

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



HOUSE BILL 10-1281

BY REPRESENTATIVE(S) Casso, King S., Looper, Curry;  
also SENATOR(S) Spence, Harvey, Lundberg, Penry, Renfroe, Schultheis.

CONCERNING THE DEREGULATION OF TELECOMMUNICATIONS SERVICE IN  
AREAS WHERE SUFFICIENT MARKET COMPETITION EXISTS, AND  
MAKING AN APPROPRIATION THEREFOR.

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

**SECTION 1.** 40-15-102, Colorado Revised Statutes, is amended  
BY THE ADDITION OF A NEW SUBSECTION to read:

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

(10.5) "INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL (VOIP)  
SERVICE" MEANS A SERVICE THAT:

- (a) ENABLES REAL-TIME, TWO-WAY VOICE COMMUNICATIONS;
- (b) REQUIRES A BROADBAND CONNECTION FROM THE USER'S  
LOCATION;

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(c) REQUIRES INTERNET PROTOCOL-COMPATIBLE CUSTOMER PREMISES EQUIPMENT (CPE); AND

(d) PERMITS USERS GENERALLY TO RECEIVE CALLS THAT ORIGINATE ON THE PUBLIC SWITCHED TELEPHONE NETWORK AND TO TERMINATE CALLS TO THE PUBLIC SWITCHED TELEPHONE NETWORK.

**SECTION 2. Repeal.** 40-15-201 (2) (a), (2) (f), and (2) (g), Colorado Revised Statutes, are repealed as follows:

**40-15-201. Regulation by commission.** (2) The following products, services, and providers are declared to be subject to regulation pursuant to this part 2 and subject to potential reclassification under section 40-15-207:

(a) ~~Basic local exchange service;~~

(f) ~~New products and services included in the definition of basic local exchange service;~~

(g) ~~Dual tone multifrequency signaling;~~

**SECTION 3.** 40-15-301 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

**40-15-301. Regulation by the commission.** (2) The following telecommunications products, services, and providers are declared to be initially subject to regulation pursuant to this part 3 and subject to potential deregulation under section 40-15-305:

(h) BASIC LOCAL EXCHANGE SERVICE; AND

(i) NEW PRODUCTS AND SERVICES INCLUDED IN THE DEFINITION OF BASIC LOCAL EXCHANGE SERVICE.

**SECTION 4.** 40-15-401 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**40-15-401. Services, products, and providers exempt from**

**regulation.** (1) The following products, services, and providers are exempt from regulation under this article or under the "Public Utilities Law" of the state of Colorado:

(q) INTERCONNECTED VOICE-OVER-INTERNET-PROTOCOL (VOIP) SERVICE.

**SECTION 5.** 40-15-502 (2), Colorado Revised Statutes, is amended to read:

**40-15-502. Expressions of state policy. (2) Basic service.**

(a) Basic service is the availability of high quality, minimum elements of telecommunications services, as defined by the commission, at just, reasonable, and affordable rates to all people of the state of Colorado. The commission shall conduct a proceeding when appropriate, but no later than July 1, 1999, and no less frequently than every three years to consider the revision of the definition of basic service, with the goal that every citizen of this state shall have access to a wider range of services at rates that are reasonably comparable as between urban and rural areas.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE COMMISSION MAY REQUIRE A PROVIDER TO CHARGE UNIFORM RATES FOR BASIC LOCAL EXCHANGE SERVICES THROUGHOUT A PROVIDER'S SERVICE TERRITORY.

**SECTION 6. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public utilities commission fixed utility fund created in section 40-2-114, Colorado Revised Statutes, not otherwise appropriated, to the department of regulatory agencies, for allocation to the public utilities commission, for the fiscal year beginning July 1, 2010, the sum of one hundred eighty-four thousand four hundred forty-four dollars (\$184,444) cash funds and 1.9 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2010, the sum of fifty-one thousand two hundred fifty-eight dollars (\$51,258) and 0.4 FTE, or so much thereof as may be necessary, for the provision of legal services to the department of regulatory agencies related

to the implementation of this act. Said sum shall be from reappropriated funds received from the department of regulatory agencies out of the appropriation made in subsection (1) of this section.

**SECTION 7. Act subject to petition - effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless

approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

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Terrance D. Carroll  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Brandon C. Shaffer  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Karen Goldman  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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Bill Ritter, Jr.  
GOVERNOR OF THE STATE OF COLORADO