

Department of Regulatory Agencies SMART Act Hearing

Joint Business Committee
January 23, 2024



COLORADO
Department of
Regulatory Agencies

DORA Mission & Vision

The **Department of Regulatory Agencies** (DORA) is dedicated to **preserving the integrity of the marketplace** and is committed to promoting **a fair and competitive business environment** in Colorado.

Consumer protection is our mission.

DORA By The Numbers

- **695.7** FTE
- **\$141.5 M** Budget (FY23-24)
- More than **40** Boards, Commissions and Advisory Committees
- **50+** Regulatory programs
- **1,113,177** individual licensees
- **78,022** regulated business and institutions

DORA Organizational Chart




DEPARTMENT OF REGULATORY AGENCIES
Patty Salazar, Executive Director

Deputy Executive Director, Ginny Brown
 Communications & Stakeholder Engagement
 Legislative Affairs
 Energy Modernization
 Colorado Office of Policy, Research, & Regulatory Reform

 **EXECUTIVE DIRECTOR'S OFFICE**
 (35.7 FTE)

Chief Administrative Officer, Marisol Larez
 Human Resources Office
 Budget Office
 Department Operations
 Office of Accounting & Purchasing

 **DIVISION OF BANKING**
 Ken Boldt, Commissioner
 (40.0 FTE)

 **COLORADO CIVIL RIGHTS DIVISION**
 Aubrey Elenis, Director
 (40.8 FTE)

 **DIVISION OF CONSERVATION**
 Aaron Welch, Director
 (5.8 FTE)

 **DIVISION OF FINANCIAL SERVICES**
 Mark Valente, Commissioner
 (15.6 FTE)

 **DIVISION OF INSURANCE**
 Michael Conway, Commissioner
 (115 FTE)

 **OFFICE OF THE UTILITY CONSUMER ADVOCATE**
 Cindy Schonhaut, Director
 (13.5 FTE)

 **DIVISION OF PROFESSIONS & OCCUPATIONS**
 Samuel Delp, Director
 (227.6 FTE)

 **PUBLIC UTILITIES COMMISSION**
 Rebecca White, Director
 (128.8 FTE)

 **DIVISION OF REAL ESTATE**
 Marcia Waters, Director
 (48.9 FTE)

 **DIVISION OF SECURITIES**
 Tung Chan, Commissioner
 (24.0 FTE)

What DORA Regulates

Financial Services



Accounting Firms
Broker-Dealer Firms
Broker-Dealer Sales
Representatives
Certified Public Accountants
Investment Adviser Firms
Investment Adviser
Representatives
Money Transmitters
Mortgage Broker-Dealers
Mortgage Loan Originators
State-Chartered Savings & Loans
State-Chartered Commercial

Banks

Insurance

Insurance Agents/Brokers
Insurance Companies

Real Estate, Buildings & Repair



Appraisers
Architects
Electricians
Engineers
Homeowners Associations (via HOA
Information and Resource Center)
Land Surveyors
Landscape Architects
Plumbers
Radon Professionals
Real Estate Brokers
Title Insurance Agents/Agencies

Cosmetology

Barbers
Barber/Cosmetology Shops
Cosmetologists
Estheticians
Hair Stylists

Hair Technicians

Healthcare & Wellness

Acupuncturists
Addiction Counselors
Athletic Trainers
Audiologists
Chiropractors
Dental Hygienists
Dentists
Direct-entry Midwives
Hearing Aid Providers
Marriage and Family Therapists
Massage Therapists
Natural Medicine Facilitators
Naturopathic Doctors
Nurses and Nurse Aides
Nursing Home Administrators
Occupational Therapists
Optometrists
Pharmacists and Pharmacies
Physical Therapy
Physicians (all types)
Physician Assistants
Professional Counselors
Psychiatric Technicians
Psychologists
Respiratory Therapists
Speech Language Pathologists
Social Workers
Surgical Assistants/Surgical Technologists
Veterinarians and Veterinary Technicians

Transportation



Children's Activity and Charter Buses, Limousines,
Off-road Charters, Moving Companies (household
goods), Non-consensual Towing, Passenger
Tramways, Shuttles, Taxis and Transportation
Network Companies (TNC's)
Public Highway Railroad Crossings
Rail Fixed Guideway (RFG)

Utilities



Investor-owned electric, gas,
steam and water Some
telecommunications services

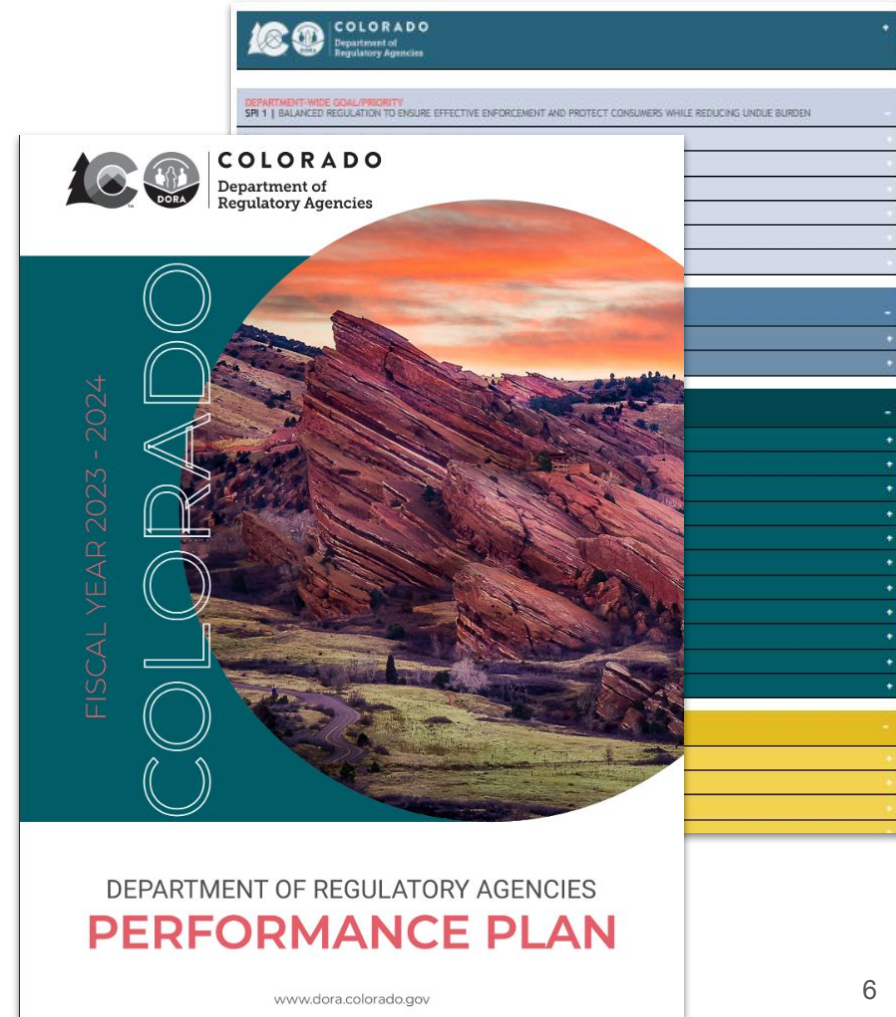
Other

Bail Bonds/Bail Bonds Agents
Combative Sports
Conservation Easement Holders
Conservation Easement Tax Credits
Funeral Homes, Crematories
Medicare Assistance - home of State Health
Insurance Assistance Program (SHIP)
Medicare Assistance - Senior Medicare Patrol (SMP)
Outfitters
Enforce anti-discrimination laws



DORA Performance Management Philosophy

- Bottom-up Approach
- Results-driven
- Accountability
- Communication
- Transparency




COLORADO
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FISCAL YEAR 2023 - 2024

DEPARTMENT OF REGULATORY AGENCIES
PERFORMANCE PLAN

www.dora.colorado.gov

DEPARTMENT-WIDE GOAL/PRIORITY
 SPI 1 | BALANCED REGULATION TO ENSURE EFFECTIVE ENFORCEMENT AND PROTECT CONSUMERS WHILE REDUCING UNDUE BURDEN

DORA's FY 2023-24 Wildly Important Goals (WIGs)

1

Customer Utility Savings

The Public Utilities Commission will complete an evaluation of how existing structures, systems, processes, and procedures can ensure reliability and save Coloradans money by sustainably reducing electricity rates from 11% below the national average to 21% and natural gas rates from 26% below the national average to 36% by June 30, 2024, with continued implementation monitoring and review of corresponding strategies through June 30, 2026.

2

Healthcare Workforce Recovery

In support of stabilizing and expanding Colorado's healthcare workforce for the future, and as a part of Colorado's Roadmap Forward, the Department of Regulatory Agencies will implement strategies to retain 10% more licensed and ready direct care healthcare workers for Colorado's workforce by June 30, 2023 and increase retention to 20% by June 30, 2025.

More Information

To view monthly updates on Wildly Important Goals and corresponding lead measures, please visit the [Governor's Dashboard](#).

For more information on additional Department goals and context, view our [FY 2023-24 Performance Plan](#).

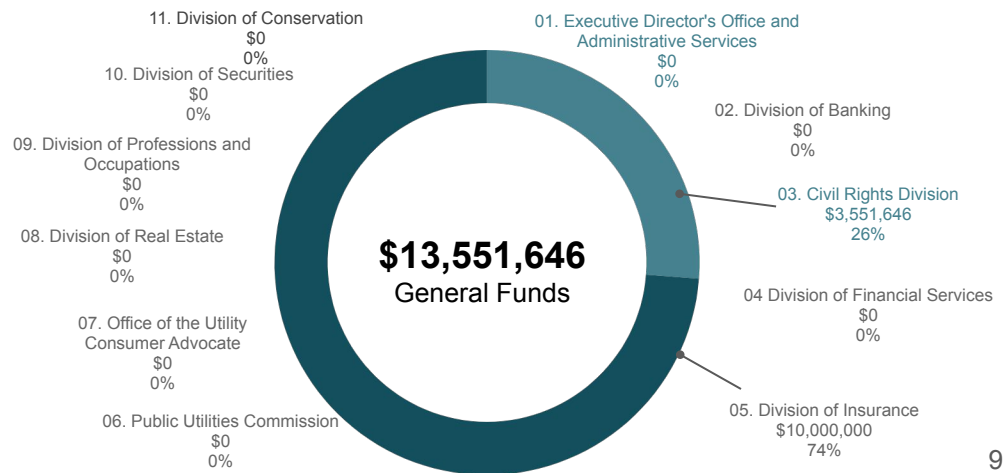
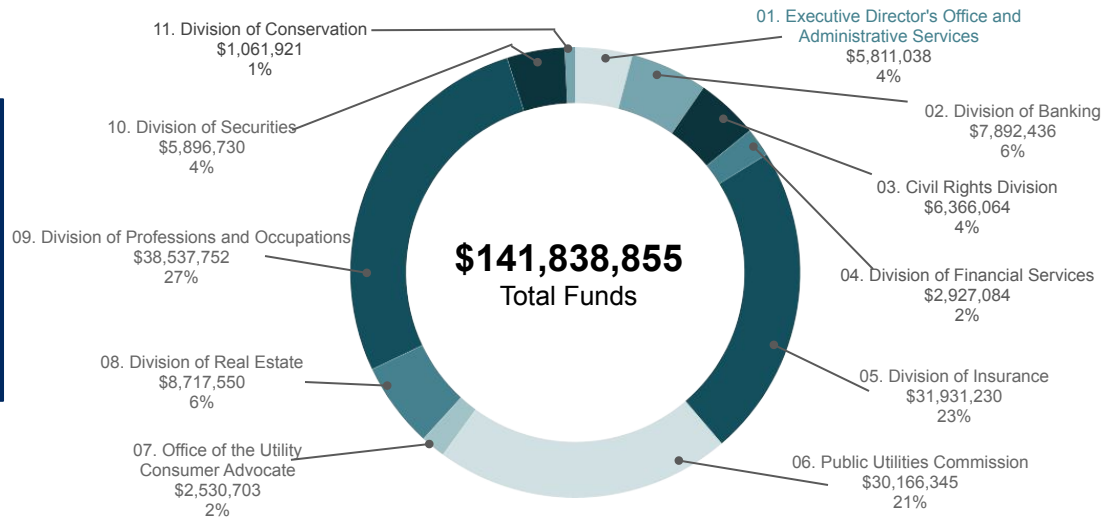
DORA FY 2024-25 Budget Request

FY 2024-25 Budget Snapshot

FY 2024-25 Total Funds: \$141.8M

FY 2024-25 General Fund: \$13.6M

FY 2024-25 FTE: 698.4



DORA Select FY 2024-25 Budget Requests

DORA's FY 2024-25 Budget Request includes the following:

- R-01 Increase Banking Staff in Response to Industry Growth. The Division requests \$528,456 and 5.0 FTE in order to maintain staffing at a level commensurate with the growth and complexity of commercial bank assets and money transmitter companies, allowing the Division to continue to meet its statutory and policy objectives for a continued safe, healthy, and robust State banking industry.

DORA's request does not include any fiscal stimulus items

Legislative Agenda

The Department respectfully requests the General Assembly consider legislation on the following:

- Streamlining Military Spouse Occupational Credentialing
- 9-1-1 Voluntary Minimum Standards
- Clarifying PUC Telecom Fees

2024 Regulatory Agenda

185 Rules identified for action on behalf of the Department

Full Report is linked here on the Department website: ([here](#))

Division of Professions and Occupations: Pharmacy, Occupational Therapy, Podiatry, Nursing Administrators, Architects, Professional Engineers and Land Surveyors etc.

Division of Securities: Investment Advisor Representative and Sales Representatives

Division of Banking: Trust Companies, Financial Institution Administrative Rules

New Rules: 30%

Revised Rules: 54%

Repealed Rules: 42%

Mandatory Rules: 12%

Non Compliance with Agency Rules - Analysis

- Analysis of rules of principal departments with the greatest frequency of noncompliance actions
- 10 agencies responded
- More than 109 Rules were identified
- Agencies do prioritize the ability to cure minor violations

Equity, Diversity, and Inclusion (EDI)



In accordance with the **Governor's Executive Order [2020 175](#)**, the Department is implementing an EDI Action Plan to improve **equity, diversity, and inclusion**, including efforts to:

- Continue implementation of **EDI training** for supervisors, executive leadership, and Boards and Commission members.
- Establish division **stakeholder engagement plans** to ensure inclusive, meaningful, focused engagement with respective industry and community stakeholder groups.
- Enhance the **department's websites** and making changes with customer experience in mind, including evaluating and making improvements related to **websites accessibility**.

Individual Division Presentations

Division of Conservation | Public Utilities Commission



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Division of Conservation Registry of Conservation Easements

Full Report on Division website ([here](#))

DORA is required to annually report to the committee on information contained in the registry of conservation easements. The information includes:

- 699 deeds of conservation easement
- the location and size of each easement
- the names of the grantor that donated the easement and the grantee that holds the easement
- the easement holder's certification status (all easements are held by organizations certified by the Division)
- whether a tax credit certificate was issued for the easement

The sharing of information is complete and updated in real time each time the Division issues a tax credit certificate. Information for all conservation easements donated between 2011 and 2023 and which sought a tax credit is included, representing more than 830,000 acres conserved in 57 counties across the state, which is an increase of 14% from last year.

Public Utilities Commission

Colorado High Cost Support Mechanism(CHCSM)

Full Report on Division Website ([here](#))

- **Purpose** is to support affordable basic telephone service in high cost areas.
- **Broadband Infrastructure:** CHCSM repurposed for broadband infrastructure
- **Broadband Deployment Board:** \$80.8 million transferred since 2015
- **Intrastate Retail Revenues:** 2.6% surcharge applied to intrastate retail revenues is the source of funding, with about 208 providers paying into the fund.
- **Broadband Fund (2024):** All proceeds from the CHCSM surcharge are to be transferred to the Broadband Fund.
- **DORA Sunset Review:** CHCSM is scheduled to sunset on September 1, 2024.

Questions?



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Colorado Public Utilities Commission State of 9-1-1 Report Summary

Joint Business Committees
January 23, 2024



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Public Utilities Commission

Slide Preview

1. Regulatory Authority of the PUC Regarding 9-1-1
2. The Current State of 9-1-1 in Colorado
3. Deployment of Advanced Services
4. 9-1-1 Call Delivery Reliability
5. 9-1-1 Funding Sources and Revenue
6. Challenges Facing 9-1-1 in Colorado
7. Recommendations for the Legislature

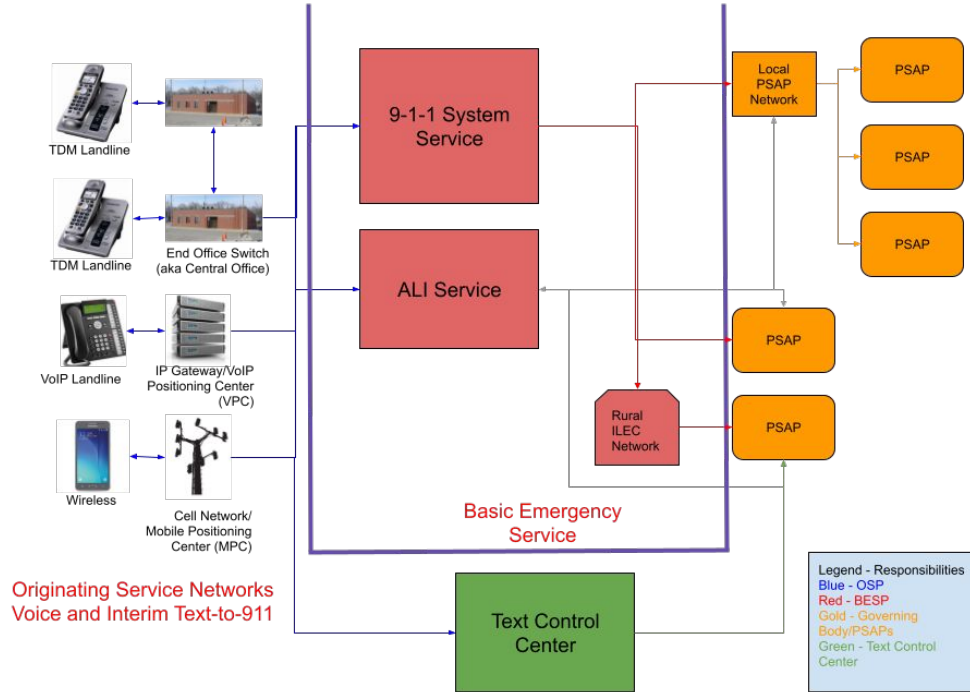
Regulatory Authority of the PUC Regarding 9-1-1

Regulated	Limited Regulation	Not Regulated
<p>The middle portion of the 9-1-1 call flow handled by the Basic Emergency Service Provider, otherwise known as Basic Emergency Service</p> <p>The State 9-1-1 Surcharge</p>	<p>The Wireless Prepaid 9-1-1 Charge</p> <p>Local Emergency Telephone Charges</p>	<p>Originating Service Providers</p> <p>9-1-1 Call Centers, including operational and training standards, text-to-911 implementation, emergency medical dispatch protocol implementation, and more</p> <p>Emergency Notification Systems</p>



Regulatory Authority of the PUC Regarding 9-1-1

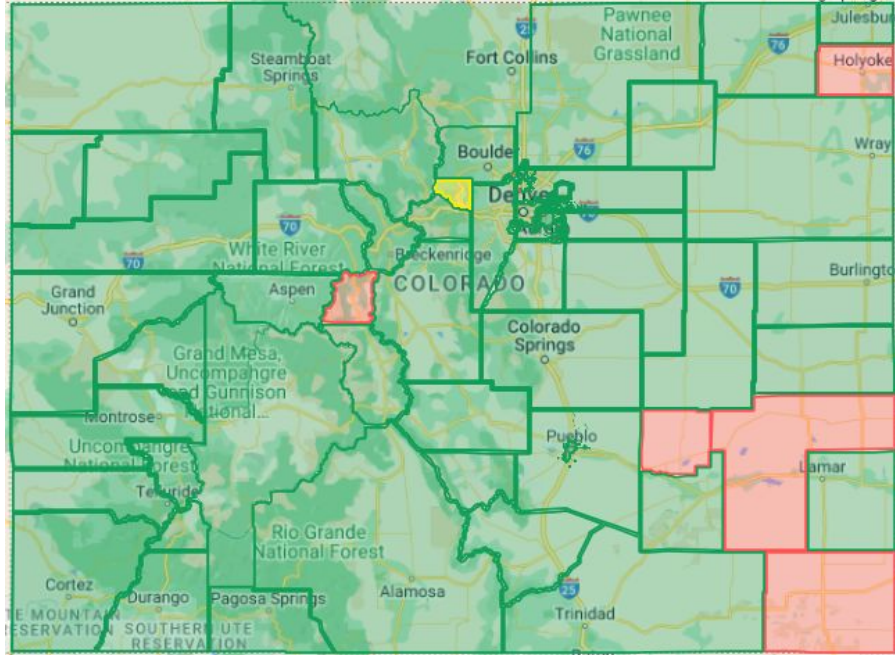
9-1-1 Call Flow Under Legacy (Enhanced) 9-1-1 Network



The Current State of 9-1-1

- 9-1-1 service is available everywhere in the state. If you can make a call, you can call 9-1-1.
- Enhanced 9-1-1, which includes location information for the caller, is available for landline callers everywhere in the state.
- Enhanced 9-1-1 for wireless callers is available everywhere callers can get a cell signal.
- By population, 99% of the public has access to text-to-911 in Colorado.

Text to 9-1-1 Deployment



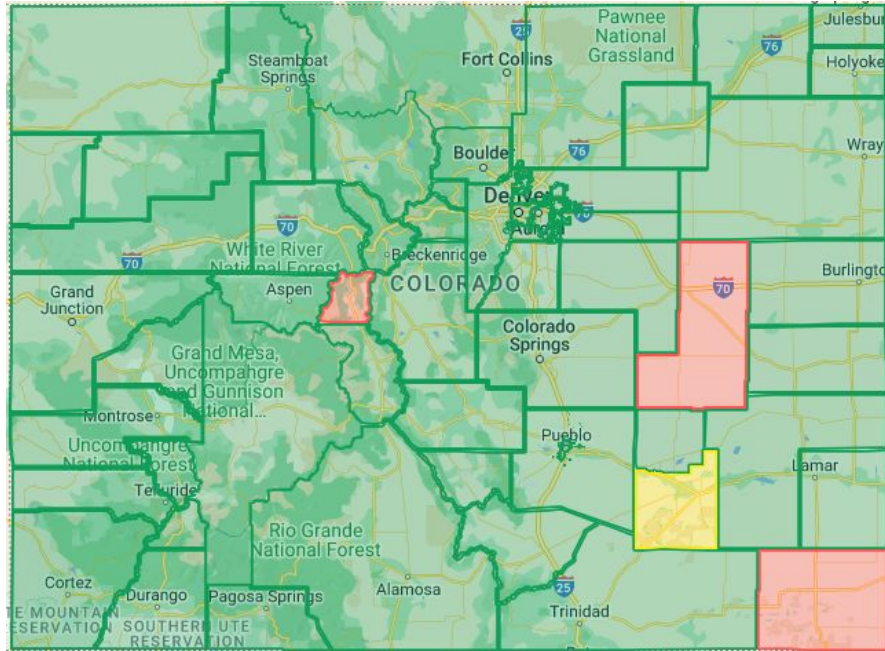
Green - text-to-911 available at all call centers serving this 9-1-1 governing body

Yellow - text-to-911 available for some call centers serving this 9-1-1 governing body

Red - text-to-911 not available at any call centers serving this 9-1-1 governing body



Emergency Medical Dispatch (EMD) with Pre-Arrival Instructions (PAI)



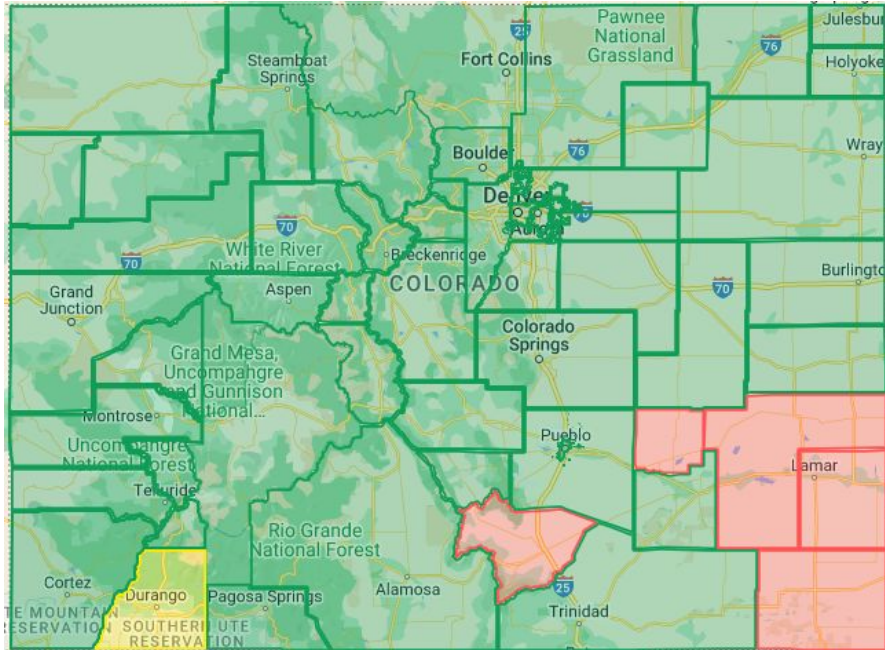
Green - EMD/PAI available at all call centers serving this 9-1-1 governing body

Yellow - EMD/PAI available for some call centers serving this 9-1-1 governing body

Red - EMD/PAI not available at any call centers serving this 9-1-1 governing body



Foreign Language Interpretation for 9-1-1 Calls



Green - Foreign Language Interpretation available at all call centers serving this 9-1-1 governing body

Yellow - Foreign Language Interpretation available for some call centers serving this 9-1-1 governing body

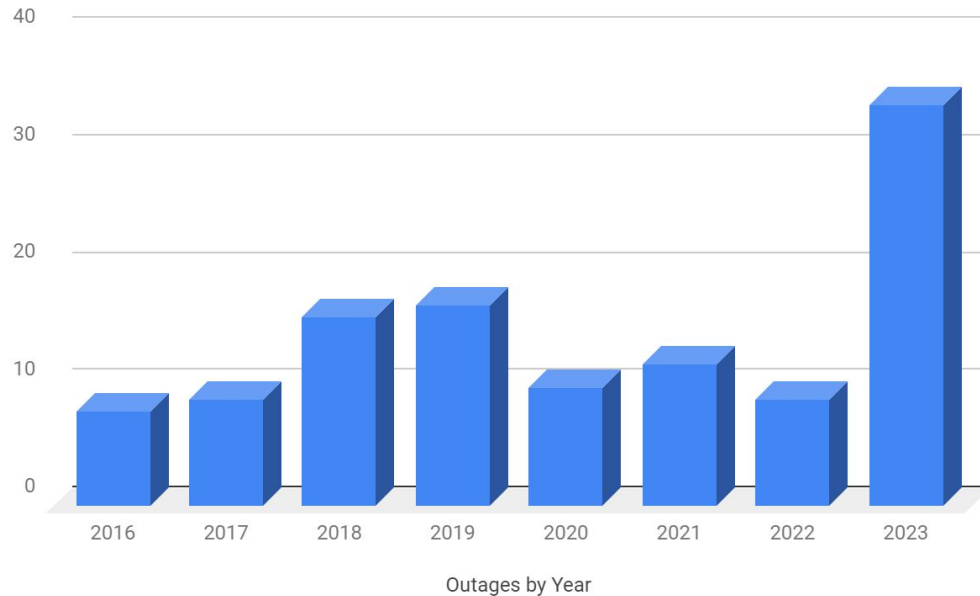
Red - Foreign Language Interpretation not available at any call centers serving this 9-1-1 governing body



The 9-1-1 Advisory Task Force and the ESInet Users Group

- The Commission administers a 9-1-1 Advisory Task Force, created to advise the Commission on matters related to 9-1-1 service. This Task Force is very active and meets every other month, with educational webinars on the off months.
- One of the committees of the Task Force is the ESInet Users Group. This Users Group discusses the future development of the 9-1-1 network in Colorado and published the first edition of its Next Generation 9-1-1 Strategic Plan in 2022 and is currently working on the 2nd edition.

Basic Emergency Service (BES) Outages by Calendar Year



This graph depicts all BES outages in which a 9-1-1 call center was unable to receive 9-1-1 calls due to a failure in the network of the Basic Emergency Service Provider for at least 30 minutes in duration.

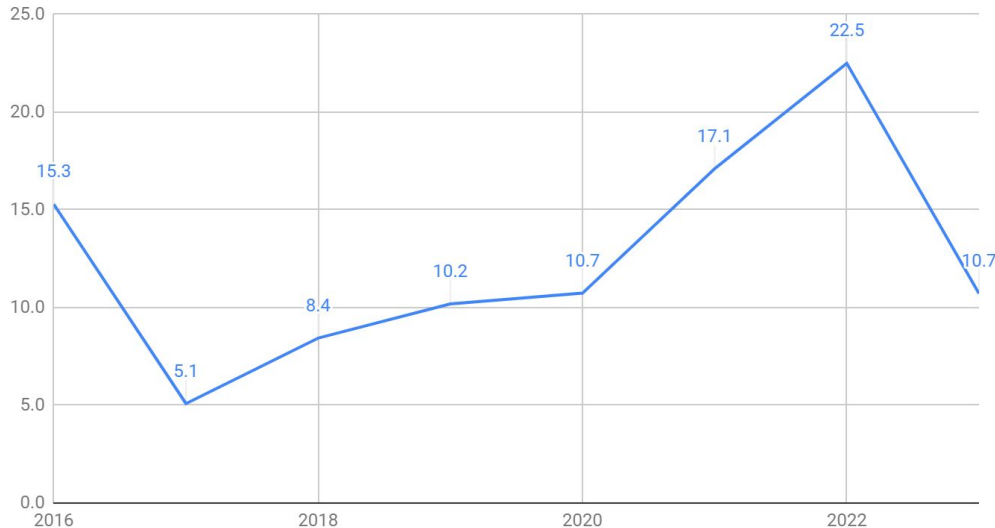
2023 saw a significant increase in outages recorded (34), possibly due to a change in notification practice.

Note: Several of the outages counted for 2023 are still under investigation.



Basic Emergency Service (BES) Outage Duration by Calendar Year

Average Duration of Basic Emergency Service Outages in Hours by Year



The average duration of BES outages improved in 2023 after climbing the previous two years, bringing the average duration back down to the 2020 level. However, at 10.7 hours, the average duration of outages still has significant room for improvement.

Outage Staff Investigations

- Beginning in April of 2023, the Commission began conducting staff-led investigations of Basic Emergency Service outages that meet certain criteria, such as outages that affect multiple call centers, impact the same call center within a short period of time, or at the request of the call center.
- Since the beginning of this new investigation process, 23 investigations have been initiated and 14 have been completed. Of those completed, 10 were confirmed by staff to have been BES outages, and in 9 of those staff determined that an apparent violation of Commission rules had occurred.
- A rulemaking is currently underway to clarify what constitutes an outage and what the provider's responsibilities are when an outage occurs. Following this rulemaking, if apparent violations continue to occur, the Commission may consider enforcement actions.

Funding Sources and Revenues

Source	Rate	Revenue for Call Centers
Local Emergency Telephone Charges	Varies from \$0.70 per line per month to \$4.00 per line per month	~ \$91 million in 2022
State 9-1-1 Surcharge	\$0.09 per line per month in 2023 Remaining the same in 2024	~ \$6.9 million in 2022
Prepaid Wireless 9-1-1 Charge	\$1.72 per transaction in 2023 \$1.88 per transaction in 2024	~ \$14.8 million in 2022
Local county and municipal general funds	Any 9-1-1 expense not funded by the above charges must be paid by local governments. It is not clear at this time how much local funding was provided in 2022 by local governments for 9-1-1 service.	No data

Challenges Facing 9-1-1 in Colorado

1. The lack of a state-level purchasing mechanism to implement modern communications technology and further the implementation of Next Generation 9-1-1.
2. The lack of statewide public safety answer point performance and service standards.
3. The lack of a clear path toward consistent statewide cybersecurity defense at local 9-1-1 centers.

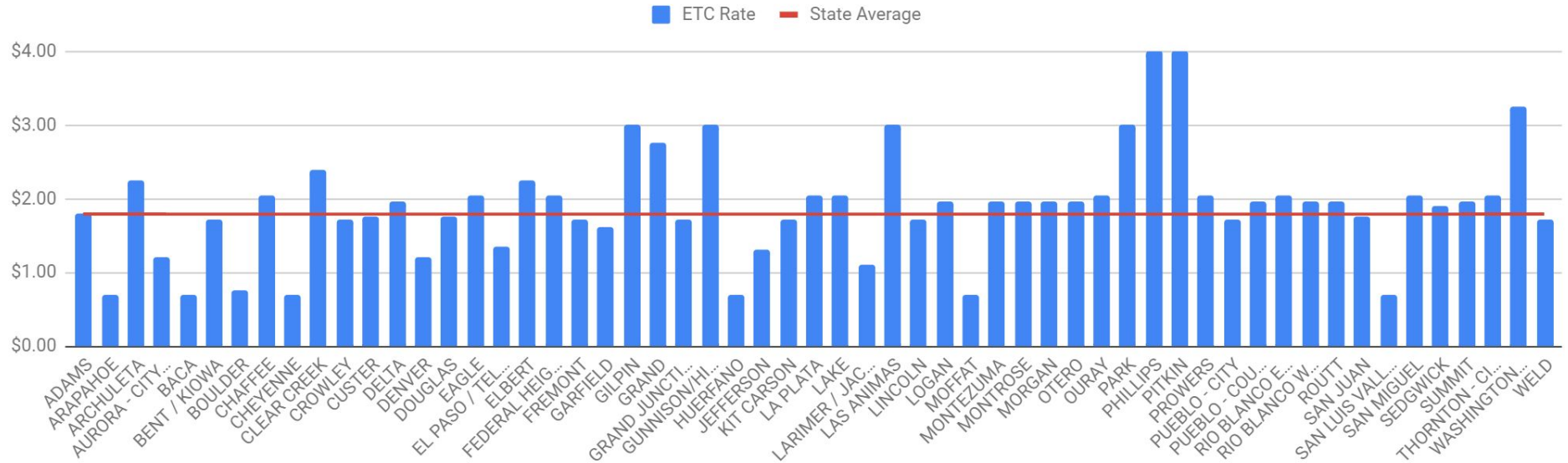
Additional Challenges

One additional challenge is an increasing disparity between the local 9-1-1 governing bodies' Emergency Telephone Charge (ETC) rates, which range from 70 cents per line per month to \$4.00 per line per month.

Currently, statute contains no cap to the amount of an ETC rate that the Commission may approve, and no significant guidance is provided to direct the Commission on when to approve or deny a rate application.

ETC Rates Statewide

ETC Rates As of Feb 1, 2024



Recommendations to the Legislature

1. Consider a bill to direct the Commission to hold a rulemaking to create statewide training and operational standards for 9-1-1 centers and to report on the progress on these standards in future reports to the legislature.
2. Consider the bill being proposed by the Commission's 9-1-1 Advisory Task Force which would create a 9-1-1 Services Enterprise and a state-level purchasing mechanism for 9-1-1 systems, services, and technology.

Recommendations to the Legislature

3. Consider providing more statutory direction to the Commission regarding criteria to use for the approval of Emergency Telephone Charge applications filed by local agencies or, alternatively, consider other potential solutions to addressing the growing disparities in ETC rates statewide.

Conclusion

Please visit the Colorado 9-1-1 Program's Website:

<https://sites.google.com/state.co.us/colorado911program/home>

Also accessible through the Public Utilities Commission website:

<https://puc.colorado.gov/>

The 2022-2023 State of 9-1-1 Report:

<https://sites.google.com/state.co.us/colorado911program/reports>

Questions?



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