

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 15R-0110T

IN THE MATTER OF THE TEMPORARY RULES REGARDING COLORADO E9-1-1  
AUTOMATIC LOCATION IDENTIFICATION (ALI).

**DECISION ADOPTING TEMPORARY RULES  
GOVERNING AUTOMATIC LOCATION  
IDENTIFICATION SERVICE**

Mailed Date: February 23, 2015  
Adopted Date: February 19, 2015

**TABLE OF CONTENTS**

I. BY THE COMMISSION .....1

    A. A. Statement .....1

    B. Technical Background.....2

        1. 911, E911, and ALI Services.....2

        2. ALI Communication .....3

        3. Tariffed ALI Services.....4

    C. Commission Authority to Regulate Basic Emergency Services, Including ALI Using Any Form of Technology. ....5

    D. Facts Demonstrating Need for Temporary Rules .....9

    E. Adoption of Temporary Rules .....14

II. ORDER .....20

**I. BY THE COMMISSION**

**A. A. Statement**

1. In this Decision, we adopt temporary rules to ensure the continued reliability and affordability of a critical component of 911 communication services: the location of the caller requesting urgent assistance from police, fire, ambulance, and other emergency responders.

Currently, Qwest Corporation, doing business as CenturyLink QC (CenturyLink), as a certified Basic Emergency Service Provider (BESP), provides this integral component, known as Automatic Location Information (ALI) service, as part of its tariffed enhanced 911 (E911) service delivered to public safety answering points. CenturyLink has subcontracted with Intrado Communications, Inc. (Intrado), to provide location information through Intrado's ALI database and database management processes.

2. Through ongoing investigations conducted by Staff of the Colorado Public Utilities Commission (Staff), we are aware that ALI services, including those provided over Internet Protocol (IP), could be offered and provided to local 911 authorities in a manner not yet reviewed or approved by the Commission. To ensure the continued safety of Colorado citizens and visitors to our state, we find it necessary to issue temporary rules that require Commission approval of the offering or provision by any provider of new or different ALI services in Colorado. ALI services of the type currently provided by CenturyLink through its vendor, Intrado, do not need to obtain additional approval from the Commission to offer service pursuant to these temporary rules.

**B. Technical Background**

**1. 911, E911, and ALI Services**

3. When a caller dials 9-1-1, communications carriers transmit the call to the local public safety answering points (PSAPs), which in turn forwards the caller's request for emergency assistance to police, fire, ambulance, and other first responders. Legacy 911 services allowed only voice communications between the caller and the PSAP, thus requiring the caller to inform the PSAP of his or her location. Relying upon the caller to provide location information orally increases the risk emergency personnel may not be able to respond.

Verbalizing one's location consumes time, is subject to human error, and simply may not occur due to the inability of the caller or the exigency of the circumstances. "Enhanced 911," known as "E911," resolves these problems by automatically providing the PSAP with the caller's location and other critical information. The PSAP is connected to an ALI database, which has been populated with the caller's address and other information. Another E911 feature is the Automatic Numbering Identification (ANI) service, which provides the PSAP with the caller's telephone number and allows the PSAP to place a return call.

4. In 1993, the Commission authorized the provisioning of E911 services through the state's BESP tariff and in conjunction with our rules governing ALI and other components of E911 services. All Colorado PSAPs and 911 governing bodies currently receive E911 services.

## **2. ALI Communication**

5. The delivery of ALI information is a communication between the caller and the PSAP of the caller's location. The ALI service enables a caller dialing 911 to communicate automatically his or her location to the PSAP and emergency responders. Location information is not simply a feature or accessory to the voice component of a 911 call; rather, the caller's location is critical to the caller's request for an emergency response. Due to the circumstances, such as the caller's inability to speak, the caller's location may be the only information he or she is able or intends to impart to the emergency responder.

6. It is the actual, or at least reasonable, expectation of customers and callers that the act of dialing 9-1-1 communicates location information to the PSAP. When subscribing for voice service, generally, a customer provides residential or business address information to the service provider. One of the purposes of a customer providing location information is to have it placed in the ALI database to enable a PSAP to know the caller's location simply through the

dialing of 9-1-1. A customer may not understand the engineering complexities of how location information is transmitted among carriers, stored in the ALI database, or communicated and accessed during a 911 call; however, it is a reasonable expectation that a caller is communicating her location to emergency responders when dialing 9-1-1. For the purposes of these temporary rules, the transmittal of location information between the caller and the PSAP is the communication at issue.

### 3. Tariffed ALI Services

7. To ensure reliability, safety, and affordability, ALI services are tariffed in Colorado. CenturyLink is the statewide BESP and, through its tariff approved by the Commission, provides E911 services to governing bodies, 911 authorities, and PSAPs. CenturyLink provides an integrated E911 service, which includes the aggregation of calls from any point within the state and transport of 911 calls to the correct PSAP corresponding with the location of the caller dialing 911.

8. CenturyLink's E911 services include ALI services. CenturyLink's tariff defines ALI and the ALI Database as features and services related to E911 that store information to assist in identifying and forwarding the originating caller's address and other information to the PSAP.<sup>1</sup> The CenturyLink Tariff also establishes the terms and conditions of ALI services,<sup>2</sup> and the rates for ALI<sup>3</sup> in Section 9.2.1.E.9. Historically, CenturyLink has delivered ALI services to PSAPs through its subcontract with Intrado.<sup>4</sup>

---

<sup>1</sup> Qwest Corporation, Exchange and Network Services Tariff, Colo. P.U.C. No 23, Section 9.2.1.B, Sheet 2, and Section 9.2.1.D.1.a.(1), Original Sheet 19.

<sup>2</sup> *Id.*, Section 9.2.1.D.1.b

<sup>3</sup> *Id.*, Section 9.2.1.E.9

<sup>4</sup> See Reporter's Transcript, Commissioner Information Meeting, 9-1-1 ALI Data Provisioning, February 26, 2014 ("Transcript") at 8.

9. Intrado also has an approved tariff on file with the Commission. Intrado's tariff supports our finding that the caller and the PSAP are the parties engaged in the ALI communication: "The Company does not transmit messages but offers the use of its facilities, when available, for communications between parties, each of whom is present at a telephone or communications device."<sup>5</sup>

**C. Commission Authority to Regulate Basic Emergency Services, Including ALI Using Any Form of Technology.**

10. The Commission has broad constitutional and statutory authority to regulate public utilities. Unless the General Assembly restricts Commission regulation through statute, the PUC has as much authority over public utilities as did the Legislature prior to the adoption of Article XXV of the Colorado Constitution. *Miller Brothers, Inc. v. Pub. Utils. Comm'n*, 525 P.2d 443, 451 (Colo. 1974); *O'Bryant v. Pub. Utils. Comm'n*, 778 P.2d 648, 655 (Colo. 1989). "Article XXV effectuates a broad delegation of legislative power to the PUC...." *Mountain States Tel. & Tel. Co. v. Pub. Utils. Comm'n*, 763 P.2d 1020 (Colo. 1988), (citing *Miller Bros., Inc. v. Pub. Utils. Comm'n*, 525 P.2d 443, 451 (1974)). "[T]he PUC's authority under article XXV is not narrowly confined but extends to incidental powers which are necessary to enable it to regulate public utilities." *Id.* "Article XXV of the Colorado Constitution vests in such agency as the General Assembly may designate all power to regulate the facilities, service, rates, and charges of every public utility operating within Colorado." *Pub. Serv. Co. v. Trigen-Nations Energy Co.*, 982 P.2d 316, 322 (Colo. 1999).

11. Telephone corporations are defined as public utilities under § 40-1-103(1)(a)(I), C.R.S. The current providers of ALI in Colorado, CenturyLink and Intrado, are telephone

---

<sup>5</sup> Intrado Communications, Inc., Emergency Services Tariff, Colorado P.U.C. No. 2; Section 2.4.1.2.1, filed May 15, 2003.

corporations and thus are subject to the PUC's constitutional authority. Indeed, Intrado's application for a CPCN to operate in Colorado defined E911 as "[a]n emergency *telephone* service that includes ANI, ALI (including non-listed and non-published numbers and addresses), and (optionally) selective routing, to facilitate public safety response." *Application of SCC Communications Corp.*, Docket No 00A-468T, filed August 14, 2000, Exhibit I, Original Sheet 5 (emphasis added). The General Assembly also has declared "basic emergency service" to be subject to regulation under part 2 of article 15, title 40. § 40-15-201(2), C.R.S. (2014).

12. The Commission historically has regulated ALI through its rules. "ALI" and "ALI database provider" are defined within the Commission's rules, and "E911 features" means the ANI, ALI, and selective routing capabilities and all other components of an E911 system, not including the transport and switching facilities." Rule 3121, (e), (f), (k). Under our rules, "ALI database service is integral to the provision of E9-1-1 services." Rule 2133(b). The Commission also has regulated terms, conditions, and statewide averaged rates of E911 and its components through tariffs. Rule 2136(c).

13. The recent legislation amending Colorado's telecommunications statutes expressly maintained the Commission's authority over emergency services. This legislation reformed regulation of telephone companies in several areas, the most relevant of which was to define "information services" in accordance with the Federal Communications Act and place those and other services, including basic local exchange services, into deregulated status under part 4. § 40-15-401(1)(b) and (i), C.R.S.<sup>6</sup> The bill, however, expressly reserved Commission jurisdiction over 911 and ALI services: "Nothing in this part 4 shall be construed to affect,

---

<sup>6</sup> The legislation provided for several exceptions to the deregulated status of basic local exchange services, thus allowing for Commission regulation under specified circumstances. *See* § 40-15-401(1)(b), C.R.S.

modify, limit, or expand the Commission's authority to regulate basic emergency service.”

§ 40-15-401(4), C.R.S. (2014)

14. In addition to this unambiguous statutory language, the amendments' legislative history leaves no doubt of the General Assembly's intent to maintain Commission authority over 911 services, without regard to the technology used by a service provider. The Honorable Angela Williams, lead sponsor of the bill in the House of Representatives, stated during the key House Committee meeting:

Committee, if you look in the IP bill, on page 5, it's clear there that nothing in Part 4 shall be construed to affect, modify, limit, or expand the Commission's authority to regulate Basic Emergency Service. As we have talked about, how do we maintain the status quo. The intent there is also, regardless of technology, we have had conversations with the AG's office, the PUC, the Gov's office, and we have talked to some professionals, who have been in the telecommunications industry for over 30 years. And we believe that the language in House Bill 1329 maintains that status quo, and the PUC will still have authority over 9-1-1, regardless of technology.<sup>7</sup>

Senator Kerr also stated before the Senate Business and Labor Committee “that the intent of the legislation is to maintain the PUC's regulatory oversight of Basic Emergency Service, regardless of technology.”<sup>8</sup> The Governor's signing letter echoed the statements of Representative Williams and Senator Kerr.<sup>9</sup>

15. All basic emergency services, including ALI, are regulated by the Commission regardless of technology. The General Assembly in H.B. 14-1329 affirmed the Commission's regulatory oversight of basic emergency services regardless of the deregulated status of any

---

<sup>7</sup> Transcript of Testimony of Representative Williams before the House Business, Labor, Economic and Workforce Development Committee, March 25, 2014 (attached as Exhibit 1).

<sup>8</sup> Testimony of Senator Kerr before Senate Business Labor Committee, April 16, 2014 (attached as Exhibit 1).

<sup>9</sup> See Letter of John W. Hickenlooper, Governor, dated May 9, 2014 (“Testimony in both chambers by the sponsors of this bill reinforce that the intent of this legislation is to maintain the PUC's authority to regulate basic emergency services, regardless of technology.”) (attached as Exhibit 2).

service under part 4. § 40-15-401(4), C.R.S. (2014). Thus, to the extent any of the services or products listed in § 40-15-401(1), C.R.S., including an information service, is used to provide basic emergency service, it is within the Commission's regulatory authority.

16. This Commission may presume that the Legislature passed HB 14-1329 with deliberation and full knowledge of all existing law dealing with the same subject. *See In Re Questions Submitted by the United States District Court*, 499 P.2d 1169, 1171 (Colo. 1972) (quoting *Cooper Motors, Inc. v. Board of County Commissioners*, 279 P.2d 685, 688 (Colo. 1955)) (Citations omitted) (applying this presumption to analysis of whether a statute is constitutional). The Legislature thus was aware of the Commission's historic regulation of E911 and ALI services when it passed the statutory provision stating that the PUC's regulatory authority over basic emergency service was unaffected, without regard to the technology used.

17. ALI is an intrastate component of basic emergency service and therefore subject to state oversight. The end to end geographic locations of a communication determine whether it is intrastate or interstate in nature. *Minnesota Pub. Utils. Comm'n v. Federal Comm. Comm'n*, 483 F.3d 570, 574 (8<sup>th</sup> Cir. 2007). Because the E9-1-1 calls and their ALI component over which we assert jurisdiction in this temporary rulemaking are placed by persons located within the state and delivered locally to a PSAP or an emergency service provider also located within Colorado, this Commission may excise its intrastate regulatory jurisdiction over such calls.

18. Further, in-state funding supports the provisioning of E911 and ALI services. Colorado law authorizes cities, towns, counties, and other localities to impose an emergency telephone charge upon service users located within the jurisdiction providing emergency telephone service. § 29-11-102(1), and (3), C.R.S. These charges pay for the localities' equipment, installation, and other directly related costs of the continued operation of an



emergency telephone service. § 29-11-104(2), C.R.S. The local governing bodies use these funds to pay basic emergency service providers such as CenturyLink for its provisioning of voice, ANI, and ALI services to the PSAPs. § 29-11-104(2)(a)(I)(B), C.R.S. Surcharges greater than seventy cents are subject to approval from the Commission. § 29-11-102(2)(b), C.R.S. Thus, emergency services providers such as CenturyLink and Intrado derive their revenues from intrastate surcharges.

**D. Facts Demonstrating Need for Temporary Rules**

19. On February 11, 2014, Intrado informed Commission Staff of the possibility that its then-existing contract with CenturyLink may terminate, that Intrado intended to offer its own ALI service directly to PSAPs and 911 authorities, and that CenturyLink intended to self-provision ALI services after the contract terminated. The contract was due to expire as soon as February 28, 2014.

20. The Commission conducted a Commission Information Meeting (CIM) on February 24, 2014, and explained the manner in which E911 and ALI services would be provided to PSAPs and the public. After the CIM, to gather additional information of the reliability and affordability of CenturyLink's self-provisioned and Intrado's separate ALI service, Staff issued audit requests to CenturyLink and Intrado May 8, 2014.<sup>10</sup>

21. Based upon the information gathered by Staff, the Commission opened a proceeding to adopt rules to ensure the reliability of ALI services (2014 ALI Rule Decision).<sup>11</sup> We found that CenturyLink's self-provisioning of ALI and Intrado's separate ALI offering created an unreasonable risk to the health and safety of the public, absent a formal showing to the

---

<sup>10</sup> Pursuant to § 40-15-107(2)(a), C.R.S., all information and documents provided by CenturyLink or Intrado to the Commission in connection with audit shall be given confidential treatment, subject to their consent to disclose or a court order under § 24-72-204(5), C.R.S.

<sup>11</sup> Decision No. C14-0893, Proceeding No. 14R-0804T, issued July 28, 2014.

satisfaction of the Commission of the services' reliability, statewide availability, and affordability.<sup>12</sup>

22. The Commission found an immediate risk of unreliable ALI services, and a threat to our current statewide average pricing mechanism guaranteeing affordable ALI services to urban and rural PSAPs if the status quo were to change and CenturyLink self-provisioned its ALI component or Intrado offered and provides a standalone ALI service. If CenturyLink, Intrado, or any other services provider offered an ALI service other than that currently provided in Colorado, the Commission required an application, and certain showings from the provider to ensure reliability of the basic emergency service network.

23. CenturyLink filed application for rehearing, reargument or reconsideration (RRR) to the 2014 ALI Rule Decision on August 18, 2014. Although CenturyLink requested a RRR, it “does not object to demonstrating its reliability and experience in managing ALI databases: CenturyLink has transitioned from external to internal ALI database management before, with no failures. *CenturyLink looks forward to quickly proving its case to the Commission.*”<sup>13</sup>

24. In a letter dated August 25, 2014, to the Director of the Commission, Doug Dean,<sup>14</sup> Intrado addressed what it believed were allegations against Intrado in CenturyLink's application for RRR. Intrado also stated that it “looks forward to demonstrating the reliability and affordability of its ALI Management Service to the satisfaction of the Commission.”

---

<sup>12</sup> 2014 ALI Rule Decision, ¶ 22.

<sup>13</sup> *Id.* at 3 (emphasis added).

<sup>14</sup> This letter was filed in Proceeding No. 14R-0804T.

25. Through its decision, issued September 16, 2014,<sup>15</sup> the Commission denied CenturyLink's application for RRR and upheld its 2014 ALI Rule Decision. The Commission's approval of new, different or untested ALI offerings without deliberation might not ensure the safety and reliability of ALI services in the state.<sup>16</sup>

26. Based on the statements of both Intrado and CenturyLink, the Commission anticipated filings from both parties and planned to consider applications of new ALI services other than those currently provided in Colorado.

27. In October of 2014, ALI service outages in Colorado demonstrated the importance of regulatory oversight of ALI services. In a letter dated October 16, 2014, Chairman Epel noted these outages and the need for remedial measures to Chairman Wheeler of the Federal Communications Commission.<sup>17</sup> Chairman Epel explained that the companies involved, both Intrado and CenturyLink, moved quickly to restore 911 capabilities, but that the breadth and frequency of these and previous outages necessitated further inquiry of the cause so that it could be determined whether remedial actions were necessary to prevent recurrences. The Chairman further explained the Commission's actions, proceedings, and the clear need for continued state and federal vigilance on 911 issues, including critical information provided through ALI services, as evidenced from these outages.

28. Since the Commission adopted the 2014 ALI Rule Decision, neither CenturyLink nor Intrado filed an application with the Commission for approval to offer new ALI services,

---

<sup>15</sup> Decision No. C14-1127, Proceeding No. 14R-0804T.

<sup>16</sup> Decision No. C14-1127, Proceeding No. 14R-0804T, ¶ 11.

<sup>17</sup> Ex Parte Letter of Chairman Epel e-filed with the Federal Communications Commission re: Reliability of the 911 Network, dated October 16, 2015 (filed in the proceeding captioned: *Improving 911 reliability*, PS Docket No. 13-75, *Reliability and Continuity of Communications Networks, Including Broadband Technologies*, PS Docket No. 11-60, and *Inquiry into Circumstances of Major 911 Outage Centered in Washington State on April 9-10, 2014*, PS Docket No. 14-72) (attached as Exhibit 4).

contrary to the Commission's expectations. On January 9, 2015, CenturyLink provided a letter addressed to Chairman Epel stating that Intrado would remain the chosen ALI database vendor for 911 and E911 service.<sup>18</sup> CenturyLink also stated that:

The term of the new agreement will be for an additional five years. As a result of this new contract, CenturyLink will not be pursuing an in-house ALI database management solution for Colorado at this time.

29. In response to the letter, in January of 2015, Staff issued audit questions inquiring about the contract's terms and conditions. The responses to the audit are confidential pursuant to § 40-15-107(2)(a), C.R.S.

30. Staff continues to work with public safety stakeholders through the Colorado 911 Advisory Task Force<sup>19</sup> to monitor the provisioning of 911 services through new or different technologies, such as wireless and voice over internet protocol (VoIP). Through this work and based on other available information, Staff has become aware of 911 operational changes that may alter the current methods and functionalities by which ALI is provided, including the immediate availability of new IP-based location services. Staff is currently investigating what services are being offered or provided and whether a provider may have offered or provided new or different ALI services without Commission approval as required by the 2014 ALI Rule Decision. Staff will provide recommendations for the Commission once its investigations have concluded.

---

<sup>18</sup> A copy of the letter is attached to this decision as Exhibit 5.

<sup>19</sup> Rule 2145, of the Commission Rules Regulating Telecommunications Providers, Services, and Products, 4 CCR 723-2, establishes the 911 Advisory Task Force for the purpose of providing oversight of the statewide implementation of basic emergency service and includes, without limitation, representatives from 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. Commission Staff is responsible for administering the 911 Advisory Task Force and facilitating its meetings and agendas. Among other duties, the 911 Advisory Task Force evaluates alternative technologies, services, and pricing issues related to implementing statewide 911 services in a cost effective fashion.

31. Based upon these facts and the possibility that providers may attempt to offer untested ALI services to PSAPs and 911 authorities, the Commission finds that it is imperatively necessary to establish rules requiring the approval of new or different types of ALI services. As demonstrated in our investigations leading to the 2014 ALI Rule Decision, safety and reliability are dependent upon several elements, including testing, verification, and collaboration with PSAPs and 911 authorities. Reliable ALI services require providers of new or different functionalities to communicate, interact, and cooperate with other carriers, PSAPs, and 911 authorities in the provision of ALI services.<sup>20</sup> In addition, any provider of ALI service must offer: conversion of trunk switching; notification to other service providers to transmit subscriber data to a new location, communications with PSAPs and 911 authorities, and testing of the system.<sup>21</sup> Communications with PSAPs are necessary to ensure proper connections to new or different databases, correct formatting of ALI records and coordination of the transition plan.<sup>22</sup> Any offering of new service to PSAPs must include critical components: accuracy of ALI databases, operational reliability of different ALI services and connections; pricing and affordability for less populated jurisdictions; coordination among service providers to allow input of customers' names and addresses into the databases; adequacy of communications among the ALI provider, PSAPs and 911 authorities for the operational transition to a different ALI database or ALI provider; and, adequacy of testing of new or transitioned systems.

---

<sup>20</sup> See Transcript, at 19-20.

<sup>21</sup> See Transcript, at 19-20, 24-25.

<sup>22</sup> See Transcript, at 20, 25.

**E. Adoption of Temporary Rules**

32. The Commission may adopt emergency or temporary rules “if the agency finds that immediate adoption of the rule is imperatively necessary to comply with a state or federal law or federal regulation or for the preservation of public health, safety, or welfare and compliance with the requirements of this section [to complete a permanent rulemaking] would be contrary to the public interest and makes such a finding on the record.”<sup>23</sup>

33. As noted when we initially adopted ALI rules,<sup>24</sup> the Commission is also *mandated* by statute to ensure safe and adequate utility services: “Whenever the commission...finds that the...equipment, facilities, or service of any public utility...are unjust, unreasonable, *unsafe*, improper, *inadequate*, or insufficient, the commission *shall* determine the just, reasonable, *safe*, proper, *adequate*, or sufficient...practices, equipment, facilities, service, or methods to be observed, furnished, constructed, enforced, or employed and *shall fix the same* by its order, rule, or regulation.” §40-4-101(1), C.R.S. (Emphasis added). Section 40-3-101(2), C.R.S., imposes upon every utility the requirement to ensure public safety: “Every public utility shall furnish, provide, and maintain such service, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees and the public, and as shall in all respects be adequate, efficient, just, and reasonable.”

34. In support of invoking § 24-4-103(6), C.R.S., we find that the potential for any provider to offer new or different ALI services prior to ensuring that the service is safe, reliable, and affordable creates an unreasonable risk to the health and safety of the public. Rules requiring Commission approval are necessary to ensure ALI technologies and services are

---

<sup>23</sup>§24-4-103(6), C.R.S.

<sup>24</sup>2014 ALI Rule Decision, ¶ 20.

affordable, available, and reliable, and thus to protect public health, safety, and welfare.

New ALI services must prove to the Commission that:

- a) The databases contains accurate and updated location information;
- b) The provider has coordinated and communicated with other service providers to ensure input of accurate location information into the ALI database;
- c) The provider has ensured that connections and other operational functions necessary for the provisioning of Ali services to PSAPs are reliable;
- d) The offering of separate ALI services to highly-populated jurisdictions, the revenues from which have subsidized E911 services, will not damage the current statewide-average pricing structure for E911 services or result in unreasonably high rates to rural and less-populated jurisdictions;
- e) The provider has communicated and provided adequate instructions to PSAPs and 911 authorities to ensure operational transition to a different ALI database or ALI provider; and,
- f) The provider has tested adequately and demonstrated a sufficient level of reliability of the new or different ALI systems and connections.

35. Services provided by CenturyLink through its vendor, Intrado, have proven reliable, safe, and affordable. Under the rules adopted in the 2014 ALI Rule Decision, we anticipated that Intrado and CenturyLink would file applications for expedited review. Instead, Intrado and CenturyLink continued negotiations and made the Commission aware of a resolution to continue providing services in January 2015. We do not require CenturyLink and

Intrado to request further approval for the same ALI services and functionalities that CenturyLink and Intrado provided as of June 1, 2014.

36. However, recent and ongoing investigations from Staff indicate that competitive and alternative offerings of ALI services, including offerings over IP technologies, are not theoretical possibilities, and could be offered in Colorado at any time. Providers are capable of offering services that replace and compete with current ALI offerings.<sup>25</sup> The investigation and inquiries of Commission Staff confirm that, absent regulatory oversight of ALI, there is immediate risk that providers offering services in Colorado will not meet the standards required to ensure public safety, and the immediacy of this risk demonstrates the necessity of enforceable rules before the Commission is able to complete a permanent rulemaking under § 24-4-103, C.R.S.

37. While we find that the rules we adopt today are necessary due to new circumstances and potential competitive offerings of ALI services, the rules from our 2014 ALI Rule Decision address the same reliability issues facing us today if a provider intends to offer ALI services other than those currently provided. For clarity, we discuss the rules we adopt by this decision below, though no changes are made from the rules adopted in the 2014 ALI Rule Decision.

38. The temporary rules define “ALI service” and revise the definition of “basic emergency service” to include “ALI service.” As we found in the 2014 ALI Rule Decision, adoption of these definitional rules does not represent any change to our oversight of ALI service as a component of basic emergency service or result in any new incursion into a

---

<sup>25</sup>By way of example, TeleCommunications Systems, Inc., has tariffed E911 services on file with Minnesota, including the provision of location database data services. *See* Minnesota Telecommunications Tariff for Telecommunications Systems, Inc., issued February 1, 2008, p. 12-14, ¶¶ C(1)(h) and (o) (describing database information and routing criteria furnished to the 911 authority, including address and location information).



previously unregulated area; the Commission historically has regulated ALI services through its rules and through CenturyLink's integrated E911 tariff. Thus, we add to and amend Rule 2131 as follows:

(e)(I) "ALI service" means providing ALI to a PSAP or governing body and 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.

\* \* \*

(h) "Basic emergency service" includes means the Part II telecommunications service (§ 40-15-201(2)(b), C.R.S., (2014)) 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. The offering or providing by any person of ALI service to a PSAP or governing body is a basic emergency service.

39. We also adopt a temporary rule to require any provider deploying an ALI service as part of its integrated E911 service, or any provider offering a standalone ALI service, to show the Commission through evidence that its ALI service will be reliable and affordable statewide. Thus, Rule 2147 states as follows:

2147. ALI Service.

If any person provides an ALI service to a PSAP or governing body as a separate service or in combination with other components or functionalities of a 9-1-1 service, or if any BESP transitions to or uses an ALI database system or ALI service, including self-provisioning, different from any ALI database system or ALI service used by the BESP in the providing of 9-1-1 services to any PSAP or governing body as of June 1, 2014, then that person or BESP must file an application for and obtain prior authorization from the Commission. The authorization may be subject to terms and conditions as the Commission may prescribe to promote the public interest and will be based upon the following criteria:

- (a) accuracy of the ALI database during the provisioning of the ALI service;
- (b) reliability of the ALI service, including, without limitation, compliance with the obligations placed upon BESP in rule 2143;
- (c) non-discriminatory, statewide averaged, and affordable pricing of 9-1-1 services;

- (d) processes and mechanisms required by service providers for the furnishing and management of the names, addresses, and telephone numbers for all customers for the ALI database;
- (e) adequacy of information exchanged with the PSAP or governing body;
- (f) adequacy of information exchanged and sufficient testing with other service providers to ensure the accuracy and reliability of the ALI service;
- (g) adequacy of the testing of the ALI service, including testing of the delivery of ALI service to each subscribing PSAP; and
- (h) any other matter affecting public safety, reliability, pricing, and the public interest.

40. The current ALI systems, connectivity, and functionality serving PSAPs through CenturyLink's integrated E911 services tariff, which uses Intrado's ALI database and other services through a subcontract, have demonstrated their reliability and affordability over the past several years. Commission approval to maintain the status quo is not required. We add, therefore, the following to new Rule 2147:

Commission authorization is not required for a BESP to continue providing a PSAP or governing body the same ALI service, database, database management service, connectivity, and functionality, and using the same subcontractors provided as part of an integrated E9-1-1 service as of June 1, 2014, or the updating of the ALI database in the normal course of business.

41. CenturyLink and Intrado do not need additional Commission approval, so long as services are provided as they have been in Colorado prior to issuance of this decision. If any provider, including CenturyLink or Intrado, intends to offer a new product or ALI service or functionality not currently provided, the provider must comply with the application requirements adopted by these Commission rules.

42. The public interest demands that the Commission regulate ALI as a critical 911 service to ensure, among other concerns, accurate location information, coordination with

various emergency service stakeholders, affordability through statewide-average pricing structures, and adequate testing of services prior to use by Colorado citizens and visitors to our state. The Commission continues to obtain stakeholder input through 911 Task Force meetings and other venues and is finalizing its proposal for a comprehensive permanent rulemaking regarding basic emergency services, including ALI services.

43. The public policies underlying basic emergency service support our adoption today of temporary rules. It is of the utmost importance to ensure continuity in the provision of 911 basic emergency service for all citizens in, and visitors to, Colorado. This includes ensuring no disruptions of reliable service due to any revision or termination of contractual relationships or different technologies used to provide basic emergency service. “[P]ublic safety agencies increasingly rely on enhanced 9-1-1 to provide dependable and precise information about the 9-1-1 caller’s location and an accurate telephone number to reach the caller.” § 29-11-100.5(2), C.R.S. “Inadequate location information can be life threatening if the caller is unable to verbalize the correct location. Not knowing an accurate location for a caller can result in a delay in service.” *Id.*

44. The temporary rules adopted today shall be effective on the mailed date of this Decision and shall remain in effect until permanent rules become effective or for 210 days, whichever period is less.

45. The temporary rules in legislative and final version format are attached to this decision as Attachments A and B, and are available through the Commission’s E-Filings system at: [https://www.dora.state.co.us/pls/efi/EFI.Show\\_Docket?p\\_session\\_id=&p\\_docket\\_id=15R-0110T](https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=15R-0110T)

**II. ORDER**

**A. The Commission Orders That:**

1. The rules in final version format available in this proceeding through the Commission’s E-Filings system are hereby adopted as temporary rules consistent with the above discussion.

2. The temporary rules shall be effective on the mailed date of this Decision.

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

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING  
February 19, 2015.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

PAMELA J. PATTON

---

GLENN A. VAAD

---

Commissioners

CHAIRMAN JOSHUA B. EPEL  
ABSENT.