

CHAPTER 93

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**PUBLIC UTILITIES**

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**HOUSE BILL 96-1161**

BY REPRESENTATIVES McElhany, Salaz, and Sullivan;  
also SENATOR Dennis.

**AN ACT**

**CONCERNING THE REGULATION BY THE PUBLIC UTILITIES COMMISSION OF RATES FOR  
NONOPTIONAL OPERATOR SERVICES, AND, IN CONNECTION THEREWITH, REQUIRING THE  
DISCLOSURE OF SUCH RATES TO CONSUMERS.**

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

**SECTION 1.** 40-15-302 (5), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended 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. SUCH RATES SHALL BE SET AT OR BELOW A BENCHMARK RATE AS DETERMINED BY THE COMMISSION, UNLESS THE COMMISSION APPROVES A HIGHER RATE. IF THE COMMISSION APPROVES A RATE HIGHER THAN THE BENCHMARK RATE, AND THE COMMISSION DETERMINES THAT DISCLOSURE OF THE RATE TO CUSTOMERS IS IN THE PUBLIC INTEREST, THE COMMISSION MAY REQUIRE THE NONOPTIONAL OPERATOR SERVICES PROVIDER TO ORALLY DISCLOSE, TO THE PERSON RESPONSIBLE FOR PAYMENT OF THE TELEPHONE CALL, THE TOTAL CHARGES FOR THE CALL AND THAT SUCH CHARGES ARE HIGHER THAN THE BENCHMARK RATE. THE NONOPTIONAL OPERATOR SERVICES PROVIDER SHALL MAKE SUCH DISCLOSURE AT NO CHARGE TO THE CALLER AND BEFORE THE CALL IS CONNECTED, ALLOWING THE CALLER TO DISCONNECT BEFORE INCURRING ANY CHARGES. IF THE COMMISSION FINDS, AFTER NOTICE AND OPPORTUNITY FOR A HEARING, THAT A NONOPTIONAL OPERATOR SERVICES PROVIDER HAS VIOLATED THIS SUBSECTION (5), THE COMMISSION MAY, IN ADDITION TO SUCH OTHER ENFORCEMENT POWERS AS MAY BE AUTHORIZED IN THIS TITLE, ORDER ANY REGULATED

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

TELECOMMUNICATIONS SERVICE PROVIDER TO BLOCK ACCESS TO THE NONOPTIONAL OPERATOR SERVICES PROVIDER FOR ALL INTRASTATE OPERATOR-HANDLED CALLS. A REGULATED TELECOMMUNICATIONS PROVIDER THAT BLOCKS THE ACCESS OF A NONOPTIONAL OPERATOR SERVICES PROVIDER IN COMPLIANCE WITH AN ORDER OF THE COMMISSION AND INCURS ATTORNEY FEES OR COSTS TO DEFEND SUCH ACTION SHALL BE ENTITLED TO RECOVER ITS COSTS AND ATTORNEY FEES IN EACH SUCH PROCEEDING. THE COMMISSION SHALL PROMULGATE RULES NECESSARY TO IMPLEMENT THIS SUBSECTION (5) NO LATER THAN THIRTY DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (5), AS AMENDED.

**SECTION 2. Effective date.** This act shall take effect upon the expiration of the period allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, unless a referendum petition is filed against this act within such period, in which case this act, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 17, 1996

**Editor's note:** This act was passed without a safety clause. See section 2 for the possible effective dates.