

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0364.01 Jennifer Berman x3286

**HOUSE BILL 13-1255**

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**House Committees**

Business, Labor, Economic, & Workforce Development

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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, UTILIZING A BROADBAND  
6 CONNECTION AT THE END USER'S LOCATION.

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

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

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

16 (II) UTILIZES A BROADBAND CONNECTION FROM THE USER'S  
17 LOCATION; AND

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

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

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

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

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

1 (IV) DOES NOT PROVIDE END USERS WITH ENHANCED  
2 FUNCTIONALITY BASED ON THE PROVIDER'S USE OF INTERNET PROTOCOL  
3 TECHNOLOGY.

4 **SECTION 2.** In Colorado Revised Statutes, 40-15-401 **amend** (1)  
5 (c), (1) (i), and (1) (k); **repeal** (1) (b) and (1) (d); and **add** (1) (q), (1) (r),  
6 (1.5), (2), (3), (4), and (5) as follows:

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

- 11 (b) ~~Cellular telecommunications services;~~
- 12 (c) COMMERCIAL mobile radio ~~service~~ SERVICES;
- 13 (d) ~~Radio paging service;~~
- 14 (i) ~~Informational~~ INFORMATION services;
- 15 (k) Advanced features; ~~offered and provided to nonresidential~~  
16 ~~customers with more than five lines;~~
- 17 (q) INTERNET PROTOCOL-ENABLED SERVICES; AND
- 18 (r) VOICE-OVER-INTERNET PROTOCOL SERVICE.

19 (1.5) NOTHING IN THIS SECTION AFFECTS, MODIFIES, OR EXPANDS:

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

23 (b) ANY [REDACTED] COMMISSION AUTHORITY OVER WHOLESALE  
24 TELECOMMUNICATIONS RATES, SERVICES, AGREEMENTS, PROVIDERS, OR  
25 TARIFFS; OR

26 (c) ANY [REDACTED] COMMISSION AUTHORITY ADDRESSING OR AFFECTING  
27 THE RESOLUTION OF DISPUTES REGARDING INTERCARRIER COMPENSATION.

1 (2) NOTHING IN THIS SECTION AFFECTS, MODIFIES, OR EXPANDS  
2 ANY COMMISSION AUTHORITY OVER BASIC EMERGENCY SERVICE OR ANY  
3 BASIC EMERGENCY SERVICE PROVIDER'S OBLIGATION TO PROVIDE BASIC  
4 EMERGENCY SERVICE IN ACCORDANCE WITH APPLICABLE STATE AND  
5 FEDERAL LAWS AND RULES.

6 (3) 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 (4) THIS SECTION DOES NOT AFFECT THE ESTABLISHMENT OR  
12 ENFORCEMENT OF STANDARDS, REQUIREMENTS, OR PROCEDURES,  
13 INCLUDING PROCUREMENT POLICIES, APPLICABLE TO ANY DEPARTMENT,  
14 AGENCY, COMMISSION, OR POLITICAL SUBDIVISION OF THE STATE, OR TO  
15 THE EMPLOYEES, AGENTS, OR CONTRACTORS OF A DEPARTMENT, AGENCY,  
16 COMMISSION, OR POLITICAL SUBDIVISION OF THE STATE, RELATING TO THE  
17 PROTECTION OF INTELLECTUAL PROPERTY.

18 (5) NOTHING IN THIS SECTION AFFECTS, MODIFIES, OR EXPANDS  
19 THE ELIGIBILITY REQUIREMENTS FOR THE RECEIPT OF STATE OR FEDERAL  
20 FINANCIAL ASSISTANCE THROUGH A HIGH-COST SUPPORT MECHANISM.

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