

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

INTRODUCED

LLS NO. 13-0364.01 Jennifer Berman x3286

HOUSE BILL 13-1255

HOUSE SPONSORSHIP

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House Committees

Business, Labor, Economic, & Workforce Development

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXEMPTION OF CERTAIN INTERNET**
102 **PROTOCOL-ENABLED SERVICES FROM OVERSIGHT BY THE**
103 **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>.)

The bill clarifies that certain internet protocol-enabled services, including voice-over-internet protocol services, are exempt from regulation. The bill also explains that it does not affect the public utilities commission's authority with respect to the following:

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.

- ! Wholesale rates, services, and agreements among telecommunications service providers; and
- ! The aggregation and transport of emergency 911 service provided by basic emergency service providers.

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

23 (14.5) "INTERNET PROTOCOL-ENABLED SERVICE" OR "IP-ENABLED

1 SERVICE" MEANS A SERVICE, FUNCTIONALITY, OR APPLICATION, OTHER
2 THAN VOICE-OVER INTERNET PROTOCOL, THAT USES INTERNET PROTOCOL
3 OR A SUCCESSOR PROTOCOL AND ENABLES AN END USER TO SEND OR
4 RECEIVE A VOICE, DATA, OR VIDEO COMMUNICATION IN INTERNET
5 PROTOCOL FORMAT OR A SUCCESSOR FORMAT.

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

10 (32) (a) "VOICE-OVER-INTERNET PROTOCOL SERVICE" OR "VOIP
11 SERVICE" MEANS A SERVICE THAT:

12 (I) ENABLES REAL-TIME, TWO-WAY VOICE COMMUNICATIONS
13 ORIGINATING FROM OR TERMINATING AT A USER'S LOCATION IN INTERNET
14 PROTOCOL OR A SUCCESSOR PROTOCOL;

15 (II) REQUIRES A BROADBAND CONNECTION FROM THE USER'S
16 LOCATION; AND

17 (III) PERMITS A USER TO GENERALLY RECEIVE CALLS THAT
18 ORIGINATE ON THE PUBLIC SWITCHED TELEPHONE NETWORK AND TO
19 TERMINATE CALLS TO THE PUBLIC SWITCHED TELEPHONE NETWORK.

20 (b) A SERVICE IS NOT A VOICE-OVER-INTERNET PROTOCOL SERVICE
21 IF IT:

22 (I) USES ORDINARY CUSTOMER PREMISES EQUIPMENT WITHOUT
23 ENHANCED FUNCTIONALITY;

24 (II) ORIGINATES AND TERMINATES ON THE PUBLIC SWITCHED
25 TELEPHONE NETWORK;

26 (III) DOES NOT UNDERGO A NET PROTOCOL CONVERSION; AND

27 (IV) DOES NOT PROVIDE END USERS WITH ENHANCED

1 FUNCTIONALITY BASED ON THE PROVIDER'S USE OF INTERNET PROTOCOL
2 TECHNOLOGY.

3 **SECTION 2.** In Colorado Revised Statutes, 40-15-401 **amend** (1)
4 (c), (1) (i), and (1) (k); **repeal** (1) (b) and (1) (d); and **add** (1) (q), (1) (r),
5 (1.5), (2), (3), and (4) as follows:

6 **40-15-401. Services, products, and providers exempt from**
7 **regulation.** (1) The following products, services, and providers are
8 exempt from regulation under this article or under the "Public Utilities
9 Law" of the state of Colorado:

10 (b) ~~Cellular telecommunications services;~~

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

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

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

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

16 (q) INTERNET PROTOCOL-ENABLED SERVICES; AND

17 (r) VOICE-OVER-INTERNET PROTOCOL SERVICE.

18 (1.5) NOTHING IN THIS SECTION AFFECTS, MODIFIES, OR EXPANDS:

19 (a) AN ENTITY'S OBLIGATIONS UNDER SECTIONS 251 AND 252 OF
20 THE FEDERAL "COMMUNICATIONS ACT OF 1934", AS AMENDED AND
21 CODIFIED IN 47 U.S.C. SEC. 251 AND 252;

22 (b) ANY EXISTING COMMISSION AUTHORITY OVER WHOLESALE
23 TELECOMMUNICATIONS RATES, SERVICES, AGREEMENTS, PROVIDERS, OR
24 TARIFFS;

25 (c) ANY EXISTING COMMISSION AUTHORITY ADDRESSING OR
26 AFFECTING THE RESOLUTION OF DISPUTES REGARDING INTERCARRIER
27 COMPENSATION;

1 (d) ANY EXISTING COMMISSION AUTHORITY OVER BASIC
2 EMERGENCY SERVICE; OR

3 (e) ANY BASIC EMERGENCY SERVICE PROVIDER'S EXISTING
4 OBLIGATION TO PROVIDE BASIC EMERGENCY SERVICE IN ACCORDANCE
5 WITH APPLICABLE STATE AND FEDERAL LAWS AND RULES.

6 (2) IF A TELECOMMUNICATIONS SERVICE OR PRODUCT IS NOT
7 DEFINED IN PART 1 OF THIS ARTICLE AND IS NOT ALREADY CLASSIFIED
8 UNDER PART 2 OR 3 OF THIS ARTICLE, THE TELECOMMUNICATIONS SERVICE
9 OR PRODUCT IS CLASSIFIED AS A DEREGULATED TELECOMMUNICATIONS
10 SERVICE UNDER THIS PART 4.

11 (3) NOTHING IN THIS SECTION AFFECTS THE COMMISSION'S
12 ESTABLISHMENT OR ENFORCEMENT OF STANDARDS, REQUIREMENTS, OR
13 PROCEDURES, INCLUDING PROCUREMENT POLICIES, RELATING TO THE
14 PROTECTION OF INTELLECTUAL PROPERTY.

15 (4) NOTHING IN THIS SECTION AFFECTS, MODIFIES, OR EXPANDS
16 THE ELIGIBILITY REQUIREMENTS FOR THE RECEIPT OF STATE OR FEDERAL
17 FINANCIAL ASSISTANCE THROUGH A HIGH-COST SUPPORT MECHANISM.

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