

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

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

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE EXEMPTION OF CERTAIN
102 INTERNET-PROTOCOL-ENABLED SERVICES FROM OVERSIGHT BY
103 THE PUBLIC UTILITIES COMMISSION.

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:

! Advanced features offered and provided to residential customers and nonresidential customers with no more than

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.

- 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~~
20 ~~include personalized intercept, synthesized voice messages, specialized~~

1 ~~bill services, and personalized number services~~ HAS THE SAME MEANING
2 AS SET FORTH IN 47 U.S.C. SEC. 153.

3 (14.5) "INTERNET-PROTOCOL-ENABLED SERVICE" OR "IP-ENABLED
4 SERVICE" MEANS A SERVICE, FUNCTIONALITY, OR APPLICATION, OTHER
5 THAN VOICE-OVER-INTERNET PROTOCOL, THAT USES INTERNET PROTOCOL
6 OR A SUCCESSOR PROTOCOL AND ENABLES AN END USER TO SEND OR
7 RECEIVE A VOICE, DATA, OR VIDEO COMMUNICATION IN INTERNET
8 PROTOCOL FORMAT OR A SUCCESSOR FORMAT, UTILIZING A BROADBAND
9 CONNECTION AT THE END USER'S LOCATION.

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

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

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

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

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

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

26 **40-15-301. Regulation by the commission.** (2) ~~The following~~
27 ~~telecommunications products, services, and providers are~~ SWITCHED

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

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

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

8 ~~(c) InterLATA toll;~~

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

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

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

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

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

18 **40-15-401. Services, products, and providers exempt from**
19 **regulation - definition.** (1) The following products, services, and
20 providers are exempt from regulation under this article or under the
21 "Public Utilities Law" of the state of Colorado:

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

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

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

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

27 (p) Retail directory assistance;

1 (q) INTERNET-PROTOCOL-ENABLED SERVICES;
2 (r) VOICE-OVER-INTERNET PROTOCOL SERVICE;
3 (s) INTERLATA TOLL; AND
4 (t) INTRALATA TOLL.
5 (2) NOTHING IN THIS SECTION AFFECTS, MODIFIES, OR EXPANDS:
6 (a) AN ENTITY'S OBLIGATIONS UNDER SECTIONS 251 AND 252 OF
7 THE FEDERAL "COMMUNICATIONS ACT OF 1934", AS AMENDED, AND
8 CODIFIED IN 47 U.S.C. SEC. 251 AND 252;
9 (b) ANY COMMISSION AUTHORITY OVER WHOLESALE
10 TELECOMMUNICATIONS RATES, SERVICES, AGREEMENTS, PROVIDERS, OR
11 TARIFFS;
12 (c) ANY COMMISSION AUTHORITY ADDRESSING OR AFFECTING THE
13 RESOLUTION OF DISPUTES REGARDING INTERCARRIER COMPENSATION; OR
14 (d) THE REQUIREMENTS FOR THE RECEIPT OF STATE OR FEDERAL
15 FINANCIAL ASSISTANCE THROUGH A HIGH COST SUPPORT MECHANISM.
16 (3) IF A TELECOMMUNICATIONS SERVICE OR PRODUCT IS NOT
17 DEFINED IN PART 1 OF THIS ARTICLE AND IS NOT CLASSIFIED UNDER PART
18 2 OR 3 OF THIS ARTICLE, THE TELECOMMUNICATIONS SERVICE OR PRODUCT
19 IS CLASSIFIED AS A DEREGULATED TELECOMMUNICATIONS SERVICE UNDER
20 THIS PART 4.
21 (4) NOTHING IN THIS PART 4 SHALL BE CONSTRUED TO AFFECT,
22 MODIFY, LIMIT, OR EXPAND THE COMMISSION'S AUTHORITY TO REGULATE
23 BASIC EMERGENCY SERVICE.
24 (5) THIS SECTION DOES NOT AFFECT THE ESTABLISHMENT OR
25 ENFORCEMENT OF STANDARDS, REQUIREMENTS, PROCEDURES, OR
26 PROCUREMENT POLICIES, APPLICABLE TO ANY DEPARTMENT, AGENCY,
27 COMMISSION, OR POLITICAL SUBDIVISION OF THE STATE, OR TO THE

1 EMPLOYEES, AGENTS, OR CONTRACTORS OF A DEPARTMENT, AGENCY,
2 COMMISSION, OR POLITICAL SUBDIVISION OF THE STATE, RELATING TO THE
3 PROTECTION OF INTELLECTUAL PROPERTY.

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