

CHAPTER 87

PUBLIC UTILITIES

HOUSE BILL 95-1316

BY REPRESENTATIVES Moellenberg, Armstrong, Acquafresca, Dean, Epps, Hagedorn, Jerke, Schwarz, Sullivan, Sullivant, and Taylor;
also SENATORS Rizzuto, Ament, Bishop, Feeley, Pascoe, L. Powers, Rupert, Schaffer, Tebedo, and Weissmann.

AN ACT

CONCERNING THE RELAXATION OF REGULATORY CONSTRAINTS ON THE PROVISION OF CERTAIN APPLICATIONS OF INTERACTIVE VIDEO TECHNOLOGY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 40-3-106 (1) (a), Colorado Revised Statutes, 1993 Repl. Vol., is amended, and the said 40-3-106 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

40-3-106. Advantages prohibited - graduated schedules. (1) (a) Except when operating under paragraph (b) OR (c) of this subsection (1) or pursuant to article 3.4 of this title, no public utility, as to rates, charges, service, or facilities, or in any other respect, shall make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage. No public utility shall establish or maintain any unreasonable difference as to rates, charges, service, facilities, or in any respect, either between localities or as between any class of service. The commission has the power to determine any question of fact arising under this section.

(c) A LOCAL EXCHANGE PROVIDER, AS DEFINED IN SECTION 40-15-102 (18), MAY ENTER INTO A CONTRACT, WHEN NECESSARY, SPECIFYING NON-COST-BASED RATES AND CONDITIONS PARTICULAR TO THAT CONTRACT WITH ONE OR MORE PURCHASERS OF SERVICES FOR APPLICATIONS OF INTERACTIVE VIDEO TECHNOLOGY FOR PURPOSES OF DISTANCE LEARNING, VIDEO ARRAIGNMENT OF DEFENDANTS IN CRIMINAL CASES, OR EXAMINATION, DIAGNOSIS, OR TREATMENT OF PATIENTS IN THE COURSE OF MEDICAL PRACTICE. WHEN AN APPLICATION IS SUBJECT TO A BIDDING PROCESS BY THE END USER OF THE SERVICE, THE LOCAL EXCHANGE PROVIDERS OFFERING COMPONENT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ELEMENTS OF INTERACTIVE VIDEO TECHNOLOGY PURSUANT TO THIS PARAGRAPH (c) SHALL OFFER THE COMPONENT ELEMENTS RELATING TO A SPECIFIC APPLICATION TO A SPECIFIC END USER TO ALL BIDDERS, INCLUDING THEMSELVES, IF BIDDING, AT THE SAME RATES, TERMS AND CONDITIONS. THIS EXCEPTION SHALL NOT APPLY TO ANY OTHER REGULATED SERVICE. A PROVIDER OTHER THAN A LOCAL EXCHANGE PROVIDER MAY OFFER SUCH INTERACTIVE VIDEO SERVICES IF SUCH SERVICES ARE PROVIDED UNDER THE SAME TERMS AND CONDITIONS AS SPECIFIED IN THIS PARAGRAPH (c). EACH CONTRACT ENTERED INTO UNDER THIS PARAGRAPH (c) SHALL BE FILED WITH THE COMMISSION FOR INFORMATION ONLY.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 17, 1995