

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-1026.01 Jennifer Berman x3286

SENATE BILL 16-183

SENATE SPONSORSHIP

Scheffel and Kerr,

HOUSE SPONSORSHIP

Williams and Lawrence,

Senate Committees

Business, Labor, & Technology

House Committees

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.

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.

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.