

CHAPTER 186

PUBLIC UTILITIES

HOUSE BILL 94-1189

BY REPRESENTATIVES Salaz, Taylor, Acquafresca, Entz, and Epps;
also SENATOR Wattenberg.

AN ACT

**CONCERNING THE REGULATION OF OPERATOR SERVICES PROVIDED BY PUBLIC UTILITIES
FURNISHING TELECOMMUNICATION SERVICES.**

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

SECTION 1. 40-15-102 (20), Colorado Revised Statutes, 1993 Repl. Vol., is amended, and the said 40-15-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

40-15-102. Definitions. As used in this article, unless the context otherwise requires:

(19.5) "NONOPTIONAL OPERATOR SERVICES" MEANS OPERATOR SERVICES REQUIRING AN OPERATOR FOR INDIVIDUALIZED CALL PROCESSING OR SPECIALIZED OR ALTERNATIVE BILLING, INCLUDING, WITHOUT LIMITATION, CREDIT CARD CALLS, CALLS BILLED TO A THIRD NUMBER, COLLECT CALLS, AND PERSON-TO-PERSON CALLS, OR OPERATOR SERVICES TO PROVIDE TELEPHONE SERVICE TO INMATES AT PENAL INSTITUTIONS.

(20) "Operator services" means ~~optional~~ services provided EITHER by LIVE operators ~~to~~ OR BY THE USE OF RECORDINGS OR COMPUTER-VOICE INTERACTION TO ENABLE customers ~~which offer~~ TO RECEIVE individualized and select TELEPHONE call processing OR SPECIALIZED OR ALTERNATIVE BILLING FUNCTIONS. "OPERATOR SERVICES" INCLUDES NONOPTIONAL OPERATOR SERVICES, OPTIONAL OPERATOR SERVICES, AND OPERATOR SERVICES NECESSARY FOR THE PROVISION OF BASIC LOCAL EXCHANGE SERVICE.

(20.3) "OPERATOR SERVICES NECESSARY FOR THE PROVISION OF BASIC LOCAL

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

EXCHANGE SERVICE" MEANS OPERATOR SERVICES PROVIDED WHEN OPERATOR INTERVENTION IS REQUIRED TO COMPLETE A LOCAL CALL OR OBTAIN ACCESS TO EMERGENCY SERVICES OR TO DIRECTORY ASSISTANCE.

(20.6) "OPTIONAL OPERATOR SERVICES" MEANS OPERATOR SERVICES NOT DEFINED IN SUBSECTION (19.5) OR (20.3) OF THIS SECTION, INCLUDING, WITHOUT LIMITATION, OPERATOR SERVICES PROVIDED IN CONNECTION WITH CONFERENCE CALLING, FOREIGN LANGUAGE TRANSLATION, AND VOICE MESSAGING.

SECTION 2. 40-15-201 (2), Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

40-15-201. Regulation by commission. (2) The following products, services, and providers are declared to be subject to regulation pursuant to this part 2 and subject to potential reclassification under section 40-15-207:

(h) OPERATOR SERVICES NECESSARY FOR THE PROVISION OF BASIC LOCAL EXCHANGE SERVICE.

SECTION 3. 40-15-301 (2), Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

40-15-301. Regulation by the commission. (2) The following telecommunications products, services, and providers are declared to be initially subject to regulation pursuant to this part 3 and subject to potential deregulation under section 40-15-305:

(g) NONOPTIONAL OPERATOR SERVICES.

SECTION 4. 40-15-302, Colorado Revised Statutes, 1993 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

40-15-302. Manner of regulation - rules and regulations. (5) CONSISTENT WITH THE PROVISIONS OF SECTION 40-15-301 (1), RATES FOR NONOPTIONAL OPERATOR SERVICES SHALL ALLOW THE PROVIDER OF SUCH SERVICES THE OPPORTUNITY TO EARN A JUST AND REASONABLE RETURN ON THE ASSOCIATED USED AND USEFUL INVESTMENT, INCLUDING BUT NOT LIMITED TO EQUIPMENT COSTS INCURRED TO ORIGINATE SUCH SERVICES.

SECTION 5. 40-15-401 (1) (j), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

40-15-401. Services, products, and providers exempt from regulation. (1) The following products, services, and providers are exempt from regulation under this article or under the "Public Utilities Law" of the state of Colorado:

(j) OPTIONAL operator services;

SECTION 6. 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: May 4, 1994