

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20M-0337T

IN THE MATTER OF IMPLEMENTING HB 20-1293 TO ESTABLISH THE 2021
EMERGENCY TELEPHONE CHARGE THRESHOLD, STATEWIDE 9-1-1 SURCHARGE,
PREPAID 9-1-1 WIRELESS CHARGE, AND STATEWIDE 9-1-1 SURCHARGE
DISTRIBUTION FORMULA.

REPLY COMMENTS OF CTIA

CTIA – The Wireless Association® (“CTIA”) hereby provides its reply comments, as directed by Decision No. C20-0601 (mailed August 17, 2020) opening this proceeding (“Opening Order”), regarding the Colorado Public Utilities Commission’s (“Commission’s”) implementation of HB 20-1293 relating to 9-1-1 funding in the state of Colorado. Other than CTIA, only 9-1-1 governing bodies filed substantive initial comments in this proceeding, and each supported the Commission’s proposed threshold of \$1.72 per 9-1-1 access connection for the Emergency Telephone Charge. As with its initial comments, CTIA focuses on the question of the appropriate Emergency Telephone Charge threshold for 2021. The threshold amount represents the trigger for the Commission to perform its legislatively-assigned oversight role.

The Opening Order proposed a \$1.72 threshold amount for 2021.¹ CTIA’s initial comments requested that the Commission consider a smaller increase above the \$0.70 threshold currently set forth by statute, particularly given that this is the Commission’s first consideration of an appropriate threshold amount.² CTIA renews that request.

¹ Opening Order at 6 ¶ 12.

² Initial Comments of CTIA, Proceeding No. 20M-0337T (filed Sep. 16, 2020) at 4.

CTIA urges the Commission to recognize that the Emergency Telephone Charge threshold, regardless of the amount, does not function to deny any governing body the 9-1-1 funding it requires. The Emergency Telephone Charge threshold serves one purpose only: ensuring that requested surcharge increases cover eligible expenses only. The Legislature has established the expenses that may be recovered through the Emergency Telephone Charge, and the Commission has historically conducted limited review of applications to ensure that requested funding was for eligible expenses only. The Commission has never viewed its oversight role as exercising discretion over the *prudence* of governing bodies' requests, and CTIA does not ask the Commission to change its view. CTIA simply asks the Commission to continue to perform its statutory duty to ensure that Emergency Telephone Charges cover eligible expenses only.

Presumably, every governing body seeking to increase its Emergency Telephone Charge must go through the exercise of determining which of its expenses are recoverable through the Emergency Telephone Charge, and calculating the total of those expenses to determine the necessary increase to the Emergency Telephone Charge. If the resulting Emergency Telephone Charge remains below the threshold, the governing body's task is at an end; if the resulting Emergency Telephone Charge exceeds the threshold, the governing body need do little more than submit to the Commission for approval the paperwork it used to determine how much the Emergency Telephone Charge must be increased. This minimal additional step adds very little burden in exchange for ensuring that Coloradans' Emergency Telephone Charges cover eligible expenses only.

As CTIA stated previously, an initial threshold increase of more than 145 percent is too large a first step. For now, a smaller first step is warranted given that this is the Commission's first consideration of this issue, and in a very compressed time frame. HB 20-1293 was not signed,

and did not become effective, until July 10, 2020. That has resulted in very little time for the Commission to invite and consider comments in this proceeding. When the Commission conducts its annual review of the threshold in 2022, the Commission can engage in a more deliberate process with the potential for greater stakeholder participation, which again counsels for a more measured first step in this first proceeding. Finally, CTIA suggests that if the Commission approves an increase to the current \$0.70 statutory threshold, setting the threshold at \$1.39 to mirror the rate of inflation would be a better starting point than an initial increase of over 145 percent to \$1.72.

Respectfully submitted this 21st day of September 2020.

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CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2020, the foregoing **Reply Comments of CTIA** were filed with the Colorado Public Utilities Commission via E-Filing and served on those parties shown on the Commission's Certificate of Service accompanying such filing.

/s/ Kristin Lewis