

CHAPTER 119

PUBLIC UTILITIES

SENATE BILL 00-012

BY SENATORS Musgrave, Chlouber, Feeley, Hernandez, Nichol, Teck, and Weddig;
also REPRESENTATIVES McKay, Coleman, Dean, Hefley, Hoppe, Miller, Paschall, Spradley, and Young.

AN ACT

CONCERNING THE DEREGULATION OF RETAIL SALES OF SPECIFIED TELECOMMUNICATIONS SERVICES,
AND, IN CONNECTION THEREWITH, DEREGULATING RETAIL DIRECTORY ASSISTANCE AND PRIVATE
LINE SERVICES.

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

SECTION 1. 40-15-102 (20), Colorado Revised Statutes, is amended to read:

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

(20) "Operator services" means services, OTHER THAN DIRECTORY ASSISTANCE, provided either by live operators or by the use of recordings or computer-voice interaction to enable customers 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.

SECTION 2. 40-15-301 (2) (f), Colorado Revised Statutes, is amended 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:

(f) Private line service ~~subject to the provisions of section 40-15-308~~ WITH A CAPACITY OF LESS THAN TWENTY-FOUR VOICE GRADE CIRCUITS;

SECTION 3. 40-15-302 (5), Colorado Revised Statutes, is amended to read:

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

40-15-302. Manner of regulation - rules. (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 SINGLE STATEWIDE benchmark rate as determined by the commission THAT IS APPLICABLE TO ALL PROVIDERS, unless the commission approves a higher rate. THE STATEWIDE BENCHMARK RATE SHALL APPLY TO ALL NONOPTIONAL OPERATOR SERVICES REGARDLESS OF WHETHER SUCH SERVICES ARE PROVIDED IN CONNECTION WITH INTRALATA OR INTERLATA TELECOMMUNICATIONS SERVICE. 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 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 August 7, 1996.~~

SECTION 4. Repeal. 40-15-308, Colorado Revised Statutes, is repealed as follows:

~~**40-15-308. Private line services.** Private line services shall be reviewed with all due haste pursuant to section 40-15-305.~~

SECTION 5. 40-15-401 (1), Colorado Revised Statutes, 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:

- (a) Cable services as defined by section 602(5) of the federal "Cable Franchise Policy and Communications Act of 1984";
- (b) Cellular telecommunications services;
- (c) Mobile radio service;
- (d) Radio paging service;
- (e) New products and services other than those included in the definition of basic

local exchange service;

(f) Centron and centron-like services;

(g) Special arrangements;

(h) Special assemblies;

(i) Informational services;

(j) Optional operator services;

(k) Advanced features offered and provided to nonresidential customers with more than five lines;

(l) Special access;

(m) Public coin telephone service;

(n) RETAIL DIGITAL PRIVATE LINE SERVICE;

(o) RETAIL PRIVATE LINE SERVICE WITH A CAPACITY OF AT LEAST TWENTY-FOUR VOICE GRADE CIRCUITS;

(p) RETAIL DIRECTORY ASSISTANCE.

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: April 14, 2000