 9-8-8 surcharge trust cash fund, less the administrative retention fee authorized in paragraph (e). This transfer shall be made via ACH bank transfer.

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[indicates omission of unaffected rules]

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

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

- (I) In compliance with annual state budget cycle timelines and requirements, the Commission shall estimate its administrative expenses incurred under §§ 40-17-101 through 104, C.R.S.
 - (II) The monthly uniform charge, per telephone access line, as determined by the Commission, shall not exceed 15 cents.
 - (III) All voice service providers must register and provide appropriate contact information to the Commission within 30 days of operating in the state of Colorado. The Commission will provide a form for this purpose, consistent with these rules. This form is available from the Commission or on its website and shall be filed through the Commission's E-Filing System. Voice service providers shall provide an updated form within 15 days of any change in the information previously provided to the Commission including for any discontinuance of service. All Colorado telecommunications surcharge registration forms, including any updates, shall be filed in the Commission proceeding opened annually for such purpose.
- (b) Uniform charge.
- (I) All voice service providers shall collect and remit the TRS charge assessed on each telephone access line for which the primary service address, if known, or billing address, if service address is unknown, is within the state of Colorado. Such charges shall be billed monthly and remitted as directed to the Commission, as discussed in paragraph (c).
 - (II) The uniform charge imposed pursuant to § 40-17-103(3)(a), C.R.S., shall be billed monthly to each access line provided by each voice service provider. Each multi-line voice communication service that is capable of simultaneous outbound calling shall constitute a separate telephone access line; however, the number of telephone access lines for which a customer may be assessed a monthly charge cannot exceed the number of outbound voice calls that the voice service provider has enabled and activated to be made simultaneously.
 - (III) A seller of prepaid wireless service shall collect a prepaid wireless TRS charge from a consumer, pursuant to § 29-11-102.7, C.R.S. and remit the charge to the Department of Revenue. The Department of Revenue shall transmit the money collected to the State Treasurer for deposit into the Colorado Telephone Users with Disabilities Fund, created in § 40-17-104(1), C.R.S.
 - (IV) The TRS charge shall not be assessed or collected on any federally supported Lifeline service or customer. Each provider exempt from collecting the uniform charge on a Lifeline customer shall maintain complete documentation and shall make such documentation available to the Commission upon request.
 - (V) The uniform charge shall be listed as a separate item appearing on each customer's monthly billing statement as rendered by each voice service provider. The charge shall be listed as the "Colorado Telecommunications Relay Service Surcharge."

- (VI) Each voice service provider may retain, from the total charges collected, a vendor fee in the amount of three-fourths of one percent of the amount of total monthly uniform charges collected by such local exchange provider.
 - (VII) Effective January 1, 2021, each voice service provider shall remit the amount the provider collected for the previous month, less the applicable vendor fee, no later than the last calendar day of the following month, even if that day falls on a holiday or weekend.
 - (VIII) Remittances mailed through the United States Postal Service shall be deemed to be filed on the date of the postmark stamped on the envelope in which the remittance was mailed.
- (c) Remittance procedure.
- (I) Voice service providers shall submit a return and remit payment as instructed by Commission staff.
 - (II) Voice service providers shall submit all surcharge remittances to the TRS custodial receiver directly.
 - (III) If payments are made by check, a printed copy of the completed remittance form described in subparagraph (I) shall also be enclosed with the check.