

Decision No. C17-0045

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 16A-0897T

IN THE MATTER OF THE APPLICATION OF THE DELTA COUNTY EMERGENCY
TELEPHONE SERVICE AUTHORITY FOR AUTHORITY TO INCREASE THE
EMERGENCY TELEPHONE CHARGE.

COMMISSION DECISION GRANTING APPLICATION

Mailed Date: January 19, 2017
Adopted Date: January 18, 2017

I. BY THE COMMISSION

A. Statement

1. On November 21, 2016, the Delta County Emergency Telephone Service Authority, as administered by the Delta County Board of County Commissioners (Applicant or Company) filed its application pursuant to § 29-11-102(2)(b), C.R.S., for approval of an emergency telephone charge increase from \$0.70 to \$1.00 per service user per month (Application).

2. On November 22, 2016, the Commission gave notice of the Application stating that parties wishing to participate in this Proceeding should file an Intervention or other appropriate pleading within 30 days after the date of the Notice.

3. Also on November 21, 2016, the Applicant filed a Motion for Waiver of Statutory Notice Provisions of § 40-3-104, C.R.S. and for Authorization to Give an Alternative Form of Notice Pursuant to 4 CCR 723-1 PUC Rules of Practice and Procedure Rule 1003 (Motion). This Motion requested authorization to give an alternative form of notice pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-1-1207(b) of the Rules of Practice and

Procedure. The Applicant requested to provide notice of the proposed surcharge increase to be published for two consecutive weeks in the *Delta County Independent*, a newspaper of general circulation in Delta County.

4. By Decision No. C16-1097-I, adopted November 30, 2016 and mailed on December 2, 2016, the Commission approved the motion for alternative form of notice.

5. On January 10, 2017, Applicant filed an affidavit stating that publication of the notice had occurred on December 21 and 28, 2016 in the *Delta County Independent*. Applicant attached proof of publication.

II. FINDINGS AND CONCLUSIONS

6. Since the Application is now uncontested, the matter will be considered pursuant to the Commission's modified procedure, § 40-6-109(5), C.R.S., and the Commission's Rules of Practice and Procedure, 4 CCR 723-1-1403.

7. A governing body¹ may incur equipment, installation, and other costs directly related to the continued operation of emergency telephone service pursuant to § 29-11-102, C.R.S. As provided in paragraph (a) of subsection (2) of that statute, such allowable costs may be categorized as equipment directly related to the receipt and routing of emergency calls, monthly recurring charges for the emergency telephone service, reimbursement of costs for equipment changes necessary for the provision or transmission of wireless Automatic Number Identification or wireless Automatic Location Identification to a public safety answering point (PSAP), costs related to the provision of emergency notification service and emergency

¹ As defined at § 29-11-101(4), C.R.S.

telephone service, and “other” directly related costs. Personnel expenses necessarily incurred for a PSAP may also be paid with funds collected from 911 charges.² § 29-11-104(2)(b), C.R.S.

8. A governing body is statutorily authorized to collect up to \$0.70 per month per exchange access facility, per wireless communications access, and per interconnected Voice over Internet Protocol service to cover such costs of service within its jurisdiction. In the event a charge in excess of \$0.70 is necessary to provide adequate emergency telephone service, the governing body shall obtain the approval of the Commission before imposing such higher charge. § 29-11-102(2), C.R.S.

9. Currently, the monthly emergency telephone surcharge is \$.70 in the Applicant’s service territory. The Application seeks to increase the charge to \$1.00 per month.

10. The Company is supported by the affidavit and verification of the information filed with the Commission by the Applicant. The Applicant is an emergency telephone service authority comprised of a group of local government entities whose jurisdictional boundaries are within Delta County. Those governmental entities cooperate pursuant to the terms and conditions of the Intergovernmental Agreement (IGA) concerning the establishment of an emergency telephone service authority.

11. The Company was formed in 1990 when several parties desired to enter into an IGA. The parties to the IGA are the Board of County Commissioners for the County of Delta, the City of Delta, the Town of Cedaredge, the Town of Paonia, the Town of Crawford, the Town of Hotchkiss, the Town of Orchard City, the North Fork Ambulance Association, the Cedaredge

² Such personnel include employees who take and dispatch telephone calls, or who maintain the computer database of the PSAP.

Ambulance Service, the Delta Ambulance Service, Delta County Fire Protection Districts, and the Delta County Memorial Hospital District.

12. The Applicant provides funding to one PSAP within its service area, that PSAP being the Delta County Communications Center.

13. The Applicant has determined that an increase in the emergency telephone surcharge is needed to continue its current level of support for the Delta County Communications Center.

14. The Applicant purchased a new 9-1-1 phone system and other necessary equipment in 2014 at a cost of \$230,000, receiving assistance to make this purchase from a grant from the Colorado Department of Local Affairs for \$150,000. Despite this grant assistance, the Applicant does not have enough projected revenue to continue normal operations of the PSAP through 2017 without additional funding.

15. The Applicant has provided the actual budget for calendar years 2012 through 2015, and an estimated budget for 2016. Also included were financial audits for calendar year 2013, pursuant to § 29-11-104(5), C.R.S.

16. Based on this evidence, the Commission agrees with Applicant that the expenditures currently being made by Applicant are necessary and directly related to categories of expense allowed under § 29-11-104, C.R.S., and that additional funding is necessary in order to maintain the current level of necessary expenditure. Increasing the surcharge to \$1.00 per month is necessary, reasonable, and in the public interest. The funds derived from the increase in the emergency telephone service surcharge will be used to pay for operating costs, including service contracts for necessary equipment, as permitted by § 29-11-104(2), C.R.S. The increase

is necessary to fund the ongoing operations that are required to allow the Applicant to continue to provide adequate and reasonable emergency telephone service.

III. ORDER

A. The Commission Orders That:

1. The application of the Delta County Emergency Telephone Service Authority (Applicant) seeking to increase the emergency telephone charge to \$1.00 per access line per month is granted.
2. The Applicant shall notify each affected service provider of the increase in the emergency telephone surcharge by registered mail at least 60 days prior to the new rate becoming effective.
3. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Decision.
4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
January 18, 2017.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

WENDY M. MOSER

Commissioners