

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0205.01 Jennifer Berman x3286

**HOUSE BILL 14-1329**

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**HOUSE SPONSORSHIP**

**Williams and Murray,**

**SENATE SPONSORSHIP**

**Kerr and Scheffel,**

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**House Committees**

Business, Labor, Economic, & Workforce Development

Appropriations

**Senate Committees**

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**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 .**

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**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.*

- ! 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.