

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1026.01 Jennifer Berman x3286

SENATE BILL 16-183

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SENATE SPONSORSHIP

Scheffel and Kerr,

HOUSE SPONSORSHIP

Williams and Lawrence,

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Senate Committees

Business, Labor, & Technology

House Committees

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A BILL FOR AN ACT

101 CONCERNING A CLARIFICATION OF THE GENERAL ASSEMBLY'S INTENT  
102 TO MAINTAIN THE PUBLIC UTILITIES COMMISSION'S AUTHORITY  
103 OVER BASIC EMERGENCY SERVICES WHILE PROHIBITING THE  
104 REGULATION OF INTERNET-PROTOCOL-ENABLED SERVICES BY  
105 DEFINING THE TERM "BASIC EMERGENCY SERVICE" IN A  
106 MANNER THAT IS CONSISTENT WITH SUCH INTENT.

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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/bills summaries>.)*

The bill defines "basic emergency service" to mean the

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.*

aggregation and transportation of a 911 call by a basic emergency service provider (BESP) to a point of interconnection with a public safety answering point (PSAP), regardless of the technology used by the BESP to provide the service, but does not include:

- ! The portion of a 911 call provided by an originating service provider through use of voice-over-internet-protocol service, internet-protocol-enabled service, or commercial mobile radio service;
- ! The services provided by an intermediary aggregation service provider;
- ! The delivery of a 911 call from the originating service provider or an intermediary aggregation service provider to a point of interconnection with the BESP; or
- ! The delivery of a 911 call from the point of interconnection between the BESP and a PSAP to the PSAP facility that receives and processes the 911 call.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) In 2014, the general assembly clearly indicated an intent to  
5 prohibit the regulation of voice-over-internet protocol (VoIP) service and  
6 internet-protocol-enabled service (IP-enabled service) by the passage of  
7 House Bill 14-1329;

8 (b) In addition, the clear legislative intent of House Bill 14-1329  
9 was to maintain, without altering, the authority of the public utilities  
10 commission, referred to in this section as the "commission", to regulate  
11 basic emergency service, as provided in section 40-15-201 (2), Colorado  
12 Revised Statutes, in the same manner as the commission had previously  
13 regulated such service, which was the commission's certification and  
14 regulation of basic emergency service providers (BESP) and the transfer  
15 and delivery of a 911 call from an aggregation point provided by a BESP  
16 to a public safety answering point;

1 (c) House Bill 14-1329, as passed, also clearly reflected the  
2 legislative intent to codify the then-existing status quo practice in  
3 Colorado of not regulating VoIP and IP-enabled services, to prohibit the  
4 regulation of those technologies, and to remove them from the  
5 commission's authority. Moreover, nothing in House Bill 14-1329  
6 indicated an intent to authorize the commission to regulate any aspect of  
7 commercial mobile radio service (CMRS) or CMRS providers. The  
8 general assembly has stated, in section 40-1-103 (1) (b), Colorado  
9 Revised Statutes, that CMRS providers are not public utilities and has  
10 declared CMRS and CMRS providers to be deregulated, in section  
11 40-15-401 (1), Colorado Revised Statutes.

12 (d) To further clarify the intent of House Bill 14-1329, this act  
13 defines basic emergency service in statute in a manner that clarifies that  
14 basic emergency service means the services provided by a BESP,  
15 regardless of the technology used by the BESP to provide those services,  
16 but does not include the portion of a 911 call transport that could be  
17 enabled through the caller's use of VoIP service, IP-enabled service, or  
18 other telecommunications services; and

19 (e) Clarification of the definition of basic emergency service is  
20 important to make the deregulatory purposes of House Bill 14-1329 and  
21 House Bill 14-1331 clear as they pertain to telecommunications service  
22 providers.

23 **SECTION 2.** In Colorado Revised Statutes, 29-11-101, **amend**  
24 (1.2); and **add** (4.4) and (4.8) as follows:

25 **29-11-101. Definitions.** As used in this article, unless the context  
26 otherwise requires:

27 (1.2) (a) "Basic emergency service provider" OR "BESP" means

1 any person ~~authorized~~ CERTIFICATED by the commission to undertake the  
2 aggregation and transportation of 911 calls to a PSAP.

3 (b) (I) FOR PURPOSES OF THIS SUBSECTION (1.2), "BASIC  
4 EMERGENCY SERVICE" MEANS THE AGGREGATION AND TRANSPORT OF A  
5 911 CALL BY A BESP TO A POINT OF INTERCONNECTION WITH A PSAP,  
6 REGARDLESS OF THE TECHNOLOGY USED BY THE BESP TO PROVIDE THE  
7 SERVICE. THE AGGREGATION OF CALLS MEANS THE COLLECTION OF 911  
8 CALLS BY A BESP FROM ONE OR MORE LOCAL EXCHANGE PROVIDERS,  
9 WIRELESS CARRIERS, VOIP SERVICE PROVIDERS, IP-ENABLED SERVICE  
10 PROVIDERS, INTERMEDIARY AGGREGATION SERVICE PROVIDERS, OR OTHER  
11 TELECOMMUNICATIONS PROVIDERS, FOR THE PURPOSE OF SELECTING AND  
12 TRANSPORTING 911 CALLS TO A POINT OF INTERCONNECTION WITH A  
13 PSAP.

14 (II) "BASIC EMERGENCY SERVICE" DOES NOT INCLUDE:

15 (A) THE PORTION OF A 911 CALL PROVIDED BY AN ORIGINATING  
16 SERVICE PROVIDER THROUGH THE USE OF VOIP SERVICE, IP-ENABLED  
17 SERVICE, OR COMMERCIAL MOBILE RADIO SERVICE, AS THOSE TERMS ARE  
18 DEFINED IN SECTION 40-15-102, C.R.S.;

19 (B) THE SERVICES PROVIDED BY AN INTERMEDIARY AGGREGATION  
20 SERVICE PROVIDER;

21 (C) THE DELIVERY OF A 911 CALL FROM THE ORIGINATING SERVICE  
22 PROVIDER OR AN INTERMEDIARY AGGREGATION SERVICE PROVIDER TO A  
23 POINT OF INTERCONNECTION WITH THE BESP; OR

24 (D) THE DELIVERY OF A 911 CALL FROM THE POINT OF  
25 INTERCONNECTION BETWEEN THE BESP AND A PSAP TO THE PSAP  
26 FACILITY THAT RECEIVES AND PROCESSES THE 911 CALL.

27 (c) FOR PURPOSES OF THIS SUBSECTION (1.2), "911 CALL" MEANS

1 ANY FORM OF COMMUNICATION, REGARDLESS OF THE TECHNOLOGY USED  
2 TO PROVIDE THE CALL AND INCLUDING VOICE, DATA, TEXT, AND VIDEO,  
3 THAT USES 911 TO COMMUNICATE OR REPORT AN EMERGENCY OR MATTER  
4 OF SAFETY TO A PSAP.

5 (4.4) "INTERMEDIARY AGGREGATION SERVICE PROVIDER" MEANS  
6 A PERSON THAT AGGREGATES OR TRANSPORTS 911 CALLS FOR ONE OR  
7 MORE ORIGINATING SERVICE PROVIDERS FOR DELIVERY TO A BESP'S  
8 911-SELECTIVE ROUTER OR THE FUNCTIONAL EQUIVALENT OF SUCH A  
9 ROUTER.

10 (4.8) "ORIGINATING SERVICE PROVIDER" MEANS A PERSON  
11 OFFERING OR PROVIDING ANY FORM OF COMMUNICATION SERVICE BY  
12 WHICH AN END USER MAY MAKE A 911 CALL.

13 **SECTION 3.** In Colorado Revised Statutes, 40-15-102, **add** (2.5),  
14 (2.7), (14.3), (20.8), and (23.5) as follows:

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

17 (2.5) (a) "BASIC EMERGENCY SERVICE" MEANS THE AGGREGATION  
18 AND TRANSPORT OF A 911 CALL BY A BESP TO A POINT OF  
19 INTERCONNECTION WITH A PSAP, REGARDLESS OF THE TECHNOLOGY USED  
20 BY THE BESP TO PROVIDE THE SERVICE. THE AGGREGATION OF CALLS  
21 MEANS THE COLLECTION OF 911 CALLS BY A BESP FROM ONE OR MORE  
22 LOCAL EXCHANGE PROVIDERS, WIRELESS CARRIERS, VOIP SERVICE  
23 PROVIDERS, IP-ENABLED SERVICE PROVIDERS, INTERMEDIARY  
24 AGGREGATION SERVICE PROVIDERS, OR OTHER TELECOMMUNICATIONS  
25 PROVIDERS, FOR THE PURPOSE OF SELECTING AND TRANSPORTING 911  
26 CALLS TO A POINT OF INTERCONNECTION WITH A PSAP.

27 (b) "BASIC EMERGENCY SERVICE" DOES NOT INCLUDE:

1 (I) THE PORTION OF A 911 CALL PROVIDED BY AN ORIGINATING  
2 SERVICE PROVIDER THROUGH THE USE OF VOIP SERVICE, IP-ENABLED  
3 SERVICE, OR COMMERCIAL MOBILE RADIO SERVICE;

4 (II) THE SERVICES PROVIDED BY AN INTERMEDIARY AGGREGATION  
5 SERVICE PROVIDER;

6 (III) THE DELIVERY OF A 911 CALL FROM THE ORIGINATING  
7 SERVICE PROVIDER OR AN INTERMEDIARY AGGREGATION SERVICE  
8 PROVIDER TO A POINT OF INTERCONNECTION WITH THE BESP; OR

9 (IV) THE DELIVERY OF A 911 CALL FROM THE POINT OF  
10 INTERCONNECTION BETWEEN THE BESP AND A PSAP TO THE PSAP  
11 FACILITY THAT RECEIVES AND PROCESSES THE 911 CALL.

12 (c) FOR PURPOSES OF THIS SUBSECTION (2.5), AND SUBSECTIONS  
13 (2.7) AND (14.3) OF THIS SECTION, "911 CALL" MEANS ANY FORM OF  
14 COMMUNICATION, REGARDLESS OF THE TECHNOLOGY USED TO PROVIDE  
15 THE CALL AND INCLUDING VOICE, DATA, TEXT, AND VIDEO, THAT USES 911  
16 TO COMMUNICATE OR REPORT AN EMERGENCY OR MATTER OF SAFETY TO  
17 A PSAP.

18 (2.7) "BASIC EMERGENCY SERVICE PROVIDER" OR "BESP" MEANS  
19 ANY PERSON CERTIFICATED BY THE COMMISSION TO UNDERTAKE THE  
20 AGGREGATION AND TRANSPORTATION OF 911 CALLS TO A PSAP.

21 (14.3) "INTERMEDIARY AGGREGATION SERVICE PROVIDER" MEANS  
22 A PERSON THAT AGGREGATES OR TRANSPORTS 911 CALLS FOR ONE OR  
23 MORE ORIGINATING SERVICE PROVIDERS FOR DELIVERY TO A BESP'S  
24 911-SELECTIVE ROUTER OR THE FUNCTIONAL EQUIVALENT OF SUCH A  
25 ROUTER.

26 (20.8) "ORIGINATING SERVICE PROVIDER" MEANS A PERSON  
27 OFFERING OR PROVIDING ANY FORM OF COMMUNICATION SERVICE BY

1 WHICH AN END USER MAY MAKE A 911 CALL.

2 (23.5) "PUBLIC SAFETY ANSWERING POINT" OR "PSAP" MEANS A  
3 FACILITY EQUIPPED AND STAFFED TO RECEIVE AND PROCESS 911 CALLS ON  
4 A 24-HOUR BASIS IN A CHOSEN FORMAT.

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