

Decision No. C16-0889

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 16A-0577T

IN THE MATTER OF THE APPLICATION OF THE ADAMS COUNTY EMERGENCY
E911 TELEPHONE SERVICE AUTHORITY TO INCREASE THE EMERGENCY
TELEPHONE CHARGE.

COMMISSION DECISION GRANTING APPLICATION

Mailed Date: September 29, 2016
Adopted Date: September 28, 2016

I. BY THE COMMISSION

A. Statement

1. On July 26, 2016, the Adams County Emergency E911 Telephone Service Authority (Adams or Applicant) 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 \$1.50 per service user per month (Application).

2. On July 27, 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 July 27, 2016, Adams filed a Motion to Waive Portions of Commission Rule 2002(D) Regarding Consumer Notice and Permit Notice in Compliance with Commission Rule 2147(B) (Motion). This Motion requested authorization to give an alternative form of notice pursuant to Commission Rule 4 *Code of Colorado Regulations* (CCR) 723-1-2147(b) of the Rules of Practice and Procedure. Adams requested to provide notice of the proposed

surcharge increase to be published for two consecutive weeks in a newspaper of general circulation in Adams County.

4. By Decision No. C16-0715-I, adopted August 3, 2016 and mailed on August 4, 2016, the Commission approved the motion for alternative form of notice.

5. On August 23, 2016, Adams filed an affidavit stating that publication of the Notice had occurred for two consecutive weeks in *Commerce City Sentinel Express* and the *Brighton Standard Blade*, and that such publication had been completed on August 17, 2016. Adams attached proof of publication for both publications.

6. On August 30, 2016, Adams filed a Motion to Supplement the Application, and attached additional documentation in support of the Application. Adams also requested in this motion to reduce the new notice period to 14 days and to waive any requirement on Adams to publish additional newspaper notice.

7. By Decision No. C16-0826-I, adopted September 7, 2016 and mailed on September 8, 2016, the Commission approved the motion requesting to supplement the application, and to reduce the new notice period to 14 days, and to waive any requirement for additional newspaper publication by Adams.

II. FINDINGS AND CONCLUSIONS

8. 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.

9. 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 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.

10. 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.

11. Currently, the monthly emergency telephone surcharge is \$0.70 in Adams’ service territory. The Application seeks to increase the charge to \$1.50 per month.

12. The Application is supported by the affidavit and verification of the information filed with the Commission by Applicant. Adams is an emergency telephone service authority comprised of a group of local government entities whose jurisdictional boundaries are within the

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

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

county. Those governmental entities cooperate pursuant to the terms and conditions of the Intergovernmental Agreement (IGA) concerning the establishment of a regional communications authority.

13. Adams was formed in 1986 when several parties desired to enter into an IGA. The parties to the IGA in its current form are the Board of County Commissioners of Adams County, the Town of Bennett, the City of Brighton, the City of Commerce City, the City of Federal Heights, the City of Northglenn, the Bennett Fire District, Brighton Fire District #6, Byers Fire District #9, Deer Trail Fire District #10, North Washington Fire District #14, Sable-Atura Fire District #11, Strasburg Fire Protection District #8, South Adams County Fire District #4, and Southeast Weld Fire Protection District #5.

14. Adams has determined that an increase in the emergency telephone surcharge is needed for one primary reason. Starting in 2016, Adams started subsidizing the salaries of personnel at ADCOM at the cost of \$1.5 million. With the increase in the surcharge, Adams plans to increase this subsidy to \$2.645 million per year. Adams included in their application itemized personnel expenses for 2016 and 2017. The Application also states that ADCOM plans to hire additional public safety telecommunicators using this subsidy, and with this additional personnel in place it plans to implement text-to-911 service.

15. Of the ten counties in the Denver-Aurora-Lakewood Metropolitan Statistical Area,³ only Adams County, Park County, and Gilpin County lack text-to-911 service.⁴

³ See <https://www.whitehouse.gov/sites/default/files/omb/bulletins/2013/b13-01.pdf>, accessed Sept. 12, 2016.

⁴ See <https://sites.google.com/site/co911rc/resources/text-to-911>, accessed Sept. 12, 2016.

16. Adams has recently made several large capital expenditures which depleted the Applicant's cash reserves. These expenditures, including a replacement Computer Aided Dispatch system, radio system upgrades, and a new recording system, were documented in the Application. Also documented were estimates of costs for additional capital expenses that Adams wishes to undertake, including future radio costs and replacement of workstation consoles.

17. Applicant has provided the actual budget for calendar year 2014, estimated budget for 2015, the approved budget for 2016, and a forecast for 2017. Also included were financial audits for calendar years 2012 through 2015, pursuant to § 29-11-104(5), C.R.S. Also included were personnel cost itemizations for 2016 and a projected personnel cost itemization for 2017 under the new surcharge. The Application establishes the necessity of anticipated increased costs to increase and maintain staffing at appropriate levels to provide effective and efficient 911 service, as well as to position Adams to better meet its future capital needs.

18. Based on this evidence, the Commission agrees with Applicant that the costs identified by Applicant are necessary and directly related to categories of expense allowed under § 29-11-104, C.R.S. Increasing the surcharge to \$1.50 per month is just, 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 personnel expenses and services, and capital equipment expenses as permitted by § 29-11-104(2), C.R.S. The increase is necessary to fund the investments that are required to allow Adams to continue to provide adequate and reasonable emergency telephone service.

III. ORDER

A. The Commission Orders That:

1. The application of the Adams County Emergency E911 Telephone Service Authority (Adams) seeking to increase the emergency telephone charge to \$1.50 per access line per month is granted.

2. Adams 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. Adams shall file a plan for implementation of text-to-911 service in the areas serviced by the Adams County Communications Center and the Federal Heights Police Department within 90 days of the adoption of this Decision.

4. Adams shall provide updates every 90 days following the filing of the initial text-to-911 plan regarding progress made toward the implementation of text-to-911 service until such service has been implemented, and shall file notice in this proceeding when text-to-911 service for all of the portions of Adams County served by the Adams County Communications Center and the Federal Heights Police Department has been successfully implemented.

5. 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.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
September 28, 2016.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

GLENN A. VAAD

FRANCES A. KONCILJA

Commissioners