

**PHIL WEISER**  
Attorney General

**NATALIE HANLON LEH**  
Chief Deputy Attorney General

**SHANNON STEVENSON**  
Solicitor General

**TANJA WHEELER**  
Associate Chief Deputy Attorney  
General



**RALPH L. CARR**  
**COLORADO JUDICIAL CENTER**  
1300 Broadway, 10th Floor  
Denver, Colorado 80203  
Phone (720) 508-6000

**STATE OF COLORADO**  
**DEPARTMENT OF LAW**

May 24, 2024

Jena Griswold, Secretary of State  
Office of the Secretary of State  
1700 Broadway, Suite 200  
Denver, CO 80290

RE: Tracking Number: 2024-00224  
Revision to Rules Regulating Gas Utilities  
Rule 4753, 4 Code of Colorado Regulation 723-4

Dear Ms. Griswold,

I have reviewed the corrections to the accompanying Rule 4753, 4 *Code of Colorado Regulations* (CCR) 723-4, and determined that the matter being corrected is a non-substantive error, and that the correction is necessary to ensure that the published rule and corresponding opinion conform to the adopted rule, pursuant to section 24-4-103(11)(d), C.R.S. (2022).

The corrections address the adoption of rules in Commission Decision No. C24-0140 in Proceeding No. 22R-0557EG (Tracking Number: 2022-00809). The rules submitted to the Secretary of State (SOS) did not incorporate changes made in a prior rulemaking proceeding adopted by the Commission in Proceeding No. 21R-0449G (Tracking Number: 2021-00643).

Specifically, Rule 4753 4 CCR 723-4, which addresses Demand Side Management Plan filings, was substantially amended in Proceeding No. 21R-0449G and then also included in the redline submitted in this proceeding, but the changes from Proceeding No. 21R-0449G are not reflected in the version submitted to the SOS. The 21R-0449G proceeding was started in 2021 and completed in 2023; when the 22R-0557EG proceeding began in 2022, it utilized the then-current Rule 4753 4 CCR 723-4 in the redline attachment to the Notice of Proposed Rulemaking. When 22R-0557EG completed in 2024, the Commission inadvertently failed to update the redline to reflect the 2023 enacted language. This is a non-substantive error, and this correction is necessary to ensure that Rule 4753 4 CCR 723-4 reflects the updates enacted in 21R-0449G.

The instant proceeding only amended the Commission's rules to incorporate a newly defined term pursuant to House Bill 22-1018. Specifically, "low income customers"

is changed to “income qualified customers” throughout the Commission’s Rules. However, this change was already made to Rule 4753, 4 CCR 723-4 by Proceeding No. 21R-0449G, so inclusion of this rule in 22R-0557EG was unnecessary. Therefore, Rule 4753, 4 CCR 723-4 should be corrected to ensure that it reflects the currently in effect version of Rule 4753 4 CCR 723-4 (as reflected on the attached redline).

A clean version is enclosed for publishing in the CCR pursuant to § 24-4-103(11)(d), C.R.S. (2022).

Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

FOR THE ATTORNEY GENERAL

*/s/ Lindsey Dundas*  
LINDSEY DUNDAS  
Assistant Attorney General  
State Services Section  
516.509.3045  
[lindsey.dundas@coag.gov](mailto:lindsey.dundas@coag.gov)