

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0520.01 Jery Payne

SENATE BILL 01-106

SENATE SPONSORSHIP

Dyer (Durango)

HOUSE SPONSORSHIP

Young

Senate Committees

Agriculture and Natural Resources

House Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT THAT ALL FACILITIES-BASED LOCAL**
102 **EXCHANGE TELECOMMUNICATIONS PROVIDERS IN A SPECIFIC**
103 **AREA BE DESIGNATED PROVIDER OF LAST RESORT IF CERTAIN**
104 **REQUIREMENTS ARE MET.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Designates each local exchange telecommunications provider within a specific geographic area as a provider of last resort if certain requirements are met. Imposes a quarterly reporting requirement, which may be submitted as confidential by the provider, on local exchange providers for information regarding regulated activities, including 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.*

number of customers.

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

2 **SECTION 1.** 40-15-502 (6), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF THE FOLLOWING NEW
4 PARAGRAPHS to read:

5 **40-15-502. Expressions of state policy. (6) Provider of last**
6 **resort - duty to follow evolving definition of basic service.** (c) IN
7 ORDER THAT ALL CONSUMERS BENEFIT FROM INCREASED COMPETITION IN
8 THE BASIC LOCAL EXCHANGE MARKET AND THAT BASIC SERVICE BE
9 AVAILABLE TO ALL CITIZENS IN COLORADO, EACH FACILITIES-BASED
10 PROVIDER IN A RELEVANT GEOGRAPHICAL AREA, AS SUCH AREA MAY BE
11 DEFINED BY THE COMMISSION, SHALL BE DESIGNATED A PROVIDER OF LAST
12 RESORT IF THE COMMISSION FINDS THAT COMPETITION EXISTS IN SUCH
13 AREA.

14 (d) REPORTS AND INFORMATION OBTAINED BY THE COMMISSION
15 PURSUANT TO SECTION 40-15-107 SHALL BE MADE AVAILABLE FOR USE,
16 SUBJECT TO ANY NECESSARY PROTECTIVE ORDER, IN ANY COMMISSION
17 PROCEEDING TO EVALUATE OR DETERMINE COMPETITION IN ANY RELEVANT
18 GEOGRAPHIC AREA. ANY DISSEMINATION OF INFORMATION PURSUANT TO
19 THIS PARAGRAPH (d) SHALL BE SUBJECT TO PROCEDURES CALCULATED TO
20 PROTECT THE CONFIDENTIALITY OF SUCH INFORMATION.

21 **SECTION 2.** 40-15-107 (1), Colorado Revised Statutes, is
22 amended to read:

23 **40-15-107. Powers of commission - inspection of books and**
24 **documents - confidentiality of information obtained through audit.**

25 (1)(a) The commission shall administer and enforce all provisions of this

1 article, and, in addition to any other powers under articles 1 to 7 of this
2 title, the commission has the right to inspect the books and documents of
3 the local exchange provider. The local exchange provider shall supply
4 additional relevant and material information to the commission as needed.
5 In addition, the commission has the right to inspect the books and records
6 of any affiliate of a local exchange provider which provides
7 telecommunications service under part 2, 3, or 4 of this article, if, in the
8 provision of such service, the affiliate uses a plant or incurs costs that are
9 joint and common to the provision of any basic local exchange service of
10 the local exchange provider regulated under part 2 of this article.

11 (b) IN ORDER FOR THE COMMISSION TO MONITOR AND FACILITATE
12 THE DEVELOPMENT OF EXISTING MARKETS INTO COMPETITIVE MARKETS, A
13 PROVIDER OF LOCAL EXCHANGE SERVICE SHALL PROVIDE THE COMMISSION
14 CURRENT INFORMATION ON REGULATED ACTIVITIES AT LEAST QUARTERLY.
15 SUCH INFORMATION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE
16 NUMBER OF CUSTOMERS CURRENTLY SERVED, WITH SUBTOTALS INDICATED
17 FOR EACH WIRE CENTER OR SIMILAR ACCOUNTING UNIT. THE LOCAL
18 EXCHANGE PROVIDER MAY ELECT TO PROVIDE SUCH INFORMATION TO THE
19 COMMISSION ON A CONFIDENTIAL BASIS. SUCH INFORMATION SHALL BE
20 VERIFIED AND SIGNED BY AN OFFICER OF SUCH ENTITY. SUCH
21 INFORMATION SHALL BE ACCOMPANIED BY A WRITTEN DECLARATION THAT
22 IT IS MADE UNDER THE PENALTIES OF PERJURY IN THE SECOND DEGREE, AND
23 ANY OFFICER WHO KNOWINGLY AND WILLFULLY MAKES AND SIGNS A FALSE
24 RETURN IS GUILTY OF PERJURY IN THE SECOND DEGREE.

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