

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 14-0205.01 Jennifer Berman x3286

HOUSE BILL 14-1329

HOUSE SPONSORSHIP

Williams and Murray,

SENATE SPONSORSHIP

Kerr and Scheffel,

House Committees

Business, Labor, Economic, & Workforce Development
Appropriations

Senate Committees

Business, Labor, & Technology
State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **C O N C E R N I N G T H E E X E M P T I O N O F C E R T A I N**
102 **I N T E R N E T - P R O T O C O L - E N A B L E D S E R V I C E S F R O M O V E R S I G H T B Y**
103 **T H E P U B L I C U T I L I T I E S C O M M I S S I O N , A N D , I N C O N N E C T I O N**
104 **T H E R E W I T H , M A K I N G A N A P P R O P R I A T I O N .**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Section 1 of the bill defines terms.

Sections 2 and 3 deregulate the following services:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 28, 2014

SENATE
2nd Reading Unamended
April 25, 2014

HOUSE
3rd Reading Unamended
April 9, 2014

HOUSE
Amended 2nd Reading
April 8, 2014

- ! Advanced features offered and provided to residential customers and nonresidential customers with no more than 5 lines;
- ! Premium services;
- ! InterLATA toll;
- ! IntraLATA toll;
- ! Private line service with a capacity of less than 24 voice grade circuits;
- ! Nonoptional operator services;
- ! Internet-protocol-enabled services; and
- ! Voice-over-internet protocol services.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-15-102, **amend**
 3 (3), (10), and (29); and **add** (4.5), (14.5), and (32) as follows:

4 **40-15-102. Definitions.** As used in this article, unless the context
 5 otherwise requires:

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

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

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

14 (4.5) "COMMERCIAL MOBILE RADIO SERVICE" OR "CMRS" MEANS
 15 CELLULAR OR WIRELESS SERVICE, PERSONAL COMMUNICATIONS SERVICE,
 16 PAGING SERVICE, RADIO COMMON CARRIER SERVICE, RADIO MOBILE
 17 SERVICE, OR ENHANCED SPECIALIZED MOBILE RADIO SERVICE.

18 (10) "~~Informational~~ INFORMATION services" ~~means nonstandard~~
 19 ~~services provided to customers by means of personnel and facilities which~~

1 ~~include personalized intercept, synthesized voice messages, specialized~~
2 ~~bill services, and personalized number services~~ HAS THE SAME MEANING
3 AS SET FORTH IN 47 U.S.C. SEC. 153.

4 (14.5) "INTERNET-PROTOCOL-ENABLED SERVICE" OR "IP-ENABLED
5 SERVICE" MEANS A SERVICE, FUNCTIONALITY, OR APPLICATION, OTHER
6 THAN VOICE-OVER-INTERNET PROTOCOL, THAT USES INTERNET PROTOCOL
7 OR A SUCCESSOR PROTOCOL AND ENABLES AN END USER TO SEND OR
8 RECEIVE A VOICE, DATA, OR VIDEO COMMUNICATION IN INTERNET
9 PROTOCOL FORMAT OR A SUCCESSOR FORMAT, UTILIZING A BROADBAND
10 CONNECTION AT THE END USER'S LOCATION.

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

15 (32) "VOICE-OVER-INTERNET PROTOCOL SERVICE" OR "VOIP
16 SERVICE" MEANS A SERVICE THAT:

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

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

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

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

27 **40-15-301. Regulation by the commission.** (2) ~~The following~~

1 ~~telecommunications products, services, and providers are SWITCHED~~
2 ~~ACCESS IS declared to be initially subject to regulation pursuant to UNDER~~
3 ~~this part 3, SUBJECT TO SECTION 40-15-307. and subject to potential~~
4 ~~deregulation under section 40-15-305:~~

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

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

9 ~~(c) InterLATA toll;~~

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

11 ~~(e) Switched access, subject to the provisions of section~~
12 ~~40-15-307;~~

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

15 ~~(g) Nonoptional operator services.~~

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

19 **40-15-401. Services, products, and providers exempt from**
20 **regulation - definition.** (1) The following products, services, and
21 providers are exempt from regulation under this article or under the
22 "Public Utilities Law" of the state of Colorado:

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

24 ~~(d) Radio paging service;~~

25 ~~(i) Informational INFORMATION services;~~

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

- 1 (p) Retail directory assistance;
- 2 (q) INTERNET-PROTOCOL-ENABLED SERVICES;
- 3 (r) VOICE-OVER-INTERNET PROTOCOL SERVICE;
- 4 (s) INTERLATA TOLL, EXCEPT WITH RESPECT TO INTEREXCHANGE
- 5 CARRIER REGISTRATION UNDER SECTION 40-15-302.5, COMPLAINTS OF
- 6 UNAUTHORIZED CHARGES ON A SUBSCRIBER'S BILL, OR COMPLAINTS OF
- 7 CHANGING A SUBSCRIBER'S SERVICE WITHOUT HIS OR HER CONSENT; AND
- 8 (t) INTRALATA TOLL, EXCEPT WITH RESPECT TO INTEREXCHANGE
- 9 CARRIER REGISTRATION UNDER SECTION 40-15-302.5, COMPLAINTS OF
- 10 UNAUTHORIZED CHARGES ON A SUBSCRIBER'S BILL, OR COMPLAINTS OF
- 11 CHANGING A SUBSCRIBER'S SERVICE WITHOUT HIS OR HER CONSENT.
- 12 (2) NOTHING IN THIS SECTION AFFECTS, MODIFIES, OR EXPANDS:
- 13 (a) AN ENTITY'S OBLIGATIONS UNDER SECTIONS 251 AND 252 OF
- 14 THE FEDERAL "COMMUNICATIONS ACT OF 1934", AS AMENDED, AND
- 15 CODIFIED IN 47 U.S.C. SEC. 251 AND 252;
- 16 (b) ANY COMMISSION AUTHORITY OVER WHOLESALE
- 17 TELECOMMUNICATIONS RATES, SERVICES, AGREEMENTS, PROVIDERS, OR
- 18 TARIFFS;
- 19 (c) ANY COMMISSION AUTHORITY ADDRESSING OR AFFECTING THE
- 20 RESOLUTION OF DISPUTES REGARDING INTERCARRIER COMPENSATION; OR
- 21 (d) THE REQUIREMENTS FOR THE RECEIPT OF STATE OR FEDERAL
- 22 FINANCIAL ASSISTANCE THROUGH A HIGH COST SUPPORT MECHANISM.
- 23 (3) IF A TELECOMMUNICATIONS SERVICE OR PRODUCT IS NOT
- 24 DEFINED IN PART 1 OF THIS ARTICLE AND IS NOT CLASSIFIED UNDER PART
- 25 2 OR 3 OF THIS ARTICLE, THE TELECOMMUNICATIONS SERVICE OR PRODUCT
- 26 IS CLASSIFIED AS A DEREGULATED TELECOMMUNICATIONS SERVICE UNDER
- 27 THIS PART 4.

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

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

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

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

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

21 (2) In addition to any other appropriation, there is hereby
22 appropriated to the department of law, for the fiscal year beginning July
23 1, 2014, the sum of \$18,216 and 0.1 FTE, or so much thereof as may be
24 necessary, for the provision of legal services for the department of
25 regulatory agencies related to the implementation of this act. Said sum is
26 from reappropriated funds received from the department of regulatory
27 agencies out of the appropriation made in paragraph (b) of subsection (1)

1 of this section.

2 **SECTION 5. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety.