

CHAPTER 150

PUBLIC UTILITIES

HOUSE BILL 14-1329

BY REPRESENTATIVE(S) Williams and Murray, Coram, Gardner, Labuda, McLachlan, Melton, Schafer, Scott, Wright, Young; also SENATOR(S) Kerr and Scheffel, Crowder, Guzman, Hodge, Tochtrop, Todd.

AN ACT

CONCERNING THE EXEMPTION OF CERTAIN INTERNET-PROTOCOL-ENABLED SERVICES FROM OVERSIGHT BY THE PUBLIC UTILITIES COMMISSION, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 40-15-102, **amend** (3), (10), and (29); and **add** (4.5), (14.5), and (33) as follows:

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

(3) "Basic local exchange service" or "basic service" means the telecommunications service ~~which~~ THAT provides:

(a) A local dial tone; ~~line and~~

(b) Local usage necessary to place or receive a call within an exchange area; and ~~any other services or features that may be added by the commission under section 40-15-502 (2).~~

(c) ACCESS TO EMERGENCY, OPERATOR, AND INTEREXCHANGE TELECOMMUNICATIONS SERVICES.

(4.5) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS CELLULAR OR WIRELESS SERVICE, PERSONAL COMMUNICATIONS SERVICE, PAGING SERVICE, RADIO COMMON CARRIER SERVICE, RADIO MOBILE SERVICE, OR ENHANCED SPECIALIZED MOBILE RADIO SERVICE.

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

(10) ~~"Informational INFORMATION services" means nonstandard services provided to customers by means of personnel and facilities which include personalized intercept, synthesized voice messages, specialized bill services, and personalized number services~~ HAS THE SAME MEANING AS SET FORTH IN 47 U.S.C. SEC. 153.

(14.5) "INTERNET-PROTOCOL-ENABLED SERVICE" OR "IP-ENABLED SERVICE" MEANS A SERVICE, FUNCTIONALITY, OR APPLICATION, OTHER THAN VOICE-OVER-INTERNET PROTOCOL, THAT USES INTERNET PROTOCOL OR A SUCCESSOR PROTOCOL AND ENABLES AN END USER TO SEND OR RECEIVE A VOICE, DATA, OR VIDEO COMMUNICATION IN INTERNET PROTOCOL FORMAT OR A SUCCESSOR FORMAT, UTILIZING A BROADBAND CONNECTION AT THE END USER'S LOCATION.

(29) ~~"Telecommunications service" AND "TELECOMMUNICATIONS" means the electronic or optical transmission of information between separate points by prearranged means~~ HAVE THE SAME MEANING AS SET FORTH IN 47 U.S.C. SEC. 153.

(33) "VOICE-OVER-INTERNET PROTOCOL SERVICE" OR "VOIP SERVICE" MEANS A SERVICE THAT:

(a) ENABLES REAL-TIME, TWO-WAY VOICE COMMUNICATIONS ORIGINATING FROM OR TERMINATING AT A USER'S LOCATION IN INTERNET PROTOCOL OR A SUCCESSOR PROTOCOL;

(b) UTILIZES A BROADBAND CONNECTION FROM THE USER'S LOCATION; AND

(c) PERMITS A USER TO GENERALLY RECEIVE CALLS THAT ORIGINATE ON THE PUBLIC SWITCHED TELEPHONE NETWORK AND TO TERMINATE CALLS TO THE PUBLIC SWITCHED TELEPHONE NETWORK.

SECTION 2. In Colorado Revised Statutes, 40-15-301, **amend** (2) as follows:

40-15-301. Regulation by the commission. (2) ~~The following telecommunications products, services, and providers are~~ SWITCHED ACCESS IS declared to be initially subject to regulation pursuant to UNDER this part 3, SUBJECT TO SECTION 40-15-307. ~~and subject to potential deregulation under section 40-15-305:~~

~~(a) Advanced features offered and provided to residential customers and nonresidential customers with no more than five lines;~~

~~(b) Premium services except as provided in section 40-15-401 (1) (f), (1) (g), (1) (h), and (1) (i);~~

~~(c) InterLATA toll;~~

~~(d) IntraLATA toll, subject to the provisions of section 40-15-306;~~

~~(e) Switched access, subject to the provisions of section 40-15-307;~~

~~(f) Private line service with a capacity of less than twenty-four voice grade circuits;~~

~~(g) Nonoptional operator services:~~

SECTION 3. In Colorado Revised Statutes, 40-15-401, **amend** (1) (c), (1) (i), (1) (k), and (1) (p); **repeal** (1) (d); and **add** (1) (q), (1) (r), (1) (s), (1) (t), (2), (3), (4), and (5) as follows:

40-15-401. Services, products, and providers exempt from regulation - definition. (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:

(c) COMMERCIAL mobile radio ~~service~~ SERVICES;

(d) ~~Radio paging service;~~

(i) ~~Informational~~ INFORMATION services;

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

(p) Retail directory assistance;

(q) INTERNET-PROTOCOL-ENABLED SERVICES;

(r) VOICE-OVER-INTERNET PROTOCOL SERVICE;

(s) INTERLATA TOLL, EXCEPT WITH RESPECT TO INTEREXCHANGE CARRIER REGISTRATION UNDER SECTION 40-15-302.5, COMPLAINTS OF UNAUTHORIZED CHARGES ON A SUBSCRIBER'S BILL, OR COMPLAINTS OF CHANGING A SUBSCRIBER'S SERVICE WITHOUT HIS OR HER CONSENT; AND

(t) INTRALATA TOLL, EXCEPT WITH RESPECT TO INTEREXCHANGE CARRIER REGISTRATION UNDER SECTION 40-15-302.5, COMPLAINTS OF UNAUTHORIZED CHARGES ON A SUBSCRIBER'S BILL, OR COMPLAINTS OF CHANGING A SUBSCRIBER'S SERVICE WITHOUT HIS OR HER CONSENT.

(2) NOTHING IN THIS SECTION AFFECTS, MODIFIES, OR EXPANDS:

(a) AN ENTITY'S OBLIGATIONS UNDER SECTIONS 251 AND 252 OF THE FEDERAL "COMMUNICATIONS ACT OF 1934", AS AMENDED, AND CODIFIED IN 47 U.S.C. SECS. 251 AND 252;

(b) ANY COMMISSION AUTHORITY OVER WHOLESALE TELECOMMUNICATIONS RATES, SERVICES, AGREEMENTS, PROVIDERS, OR TARIFFS;

(c) ANY COMMISSION AUTHORITY ADDRESSING OR AFFECTING THE RESOLUTION OF DISPUTES REGARDING INTERCARRIER COMPENSATION; OR

(d) THE REQUIREMENTS FOR THE RECEIPT OF STATE OR FEDERAL FINANCIAL ASSISTANCE THROUGH A HIGH COST SUPPORT MECHANISM.

(3) IF A TELECOMMUNICATIONS SERVICE OR PRODUCT IS NOT DEFINED IN PART 1 OF THIS ARTICLE AND IS NOT CLASSIFIED UNDER PART 2 OR 3 OF THIS ARTICLE, THE TELECOMMUNICATIONS SERVICE OR PRODUCT IS CLASSIFIED AS A DEREGULATED TELECOMMUNICATIONS SERVICE UNDER THIS PART 4.

(4) NOTHING IN THIS PART 4 SHALL BE CONSTRUED TO AFFECT, MODIFY, LIMIT, OR EXPAND THE COMMISSION'S AUTHORITY TO REGULATE BASIC EMERGENCY SERVICE.

(5) THIS SECTION DOES NOT AFFECT THE ESTABLISHMENT OR ENFORCEMENT OF STANDARDS, REQUIREMENTS, PROCEDURES, OR PROCUREMENT POLICIES, APPLICABLE TO ANY DEPARTMENT, AGENCY, COMMISSION, OR POLITICAL SUBDIVISION OF THE STATE, OR TO THE EMPLOYEES, AGENTS, OR CONTRACTORS OF A DEPARTMENT, AGENCY, COMMISSION, OR POLITICAL SUBDIVISION OF THE STATE, RELATING TO THE PROTECTION OF INTELLECTUAL PROPERTY.

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public utilities commission fixed utility fund created in section 40-2-114, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for the fiscal year beginning July 1, 2014, the sum of \$39,436 and 0.3 FTE, or so much thereof as may be necessary, to be allocated for the implementation of this act as follows:

(a) \$21,220 and 0.3 FTE to the public utilities commission for personal services; and

(b) \$18,216 for the purchase of legal services.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2014, the sum of \$18,216 and 0.1 FTE, or so much thereof as may be necessary, for the provision of legal services for the department of regulatory agencies related to the implementation of this act. Said sum is from reappropriated funds received from the department of regulatory agencies out of the appropriation made in paragraph (b) of subsection (1) of this section.

SECTION 5. 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 9, 2014