

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22R-0557EG

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION’S RULES REGULATING ELECTRIC UTILITIES, 4 CODE OF COLOADO REGULATIONS 723-3, AND RULES REGULATING GAS UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-4, PURSUANT TO HOUSE BILL 22-1018.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
ALENKA HAN
ADOPTING RULES**

Mailed Date: December 20, 2023

TABLE OF CONTENTS

I. STATEMENT.....	3
A. Background.....	3
B. Transmission of Record and Decision.....	7
II. DISCUSSION, FINDINGS AND CONCLUSIONS	7
A. Introduction	7
B. Jurisdiction	7
C. General Comments	8
D. Proposed Changes to the Electric and Gas Rules.....	10
1. Low Income to Income-Qualified.....	11
2. Rules 3001 and 4001 – Definitions.....	11
a. Rule 3001(a) and 4001(a) – Advanced metering infrastructure.....	11
b. Rule 3001(m) and 4001(w) – Emergency or safety event or circumstance.....	12
c. Rules 3001(s) and 4001(z) – Income qualified utility customer or low-income customer	13
d. Rules 3001(hh) and 4001(tt) – Qualifying communication	14
e. Rules 3001(ww) and 4001(mmm) – Utility assistance information	17
3. Rules 3407 and 4407 – Discontinuance of Service.....	17

a. Rule 3407(e) and 4407(e) – Timing of disconnection18

b. Rules 3407(h) and 4407(h) – Receipt of qualifying communication.....19

c. Rules 3407(i) and 4407(i) – Customer education and outreach strategy19

d. Rules 3407(j) and 4407(j) – Customer education and outreach multi-year
strategy reporting20

e. Rules 3407(k) and 4407(k) – Tariff21

f. Adoption of Changes22

4. Rules 3409 and 4409 – Restoration of Service22

 a. Rules 3409(c) and 4409(c) – Reconnection22

 b. Rules 3409(d) and 4409(d) – Restoring Service Generally24

 c. Adoption of changes to Rules 3409 and 440925

E. Conclusion.....25

I. ORDER.....26

 A. It Is Ordered That:26

I. STATEMENT**A. Background**

1. In 2022, the Colorado General Assembly enacted House Bill (HB) 22-1018. HB 22-1018, made effective April 21, 2022, addressed “A Customer’s Ability to Pay” utility bills. The legislation adopted numerous criteria limiting a utility’s procedures for disconnecting service due to nonpayment.

2. In addition, HB 22-1018 directed the Colorado Public Utilities Commission (PUC or Commission) to commence a Rulemaking Proceeding to adopt standard practices for gas and electric utilities to follow when disconnecting services due to nonpayment. The legislation identifies specific practices to incorporate limitations affecting the times and days during which disconnections can be initiated for nonpayment and aligns with prior work by the Commission to consider such practices more broadly as directed by Senate Bill 20-030 which was, implemented in Proceeding No. 20R-0349EG. HB 22-1018 was a narrowly-focused effort to reduce disruptions caused by service disconnections precipitated by nonpayment. Legislation addressing other areas of utility service may be proposed during future General Assembly sessions.

3. On December 21, 2022, the Commission initiated this proceeding by issuing a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Electric Utilities (Electric Rules), 4 *Code of Colorado Regulations* (CCR) 723-3, and the Rules Regulating Gas Utilities (Gas Rules), 4 CCR 723-4 (collectively the Electric and Gas Rules).¹ The NOPR proposed changes to the aforementioned rules, established deadlines for initial written

¹ Decision No. C22-0815, issued Dec. 21, 2022.

comments, and scheduled a remote public comment hearing for February 27, 2023 at 11:30 a.m. The NOPR also referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

4. The Office of the Utility Consumer Advocate (UCA); Energy Outreach Colorado (EOC); Public Service Company of Colorado (Public Service); Colorado Natural Gas, Inc. (CNG); Black Hills Colorado Electric, LLC, and Black Hills Colorado Gas, Inc., doing business as Black Hills Energy (collectively Black Hills); and Atmos Energy Corporation all filed written comments prior to the February 27, 2023 public comment hearing, as permitted by Commission Decision No. C22-0815.

5. The undersigned ALJ held the initial remote public comment hearing as scheduled on Monday, February 27, 2023, at 11:30 a.m. Based on the written comments submitted prior to the hearing, and the verbal comments received during the hearing, the ALJ scheduled a second public comment hearing for April 4, 2023.² Black Hills, Public Service, UCA, and EOC filed comments in advance of the April 4, 2023 public comment hearing. UCA's comments included a proposed amendment to the revised rules which would require any utility adopting remote disconnection procedures to include in its tariff procedures a multi-year transition plan that addresses how the utility will educate customers about the conversion to advance metering infrastructure (AMI) that enables remote disconnection and reconnection; explains methods the utility will employ to advise its customers of impending disconnections; and describes its timeline for contacting customers.³

² See Decision No. R23-0169-I, issued March 9, 2023.

³ See Reply Comments of the Utility Consumer Advocate, filed Mar. 28, 2023.

6. The second public comment hearing was held as scheduled on Tuesday, April 4, 2023, at 11:30 a.m. At the public comment hearing, participants engaged in a robust conversation about the proposed rules, the necessity of remote disconnection and reconnection, as well as the benefits and drawbacks of UCA's proposed amendment.

7. Based on the written and verbal comments received before and during the April 4, 2023 public comment hearing, by Decision No. R23-0259-I, issued April 20, 2023, the ALJ scheduled a third public comment hearing to be held on May 15, 2023, at 4:00 p.m. The third public comment hearing was held as scheduled.

8. The robust discussion during the May 15, 2023, public comment hearing, and the written comments received prior to that public comment hearing prompted the ALJ to hold a fourth public comment hearing. By Decision No. R23-0366-I, issued May 31, 2023, the ALJ scheduled a fourth public comment hearing, to be held on July 18, 2023, at 11:30 a.m.

9. On June 9, 2023, the EOC and the UCA jointly advised the undersigned ALJ that they, along with Public Service and Black Hills were actively drafting proposed consensus rule language.⁴ On June 23, 2023, the same interested entities filed a Second Notice advising the undersigned ALJ that their discussions pertaining to customer education and outreach continued, but that they had not yet reached a consensus.⁵

⁴ See Joint Notice of Conferral on Consensus Proposed Rules Regarding Customer Outreach and Education, filed Jun 9, 2023.

⁵ See Second Joint Notice of Conferral on Consensus Proposed Rules Regarding Customer Outreach and Education, filed June 23, 2023.

10. The morning of the continued public comment hearing held on July 18, 2023, EOC, UCA, Public Service, and Black Hills jointly filed their Proposed Consensus Rules.⁶ These entities proposed language for Rules 3407(h)⁷, (i), (j), and (k), 4 CCT 723-3, and Rules 4407(h), (i), (j), and (k), 4 CCR 723-4. The Proposed Consensus Rules further defined “qualifying communication” by specifying the circumstances by which a customer was deemed to have “received” a utility’s message and required each utility to advise the Commission in a tariff of the utility’s planned educational outreach to customers regarding disconnections and reconnections.⁸

11. Because the Proposed Consensus Rules were filed just minutes before the commencement of the July 18, 2023 public comment hearing, representatives of CNG and Atmos requested an opportunity to review the Proposed Consensus Rules and provide responsive comments to them. The ALJ agreed that further discussion and additional written comments analyzing the proposed language would be beneficial and were warranted. The ALJ therefore continued the public comment hearing once more and scheduled a fifth public comment hearing for Friday, September 15, 2023, at 1:30 p.m.

12. On August 11, 2023, Atmos and CNG filed Joint Comments responding to the Proposed Consensus Rules. In their Joint Comments, Atmos and CNG urged the Commission to distinguish between utilities that employ remote disconnection and reconnection with those — like Atmos and CNG — that do not. They suggested that imposing additional outreach

⁶ See Proposed Consensus Rules of Energy Outreach Colorado, the Office of the Utility Consumer Advocate, Public Service Company of Colorado, and Black Hills Energy, filed July 18, 2023.

⁷ Note: The Proposed Consensus Rules incorrectly numbered the subparagraph that has been adopted at Rules 3407(h) and 4407(h) as 3407(f) and 4407(f). For clarity’s sake, the provision in question will be referred to as Rules 3407(h) and 4407(h) in this Decision.

⁸ Proposed Consensus Rules of Energy Outreach Colorado, The Office of the Utility Consumer Advocate, Public Service Company of Colorado, and Black Hills Energy, filed July 18, 2023.

and advising requirements on utilities that do not employ AMI technology would be overly burdensome and unproductive.⁹

13. The ALJ held the fifth public comment hearing on September 15, 2023, as scheduled. At the close of the September 15, 2023 public comment hearing, the undersigned ALJ concluded that sufficient comments were received addressing the proposed changes to the Electric Rules and Gas Rules and took the matter under advisement.

B. Transmission of Record and Decision

14. Being fully advised in this matter and consistent with the discussion below, in accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record and exhibits in this proceeding, along with a written recommended decision.

II. DISCUSSION, FINDINGS AND CONCLUSIONS

A. Introduction

15. In rendering this Decision, the undersigned ALJ has carefully reviewed and considered all comments filed in this Proceeding and provided at the five public comment hearings, even if this Decision does not specifically address every comment, or every nuance of every comment.

B. Jurisdiction

16. HB 22-1018 directed the Commission to conduct a Rulemaking Proceeding to implement the provisions the legislature enacted governing utilities' disconnection and reconnection procedures.¹⁰ Section 40-3-103.6(1), C.R.S., mandates that the revised Electric

⁹ Joint Comments of Colorado Natural Gas, Inc. and Atmos Energy, filed Aug. 11, 2023.

¹⁰ § 40-3-103.6(1), C.R.S.

Rules and Gas Rules “address the following subjects.” As detailed below, the revised Electric and Gas Rules incorporate the directives enacted by the legislature.

17. In addition, § 40-2-108, C.R.S., grants the Commission general authority to “promulgate such rules as are necessary for the proper administration and enforcement of” Title 40.

18. The Commission thus acted under both an express directive from the General Assembly to convene a Rulemaking Proceeding to implement the newly-enacted provisions governing disconnection and reconnection of gas and electric service, and under its general statutory authority to promulgate rules under Title 40 of the Colorado Revised Statutes.

C. General Comments

19. The Commission received written comments from numerous stakeholders including Public Service, Black Hills, CNG, Atmos, UCA, and EOC. Representatives of these entities also appeared at most, if not all, of the five public comment hearings.

20. Comments pertaining to specific provisions of, or proposed changes to, the Electric and Gas Rules will be addressed below in conjunction with the Rule to which the comments apply. Some comments, though, were of relevance to the Electric Rules and the Gas Rules generally.

21. The Proposed Consensus Rules filed on July 18, 2023, represent the agreement of four entities participating in this Rulemaking Proceeding. Importantly, the consensus was reached between divergent groups representing the interests of different stakeholders in this proceeding. Notably, entities representing consumers’ interests — UCA and EOC— successfully reached this consensus with representatives of some of the largest utilities in the State — Public

Service and Black Hills. Thomas Dixon, speaking on behalf of UCA at a public comment hearing, stated that UCA supports the agreed-upon consensus rules.

22. Early in this Rulemaking Proceeding, the stakeholders were divided over the concept of remote disconnection by which utilities could initiate a disconnection without physically accessing a meter at the customer's premises. UCA firmly opposed remote disconnection, submitting several studies — some of which were ten years old — purporting to show that when remote disconnection was allowed the number of disconnections increased. Stakeholders on the utility side countered that remote disconnection saved ratepayers money because the per disconnection cost is substantially lower than disconnecting each overdue customer by “truck roll” to the affected property at a cost of “roughly \$65 to \$75 per truck roll to do in person.” In addition, they noted, in-person disconnection posed inherent risks to utility workers who would have to enter a customer's property to speak to the customer, exposing the workers to potentially volatile situations such as vicious dogs or hostile customers.

23. However, as the hearings and discussions progressed, UCA withdrew its opposition to remote disconnection and changed its focus to ensuring customers are well-informed about utilities' disconnection procedures and resources available to customers facing disconnection and/or struggling with utility bills. The Proposed Consensus Rules grew out of UCA's refocused priorities.

24. UCA's sentiment was echoed by Emily Tracy, councilwoman with the Cañon City City Council, who offered her comments at the April 4, 2023 public comment hearing. Ms. Tracy emphasized the importance of “spelling out” the procedures for disconnection and reconnection “very clearly and completely,” particularly in an area such as Cañon City and “south central Colorado” where there is “a very high poverty rate.” She expressed her concern

and desire that, because residential gas and electric service “is such a basic fundamental need,” a utility should engage in “full communication and dialogue” with the customer to ensure the customer is aware of a pending disconnection as well as available assistance options before the customer’s service is disconnected.

D. Proposed Changes to the Electric and Gas Rules

25. Changes to the Electric and Gas Rules are parallel to each other. In other words, with few exceptions, the Electric and Gas Rules are duplicative of each other, and changes made to one set of Rules were also made to the other. Consequently, unless otherwise indicated, the changes discussed below apply to both the Gas and the Electric Rules.

26. With one exception, the changes to the Electric and Gas Rules will be discussed in numerical order, in the order the changes appear in the Rules.

27. Minor changes to numbering or lettering of the Rules brought about by the inclusion of new regulatory provisions in the Electric and Gas Rules will not be separately discussed in this Decision. Changes in the numbering and lettering of the 3001 and 4001 Definitions required corresponding corrections to citations in other rules. Those changes appear in the red-lined versions of the amended Rules. All changes to numbering and lettering can be observed by reviewing the red-lined versions of the amended Electric and Gas Rules appended as Attachments A and C to this Decision. Likewise, noncontroversial or minor edits to the language of the Electric and Gas Rules necessitated by the incorporation of new regulatory provisions will also not be discussed in this Decision but can be reviewed in Attachments A and C.

1. Low Income to Income-Qualified

28. The proposed amendments to the Electric and Gas Rules incorporate a language change throughout, updating the formerly used term “low income” to the less divisive “income qualified.” This change appears in several Rules, including Rules 3001 and 4001; 3403 and 4403; 3407 and 4407; 3411 and 4411; 3412 and 4412; and 4753. The change is intended to bring the Rules’ language in line with language adopted by the legislature in HB 22-1018. HB 22-1018 amends § 40-3-106, C.R.S., to substitute the formerly used “low income” for the preferred vernacular “income-qualified.” This amendment to the Electric and Gas Rules mirrors the changes to the statutes.

29. No commenters objected to this change in the Electric and Gas Rules; indeed, no comments were received addressing this change.

30. Accordingly, the ALJ finds the language revision from “low income” to “income qualified” reasonable and appropriate.

2. Rules 3001 and 4001 – Definitions

31. Several revisions and additions have been incorporated into the definitional sections of the Electric and Gas Rules. Each of these changes and additions will be discussed in turn.

a. Rule 3001(a) and 4001(a) – Advanced metering infrastructure

32. The revised Electric and Gas Rules incorporate a new definition for the term “advanced metering infrastructure” (AMI). AMI refers to the technology that enables a utility to remotely disconnect and reconnect customers. As discussed above, UCA initially objected to permitting the use of this technology, arguing that remotely disconnecting and reconnecting

customers increased the number of disconnections and exposed indigent consumers to a greater likelihood of disconnection. However, as also set out above, UCA no longer opposes remote disconnection or AMI technology.

33. AMI is defined by and included in HB 22-1018.¹¹ Prior versions of the statute did not incorporate the term; rather, it was a new definition first added to § 40-3-103.6 by HB 22-1018. The General Assembly's inclusion of the term in the definitions governing disconnection strongly suggests that the legislature anticipated and contemplated that remote disconnection and reconnection would be available to utilities and their customers.

34. Including a definition of the term in the Electric and Gas Rules ensures that the Rules mirror the applicable statute and decreases discrepancies that might otherwise lead to confusion.

35. Beyond UCA's initial challenge to the provision, no commenters have objected to the inclusion of a definition of AMI in the Electric and Gas Rules. Given that the legislature anticipated and provided for the deployment of remote disconnection and reconnection by incorporating the term into HB 22-1018, the ALJ finds and concludes that the inclusion of a definition of AMI in the Electric and Gas Rules is reasonable and appropriate.

b. Rule 3001(m) and 4001(w) – Emergency or safety event or circumstance

36. The amended Electric and Gas Rules add a definition for the term “emergency or safety event or circumstance.” The term was included in the definitional section of the Electric and Gas Rules to mirror the new definition of the term added to the statute by HB 22-1018. Its inclusion in the Electric and Gas Rules is intended to ensure the Rules mirror the statute, which,

¹¹ See § 40-3-103.6(3)(a), C.R.S.

in turn, decreases the potential for confusion between the Electric and Gas Rules and the statute by eliminating a discrepancy that would otherwise exist between the Rules and statute.

37. The definition specifies conditions which could delay a utility's ability to address a disruption in service. Such conditions include circumstances that make "travel to or work at" the affected site unsafe; "severe weather event[s]"; and staffing issues. The proposed changes to the Rules duplicate the language and conditions incorporated into § 40-3-103.6(3)(b) by HB 22-1018.

38. No commenters objected to the inclusion of a definition of "emergency or safety event or circumstance" in the Electric and Gas Rules.

39. The ALJ therefore finds and concludes that the inclusion of a definition of "emergency or safety event or circumstance" in the Electric and Gas Rules is reasonable and appropriate.

c. Rules 3001(s) and 4001(z) – Income qualified utility customer or low-income customer

40. References to "income qualified customers" are sprinkled throughout HB 22-1018. Likewise, and as noted above, the term "income qualified customers" appears in several Electric and Gas Rules. And, prior to the incorporation of the amendments to the Electric and Gas Rules brought about by this Proceeding, the Rules referred frequently to "low-income customers."

41. However, HB 22-1018 does not define "income qualified customers." Nevertheless, a definition of the term is necessary to establish which customers fall within the category. Under Rules 3412 and 4412, the Commission requires utilities to provide "energy assistance" to customers experiencing financial difficulties with their utility bills. The programs

are designed to minimize disconnections and ensure customers are not deprived of crucial energy to maintain their homes. But if “income qualified customers” were not defined by the Electric and Gas Rules, there would be no clarity in the industry as to which customers qualify for the requisite assistance. Moreover, failing to define the term could result in discrepancies and disparities among utilities as to how Rules 3412 and 4412 are implemented. In Proceeding No. 21R-0449G, the Commission adopted definition 4001(w)¹² for “income-qualified utility customer” or “low-income customer”.¹³

42. No commenters objected to the inclusion of a definition of “income qualified customer or low-income customer” in the Electric Rules. Further, no commenters addressed the scope or language of the proposed definition.

43. Accordingly, the ALJ finds and concludes that incorporating a definition of “income qualified customer or low-income customer” in the Electric Rules to mirror the definition in the Gas Rules is reasonable and appropriate.

d. Rules 3001(hh) and 4001(tt) – Qualifying communication

44. HB 22-1018 introduced the concept of a qualifying communication. Under § 40-3-103.6(3)(c), C.R.S., a “qualifying communication” is either a personal visit, telephone call, text message, or email message from the utility to the customer. HB 22-1018 mandates that a “qualifying communication” occur before a utility disconnects a customer for nonpayment.

45. It is crucial to clarify which communications are “qualifying” under HB-22-1018

¹² Now codified at Rule 4001(z).

¹³ See Decision No. C23-0117 in Proceeding No. 21R-0449G. These adopted Rules became effective on May 15, 2023.

because, under § 40-3-103.6(1.5)(b), C.R.S., a utility must reconnect a customer without AMI technology *the same day* the customer requests reconnection unless the utility made a “qualifying communication” to the customer. In the event the utility sent the customer a “qualifying communication,” reconnection to a non-AMI-enabled property can occur the following day.

46. The definition set forth in § 40-3-103.6(3)(c) is mirrored in Rules 3001(hh) and 4001(tt). Similarly, the procedures detailed in § 40-3-103.6(1.5)(b) are mimicked in Rules 3409(c) and 4409(c). The Electric and Gas Rules thus track and adhere to the procedural structure envisioned by HB 22-1018.

47. However, the definition of “qualifying communication” drew significant comments. Many commenters, particularly representatives of the various stakeholder utilities, expressed concern that portions of the definition were unclear. Notably, HB 22-1018 defines a “qualifying communication” as a “telephone call, text, or e-mail” from the utility to the customer “in which” a representative of the utility either “speaks directly with the customer . . . or the customer receives the utility representative’s text or e-mail.”¹⁴ (Emphasis added.) Without exception, utility representatives pointed out that the term “receives” is undefined by the statute and could have multiple meanings. They questioned the scope of “receives,” opining that the term “was vague and ambiguous” and theorizing that it could mean an e-mail message has not “bounced back,” or that a voice mail message was left but not returned, or, at the opposite end of the spectrum, could require that a utility representative actually speak with a customer to confirm the customer “received” the message. They argued that such uncertainty concerning the scope of “receives” was untenable and unworkable.

¹⁴ § 40-3-103.6(3)(c)(II)(B) (emphasis added).

48. Stakeholders considered changing the language of the Electric and Gas Rules to eliminate the definitional reference to “receives.” For example, it was suggested that the definition of “qualifying communication” in the Electric and Gas Rules be amended to include any message left by a utility representative “via voice mail, answering machine, text, or email at the customer’s last-known telephone number or email address on file with the utility” which does not bounce back.

49. In the end, such a rewrite of the definition was rejected by the stakeholders because it strayed from the statutory definition and no longer paralleled § 40-3-103.6(3)(c)(II)(B). Instead, the stakeholders who crafted the Proposed Consensus Rules suggested adding a clarification of the term “receives” to Rules 3407(h) and 4407(h). That clarification provides that a utility customer “receives” a text or e-mail if the message is sent to an e-mail or text address provided by the customer to the utility and “the utility does not subsequently receive a ‘bounce back’ or other message indicating” that the text or e-mail address is invalid.

50. Written comments from Atmos and CNG initially indicated that they objected to the Proposed Consensus Rules, including the clarification of “receives.” However, at the public hearing held in September 2023, after submission of the Proposed Consensus Rules, representatives of Atmos and CNG explained that they wanted to ensure the “intent of the original rules” was maintained but that they “supported the clarification on this issue in the Consensus Rules.”

51. Based on these comments, the ALJ finds and concludes that it is reasonable and appropriate to include a definition of “qualifying communication” in the Electric and Gas Rules. Further, the ALJ finds and concludes that the clarification of the definition — spelling out the

meaning of “receives” in Rules 3407(h) and 4407(h) — is also reasonable and appropriate. The definition, along with the clarification in Rules 3407(h) and 4407(h), shall be adopted.

e. Rules 3001(ww) and 4001(mmm) – Utility assistance information

52. Like the definitions of “advanced metering infrastructure” and “emergency or safety event or circumstance,” the newly-added definition of “utility assistance information” tracks the definition adopted by HB 22-1018 verbatim. The definition of “utility assistance information” is codified at § 40-3-103.6(3)(d).

53. Including a definition of the term in the Electric and Gas Rules was necessary for clarity, cohesiveness, uniformity, and completeness. Ensuring the Electric and Gas Rules parallel HB 22-1018 lessens the likelihood of discrepancies between the Rules and the applicable statutes, which, in turn, decreases confusion amongst those implementing the Rules and statutes.

54. No comments were received objecting to the inclusion of this definition in the Electric and Gas Rules.

55. The ALJ therefore finds and concludes that including a definition of “utility assistance information” in the Electric and Gas Rules is reasonable and appropriate.

3. Rules 3407 and 4407 – Discontinuance of Service

56. The proposed amendments to the Electric and Gas Rules include several impactful changes to the Rules 3407 and 4407 which govern the discontinuance of utility services. Notably, as is discussed more fully below, the additions to the Rules suggested by the Proposed Consensus Rules are incorporated into Rules 3407 and 4407. Other changes mirror amendments adopted by HB 22-1018.

a. Rule 3407(e) and 4407(e) – Timing of disconnection

57. HB 22-1018 set guardrails restricting the timing of disconnection of utility services. As now codified at § 40-3-103.6(1)(b), utilities are prohibited from disconnecting customers on Fridays, Saturdays, Sundays, or holidays, and are strongly encouraged “to the greatest extent practicable,” to avoid all disconnections after 11:59 a.m. on Mondays through Thursdays that are not holidays.

58. The changes to Rules 3407(e) and 4407(e) mirror and expand upon the statutory amendments. Building off the parameters currently established in the Electric and Gas Rules, Rules 3407(e) and 4407(e) prohibit disconnections — unless there is a safety concern or exigent circumstance — outside the hours of 8:00 a.m. and 4:00 p.m. Monday through Thursday (*i.e.* no disconnections are permitted except for safety reasons or exigent circumstances from 4:00 p.m. until 8:00 a.m. the following day from Monday through Thursday). By exclusion, disconnections are thus prohibited on Fridays, Saturdays, and Sundays.

59. In addition, Rules 3407(e) and 4407(e) expand upon the statutory prohibition against disconnections on holidays by specifying that no disconnections are permitted from noon the day before a holiday through 8:00 a.m. the day after a holiday. As well, Rules 3407(e) and 4407(e) incorporate the strong statutory encouragement to always avoid disconnection after 11:59 a.m. “to the greatest extent practicable.”

60. Finally, Rules 3407(e) and 4407(e) adopt the statutory prohibition against disconnecting utility services “during an emergency or safety event or circumstance impacting the local area.” This language slightly narrows the scope of the statutory prohibition in response to comments received from utility stakeholders. In particular, the utilities pointed out that in a State the size of Colorado, while weather events in one area may create a local weather

emergency situation, the same may not necessarily be true for other corners of the State. Per their suggestion, and with the expressed agreement of opposing stakeholders, including UCA and EOC, the phrase “impacting the local area” has been added to Rules 3407(e)(VII)(C) and 4407(e)(VII)(B).

61. The ALJ finds these amendments and additions to Rules 3407(e) and 4407(e) reasonable and appropriate.

b. Rules 3407(h) and 4407(h) – Receipt of qualifying communication

62. The addition of Rules 3407(h) and 4407(h) is addressed above in conjunction with the discussion of the addition of a definition of “qualifying communication.” For the reasons discussed above, the addition of Rules 3407(h) and 4407(h) to clarify and define the scope of “receiving” a “qualifying communication” is reasonable and appropriate and is adopted.

c. Rules 3407(i) and 4407(i) – Customer education and outreach strategy

63. Like the addition of Rules 3407(h) and 4407(h), Rules 3407(i) and 4407(i) were additions to the Electric and Gas Rules suggested by the Proposed Consensus Rules. Under the proposed subsection, utilities will be required to conduct “at least one meeting with stakeholders and interested customers” to solicit input on their customer education and outreach strategies addressing disconnections and reconnections. This proposed educational initiative was first proposed by UCA and EOC as a means of educating the utility-consuming public about the steps and procedures utilities will take before disconnecting a customer for nonpayment, as well the steps customers must take to get their utility service reconnected. The results of these meetings and a summary of the outreach programs will be included in each utilities’ annual report, the first of which is due March 1, 2024.

64. CNG and Atmos objected to the inclusion of this provision in the Electric and Gas Rules. They argued that neither of them employs AMI technology to remotely disconnect or reconnect their customers. Therefore, they asserted, there was no need for them to engage in educational outreach about disconnection and reconnection. Moreover, they pointed out, they already provide their customers with detailed information about the disconnection and reconnection process. They maintain that requiring additional reporting and educational outreach would be burdensome on them as they are both small utilities.

65. Although the ALJ is sympathetic to CNG's and Atmos's arguments, the ALJ is persuaded by UCA's comments on this issue. UCA pointed out — correctly — that neither the Electric and Gas Rules nor HB 22-1018 are limited to *remote* disconnections and reconnections. Certainly, HB 22-1018 anticipates utilities' use of AMI technology and, thus, remote disconnections and reconnections, but HB 22-1018 employs broader language applicable to *all* disconnections. And, the ALJ notes, whether a customer is served by an AMI meter or requires a truck roll to be disconnected and reconnected, the impact of disconnection is equally disruptive to the customer. Consequently, the ALJ is persuaded that educating customers about the disconnection and reconnection process, as well as way to *avoid* disconnection altogether, can benefit all customers regardless of the type of metering in service at their property.

66. Accordingly, the ALJ finds and concludes that adding Rules 3407(i) and 4407(i) to the Electric and Gas Rules is reasonable and appropriate.

d. Rules 3407(j) and 4407(j) – Customer education and outreach multi-year strategy reporting

67. As with Rules 3407(i) and 4407(i), Rules 3407(j) and 4407(j) are additions to the Electric and Gas Rules suggested with the Proposed Consensus Rules propounded by UCA, EOC, Public Service and Black Hills. Rules 3407(j) and 4407(j) impose reporting requirements

on utilities to inform the Commission about utilities' efforts and strategies to educate their customers about disconnection and reconnection procedures. Subsection (j) also mandates that utilities update their strategy reports "every five years on March 1 of the relevant year." In addition, any electric utility employing AMI technology to remotely disconnect and/or reconnect customers must include in its strategy report "an overview of its historical use of remote disconnections."

68. CNG and Atmos contend that these reporting requirements are overly burdensome on them because they are small gas utilities that do not employ AMI technology and therefore neither remotely disconnect nor reconnect their customers. Yet, as noted above, the statute applies to disconnections generally, not just to remote disconnections. Customers should be aware of disconnection and reconnection procedures regardless of the method by which the disconnection or reconnection occurs. Finally, the ALJ notes, the portion of Rule 3407(i) requiring electric utilities to provide data with their reports summarizing their "historical use of remote disconnections and reconnections" does not apply to Atmos or CNG because they are gas utilities, not electric utilities.

69. Accordingly, the ALJ finds and concludes that the addition of Rules 3407(j) and 4407(j) is reasonable and appropriate.

e. Rules 3407(k) and 4407(k) – Tariff

70. Rules 3407(k) and 4407(k), incorporated into the Electric and Gas Rules as part of the Proposed Consensus Rules, provide the avenue by which utilities will file their reports describing their educational outreach and strategies by mandating that the utilities incorporate language into their tariffs requiring them "to report on [their] five-year customer education and outreach strategy."

71. Commenters debated whether incorporating language into a tariff was the most efficient way to impose the reporting requirements of Rules 3407(i) and (j) and 4407(i) and (j). In particular, it was noted that including language in a tariff will necessitate the opening of new proceedings before the Commission.

72. While the ALJ is sensitive to any additional burden imposed on the Commission, the ALJ agrees with UCA and EOC that including language in a tariff is the best vehicle to ensure compliance with these new reporting requirements. Further, the ALJ is not persuaded that any additional workload imposed on smaller utilities such as CNG and Atmos to update their tariffs will be unduly burdensome.

73. The ALJ therefore finds and concludes that including Rules 3407(k) and 4407(k) in the Electric and Gas Rules is reasonable and appropriate.

f. Adoption of Changes

74. The changes proposed to Rules 3407 and 4407 are thus adopted. The Proposed Consensus Rules shall be made part of the Electric and Gas Rules.

4. Rules 3409 and 4409 – Restoration of Service

75. The amendments to Rules 3409 and 4409 were precipitated by changes made to section 40-3-103.6, C.R.S., by the adoption of HB 22-1018. As detailed below, the changes to the Electric and Gas Rules mirror the amendments enacted through HB 22-1018.

a. Rules 3409(c) and 4409(c) – Reconnection

76. HB 22-1018 incorporates specific measures governing how and when a utility must reconnect a customer whose service has been disconnected. Section 40-3-103.6(1.5), C.R.S., provides that the utility must reconnect a customer the same day the customer requests

reconnection if the customer has AMI technology at the affected property and made the request at least one hour “before the close of business.”¹⁵ Under the statute, a customer lacking AMI technology “or a gas utility customer” may still be reconnected the same day as making the reconnection request if the request was made before 12:59 p.m. and the utility failed to send the customer a “qualifying communication” alerting the customer about the impending disconnection prior to disconnecting the customer.

77. Rules 3409(c) and 4409(c) closely track the statutory language. Including a subparagraph similar to the provision adopted by HB 22-1018 is necessary to ensure the Electric and Gas Rules do not conflict with the amended statute. If subparagraph (c) were not added to Rules 3409 and 4409, discrepancies between the statute and the Electric and Gas Rules would likely lead to confusion. Amending Rules 3409 and 4409 to incorporate this provision minimizes the risk of confusion between the statute and the Electric and Gas Rules.

78. Moreover, incorporating subparagraph (c) into Rules 3409 and 4409 also realizes the legislature’s vision of mandating that reconnections occur as quickly as possible.

79. No commenters objected to the addition of subparagraph (c) into Rules 3409 and 4409. To the contrary, stakeholders worked to clarify the language and never suggested it be changed or eliminated. The language defining “receipt” of a “qualifying communication” — now incorporated at Rules 3407(h) and 4407(h) — is aimed squarely at pinpointing the circumstances under which a “qualifying communication” is received to eliminate confusion as to when utilities can take advantage of the additional time to reconnect a customer granted by § 40-3-103.6(1.5)(b)(I), C.R.S., and Rules 3409(c)(II)(A) and 4409(c)(II)(A).

¹⁵ § 40-3-103.6(1.5)(a), C.R.S.

80. Accordingly, the ALJ finds and concludes that adding Rules 3409(c) and 4409(c) to the Electric and Gas Rules is reasonable and appropriate.

b. Rules 3409(d) and 4409(d) – Restoring service generally

81. The current and prior versions of the Electric and Gas Rules require that utility service be resumed and a customer reconnected within 12 or 24 hours if the customer meets criteria set forth in Rules 3409(b) and 4409(b) (*i.e.* pays the balance due in full; pays reconnection fees and enters an installment payment plan; presents a medical certificate; or, in circumstances other than nonpayment, demonstrates that the cause for the discontinuance of service has been cured).

82. However, the prior iteration of Rules 3409(d) and 4409(d)¹⁶ included an admonishment that utilities “must exercise” their “best efforts” to reconnect customers “on the same day of a service discontinuance.” That phrase has now been deleted from the Electric and Gas Rules. It is no longer necessary to incorporate this phrase because, with only a few exceptions, § 40-3-103.6(1.5), C.R.S., essentially mandates same-day reconnection. Consequently, an admonishment to “exercise . . . best efforts” is superfluous.

83. Having agreed to the reconnection language in Rules 3409(c) and 4409(c), no commenters objected to the deletion of the superfluous language in Rules 3409(d) and 4409(d).

84. The ALJ therefore finds and concludes that the deletion of the admonishment to “exercise . . . best efforts” to reconnect customers the same day is reasonable and appropriate.

¹⁶ Note: The subsection in question was previously codified at Rules 3409(c) and 4409(c). It is now codified at Rules 4309(d) and 4409(d).

c. Adoption of changes to Rules 3409 and 4409

85. The proposed changes to Rules 3409 and 4409 are thus adopted.

E. Conclusion

86. Attachment A to this Recommended Decision represents the rule amendments to the Electric Rules adopted by this Recommended Decision, with modifications to the prior rules being indicated in red-lined and strikeout format (including modifications in accordance with this Recommended Decision).

87. Attachment B to this Recommended Decision represents the amendments to the Electric Rules adopted by this Recommended Decision in final form.

88. Attachments A and B are available through the Commission's E-Filings system in this proceeding (22R-0557EG at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=22R-0557EG.

89. Attachment C to this Recommended Decision represents the rule amendments to the Gas Rules adopted by this Recommended Decision, with modifications to the prior rules being indicated in red-lined and strikeout format (including modifications in accordance with this Recommended Decision).

90. Attachment D to this Recommended Decision represents the amendments to the Gas Rules adopted by this Recommended Decision in final form.

91. Attachments C and D are available through the Commission's E-Filings system in this proceeding (22R-0557EG at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=22R-0557EG.

92. It is found and concluded that the proposed Electric and Gas Rules, as modified by this Recommended Decision, are reasonable and should be adopted.

93. Pursuant to the provisions of § 40-6-109, C.R.S., it is recommended that the Commission adopt the attached rules.

I. ORDER

A. It Is Ordered That:

1. The Commission's Rules Regulating Electric Utilities (Electric Rules), 4 *Code of Colorado Regulations* (CCR) 723-3, contained in red-lined and strikeout format, attached to this Recommended Decision as Attachment A, and in final format, attached as Attachment B, are adopted.

2. The Commission's Rules Regulating Gas Utilities (Gas Rules), 4 CCR 723-4, contained in red-lined and strikeout format, attached to this Recommended Decision as Attachment C, and in final format, attached as Attachment D, are adopted.

3. Proceeding No. 22R-0557EG is closed.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

5. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon interested persons, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

6. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ALENKA HAN

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-3

PART 3

RULES REGULATING ELECTRIC UTILITIES

3001. Definitions.

The following definitions apply throughout this Part 3, except where a specific rule or statute provides otherwise. In addition to the definitions here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

- (a) "Advanced metering infrastructure" means an integrated system of smart electric utility meters and communication networks that enables two-way communication between an electric utility's data systems and the meter's internet protocol address and allows the electric utility to measure electricity usage and/or connect or disconnect service remotely.
- (ab) "Affiliate" of a utility means a subsidiary of a utility, a parent corporation of a public utility, a joint venture organized as a separate corporation or partnership to the extent of the individual utility's involvement with the joint venture, a subsidiary of a parent corporation of a utility or where the utility or the parent corporation has a controlling interest over an entity.
- (bc) "Aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) and/or the compilation of customer data of one or more customers from which all unique identifiers and personal information has been removed.
- (ed) "Applicant for service" means a person who applies for utility service and who either has taken no previous utility service from that utility or has not taken utility service from that utility within the most recent 30 days.
- (ee) "Base rate" means charges used to recover costs of utility infrastructure and operations, including a return on capital investment, not otherwise recovered through a utility rate adjustment mechanism.
- (ef) "Basis point" means one-hundredth of a percentage point (100 basis points = one percent).
- (fg) "Benefit of service" means the use of utility service by each person of legal age who resides at a premises to which service is delivered and who is not registered with the utility as the customer of record.

- (gh) "Commission" means the Colorado Public Utilities Commission.
- (hi) "Contracted agent" means any person that has contracted with a utility in compliance with rule 3030 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (ij) "Customer" means any person who is currently receiving utility service. Any person who moves within a utility's service territory and obtains utility service at a new location within 30 days shall be considered a "customer." Unless stated in a particular rule, "customer" applies to any class of customer as defined by the Commission or by utility tariff.
- (jk) "Customer data" means customer-specific data or information, excluding personal information as defined in paragraph 1004(x), that is:
- (I) collected from the electric meter by the utility and stored in its data systems (e.g., kWh, kW, voltage, VARs and power factor);
 - (II) combined with customer-specific energy usage information on bills issued to the customer for regulated utility service when not publicly or lawfully available to the general public; or
 - (III) about the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs.
- (kl) "Distribution facilities" are those lines designed to operate at the utility's distribution voltages in the area as defined in the utility's tariffs including substation transformers that transform electricity to a distribution voltage and also includes other equipment within a transforming substation which is not integral to the circuitry of the utility's transmission system.
- (m) "Emergency or safety event or circumstance" means a manmade or natural emergency event or safety circumstance:
- (I) that prevents utility staff from being able to safely travel to or work at a customer's residence or place of business for purposes of reconnecting or making necessary repairs prior to reconnecting utility service; or
 - (II) for which a utility has dispatched utility staff members to help respond to the emergency or safety event or circumstance and, due to the timing or number of utility staff dispatched, the utility lacks sufficient trained staff to reconnect or make necessary repairs prior to reconnecting utility service at a customer's residence or place of business; and
 - (III) includes a severe weather event that one or more reputable weather forecasting sources forecasts to occur in the following twenty-four hours and that is more likely than not to result in dangerous travel or on-site outdoor or indoor work conditions for individuals in the path of the weather event.
- (ln) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.

- (~~mq~~) "Energy storage system" means a commercially available technology that is capable of retaining energy, storing the energy for a period of time, and delivering the energy as electricity after storage by chemical, thermal, mechanical, or other means.
- (~~rp~~) "Financial security" includes any stock, bond, note, or other evidence of indebtedness.
- (~~eq~~) "Generation facility" means a power plant that converts a primary energy resource into electricity. Primary energy resources include, but are not limited to: nuclear resources, coal, natural gas, hydro, wind, solar, biomass, and geothermal.
- (~~pr~~) "Heavy load" means not less than 60 percent, but not more than 100 percent, of the nameplate-rated capacity of a meter.
- (~~s~~) "Income qualified utility customer" or "low income customer" is a customer meeting the requirements of § 40-3-106(1)(d)(II), C.R.S.
- (~~qt~~) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure.
- (~~ru~~) "Light load" means approximately five to ten percent of the nameplate-rated capacity of a meter.
- (~~sv~~) "Load" means the power consumed by an electric utility customer over time (measured in terms of either demand or energy or both).
- (~~tw~~) "Local government" means any Colorado county, municipality, city and county, home rule city or town, home rule city and county, or city or town operating under a territorial charter.
- (~~ux~~) "Local office" means any Colorado office operated by a utility at which persons may make requests to establish or to discontinue utility service. If the utility does not operate an office in Colorado, "local office" means any office operated by a utility at which persons may make requests to establish or to discontinue utility service in Colorado.
- (~~vy~~) "Main service terminal" means the point at which the utility's metering connections terminate.
- (~~wz~~) "Major event" means an event as defined in and consistent with IEEE Standard Number 1366-2003, Guide for Electric Power Distribution Reliability Indices.
- (~~xaa~~) "MVA" means mega-volt amperes and is the vector sum of the real power and the reactive power.
- (~~ybb~~) "Non-standard customer data" means all customer data that are not standard customer data.
- (~~zcc~~) "Output" means the energy and power produced by a generation system.
- (~~aadd~~) "Past due" means the point at which a utility can affect a customer's account for regulated service due to non-payment of charges for regulated service.
- (~~aaee~~) "Powerline trail" means a multimodal trail that is: eight feet in width or wider; made of hard surface such as concrete or compacted gravel; used for recreational purposes or commuting in a manner

that does not involve a motor vehicle; and located in an existing transmission or future transmission corridor.

- (~~bb~~ff) "Principal place of business" means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility's operations in Colorado are located.
- (~~ee~~gg) "Property owner" means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of property is located to determine ownership of government record.
- (~~hh~~) "Qualifying communication" means one of the following methods of communicating with a utility customer about a possible upcoming disconnection of service:
- (I) a physical visit to the customer's premises during which a utility representative speaks with the customer and provides the customer utility assistance information or, if the customer is not available to speak, leaves notice of proposed disconnection and utility assistance information for the customer's review; or
- (II) a telephone call, text, or e-mail to the customer's last-known telephone number or email address in which:
- (A) the utility representative provides the customer with notice of proposed disconnection and utility assistance information; and
- (B) the utility representative either speaks directly with the customer over the telephone or the customer receives the utility representative's text or email.
- (~~dd~~ii) "Rate adjustment mechanism" or "rate rider" means a charge added to a utility bill to recover a specific cost that is not part of the base rate.
- (~~ee~~jj) "Reference standard" means suitable indicating electrical equipment permanently mounted in a utility's laboratory and used for no purpose other than testing rotating standards.
- (~~ff~~kk) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission or contained in a tariff of the utility.
- (~~gg~~ll) "RFP" means request for proposals.
- (~~hh~~mm) "Rotating standard" means a portable meter used for testing service meters.
- (~~ii~~nn) "RUS" means the Rural Utilities Service of the United States Department of Agriculture, or its successor agencies.
- (~~jj~~oo) "Service connection" is the location on the customer's premises/facilities at which a point of delivery of power between the utility and the customer is established. For example, in the case of a typical residential customer served from overhead secondary supply, this is the location at which the utility's electric service drop conductors are physically connected to the customer's electric service entrance conductors.

- ~~(kkpp)~~ "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- ~~(lqq)~~ "Test year" means a twelve-month period that is examined to determine a utility's costs of service in a rate case.
- ~~(mrrm)~~ "Third-party" means a person who is not the customer, an agent of the customer who has been designated by the customer with the utility and is acting of the customer's behalf, a regulated utility serving the customer, or a contracted agent, of the utility.
- ~~(hss)~~ "Transmission corridor" means a tract of land owned, occupied, or leased by a transmission provider as defined in § 33-45-102(11), C.R.S., or covered by an easement or right-of-way held by a transmission provider, where an electric transmission line is constructed, operated, or maintained at a voltage of 69 kilovolts or above.
- ~~(aatt)~~ "Transmission facilities" are those lines and related substations designed and operating at voltage levels above the utility's voltages for distribution facilities, including but not limited to related substation facilities such as transformers, capacitor banks, or breakers that are integral to the circuitry of the utility's transmission system.
- ~~(oouu)~~ "Unique identifier" means a customer's name, mailing address, telephone number, or email address that is displayed on a bill.
- ~~(ppvv)~~ "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff filed with the Commission, and are for service or merchandise not required as a condition of receiving regulated utility service.
- ~~(ww)~~ "Utility assistance information" means information that a utility representative provides a customer informing the customer that the customer may contact 1-866-HEAT-HELP (1-866-432-8435) to determine if the customer qualifies for utility bill payment assistance.
- ~~(qqxx)~~ "Utility" means any public utility as defined in § 40-1-103, C.R.S., providing electric, steam, or associated services in the state of Colorado.
- ~~(fyy)~~ "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.
- ~~(sszz)~~ "Whole building data" means the sum of the monthly electric use for either all meters at a building on a parcel or real property or all buildings on a parcel of real property.

* * * *

[indicates omission of unaffected rules]

3403. Applications for Service, Customer Deposits, and Third-Party Guarantee Arrangements.

- (a) A utility shall process an application for utility service that is made either orally or in writing and shall apply nondiscriminatory criteria with respect to the requirement of a deposit prior to commencement of service. Nondiscriminatory criteria means that no deposit or guarantee, or additional deposit or guarantee, shall be required by a utility because of race, sex, creed, national origin, marital status, age, number of dependents, source of income, disability, or geographical area of residence.
- (b) All utilities requiring deposits shall offer customers at least one payment alternative that does not require the use of the customer's social security number.
- (c) If billing records are available for a customer who has received past service from the utility, the utility shall not require that person to make new or additional deposits to guarantee payment of current bills unless the records indicate recent or substantial delinquencies.
- (d) A utility shall not require a deposit from an applicant for service who provides written documentation of a 12 consecutive month good -payment history from the utility from which that person received similar service. For purposes of this paragraph, the 12 consecutive months must have ended no earlier than 60 days prior to the date of the application for service.
- (e) A utility shall not require a deposit from an applicant for service or restoration of service who is or was within the last 12 months, a participant in the Low-Income Energy Assistance Program (LEAP) or in an low-income qualified program consistent with rule 3412, or who received energy bill assistance from Energy Outreach Colorado within the last 12 months.
- (f) If a utility uses credit scoring to determine whether to require a deposit from an applicant for service or a customer, the utility shall have a tariff that describes, for each scoring model that it uses, the credit scoring evaluation criteria and the credit score limit that triggers a deposit requirement.
- (g) If a utility uses credit scoring, prior payment history with the utility, or customer-provided prior payment history with a like utility as a criterion for establishing the need for a deposit, the utility shall include in its tariff the specific evaluation criteria that trigger the need for a deposit.
- (h) If a utility denies an application for service or requires a deposit as a condition of providing service, the utility immediately shall inform the applicant for service of the decision and shall provide, within three business days, a written explanation to the applicant for service stating the reasons why the application for service has been denied or a deposit is required.
- (i) No utility shall require any surety other than either a deposit to secure payment for utility services or a third-party guarantee of payment in lieu of a deposit. In no event shall the furnishing of utility services or extension of utility facilities, or any indebtedness in connection therewith, result in a lien, mortgage, or other interest in any real or personal property of the customer unless such indebtedness has been reduced to a judgment. Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.

- (j) The total deposit a utility may require or hold at any one time shall not exceed an amount equal to an estimated 90 days' bill of the customer, except in the case of a customer whose bills are payable in advance of service, in which case the deposit shall not exceed an estimated 60 days' bill of the customer. The deposit may be in addition to any advance, contribution, or guarantee in connection with construction of lines or facilities, as provided in the extension policy in the utility's tariffs. A deposit may be paid in installments.
- (k) A utility receiving deposits shall maintain records showing:
 - (I) the name of each customer making a deposit;
 - (II) the amount and date of the deposit;
 - (III) each transaction, such as the payment of interest or interest credited, concerning the deposit;
 - (IV) each premise where the customer receives service from the utility while the deposit is retained by the utility;
 - (V) if the deposit was returned to the customer, the date on which the deposit was returned to the customer; and
 - (VI) if the unclaimed deposit was paid to the energy assistance organization, the date on which the deposit was paid to the energy assistance organization.
- (l) Each utility shall state in its tariff its customer deposit policy for establishing or maintaining service. The tariff shall state the circumstances under which a deposit will be required and the circumstances under which it will be returned. A utility shall return any deposit paid by a customer who has made no more than two late payments in 12 consecutive months.
- (m) Each utility shall issue a receipt to every customer from whom a deposit is received. No utility shall refuse to return a deposit or any balance to which a customer may be entitled solely on the basis that the customer is unable to produce a receipt.
- (n) The payment of a deposit shall not relieve any customer from the obligation to pay current bills as they become due. A utility is not required to apply any deposit to any indebtedness of the customer to the utility, except for utility services due or past due after service is terminated.
- (o) A utility shall pay simple interest on a deposit at the percentage rate per annum as calculated by Commission staff and in the manner provided in this paragraph.
 - (I) At the request of the customer, the interest shall be paid to the customer either on the return of the deposit or annually. The simple interest on a deposit shall be earned from the date the deposit is received by the utility to the date the customer is paid. At the option of the utility, interest payments may be paid directly to the customer or by a credit to the customer's account.
 - (II) The simple interest to be paid on a deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately

preceding year) of the 12 monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, Commission staff shall compute the interest rate to be paid. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on deposits during the next calendar year. Annually following receipt of Commission staff's letter, if necessary, each utility shall file by advice letter or application, as appropriate, a revised tariff, effective the first day of January of the following year, or on an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' deposits, except when there is no change in the rate of interest to be paid on such deposits.

- (p) A utility shall have tariffs concerning third-party guarantee arrangements and, pursuant to those tariffs, shall offer the option of a third party guarantee arrangement for use in lieu of a deposit. The following shall apply to third-party guarantee arrangements:
- (I) an applicant for service or a customer may elect to use a third-party guarantor in lieu of paying a deposit;
 - (II) the third-party guarantee form, signed by both the third-party guarantor and the applicant for service or the customer, shall be provided to the utility;
 - (III) the utility may refuse to accept a third-party guarantee if the guarantor is not a customer in good standing at the time of the guarantee;
 - (IV) the amount guaranteed shall not exceed the amount which the applicant for service or the customer would have been required to provide as a deposit;
 - (V) the guarantee shall remain in effect until the earlier of the following occurs:
 - (A) the guarantee is terminated in writing by the guarantor;
 - (B) if the guarantor was a customer at the time of undertaking the guarantee, the guarantor ceases to be a customer of the utility; or
 - (C) the customer has established a satisfactory payment record, as defined in the utility's tariffs, for 12 consecutive months.
 - (VI) Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.

- (q) A utility shall pay all unclaimed monies, as defined in § 40-8.5-103(5), C.R.S., that remain unclaimed for more than two years to the energy assistance organization. "Unclaimed monies" shall not include: undistributed refunds for overcharges subject to other statutory provisions and rules; and, credits to existing customers from cost adjustment mechanisms.
- (I) Monies shall be deemed unclaimed and presumed abandoned when left with the utility for more than two years after termination of the services for which the deposit or the construction advance was made or when left with the utility for more than two years after the deposit or the construction advance becomes payable to the customer pursuant to a final Commission order establishing the terms and conditions for the return of such deposit or advance and the utility has made reasonable efforts to locate the customer.
- (II) Interest on a deposit shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the utility receives the deposit and ending on the date on which the deposit is paid to the energy assistance organization. If the utility does not pay the unclaimed deposit to the energy assistance organization within four months of the date on which the unclaimed deposit is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed deposit at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (III) If payable under the utility's line extension tariff provisions, interest on a construction advance shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the construction advance is deemed to be owed to the customer pursuant to the utility's extension policy and ending on the date on which the construction advance is paid to the energy assistance organization. If the utility does not pay the unclaimed construction advance to the energy assistance organization within four months of the date on which the unclaimed construction advance is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed construction advance at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (r) A utility shall resolve all inquiries regarding a customer's unclaimed monies and shall not refer such inquiries to the energy assistance organization.
- (s) If a utility has paid unclaimed monies to the energy assistance organization, a customer later makes an inquiry claiming those monies, and the utility resolves the inquiry by paying those monies to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.
- (t) For purposes of paragraphs (q), (r), and (s) of this rule, "utility" means and includes: a cooperative electric association which elects to be so governed; and, a utility as defined in ~~rule~~paragraph 3001(~~xxx~~).

* * * *

[indicates omission of unaffected rules]

3407. Discontinuance of Service.

- (a) A utility shall not discontinue the service of a customer for any reason other than the following:
- (I) nonpayment of regulated charges;
 - (II) fraud or subterfuge;
 - (III) service diversion;
 - (IV) equipment tampering;
 - (V) safety concerns;
 - (VI) exigent circumstances;
 - (VII) discontinuance ordered by any appropriate governmental authority; or
 - (VIII) properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.
- (b) A utility shall apply nondiscriminatory criteria when determining whether to discontinue service for nonpayment. A utility shall not discontinue service for nonpayment of any of the following:
- (I) any amount which has not appeared on a regular monthly bill or which is not past due. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the 31st day following the due date of current charges;
 - (II) any past due amount that is less than \$50;
 - (III) any amount due on another account now or previously held or guaranteed by the customer, or with respect to which the customer received service, unless the amount has first been transferred either to an account which is for the same class of service or to an account which the customer has agreed will secure the other account. Any amount so transferred shall be considered due on the regular due date of the bill on which it first appears and shall be subject to notice of discontinuance as if it had been billed for the first time;
 - (IV) any amount due on an account on which the customer is or was neither the customer of record nor a guarantor, or any amount due from a previous occupant of the premises. This subparagraph does not apply if the customer is or was obtaining service through fraud or subterfuge or if paragraph 3401(c) applies;
 - (V) any amount due on any account for which the present customer is or was the customer of record, if another person established the account through fraud or subterfuge and without the customer's knowledge or consent;
 - (VI) any delinquent amount, unless the utility can supply billing records from the time the delinquency occurred;

- (VII) any debt except that incurred for service rendered by the utility in Colorado;
 - (VIII) any unregulated charge; or
 - (IX) any amount which is the subject of a pending dispute or informal complaint under rule 3004.
- (c) If the utility discovers any connection or device installed on the customer's premises, including any energy-consuming device connected on the line side of the utility's meter, which would prevent the meter from registering the actual amount of energy used, the utility shall do one of the following.
- (I) Remove or correct such devices or connections. If the utility takes this action, it shall leave at the premises a written notice which advises the customer of the violation, of the steps taken by the utility to correct it, and of the utility's ability to bill the customer for any estimated energy consumption not properly registered. This notice shall be left at the time the removal or correction occurs.
 - (II) Provide the customer with written notice that the device or connection must be removed or corrected within 15 days and that the customer may be billed for any estimated energy consumption not properly registered. If the utility elects to take this action and the device or connection is not removed or corrected within the 15 days permitted, then within seven calendar days from the expiration of the 15 days, the utility shall remove or correct the device or connection pursuant to subparagraph (c)(I) of this rule.
- (d) If a utility discovers evidence that any utility-owned equipment has been tampered with or that service has been diverted, the utility shall provide the customer with written notice of the discovery. The written notice shall inform the customer of the steps the utility will take to determine whether non-registration of energy consumption has or will occur and shall inform the customer that the customer may be billed for any estimated energy consumption not properly registered. The utility shall mail or hand-deliver the written notice within three calendar days of making the discovery of tampering or service diversion.
- (e) A utility shall not discontinue service, other than to address safety concerns or in exigent circumstances, if one of the following is met.
- (I) A customer at any time tenders full payment in accordance with the terms and conditions of the notice of discontinuance to a utility employee authorized to receive payment. Payment of a charge for a service call shall not be required to avoid discontinuance.
 - (II) If a customer pays, on or before the expiration date of the notice of discontinuance, at least one-tenth of the amount shown on the notice and enters into an installment payment plan with the utility, as provided in rule 3404.
 - (III) ~~If it is outside the hours of 8:00 a.m. and 4:00 p.m.; between 12:00 Noon on Friday and 8:00 a.m. the following Monday; between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday; or between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any day during which the utility's local office is not open.~~ Outside the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday.

(IV) Between the hours of 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday or day during which the utility's local office is closed.

(V) To the greatest extent practicable, a utility shall not disconnect a customer after 11:59 a.m. on a Monday through Thursday.

(VI) Medical emergencies.

- (A) A utility shall postpone discontinuance of electric service to a residential customer for 90 days from the date of a medical certificate issued by a Colorado-licensed physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients which evidences that service discontinuance will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. A customer may invoke this subparagraph only once in any twelve consecutive months.
- (B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who has already entered into a payment arrangement, but broke the arrangement prior to seeking a medical certificate, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.
- (C) The medical certificate must be in writing (which includes electronic certificates and signatures and those provided electronically), sent to the utility from the office of a licensed physician or health care practitioner licensed to prescribe and treat patients, and clearly show the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients certifying the medical emergency. Such certificate is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.
- (D) A utility may accept notification by telephone from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, but a written medical certificate must be sent to the utility within ten days.

(VII) Weather provisions.

- (A) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 32 degrees Fahrenheit (32°F) or lower at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are warmer than these criteria.

(B) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 95 degrees Fahrenheit (95°F) or higher at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are cooler than these criteria.

(C) A utility shall postpone service discontinuance to a residential customer during an emergency or safety event or circumstance impacting the local area.

- (f) In addition to its tariffs, a utility shall publish information related to its practices around delinquency, disconnection for nonpayment, and reconnection on its website. This information should be written in a manner that promotes customer understanding and must be produced in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information. A utility must include at least the following information:
- (I) the customer's rights related to service disconnection, including medical and weather-based protections, timing restrictions on service disconnection, and options and hours to contact the utility for support relating to service disconnection;
 - (II) a summary of a customer's options to prevent service disconnection for nonpayment, including installment payment plan options, utility energy assistance and affordability programs, and eligibility requirements for such programs;
 - (III) referrals to organizations that provide energy payment assistance, including energy efficiency services, such as Energy Outreach Colorado, charities, nonprofits, and governmental entities that provide or administer funds for such assistance;
 - (IV) the customer's rights related to service restoration, including restoration timelines, actions customers may take to restore service; and options and hours to contact the utility for support relating to service restoration;
 - (V) a summary of charges, fees, and deposits to which a customer may be subject under paragraphs 3404(a) and 3403(j), with a description of how those amounts are calculated, explained in a way that enables a customer to estimate the full costs they may be assessed;
 - (VI) a description of the customer's options in the event of a dispute regarding billing or disconnection practices;
 - (VII) a description of the options available to an occupant of a service address who is not a customer of record and who has a court-ordered protection order against a customer of record for the service address, relating to past-due balances, service disconnection, restoration, and continuance at the service address, including initiating new service, transferring service, and the utility's practices, policies, and criteria for determining benefit of service for purposes of transferring a customer's balance to an occupant; and

- (VIII) a description of the utility's Demand-Side Management programs, including requirements to participate, the benefits of participating, and utility contact information relating to such programs.
- (g) Reporting requirements.
- (I) Annual Report. No later than March 1 of each calendar year, each utility shall file a report covering the prior calendar year in the miscellaneous proceeding for utility disconnection filings, using the form available on the Commission's website. The report shall provide data on residential customers by class and zip code and must also break down such data by ~~low~~-income qualified customers, defined as customers participating in ~~low~~-income qualified programs authorized by rule 3412 and the Low-Income Energy Assistance Program. For data provided in this report, paragraph 3033(b) shall not apply. The report shall contain the following information, displayed by quarter:
- (A) total number of unique customers;
 - (B) total dollar amount billed;
 - (C) total number of customers charged a late payment charge;
 - (D) total dollar amount of late payment charges collected;
 - (E) number of customers with an arrearage balance by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (F) dollar amount of arrearages by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (G) total number of disconnection notices sent;
 - (H) total number of disconnections for nonpayment;
 - (I) total number of service restorations after disconnections for nonpayment;
 - (J) average duration of disconnection for nonpayment by hours, measured from when the customer completes an action in paragraph 3409(b) to when service is restored;
 - (K) total dollar amount of deposits collected for restoring service that was disconnected for nonpayment;
 - (L) total number of deposits collected for restoring service that was disconnected for nonpayment;
 - (M) total number of new installment payment plans entered into;
 - (N) average repayment term of new installment payment plans entered into;

- (O) total dollar amount of fees collected for disconnecting service for nonpayment;
 - (P) total dollar amount of fees collected for restoring service that was disconnected for nonpayment;
 - (Q) total dollar amount of collection fees collected from customers whose service was disconnected for nonpayment; and
 - (R) total dollar amount of any other tariff-authorized charges or fees collected resulting from past due amounts, service disconnection for nonpayment, and restoring service that was disconnected for nonpayment.
- (II) Along with the items in subparagraph (g)(I), each utility shall file the following additional items.
- (A) A narrative containing the utility’s analysis of any trends or inconsistencies revealed by the data in the prior year including, at minimum, an analysis of:
 - (i) the total number of residential customers who were disconnected for nonpayment in the prior calendar year and percent of those customers who were disconnected for nonpayment multiple times; and
 - (ii) the total number of residential installment payment plans entered into in the prior calendar year, the average length of those installment payment plans, the number of residential installment payment plans completed, and the number of residential installment payment plans that were broken.
 - (B) Information about how the utility is working to reduce delinquencies and disconnections, including any actions the utility is taking specific to residential customers experiencing multiple disconnections in a calendar year, and a description of the efforts made to identify entities to which the utility refers customers for energy bill assistance.
- (h) Receipt of a qualifying communication. For purposes of compliance with § 40-3-103.6(3)(c)(II) and subparagraph 3001(hh)(II)(B), a customer “receives” the text or e-mail if:
- (I) the utility sends the text or email with customer assistance information to the text address or e-mail address previously provided by the customer to the utility; and
 - (II) the utility does not subsequently receive a “bounce back” or other message indicating the text address is invalid or the e-mail address is invalid.
- (i) Customer education and outreach strategy. A utility shall conduct at least one meeting with stakeholders and interested customers for the purpose of seeking input on its customer education and outreach strategy for conducting disconnections and reconnections during its multi-year strategy reporting period under paragraph 3407(j). The results of these meetings and a detailed summary of the customer education and outreach conducted will be reported as part of its first annual report due no later than March 1, 2024, and each subsequent reporting year.

- (j) Customer education and outreach multi-year strategy reporting. As part of its annual report due no later than March 1, 2024, a utility shall file a customer education and outreach strategy on residential and small commercial customer disconnections and reconnections covering a span of the next five years. As part of this filing, a utility shall provide an overview of its education and outreach efforts, including qualifying communications, disconnection and reconnection data and trends, and the tariffed rates for disconnection and reconnections. Additionally, if applicable, an electric utility shall provide an overview of its historical use of remote disconnections, including the time period in which such an electrical utility has used remote disconnections and reconnections. Upon filing of an initial multi-year strategy report, each utility shall file an update to its report every five years on March 1 of the relevant year. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.
- (k) Tariff. A utility shall file language to include in its tariff as cited below a requirement to report on its five-year customer education and outreach strategy, and if applicable, qualifying communications for reconnections. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.

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[indicates omission of unaffected rules]

3409. Restoration of Service.

- (a) Unless prevented from doing so by safety concerns or exigent circumstances, a utility shall restore, without additional fee or charge, any discontinued service which was not properly discontinued or restored as provided in rules 3407, 3408, and 3409.
- (b) A utility shall restore service if the customer does any of the following:
- (I) pays in full the amount for regulated charges shown on the notice and any deposit and/or fees as may be specifically required by the utility's tariff in the event of discontinuance of service;
 - (II) pays any reconnection and collection charges specifically required by the utility's tariff, enters into an installment payment plan, and makes the first installment payment, unless the cause for discontinuance was the customer's breach of such an arrangement;
 - (III) presents a medical certificate, as provided in subparagraph 3407(e)(IV); or
 - (IV) demonstrates to the utility that the cause for discontinuance, if other than non-payment, has been cured.

- (c) A utility shall reconnect a customer's service on the same day as the customer requests reconnection, if the customer makes a payment or payment arrangement in accordance with the utilities policies, requesting reconnection of service on a Monday through Friday that is not a holiday, and one of the following circumstances is met:
- (I) the customer has advanced metering infrastructure and has requested reconnection of service at least one hour before the close of business for the electric utility's customer service division; except that the utility may reconnect service on the day following a disconnection of service if there are internet connectivity, technical, or mechanical problems or emergency conditions that reasonably prevent the utility from remotely reconnecting the customer's service; or
- (II) the customer is without advanced metering infrastructure and has requested reconnection of service on or before 12:59 p.m.; except that, an electric utility or gas utility may reconnect the customer's service on the day following a disconnection if:
- (A) prior to disconnection of the customer's service, the utility has made a qualifying communication with the customer; or
- (B) an emergency or safety event or circumstance arises after disconnection of service that renders the utility's staff temporarily unavailable to safely reconnect service. If next-day reconnection of service is not possible due to the continuation of the emergency or safety event or circumstance, the utility shall reconnect the customer's service as soon as possible.
- (de) Unless prevented by ~~an emergency or safety event or circumstance~~ ~~safety concerns or exigent circumstances~~, a utility shall restore service to a customer who has completed an action in paragraph (b) within 24 hours (excluding weekends and holidays) of the time that the customer completes an action in paragraph (b), or within 12 hours of the time that the customer completes an action in paragraph (b) if the customer pays applicable after-hours charges and fees established in tariffs. ~~The utility must exercise its best efforts to restore service for customers meeting requirements of paragraph (b) on the same day of a service discontinuance.~~
- (ed) The utility must resolve doubts as to whether a customer has met the requirements for service restoration under paragraph (b) in favor of restoration.

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[indicates omission of unaffected rules]

3411. Low-Income Energy Assistance Act.

- (a) Scope and applicability.
- (I) Rule 3411 is applicable to electric utilities, combined gas and electric utilities, and cooperative electric association except those exempted under (II) or (III). Pursuant to §§ 40-8.7-101 through 111, C.R.S., utilities are required to provide an opportunity for their

customers to contribute an optional amount through the customers' monthly billing statement.

- (II) Municipally owned electric utilities, combined gas and electric utilities, or cooperative electric associations are exempt if:
 - (A) the utility operates an alternative energy assistance program to support its ~~low-~~ income qualified customers with their energy needs and self-certifies to the organization through written statement that its program meets the following criteria:
 - (i) the amount and method for funding of the program has been determined by the governing body; and
 - (ii) the program monies will be collected and distributed in a manner and under eligibility criteria determined by the governing body for the purpose of residential energy assistance to customers who are challenged with paying energy bills for financial reasons, including seniors on fixed incomes, individuals with disabilities, and ~~low-~~income qualified individuals; or
 - (B) the governing body of the utility determines its service area has a limited number of people who qualify for energy assistance and self-certifies to the organization via written statement such determination.
- (III) A municipally owned electric utility, combined gas and electric utility, or cooperative electric association not exempt under subparagraph (II), is exempt if:
 - (A) the utility designs and implements a procedure to notify all customers at least twice each year of the option to conveniently contribute to the organization by means of a monthly energy assistance charge. Such procedure shall be approved by the governing utility. The governing body of such utility shall determine the disposition and delivery of the optional energy assistance charge that it collects on the following basis:
 - (i) delivering the collections to the organization for distribution; or
 - (ii) distributing the moneys under criteria developed by the governing body for the purpose set forth in subparagraph (II)(A)(ii).
 - (B) Alternatively, the utility provides funding for energy assistance to the organization by using a source of funding other than the optional customer contribution on each customer bill that approximates the amount reasonably expected to be collected from an optional charge on customer's bills.
- (IV) A municipally owned electric utility, combined gas and electric utility, or cooperative electric association that is exempt under subparagraph (III) shall be entitled to participate in the organization's low-income assistance program.

- (V) Electric utilities, combined gas and electric utilities, and cooperative electric associations that desire a change in status must inform the organization and file a notice to the Commission within 30 days prior to expected changes.
- (b) Definitions. The following definitions apply only in the context of rule 3411. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply:
- (I) “Alternative energy assistance program” means a program operated by a municipally owned electric and gas utility or rural electric cooperative that is not part of the energy assistance program established pursuant to this statute.
- (II) “Customer” means the named holder of an individually metered account upon which charges for electricity or gas are paid to a utility. “Customer” shall not include a customer ~~that~~who receives electricity or gas for the sole purpose of reselling the electricity or gas to others.
- (III) “Energy assistance program” or “Program” means the Low Income Energy Assistance Program created by § 40-8.7-104, C.R.S., and designed to provide financial assistance, residential energy efficiency, and energy conservation assistance.
- (IV) “Organization” means Energy Outreach Colorado, a Colorado nonprofit corporation, formerly known as the Colorado Energy Assistance Foundation.
- (V) “Remittance device” means the section of a customer’s utility bill statement that is returned to the utility company for payment. This includes but is not limited to paper payment stubs, web page files used to electronically collect payments, and electronic fund transfers.
- (VI) “Utility” means a corporation, association, partnership, cooperative electric association, or municipally owned entity that provides retail electric service or retail gas service to customers in Colorado. “Utility” does not mean a propane company.
- (c) Plan implementation and maintenance.
- (I) Except as provided in paragraph 3411(a), each utility shall implement and maintain a customer opt-in contribution mechanism. The utility’s opt-in mechanism shall include, at minimum, the following provisions:
- (A) A description of the procedures the utility will use to notify its customers, including those customers that make payments electronically, about the opt-in provision prior to September 1, 2006. Utilities may combine their efforts to notify customers into a single state-wide or region-wide effort consistent with the participating utilities communication programs. Each participating utility shall clearly identify its support of the combined communications program, with its corporate name and/or logo visible to the intended audience.
- (B) A description of the additional efforts the utility will use to inform its customers about the program to ensure that adequate notice of the opt-in provision is given

to all customers. Notification shall include communication to all customers that the donation and related information will be passed through to the Organization.

- (C) A description of the check-off mechanism that will be displayed on the monthly remittance device to solicit voluntary donations. The remittance device shall include, at minimum, check-off categories of five dollars, ten dollars, twenty dollars, and “other amount”. The remittance device must also note the name of the program as the “voluntary energy assistance program,” or if the utility is unable to identify the name of the program individually, the utility shall use a general energy assistance identifier approved by the Commission.
- (D) A description or an example of how the utility will display the voluntary contribution as a separate line item on the customer’s monthly billing statement and how the voluntary contribution will be included in the total amount due. The line item must identify the contribution as “voluntary”.
- (E) A description of the notification process that the utility will use to ensure that once a utility customer opts into the program, the energy assistance contribution will be assessed on a monthly basis until the customer notifies the utility of the customer’s desire to stop contributing. The utility shall describe how it will manage participation in the program when customers miss one or more voluntary payment, or pay less than the pre-selected donation amount.
- (F) Identification of the procedures the utility will use to notify customers of their ability to cancel or discontinue voluntary contributions along with a description of the mechanism the utility will use to allow customers who make electronic payments to discontinue their participation in the opt-in program.
- (G) A description of the procedures the utility will use, where feasible, to notify customers participating in the program about the customer’s ability to continue to contribute when the customer changes their address within the utility’s service territory.
- (H) A description of the method the utility will use to provide clear, periodic, and cost-effective notice of the opt-in provision to its customers at least twice per year. Acceptable methods include, but are not limited to, bill inserts, statements on the bill or envelope, and other utility communication pieces.
- (I) An estimate of the start-up costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate should include the utility’s initial costs of setting up the collection mechanism and reformatting its billing systems to solicit the optional contribution but shall not include the cost of any notification efforts by the utility. Utilities may elect to recover all start-up costs before the remaining moneys generated by the program are distributed to the Organization or over a period of time from the funds generated by the program, subject to Commission review and approval.

- (J) An estimate of the on-going costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate shall not include the cost of any notification efforts by the utility.
 - (K) A detailed justification for the costs identified in subparagraphs (I) and (J).— As stated in § 40-8.7-104(3), C.R.S., the costs incurred must be reasonable in connection with the program.
 - (L) Utilities shall recover the startup cost and on-going cost of administration associated with the program from funds generated from the program. Insert and notification costs shall be considered in the utility's cost of service.
 - (M) A description of the procedures the utility will use to account for and process program donations separately from customer payments for utility services.
- (II) Each utility shall participate in the energy assistance program consistent with its plan approved by the Commission and shall provide the opportunity for its customers to make an optional energy assistance contribution on the monthly remittance device on their utility billing.
 - (III) The utility may submit an application to the Commission no later than April 1 of each year for approval of reimbursement costs the utility incurred for the program during the previous calendar year. Such application shall include a proposed schedule for the reimbursement of these costs to the utility. The applications shall include detailed supporting justification for approval of these costs. Such detailed justification includes, but is not limited to, copies of receipts and time sheets. Such applications shall not seek reimbursement of costs related to notification efforts. Participating utilities may include reimbursement costs for such notification efforts in their periodic cost of service rate filings, subject to Commission review and approval.
 - (IV) A utility may seek modification of its initial plan or subsequent plans by filing an application with the Commission. Such application shall meet the requirements of (d)(I).
- (d) Fund administration.
- (I) At a minimum, each utility shall transfer the funds collected from its customers under the Energy assistance program to the organization under the following schedule:
 - (A) for the funds collected during the period of January 1 to March 31 of each year, the utility shall transfer the collected funds to the organization before May 1 of such year;
 - (B) for the funds collected during the period of April 1 to June 30 of each year, the utility shall transfer the collected funds to the organization before August 1 of such year;
 - (C) for the funds collected during the period of July 1 to September 30 of each year, the utility shall transfer the collected funds to the organization before November 1 of such year;

- (D) for the funds collected during the period of October 1 to December 31 of each year, the utility shall transfer the collected funds to the organization before February 1 of the next year; and
 - (E) each utility shall maintain a separate accounting for all energy assistance program funds received by customers.
- (II) Each utility shall provide the organization with the following information.
- (A) How the funds collected for the previous calendar year were generated, including the number of customers participating in the program. Such report shall include a summary of the number of program participants and funds collected by month, and shall be provided by February 1 of each year.
 - (B) At each time funds are remitted, a listing of all program participants including the donor's name, billing address, and monthly donation amount. The participant information provided to the organization shall be used exclusively for complying with the requirements of § 40-8.7-101, C.R.S., et seq. and state and federal laws.
- (III) The Commission shall submit, as necessary, a bill for payment to the organization for any administrative costs incurred pursuant to the program.
- (IV) The organization shall provide the Office of Utility Consumer Advocate and the Commission with a copy of the written report that is described in § 40-8.7-110, C.R.S. This report shall not contain individual participant information.
- (e) Prohibition of disconnection. Utilities shall not disconnect a customer's electric service for non-payment of optional contribution amounts.

3412. Electric Service Affordability Program.

- (a) Scope and applicability.
- (I) Electric utilities with Colorado retail customers shall provide ~~low~~-income qualified energy assistance by offering rates, charges, and services that grant a reasonable preference or advantage to residential ~~low~~-income qualified customers, as permitted by § 40-3-106, C.R.S. Electric utilities shall use consistent naming for assistance programs: [Utility name] Affordability Program.
 - (II) Rule 3412 is applicable to investor-owned electric utilities subject to rate regulation by the Commission.
- (b) Definitions. The following definitions apply only in the context of rule 3412. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (I) “Administrative cost” means the utility’s direct cost for labor (to include the cost of benefit loadings), materials, and other verifiable expenditures directly related to the administration and operation of the program not to exceed ten percent of the total cost of program credits applied against bills for current usage and pre-existing arrearages or \$10,000, whichever amount is greater.
- (II) “Affordable percentage of income payment” means the amount of the participant’s annual bill deemed affordable under subparagraph 3412(e)(I).
- (III) “Arrearage” means the past-due amount appearing, as of the date on which a participant newly enters the program, on the then most recent prior bill rendered to a participant for which they received the benefit of service.
- (IV) “Colorado Energy Office” means the Colorado Energy Office created in § 24-38.5-101, C.R.S.
- (V) “Eligible ~~low~~-income qualified customer” means a residential utility customer who meets the household income thresholds pursuant to paragraph 3412(c).
- (VI) “Fixed credit” means an annual bill credit established at the beginning of a participant’s participation in a program each year delivered as a monthly credit on each participant’s bill. The fixed credit is the participant’s full annual bill minus the participant’s affordable percentage of income payment obligation on the full annual bill.
- (VII) “Full annual bill” means the current consumption of a participant billed at standard residential rates. The full annual bill of a participant is comprised of two parts: (1) that portion of the bill that is equal to the affordable percentage of income payment; and, (2) that portion of the bill that exceeds the affordable percentage of income payment.
- (VIII) “LEAP” means Low-Income Energy Assistance Program, a county-run, federally-funded, program supervised by the Colorado Department of Human Services, Division of Low-Income Energy Assistance.
- (IX) “LEAP participant” means a utility customer who at the time of applying to participate in a program has been determined to be eligible for LEAP benefits by the Department during either: (1) the Department’s current LEAP application period, if that period is open at the time the customer applies for program participation; or, (2) the Department’s most recently closed LEAP application period, if that period is closed at the time the customer applies to participate in the program and the Department’s next LEAP application period has not yet opened, provided, however, that in order to retain status as a LEAP participant under part (2) of this definition, the utility customer must apply to the Department during the Department’s next LEAP benefit application period and be determined eligible for such benefits.
- (X) “Non-participant” means a utility customer who is not receiving ~~low~~-income qualified assistance under rule 3412.

- (XI) “Participant” means an eligible ~~low~~-income qualified residential utility customer who is granted the reasonable preference or advantage through participation in an electric service low-income program.
 - (XII) “Percentage of Income Payment Plan” (or “PIPP”) means a payment plan for participants that does not exceed an affordable percentage of their household income as set forth in subparagraph 3412(e)(I).
 - (XIII) “Program” means an electric service low-income program approved under rule 3412.
 - (XIV) “Program credits” means the amount of benefits provided to participants to offset the unaffordable portion of a participant’s utility bill and /or dollar amounts credited to participants for arrearage forgiveness.
 - (XV) “Unaffordable portion” means the amount of the estimated full annual bill that exceeds the affordable percentage of income payment.
- (c) Participant eligibility.
- (I) Eligible participants are limited to those who meet one or more of the following criteria:
 - (A) ~~median~~ household income less than or equal to 200 percent of the federal poverty guideline;
 - (B) ~~median~~ household income less than or equal to 80 percent of the area median income, as published annually by the United States Department of Housing and Urban Development; or
 - (C) qualification under income guidelines adopted by the Department of Human Services pursuant to § 40-8.5-105, C.R.S.
 - (II) The utility shall obtain the determination of a participant’s eligibility from the Department of Human Services, Energy Outreach Colorado, or the Colorado Energy Office.
 - (III) If a participant’s household income is \$0, the utility may establish a process that verifies income on a more frequent basis.
 - (IV) Program participants shall not be required to make payment on their utility account as a condition of entering into the program.
- (d) Enrollment. Utilities shall be responsible for the methods by which participant enrollment in their approved low-income program is obtained and sustained, however the utility should engage in enrollment processes that are efficient and attempt to maximize the potential benefits of participation in the low-income program by low-income customers.
- (e) Payment plan.

- (I) Participant payments for electric bills rendered to participants shall not exceed an affordable percentage of income payment. The percentage of a participant's household income for which the participant is responsible shall be determined as follows:
 - (A) for electric accounts for which electricity is the primary heating fuel, participant payments shall be no lower than three percent and not greater than six percent of the participant's household income; however, if the participant also has natural gas service from a regulated utility, participant payments shall not be greater than five percent of the participant's household income; and
 - (B) for electric accounts for which electricity is not the primary heating fuel, participant payments shall be no lower than two percent and not greater than three percent of the participant's household income.
- (II) In the event that a primary heating fuel for any particular participant has been identified by LEAP, that determination shall be final.
- (III) Notwithstanding the percentage of income limits established in subparagraph 3412(e)(I), a utility may establish minimum monthly payment amounts for participants with household income of \$0, provided that:
 - (A) the participant's minimum payment for an electric heating account shall be no more than \$20.00 a month; and
 - (B) the participant's minimum payment for an electric non-heating account shall be no more than \$10.00 a month.
- (IV) Full annual bill calculation. The utility shall be responsible for estimating a participant's full annual bill for the purpose of determining the unaffordable portion of the participant's full annual bill delivered as a fixed credit on the participant's monthly billing statement.
- (V) Fixed credit benefit. The fixed credit shall be adjusted during a program year in the event that standard residential rates, including commodity or fuel charges change to the extent that the full annual bill at the new rates would differ from the full annual bill upon which the fixed credits are currently based by 25 percent or more.
- (VI) Levelized budget billing participation. A utility may enroll participants in its levelized budget billing program as a condition of participation in the program, though the utility shall also allow participants the option to opt out of levelized budget billing if they so choose without losing PIPP benefits, which option shall be available to the participants where the utility's automated billing system is capable. Utilities without automated billing systems capable of permitting opt out of levelized budget billing shall reasonably and prudently modify their systems to facilitate opt out of levelized budget billing. Should a participant fail to meet monthly bill obligations and be placed by a utility in its regular delinquent collection cycle, the utility may remove the participant from levelized budget billing in accordance with the utility's levelized budget billing tariff.
- (VII) Arrearage credits.

- (A) Arrearage credits shall be applied to pre-existing arrearages.
 - (B) Arrearage credits shall be sufficient to reduce, when combined with participant copayments, if any, the pre-existing arrearages to \$0.00 over a period not less than one month and not more than twenty-four months.
 - (C) Application of an arrearage credit to a participant account may be conditioned by the utility on one or more of the following:
 - (i) the receipt of regular participant payments toward bills for current usage; or
 - (ii) the payment of a participant copayment toward the arrearages so long as the participant's copayment total dollar amount does not exceed one percent of gross household income.
 - (D) Should the participant exit the program prior to the full forgiveness of all pre-existing arrearages, the amount of remaining pre-existing arrearages shall become due in accordance with the utility's tariff filed under rules 3401, 3407, and 3408.
 - (E) Pre-existing arrears under this subparagraph shall not serve as the basis for the termination of service for nonpayment or as the basis for any other utility collection activity while the customer is participating in the program.
 - (F) A participant may receive arrearage credits under this section even if that participant does not receive a credit toward current bills.
- (VIII) Portability of benefits. A participant may continue to participate without reapplication should the participant change service addresses but remain within the service territory of the utility providing the benefit, provided that the utility may make necessary adjustments in the billing amount to reflect the changed circumstances. A participant who changes service addresses and does not remain within the service territory of the utility providing the benefit must reapply to become a participant at the participant's new service address.
- (IX) Payment default provisions. Failure of a participant to make his or her monthly bill payments may result in a utility placing the participant in its regular collection cycle. Partial or late payments shall not result in the removal of a participant from the program.
- (f) Program implementation.
- Each utility shall maintain effective terms and conditions in its tariffs on file with the Commission containing its low-income program.
- (g) Cost recovery.
- (I) Each utility shall include in its ~~low-income~~ qualified tariff terms and conditions how costs of the program will be recovered.

- (II) Program cost recovery.
 - (A) Program cost recovery shall be based on a fixed monthly fee.
 - (B) The maximum impact on residential rates shall be no more than \$1.00 per month.
 - (C) In order to determine monthly rates applicable to rate classes other than residential, program costs shall be allocated to each retail rate based on each rate class's share of the test year revenue requirement established in the utility's last Phase II rate case, or under another reasonable methodology supported by quantifiable information. The monthly rate per this subparagraph to be charged each rate schedule customer shall be clearly stated on a tariff sheet.
 - (D) Utilities shall separately account for the program year's program cost recovery and program and administrative costs to determine if the net of program cost recovery and program and administrative cost are in balance during the program year.
 - (i) No later than December 31 of each year, the utility shall file a report with the Commission in the most recent miscellaneous proceeding for annual low-income filings detailing the net difference between program cost recovery and program costs as of October 31 of each year.
 - (1) Should the net difference of program cost recovery over program and administrative costs be greater than 50 percent derived in (D) above, either positive or negative, and the utility is not currently at the maximum impact for non-participants, the utility shall file with the Commission an advice letter and tariff pages seeking approval for the rates determined in subparagraph 3412(g)(II)(D) in order to bring the projected recovery in balance for the ensuing 12 month period. The revised charge shall not exceed the maximum impact for non-participants in subparagraph 3412(g)(II)(C).
- (III) The following costs are eligible for recovery by a utility as program costs:
 - (A) program credits or discounts applied against bills for current usage.
 - (B) program credits applied against pre-existing arrearages.
 - (C) program administrative costs; and
 - (D) Commission-sponsored program evaluation costs required under paragraph 3412(k).

- (IV) The utility shall apply, as an offset to cost recovery, all program expenses attributable to the program. Program expenses include utility operating costs; changes in the return requirement on cash working capital for carrying arrearages; changes in the cost of credit and collection activities directly related to ~~low-income~~ qualified participants; and changes in uncollectable account costs for these participants.
- (V) LEAP grants. The utility may apply energy assistance grants provided to the participant by the LEAP program to the dollar value of credits granted to individual program participants.
 - (A) If applying LEAP grants first, a utility shall apply any energy assistance benefit granted to the participant by LEAP to that portion of the program participant's full annual bill that exceeds the participant's affordable percentage of income payment.
 - (B) If the dollar value of the energy assistance grant is greater than the dollar value of the difference between the program participant's full annual bill and the participant's affordable percentage of income payment, the dollar amount by which the energy assistance grant exceeds the difference will be applied:
 - (i) first, to any pre-existing arrearages that at the time of the energy assistance grant continues to be outstanding; and
 - (ii) second, to the account of the program participant as a benefit to the participant.
 - (C) No portion of an energy assistance or LEAP grant provided to a program participant may be applied to the account of a participant other than the participant to whom the energy assistance grant was rendered.
 - (D) If an all-electric utility's ~~low-income~~ qualified customers do not benefit widely from LEAP grants, the utility shall not apply the dollar value of credits granted to individual LEAP grantees to the dollar value of credits granted to individual program participants.
- (h) Other programs. In addition to the utility's low-income program, with Commission approval, a utility may offer other rate relief options to eligible households.
 - (I) Other programs offered by the utility under rule 3412 must be intended to reach ~~low-income~~ qualified households that do not substantially benefit from the provisions of the low-income program. Such programs may take the form of discount rates, tiered discount rates or other direct bill relief methods where the ~~low-income~~ qualified household benefitting from the program is granted a reasonable preference in tariffed rates assessed to all residential utility customers.
 - (II) Cost recovery for other programs combined with the Percentage of Income Payment Plan shall not exceed the maximum impact on residential rates described in subparagraph 3412(g)(II)(C).

- (i) Energy efficiency and weatherization.
 - (I) The utility shall provide all program participants with information on energy efficiency programs offered by the utility or other entities and existing weatherization programs offered by the state of Colorado or other entities.
 - (II) The utility shall provide the Colorado Energy Office with the name and service address of participant households for which annual electricity usage exceeds 10,000 kWh annually.
- (j) Stakeholder engagement. A utility shall conduct annual meetings with ~~low~~-income qualified stakeholders for the purpose of seeking solutions to issues of mutual concern and aligning program practices with the needs of customers and other stakeholders.
- (k) Program evaluation. A triennial evaluation of the program provisions under rule 3412 beginning in 2019 shall be undertaken in order to review best practices in similar low-income assistance programs in existence in other regulatory jurisdictions, as well as evaluate operation of each utility's program for effectiveness in achieving optimum support being provided to ~~low~~-income qualified participants. The evaluation shall also recommend modifications if available that improve the delivery of benefits to participants and increase the efficiency and effectiveness of each program as they exist at the point of evaluation. The program evaluation shall include a customer needs assessment provided that adequate funds are available.
 - (I) Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders including, but not limited to, Commission staff, all Commission regulated electric and gas utilities, LEAP, the Office of Consumer Counsel, and Energy Outreach Colorado in the design of the requirements regarding study focus and final reporting.
 - (II) Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days.
 - (III) \$00.0013 per customer per month shall be set aside by the utility in order to fund the triennial evaluation of the program evaluation described in paragraph 3412(k).
 - (IV) The dollars resulting from the \$00.0013 charge shall be recovered as a program cost under subparagraph 3412(f)(IV).
 - (V) The evaluation will be filed by Commission staff in the most recent miscellaneous proceeding for annual low-income filings.
 - (VI) Staff and the CEO will assess the individual utilities' deferred balances set aside for the program evaluation starting in 2019 at the conclusion of the third program year and each three years thereafter and will determine the amounts each utility is to remit to the third party evaluator based on the contractual terms approved by the Commission for the evaluation.

- (I) Annual report. No later than December 31 of each year, each utility shall file a report in the most recent miscellaneous proceeding for annual low-income filings using the form available on the Commission's website based on each 12-month period ending October 31, and containing the following information:
- (I) monthly information on the program including total number of participants, amount of benefit disbursement, type of benefit disbursement, LEAP benefits applied to the unaffordable portion of participant's bills, administrative costs, and revenue collection;
 - (II) the number of applicants for the program;
 - (III) the number of applicants qualified for the program;
 - (IV) the number of participants;
 - (V) the average assistance provided, both mean and median;
 - (VI) the maximum assistance provided to an individual participant;
 - (VII) the minimum assistance provided to an individual participant;
 - (VIII) total cost of the program and the average rate impact on non-participants by rate class, including impact based on typical monthly consumption of both its residential and small business customers;
 - (IX) the number of participants that had service discontinued as a result of late payment or non-payment, and the amount of uncollectable revenue from participants;
 - (X) an estimate of utility savings as a result of the implementation of the program (e.g., reduction in trips related to discontinuance of service, reduction in uncollectable revenue, etc.);
 - (XI) the average monthly and annual total electric consumption in PIPP participants' homes;
 - (XII) the average monthly and annual total electric consumption in the utility's residential customer's homes;
 - (XIII) the number of program participants referred to the weatherization program;
 - (XIV) the total dollar value of participant arrearages forgiven, the number of customers who had arrearage balances forgiven, and the maximum and minimum dollar value of arrears forgiven;
 - (XV) a description of the ways in which the program is being integrated with existing energy efficiency, DSM, or behavioral programs offered by the utility;
 - (XVI) a description of the ways in which the program is being integrated with existing weatherization programs offered by the state of Colorado;

- (XVII) a description of program outreach strategies and metrics that illustrate the effectiveness of each outreach strategy;
 - (XVIII) a description of participant outreach, education, and engagement efforts, including descriptions of communications and materials, and key findings from those efforts;
 - (XIX) the number of participants at the start of the program year that the utility removed for any reason, the number of participants who opted out of the program after enrollment, the number of potential participants rejected because of the existence of a cap on the program, the period of arrearage time from date participants became eligible and were granted arrearage forgiveness, and the number of participants who came back as eligible participants in the program year after being eligible in a prior program year and were provided arrearage credits in the program year;
 - (XX) a narrative summary of the utility’s recommended program modifications based on report findings; and
 - (XXI) a statement regarding whether the utility is accommodating PIPP participants’ requests to opt out of levelized budget billing pursuant to subparagraph 3412(e)(VI) and, if not, an explanation of why the utility believes it is not reasonable and prudent to modify its automated billing system to accommodate such requests. If the utility plans to accommodate such requests at any point in the upcoming year, a description of the plan, including the anticipated cost of the plan and the date that the functionality in its automated billing system will go online, must be included.
- (m) Energy Assistance System Benefit Charge. Beginning October 1, 2021, each utility shall include on its monthly bills a flat energy assistance system benefit charge of 50 cents, with this amount rising to 75 cents on October 1, 2022, and being adjusted for inflation in accordance with changes in the United States Department of Labor’s Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood beginning on October 1, 2023. The disposition of money collected by the Energy Assistance System Benefit Charge is determined by § 40-8.7-108, C.R.S.
- (l) Prior to October 1, 2023, and each year following, Commission staff shall compute the charge adjusted by the index and shall send a letter to each utility stating the charge to be paid by customers during the next calendar year.

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[indicates omission of unaffected rules]

3540. Data Access, Privacy and Confidentiality.

- (a) The utility shall disclose data necessary to implement these rules with appropriate levels of protection, considering sensitivity and public benefit. The utility shall identify and address the treatment of sensitive information in consideration of the objectives of DSP and as required by these rules.

- (b) The utility shall not disclose personal information, as defined in paragraph 1004(x), or customer data, as defined in paragraph 3001(ki). Paragraph 3033(b) shall not apply to data releases under this rule.

- (c) In each DSP application filing made pursuant to rule 3529, the utility shall file a list of the information related to the resource plan proceeding that the utility claims is confidential and a list of the information that the utility claims is highly confidential, and its proposed treatment of the information. For good cause shown, the utility may seek to protect information as confidential or highly confidential by filing the appropriate motion under rule 1101 of the Commission's Rules of Practice and Procedure in a timely manner.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-3

PART 3 RULES REGULATING ELECTRIC UTILITIES

3001. Definitions.

The following definitions apply throughout this Part 3, except where a specific rule or statute provides otherwise. In addition to the definitions here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

- (a) "Advanced metering infrastructure" means an integrated system of smart electric utility meters and communication networks that enables two-way communication between an electric utility's data systems and the meter's internet protocol address and allows the electric utility to measure electricity usage and/or connect or disconnect service remotely.
- (b) "Affiliate" of a utility means a subsidiary of a utility, a parent corporation of a public utility, a joint venture organized as a separate corporation or partnership to the extent of the individual utility's involvement with the joint venture, a subsidiary of a parent corporation of a utility or where the utility or the parent corporation has a controlling interest over an entity.
- (c) "Aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) and/or the compilation of customer data of one or more customers from which all unique identifiers and personal information has been removed.
- (d) "Applicant for service" means a person who applies for utility service and who either has taken no previous utility service from that utility or has not taken utility service from that utility within the most recent 30 days.
- (e) "Base rate" means charges used to recover costs of utility infrastructure and operations, including a return on capital investment, not otherwise recovered through a utility rate adjustment mechanism.
- (f) "Basis point" means one-hundredth of a percentage point (100 basis points = one percent).
- (g) "Benefit of service" means the use of utility service by each person of legal age who resides at a premises to which service is delivered and who is not registered with the utility as the customer of record.

- (h) "Commission" means the Colorado Public Utilities Commission.
- (i) "Contracted agent" means any person that has contracted with a utility in compliance with rule 3030 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (j) "Customer" means any person who is currently receiving utility service. Any person who moves within a utility's service territory and obtains utility service at a new location within 30 days shall be considered a "customer." Unless stated in a particular rule, "customer" applies to any class of customer as defined by the Commission or by utility tariff.
- (k) "Customer data" means customer-specific data or information, excluding personal information as defined in paragraph 1004(x), that is:
 - (I) collected from the electric meter by the utility and stored in its data systems (e.g., kWh, kW, voltage, VARs and power factor);
 - (II) combined with customer-specific energy usage information on bills issued to the customer for regulated utility service when not publicly or lawfully available to the general public; or
 - (III) about the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs.
- (l) "Distribution facilities" are those lines designed to operate at the utility's distribution voltages in the area as defined in the utility's tariffs including substation transformers that transform electricity to a distribution voltage and also includes other equipment within a transforming substation which is not integral to the circuitry of the utility's transmission system.
- (m) "Emergency or safety event or circumstance" means a manmade or natural emergency event or safety circumstance:
 - (I) that prevents utility staff from being able to safely travel to or work at a customer's residence or place of business for purposes of reconnecting or making necessary repairs prior to reconnecting utility service; or
 - (II) for which a utility has dispatched utility staff members to help respond to the emergency or safety event or circumstance and, due to the timing or number of utility staff dispatched, the utility lacks sufficient trained staff to reconnect or make necessary repairs prior to reconnecting utility service at a customer's residence or place of business; and
 - (III) includes a severe weather event that one or more reputable weather forecasting sources forecasts to occur in the following twenty-four hours and that is more likely than not to result in dangerous travel or on-site outdoor or indoor work conditions for individuals in the path of the weather event.
- (n) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.

- (o) "Energy storage system" means a commercially available technology that is capable of retaining energy, storing the energy for a period of time, and delivering the energy as electricity after storage by chemical, thermal, mechanical, or other means.
- (p) "Financial security" includes any stock, bond, note, or other evidence of indebtedness.
- (q) "Generation facility" means a power plant that converts a primary energy resource into electricity. Primary energy resources include, but are not limited to: nuclear resources, coal, natural gas, hydro, wind, solar, biomass, and geothermal.
- (r) "Heavy load" means not less than 60 percent, but not more than 100 percent, of the nameplate-rated capacity of a meter.
- (s) "Income qualified utility customer" or "low income customer" is a customer meeting the requirements of § 40-3-106(1)(d)(II), C.R.S.
- (t) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure.
- (u) "Light load" means approximately five to ten percent of the nameplate-rated capacity of a meter.
- (v) "Load" means the power consumed by an electric utility customer over time (measured in terms of either demand or energy or both).
- (w) "Local government" means any Colorado county, municipality, city and county, home rule city or town, home rule city and county, or city or town operating under a territorial charter.
- (x) "Local office" means any Colorado office operated by a utility at which persons may make requests to establish or to discontinue utility service. If the utility does not operate an office in Colorado, "local office" means any office operated by a utility at which persons may make requests to establish or to discontinue utility service in Colorado.
- (y) "Main service terminal" means the point at which the utility's metering connections terminate.
- (z) "Major event" means an event as defined in and consistent with IEEE Standard Number 1366-2003, Guide for Electric Power Distribution Reliability Indices.
- (aa) "MVA" means mega-volt amperes and is the vector sum of the real power and the reactive power.
- (bb) "Non-standard customer data" means all customer data that are not standard customer data.
- (cc) "Output" means the energy and power produced by a generation system.
- (dd) "Past due" means the point at which a utility can affect a customer's account for regulated service due to non-payment of charges for regulated service.
- (ee) "Powerline trail" means a multimodal trail that is: eight feet in width or wider; made of hard surface such as concrete or compacted gravel; used for recreational purposes or commuting in a manner

that does not involve a motor vehicle; and located in an existing transmission or future transmission corridor.

- (ff) "Principal place of business" means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility's operations in Colorado are located.
- (gg) "Property owner" means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of property is located to determine ownership of government record.
- (hh) "Qualifying communication" means one of the following methods of communicating with a utility customer about a possible upcoming disconnection of service:
 - (I) a physical visit to the customer's premises during which a utility representative speaks with the customer and provides the customer utility assistance information or, if the customer is not available to speak, leaves notice of proposed disconnection and utility assistance information for the customer's review; or
 - (II) a telephone call, text, or e-mail to the customer's last-known telephone number or email address in which:
 - (A) the utility representative provides the customer with notice of proposed disconnection and utility assistance information; and
 - (B) the utility representative either speaks directly with the customer over the telephone or the customer receives the utility representative's text or email.
- (ii) "Rate adjustment mechanism" or "rate rider" means a charge added to a utility bill to recover a specific cost that is not part of the base rate.
- (jj) "Reference standard" means suitable indicating electrical equipment permanently mounted in a utility's laboratory and used for no purpose other than testing rotating standards.
- (kk) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission or contained in a tariff of the utility.
- (ll) "RFP" means request for proposals.
- (mm) "Rotating standard" means a portable meter used for testing service meters.
- (nn) "RUS" means the Rural Utilities Service of the United States Department of Agriculture, or its successor agencies.
- (oo) "Service connection" is the location on the customer's premises/facilities at which a point of delivery of power between the utility and the customer is established. For example, in the case of a typical residential customer served from overhead secondary supply, this is the location at which the utility's electric service drop conductors are physically connected to the customer's electric service entrance conductors.

- (pp) “Standard customer data” means customer data maintained by a utility in its systems in the ordinary course of business.
- (qq) “Test year” means a twelve-month period that is examined to determine a utility's costs of service in a rate case.
- (rr) “Third-party” means a person who is not the customer, an agent of the customer who has been designated by the customer with the utility and is acting of the customer's behalf, a regulated utility serving the customer, or a contracted agent, of the utility.
- (ss) “Transmission corridor” means a tract of land owned, occupied, or leased by a transmission provider as defined in § 33-45-102(11), C.R.S., or covered by an easement or right-of-way held by a transmission provider, where an electric transmission line is constructed, operated, or maintained at a voltage of 69 kilovolts or above.
- (tt) "Transmission facilities" are those lines and related substations designed and operating at voltage levels above the utility's voltages for distribution facilities, including but not limited to related substation facilities such as transformers, capacitor banks, or breakers that are integral to the circuitry of the utility's transmission system.
- (uu) “Unique identifier” means a customer's name, mailing address, telephone number, or email address that is displayed on a bill.
- (vv) "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff filed with the Commission, and are for service or merchandise not required as a condition of receiving regulated utility service.
- (ww) "Utility assistance information" means information that a utility representative provides a customer informing the customer that the customer may contact 1-866-HEAT-HELP (1-866-432-8435) to determine if the customer qualifies for utility bill payment assistance.
- (xx) "Utility" means any public utility as defined in § 40-1-103, C.R.S., providing electric, steam, or associated services in the state of Colorado.
- (yy) "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.
- (zz) “Whole building data” means the sum of the monthly electric use for either all meters at a building on a parcel or real property or all buildings on a parcel of real property.

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[indicates omission of unaffected rules]

3403. Applications for Service, Customer Deposits, and Third-Party Guarantee Arrangements.

- (a) A utility shall process an application for utility service that is made either orally or in writing and shall apply nondiscriminatory criteria with respect to the requirement of a deposit prior to commencement of service. Nondiscriminatory criteria means that no deposit or guarantee, or additional deposit or guarantee, shall be required by a utility because of race, sex, creed, national origin, marital status, age, number of dependents, source of income, disability, or geographical area of residence.
- (b) All utilities requiring deposits shall offer customers at least one payment alternative that does not require the use of the customer's social security number.
- (c) If billing records are available for a customer who has received past service from the utility, the utility shall not require that person to make new or additional deposits to guarantee payment of current bills unless the records indicate recent or substantial delinquencies.
- (d) A utility shall not require a deposit from an applicant for service who provides written documentation of a 12 consecutive month good -payment history from the utility from which that person received similar service. For purposes of this paragraph, the 12 consecutive months must have ended no earlier than 60 days prior to the date of the application for service.
- (e) A utility shall not require a deposit from an applicant for service or restoration of service who is or was within the last 12 months, a participant in the Low-Income Energy Assistance Program (LEAP) or in an income qualified program consistent with rule 3412, or who received energy bill assistance from Energy Outreach Colorado within the last 12 months.
- (f) If a utility uses credit scoring to determine whether to require a deposit from an applicant for service or a customer, the utility shall have a tariff that describes, for each scoring model that it uses, the credit scoring evaluation criteria and the credit score limit that triggers a deposit requirement.
- (g) If a utility uses credit scoring, prior payment history with the utility, or customer-provided prior payment history with a like utility as a criterion for establishing the need for a deposit, the utility shall include in its tariff the specific evaluation criteria that trigger the need for a deposit.
- (h) If a utility denies an application for service or requires a deposit as a condition of providing service, the utility immediately shall inform the applicant for service of the decision and shall provide, within three business days, a written explanation to the applicant for service stating the reasons why the application for service has been denied or a deposit is required.
- (i) No utility shall require any surety other than either a deposit to secure payment for utility services or a third-party guarantee of payment in lieu of a deposit. In no event shall the furnishing of utility services or extension of utility facilities, or any indebtedness in connection therewith, result in a lien, mortgage, or other interest in any real or personal property of the customer unless such indebtedness has been reduced to a judgment. Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.

- (j) The total deposit a utility may require or hold at any one time shall not exceed an amount equal to an estimated 90 days' bill of the customer, except in the case of a customer whose bills are payable in advance of service, in which case the deposit shall not exceed an estimated 60 days' bill of the customer. The deposit may be in addition to any advance, contribution, or guarantee in connection with construction of lines or facilities, as provided in the extension policy in the utility's tariffs. A deposit may be paid in installments.
- (k) A utility receiving deposits shall maintain records showing:
 - (I) the name of each customer making a deposit;
 - (II) the amount and date of the deposit;
 - (III) each transaction, such as the payment of interest or interest credited, concerning the deposit;
 - (IV) each premise where the customer receives service from the utility while the deposit is retained by the utility;
 - (V) if the deposit was returned to the customer, the date on which the deposit was returned to the customer; and
 - (VI) if the unclaimed deposit was paid to the energy assistance organization, the date on which the deposit was paid to the energy assistance organization.
- (l) Each utility shall state in its tariff its customer deposit policy for establishing or maintaining service. The tariff shall state the circumstances under which a deposit will be required and the circumstances under which it will be returned. A utility shall return any deposit paid by a customer who has made no more than two late payments in 12 consecutive months.
- (m) Each utility shall issue a receipt to every customer from whom a deposit is received. No utility shall refuse to return a deposit or any balance to which a customer may be entitled solely on the basis that the customer is unable to produce a receipt.
- (n) The payment of a deposit shall not relieve any customer from the obligation to pay current bills as they become due. A utility is not required to apply any deposit to any indebtedness of the customer to the utility, except for utility services due or past due after service is terminated.
- (o) A utility shall pay simple interest on a deposit at the percentage rate per annum as calculated by Commission staff and in the manner provided in this paragraph.
 - (I) At the request of the customer, the interest shall be paid to the customer either on the return of the deposit or annually. The simple interest on a deposit shall be earned from the date the deposit is received by the utility to the date the customer is paid. At the option of the utility, interest payments may be paid directly to the customer or by a credit to the customer's account.
 - (II) The simple interest to be paid on a deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately

preceding year) of the 12 monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, Commission staff shall compute the interest rate to be paid. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on deposits during the next calendar year. Annually following receipt of Commission staff's letter, if necessary, each utility shall file by advice letter or application, as appropriate, a revised tariff, effective the first day of January of the following year, or on an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' deposits, except when there is no change in the rate of interest to be paid on such deposits.

- (p) A utility shall have tariffs concerning third-party guarantee arrangements and, pursuant to those tariffs, shall offer the option of a third party guarantee arrangement for use in lieu of a deposit. The following shall apply to third-party guarantee arrangements:
- (I) an applicant for service or a customer may elect to use a third-party guarantor in lieu of paying a deposit;
 - (II) the third-party guarantee form, signed by both the third-party guarantor and the applicant for service or the customer, shall be provided to the utility;
 - (III) the utility may refuse to accept a third-party guarantee if the guarantor is not a customer in good standing at the time of the guarantee;
 - (IV) the amount guaranteed shall not exceed the amount which the applicant for service or the customer would have been required to provide as a deposit;
 - (V) the guarantee shall remain in effect until the earlier of the following occurs:
 - (A) the guarantee is terminated in writing by the guarantor;
 - (B) if the guarantor was a customer at the time of undertaking the guarantee, the guarantor ceases to be a customer of the utility; or
 - (C) the customer has established a satisfactory payment record, as defined in the utility's tariffs, for 12 consecutive months.
 - (VI) Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.

- (q) A utility shall pay all unclaimed monies, as defined in § 40-8.5-103(5), C.R.S., that remain unclaimed for more than two years to the energy assistance organization. "Unclaimed monies" shall not include: undistributed refunds for overcharges subject to other statutory provisions and rules; and, credits to existing customers from cost adjustment mechanisms.
- (I) Monies shall be deemed unclaimed and presumed abandoned when left with the utility for more than two years after termination of the services for which the deposit or the construction advance was made or when left with the utility for more than two years after the deposit or the construction advance becomes payable to the customer pursuant to a final Commission order establishing the terms and conditions for the return of such deposit or advance and the utility has made reasonable efforts to locate the customer.
- (II) Interest on a deposit shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the utility receives the deposit and ending on the date on which the deposit is paid to the energy assistance organization. If the utility does not pay the unclaimed deposit to the energy assistance organization within four months of the date on which the unclaimed deposit is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed deposit at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (III) If payable under the utility's line extension tariff provisions, interest on a construction advance shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the construction advance is deemed to be owed to the customer pursuant to the utility's extension policy and ending on the date on which the construction advance is paid to the energy assistance organization. If the utility does not pay the unclaimed construction advance to the energy assistance organization within four months of the date on which the unclaimed construction advance is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed construction advance at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (r) A utility shall resolve all inquiries regarding a customer's unclaimed monies and shall not refer such inquiries to the energy assistance organization.
- (s) If a utility has paid unclaimed monies to the energy assistance organization, a customer later makes an inquiry claiming those monies, and the utility resolves the inquiry by paying those monies to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.
- (t) For purposes of paragraphs (q), (r), and (s) of this rule, "utility" means and includes: a cooperative electric association which elects to be so governed; and a utility as defined in paragraph 3001(xx).

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[indicates omission of unaffected rules]

3407. Discontinuance of Service.

- (a) A utility shall not discontinue the service of a customer for any reason other than the following:
- (I) nonpayment of regulated charges;
 - (II) fraud or subterfuge;
 - (III) service diversion;
 - (IV) equipment tampering;
 - (V) safety concerns;
 - (VI) exigent circumstances;
 - (VII) discontinuance ordered by any appropriate governmental authority; or
 - (VIII) properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.
- (b) A utility shall apply nondiscriminatory criteria when determining whether to discontinue service for nonpayment. A utility shall not discontinue service for nonpayment of any of the following:
- (I) any amount which has not appeared on a regular monthly bill or which is not past due. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the 31st day following the due date of current charges;
 - (II) any past due amount that is less than \$50;
 - (III) any amount due on another account now or previously held or guaranteed by the customer, or with respect to which the customer received service, unless the amount has first been transferred either to an account which is for the same class of service or to an account which the customer has agreed will secure the other account. Any amount so transferred shall be considered due on the regular due date of the bill on which it first appears and shall be subject to notice of discontinuance as if it had been billed for the first time;
 - (IV) any amount due on an account on which the customer is or was neither the customer of record nor a guarantor, or any amount due from a previous occupant of the premises. This subparagraph does not apply if the customer is or was obtaining service through fraud or subterfuge or if paragraph 3401(c) applies;
 - (V) any amount due on any account for which the present customer is or was the customer of record, if another person established the account through fraud or subterfuge and without the customer's knowledge or consent;
 - (VI) any delinquent amount, unless the utility can supply billing records from the time the delinquency occurred;

- (VII) any debt except that incurred for service rendered by the utility in Colorado;
 - (VIII) any unregulated charge; or
 - (IX) any amount which is the subject of a pending dispute or informal complaint under rule 3004.
- (c) If the utility discovers any connection or device installed on the customer's premises, including any energy-consuming device connected on the line side of the utility's meter, which would prevent the meter from registering the actual amount of energy used, the utility shall do one of the following.
- (I) Remove or correct such devices or connections. If the utility takes this action, it shall leave at the premises a written notice which advises the customer of the violation, of the steps taken by the utility to correct it, and of the utility's ability to bill the customer for any estimated energy consumption not properly registered. This notice shall be left at the time the removal or correction occurs.
 - (II) Provide the customer with written notice that the device or connection must be removed or corrected within 15 days and that the customer may be billed for any estimated energy consumption not properly registered. If the utility elects to take this action and the device or connection is not removed or corrected within the 15 days permitted, then within seven calendar days from the expiration of the 15 days, the utility shall remove or correct the device or connection pursuant to subparagraph (c)(I) of this rule.
- (d) If a utility discovers evidence that any utility-owned equipment has been tampered with or that service has been diverted, the utility shall provide the customer with written notice of the discovery. The written notice shall inform the customer of the steps the utility will take to determine whether non-registration of energy consumption has or will occur and shall inform the customer that the customer may be billed for any estimated energy consumption not properly registered. The utility shall mail or hand-deliver the written notice within three calendar days of making the discovery of tampering or service diversion.
- (e) A utility shall not discontinue service, other than to address safety concerns or in exigent circumstances, if one of the following is met.
- (I) A customer at any time tenders full payment in accordance with the terms and conditions of the notice of discontinuance to a utility employee authorized to receive payment. Payment of a charge for a service call shall not be required to avoid discontinuance.
 - (II) If a customer pays, on or before the expiration date of the notice of discontinuance, at least one-tenth of the amount shown on the notice and enters into an installment payment plan with the utility, as provided in rule 3404.
 - (III) Outside the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday.
 - (IV) Between the hours of 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday or day during which the utility's local office is closed.

- (V) To the greatest extent practicable, a utility shall not disconnect a customer after 11:59 a.m. on a Monday through Thursday.
- (VI) Medical emergencies.
 - (A) A utility shall postpone discontinuance of electric service to a residential customer for 90 days from the date of a medical certificate issued by a Colorado-licensed physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients which evidences that service discontinuance will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. A customer may invoke this subparagraph only once in any twelve consecutive months.
 - (B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who has already entered into a payment arrangement, but broke the arrangement prior to seeking a medical certificate, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.
 - (C) The medical certificate must be in writing (which includes electronic certificates and signatures and those provided electronically), sent to the utility from the office of a licensed physician or health care practitioner licensed to prescribe and treat patients, and clearly show the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients certifying the medical emergency. Such certificate is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.
 - (D) A utility may accept notification by telephone from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, but a written medical certificate must be sent to the utility within ten days.
- (VII) Weather provisions.
 - (A) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 32 degrees Fahrenheit (32°F) or lower at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are warmer than these criteria.
 - (B) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and

9:00 a.m. predicts that the temperature will be 95 degrees Fahrenheit (95°F) or higher at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are cooler than these criteria.

- (C) A utility shall postpone service discontinuance to a residential customer during an emergency or safety event or circumstance impacting the local area.
- (f) In addition to its tariffs, a utility shall publish information related to its practices around delinquency, disconnection for nonpayment, and reconnection on its website. This information should be written in a manner that promotes customer understanding and must be produced in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information. A utility must include at least the following information:
- (I) the customer's rights related to service disconnection, including medical and weather-based protections, timing restrictions on service disconnection, and options and hours to contact the utility for support relating to service disconnection;
 - (II) a summary of a customer's options to prevent service disconnection for nonpayment, including installment payment plan options, utility energy assistance and affordability programs, and eligibility requirements for such programs;
 - (III) referrals to organizations that provide energy payment assistance, including energy efficiency services, such as Energy Outreach Colorado, charities, nonprofits, and governmental entities that provide or administer funds for such assistance;
 - (IV) the customer's rights related to service restoration, including restoration timelines, actions customers may take to restore service; and options and hours to contact the utility for support relating to service restoration;
 - (V) a summary of charges, fees, and deposits to which a customer may be subject under paragraphs 3404(a) and 3403(j), with a description of how those amounts are calculated, explained in a way that enables a customer to estimate the full costs they may be assessed;
 - (VI) a description of the customer's options in the event of a dispute regarding billing or disconnection practices;
 - (VII) a description of the options available to an occupant of a service address who is not a customer of record and who has a court-ordered protection order against a customer of record for the service address, relating to past-due balances, service disconnection, restoration, and continuance at the service address, including initiating new service, transferring service, and the utility's practices, policies, and criteria for determining benefit of service for purposes of transferring a customer's balance to an occupant; and

- (VIII) a description of the utility's Demand-Side Management programs, including requirements to participate, the benefits of participating, and utility contact information relating to such programs.
- (g) Reporting requirements.
- (I) Annual Report. No later than March 1 of each calendar year, each utility shall file a report covering the prior calendar year in the miscellaneous proceeding for utility disconnection filings, using the form available on the Commission's website. The report shall provide data on residential customers by class and zip code and must also break down such data by income qualified customers, defined as customers participating in income qualified programs authorized by rule 3412 and the Low-Income Energy Assistance Program. For data provided in this report, paragraph 3033(b) shall not apply. The report shall contain the following information, displayed by quarter:
- (A) total number of unique customers;
 - (B) total dollar amount billed;
 - (C) total number of customers charged a late payment charge;
 - (D) total dollar amount of late payment charges collected;
 - (E) number of customers with an arrearage balance by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (F) dollar amount of arrearages by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (G) total number of disconnection notices sent;
 - (H) total number of disconnections for nonpayment;
 - (I) total number of service restorations after disconnections for nonpayment;
 - (J) average duration of disconnection for nonpayment by hours, measured from when the customer completes an action in paragraph 3409(b) to when service is restored;
 - (K) total dollar amount of deposits collected for restoring service that was disconnected for nonpayment;
 - (L) total number of deposits collected for restoring service that was disconnected for nonpayment;
 - (M) total number of new installment payment plans entered into;
 - (N) average repayment term of new installment payment plans entered into;

- (O) total dollar amount of fees collected for disconnecting service for nonpayment;
 - (P) total dollar amount of fees collected for restoring service that was disconnected for nonpayment;
 - (Q) total dollar amount of collection fees collected from customers whose service was disconnected for nonpayment; and
 - (R) total dollar amount of any other tariff-authorized charges or fees collected resulting from past due amounts, service disconnection for nonpayment, and restoring service that was disconnected for nonpayment.
- (II) Along with the items in subparagraph (g)(I), each utility shall file the following additional items.
- (A) A narrative containing the utility’s analysis of any trends or inconsistencies revealed by the data in the prior year including, at minimum, an analysis of:
 - (i) the total number of residential customers who were disconnected for nonpayment in the prior calendar year and percent of those customers who were disconnected for nonpayment multiple times; and
 - (ii) the total number of residential installment payment plans entered into in the prior calendar year, the average length of those installment payment plans, the number of residential installment payment plans completed, and the number of residential installment payment plans that were broken.
 - (B) Information about how the utility is working to reduce delinquencies and disconnections, including any actions the utility is taking specific to residential customers experiencing multiple disconnections in a calendar year, and a description of the efforts made to identify entities to which the utility refers customers for energy bill assistance.
- (h) Receipt of a qualifying communication. For purposes of compliance with § 40-3-103.6(3)(c)(II) and subparagraph 3001(hh)(II)(B), a customer “receives” the text or e-mail if:
- (I) the utility sends the text or email with customer assistance information to the text address or e-mail address previously provided by the customer to the utility; and
 - (II) the utility does not subsequently receive a “bounce back” or other message indicating the text address is invalid or the e-mail address is invalid.
- (i) Customer education and outreach strategy. A utility shall conduct at least one meeting with stakeholders and interested customers for the purpose of seeking input on its customer education and outreach strategy for conducting disconnections and reconnections during its multi-year strategy reporting period under paragraph 3407(j). The results of these meetings and a detailed summary of the customer education and outreach conducted will be reported as part of its first annual report due no later than March 1, 2024, and each subsequent reporting year.

- (j) Customer education and outreach multi-year strategy reporting. As part of its annual report due no later than March 1, 2024, a utility shall file a customer education and outreach strategy on residential and small commercial customer disconnections and reconnections covering a span of the next five years. As part of this filing, a utility shall provide an overview of its education and outreach efforts, including qualifying communications, disconnection and reconnection data and trends, and the tariffed rates for disconnection and reconnections. Additionally, if applicable, an electric utility shall provide an overview of its historical use of remote disconnections, including the time period in which such an electrical utility has used remote disconnections and reconnections. Upon filing of an initial multi-year strategy report, each utility shall file an update to its report every five years on March 1 of the relevant year. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.
- (k) Tariff. A utility shall file language to include in its tariff as cited below a requirement to report on its five-year customer education and outreach strategy, and if applicable, qualifying communications for reconnections. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.

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[indicates omission of unaffected rules]

3409. Restoration of Service.

- (a) Unless prevented from doing so by safety concerns or exigent circumstances, a utility shall restore, without additional fee or charge, any discontinued service which was not properly discontinued or restored as provided in rules 3407, 3408, and 3409.
- (b) A utility shall restore service if the customer does any of the following:
 - (I) pays in full the amount for regulated charges shown on the notice and any deposit and/or fees as may be specifically required by the utility's tariff in the event of discontinuance of service;
 - (II) pays any reconnection and collection charges specifically required by the utility's tariff, enters into an installment payment plan, and makes the first installment payment, unless the cause for discontinuance was the customer's breach of such an arrangement;
 - (III) presents a medical certificate, as provided in subparagraph 3407(e)(IV); or
 - (IV) demonstrates to the utility that the cause for discontinuance, if other than non-payment, has been cured.
- (c) A utility shall reconnect a customer's service on the same day as the customer requests reconnection, if the customer makes a payment or payment arrangement in accordance with the

utilities policies, requesting reconnection of service on a Monday through Friday that is not a holiday, and one of the following circumstances is met:

- (I) the customer has advanced metering infrastructure and has requested reconnection of service at least one hour before the close of business for the electric utility's customer service division; except that the utility may reconnect service on the day following a disconnection of service if there are internet connectivity, technical, or mechanical problems or emergency conditions that reasonably prevent the utility from remotely reconnecting the customer's service; or
- (II) the customer is without advanced metering infrastructure and has requested reconnection of service on or before 12:59 p.m.; except that, an electric utility or gas utility may reconnect the customer's service on the day following a disconnection if:
 - (A) prior to disconnection of the customer's service, the utility has made a qualifying communication with the customer; or
 - (B) an emergency or safety event or circumstance arises after disconnection of service that renders the utility's staff temporarily unavailable to safely reconnect service. If next-day reconnection of service is not possible due to the continuation of the emergency or safety event or circumstance, the utility shall reconnect the customer's service as soon as possible.
- (d) Unless prevented by an emergency or safety event or circumstance, a utility shall restore service to a customer who has completed an action in paragraph (b) within 24 hours (excluding weekends and holidays) of the time that the customer completes an action in paragraph (b), or within 12 hours of the time that the customer completes an action in paragraph (b) if the customer pays applicable after-hours charges and fees established in tariffs.
- (e) The utility must resolve doubts as to whether a customer has met the requirements for service restoration under paragraph (b) in favor of restoration.

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[indicates omission of unaffected rules]

3411. Low-Income Energy Assistance Act.

- (a) Scope and applicability.
 - (I) Rule 3411 is applicable to electric utilities, combined gas and electric utilities, and cooperative electric association except those exempted under (II) or (III). Pursuant to §§ 40-8.7-101 through 111, C.R.S., utilities are required to provide an opportunity for their customers to contribute an optional amount through the customers' monthly billing statement.

- (II) Municipally owned electric utilities, combined gas and electric utilities, or cooperative electric associations are exempt if:
 - (A) the utility operates an alternative energy assistance program to support its income qualified customers with their energy needs and self-certifies to the organization through written statement that its program meets the following criteria:
 - (i) the amount and method for funding of the program has been determined by the governing body; and
 - (ii) the program monies will be collected and distributed in a manner and under eligibility criteria determined by the governing body for the purpose of residential energy assistance to customers who are challenged with paying energy bills for financial reasons, including seniors on fixed incomes, individuals with disabilities, and income qualified individuals; or
 - (B) the governing body of the utility determines its service area has a limited number of people who qualify for energy assistance and self-certifies to the organization via written statement such determination.
- (III) A municipally owned electric utility, combined gas and electric utility, or cooperative electric association not exempt under subparagraph (II), is exempt if:
 - (A) the utility designs and implements a procedure to notify all customers at least twice each year of the option to conveniently contribute to the organization by means of a monthly energy assistance charge. Such procedure shall be approved by the governing utility. The governing body of such utility shall determine the disposition and delivery of the optional energy assistance charge that it collects on the following basis:
 - (i) delivering the collections to the organization for distribution; or
 - (ii) distributing the moneys under criteria developed by the governing body for the purpose set forth in subparagraph (II)(A)(ii).
 - (B) Alternatively, the utility provides funding for energy assistance to the organization by using a source of funding other than the optional customer contribution on each customer bill that approximates the amount reasonably expected to be collected from an optional charge on customer's bills.
- (IV) A municipally owned electric utility, combined gas and electric utility, or cooperative electric association that is exempt under subparagraph (III) shall be entitled to participate in the organization's low-income assistance program.
- (V) Electric utilities, combined gas and electric utilities, and cooperative electric associations that desire a change in status must inform the organization and file a notice to the Commission within 30 days prior to expected changes.

- (b) Definitions. The following definitions apply only in the context of rule 3411. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply:
- (I) “Alternative energy assistance program” means a program operated by a municipally owned electric and gas utility or rural electric cooperative that is not part of the energy assistance program established pursuant to this statute.
 - (II) “Customer” means the named holder of an individually metered account upon which charges for electricity or gas are paid to a utility. “Customer” shall not include a customer who receives electricity or gas for the sole purpose of reselling the electricity or gas to others.
 - (III) “Energy assistance program” or “Program” means the Low Income Energy Assistance Program created by § 40-8.7-104, C.R.S., and designed to provide financial assistance, residential energy efficiency, and energy conservation assistance.
 - (IV) “Organization” means Energy Outreach Colorado, a Colorado nonprofit corporation, formerly known as the Colorado Energy Assistance Foundation.
 - (V) “Remittance device” means the section of a customer’s utility bill statement that is returned to the utility company for payment. This includes but is not limited to paper payment stubs, web page files used to electronically collect payments, and electronic fund transfers.
 - (VI) “Utility” means a corporation, association, partnership, cooperative electric association, or municipally owned entity that provides retail electric service or retail gas service to customers in Colorado. “Utility” does not mean a propane company.
- (c) Plan implementation and maintenance.
- (I) Except as provided in paragraph 3411(a), each utility shall implement and maintain a customer opt-in contribution mechanism. The utility’s opt-in mechanism shall include, at minimum, the following provisions:
 - (A) A description of the procedures the utility will use to notify its customers, including those customers that make payments electronically, about the opt-in provision prior to September 1, 2006. Utilities may combine their efforts to notify customers into a single state-wide or region-wide effort consistent with the participating utilities communication programs. Each participating utility shall clearly identify its support of the combined communications program, with its corporate name and/or logo visible to the intended audience.
 - (B) A description of the additional efforts the utility will use to inform its customers about the program to ensure that adequate notice of the opt-in provision is given to all customers. Notification shall include communication to all customers that the donation and related information will be passed through to the Organization.
 - (C) A description of the check-off mechanism that will be displayed on the monthly remittance device to solicit voluntary donations. The remittance device shall

include, at minimum, check-off categories of five dollars, ten dollars, twenty dollars, and “other amount”. The remittance device must also note the name of the program as the “voluntary energy assistance program,” or if the utility is unable to identify the name of the program individually, the utility shall use a general energy assistance identifier approved by the Commission.

- (D) A description or an example of how the utility will display the voluntary contribution as a separate line item on the customer’s monthly billing statement and how the voluntary contribution will be included in the total amount due. The line item must identify the contribution as “voluntary”.
- (E) A description of the notification process that the utility will use to ensure that once a utility customer opts into the program, the energy assistance contribution will be assessed on a monthly basis until the customer notifies the utility of the customer’s desire to stop contributing. The utility shall describe how it will manage participation in the program when customers miss one or more voluntary payment, or pay less than the pre-selected donation amount.
- (F) Identification of the procedures the utility will use to notify customers of their ability to cancel or discontinue voluntary contributions along with a description of the mechanism the utility will use to allow customers who make electronic payments to discontinue their participation in the opt-in program.
- (G) A description of the procedures the utility will use, where feasible, to notify customers participating in the program about the customer’s ability to continue to contribute when the customer changes their address within the utility’s service territory.
- (H) A description of the method the utility will use to provide clear, periodic, and cost-effective notice of the opt-in provision to its customers at least twice per year. Acceptable methods include, but are not limited to, bill inserts, statements on the bill or envelope, and other utility communication pieces.
- (I) An estimate of the start-up costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate should include the utility’s initial costs of setting up the collection mechanism and reformatting its billing systems to solicit the optional contribution but shall not include the cost of any notification efforts by the utility. Utilities may elect to recover all start-up costs before the remaining moneys generated by the program are distributed to the Organization or over a period of time from the funds generated by the program, subject to Commission review and approval.
- (J) An estimate of the on-going costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate shall not include the cost of any notification efforts by the utility.
- (K) A detailed justification for the costs identified in subparagraphs (I) and (J). As stated in § 40-8.7-104(3), C.R.S., the costs incurred must be reasonable in connection with the program.

- (L) Utilities shall recover the startup cost and on-going cost of administration associated with the program from funds generated from the program. Insert and notification costs shall be considered in the utility's cost of service.
 - (M) A description of the procedures the utility will use to account for and process program donations separately from customer payments for utility services.
 - (II) Each utility shall participate in the energy assistance program consistent with its plan approved by the Commission and shall provide the opportunity for its customers to make an optional energy assistance contribution on the monthly remittance device on their utility billing.
 - (III) The utility may submit an application to the Commission no later than April 1 of each year for approval of reimbursement costs the utility incurred for the program during the previous calendar year. Such application shall include a proposed schedule for the reimbursement of these costs to the utility. The applications shall include detailed supporting justification for approval of these costs. Such detailed justification includes, but is not limited to, copies of receipts and time sheets. Such applications shall not seek reimbursement of costs related to notification efforts. Participating utilities may include reimbursement costs for such notification efforts in their periodic cost of service rate filings, subject to Commission review and approval.
 - (IV) A utility may seek modification of its initial plan or subsequent plans by filing an application with the Commission. Such application shall meet the requirements of (d)(I).
- (d) Fund administration.
- (I) At a minimum, each utility shall transfer the funds collected from its customers under the Energy assistance program to the organization under the following schedule:
 - (A) for the funds collected during the period of January 1 to March 31 of each year, the utility shall transfer the collected funds to the organization before May 1 of such year;
 - (B) for the funds collected during the period of April 1 to June 30 of each year, the utility shall transfer the collected funds to the organization before August 1 of such year;
 - (C) for the funds collected during the period of July 1 to September 30 of each year, the utility shall transfer the collected funds to the organization before November 1 of such year;
 - (D) for the funds collected during the period of October 1 to December 31 of each year, the utility shall transfer the collected funds to the organization before February 1 of the next year; and
 - (E) each utility shall maintain a separate accounting for all energy assistance program funds received by customers.

- (II) Each utility shall provide the organization with the following information.
 - (A) How the funds collected for the previous calendar year were generated, including the number of customers participating in the program. Such report shall include a summary of the number of program participants and funds collected by month, and shall be provided by February 1 of each year.
 - (B) At each time funds are remitted, a listing of all program participants including the donor's name, billing address, and monthly donation amount. The participant information provided to the organization shall be used exclusively for complying with the requirements of § 40-8.7-101, C.R.S., et seq. and state and federal laws.
- (III) The Commission shall submit, as necessary, a bill for payment to the organization for any administrative costs incurred pursuant to the program.
- (IV) The organization shall provide the Office of Utility Consumer Advocate and the Commission with a copy of the written report that is described in § 40-8.7-110, C.R.S. This report shall not contain individual participant information.
- (e) Prohibition of disconnection. Utilities shall not disconnect a customer's electric service for non-payment of optional contribution amounts.

3412. Electric Service Affordability Program.

- (a) Scope and applicability.
 - (I) Electric utilities with Colorado retail customers shall provide income qualified energy assistance by offering rates, charges, and services that grant a reasonable preference or advantage to residential income qualified customers, as permitted by § 40-3-106, C.R.S. Electric utilities shall use consistent naming for assistance programs: [Utility name] Affordability Program.
 - (II) Rule 3412 is applicable to investor-owned electric utilities subject to rate regulation by the Commission.
- (b) Definitions. The following definitions apply only in the context of rule 3412. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.
 - (I) "Administrative cost" means the utility's direct cost for labor (to include the cost of benefit loadings), materials, and other verifiable expenditures directly related to the administration and operation of the program not to exceed ten percent of the total cost of program credits applied against bills for current usage and pre-existing arrearages or \$10,000, whichever amount is greater.
 - (II) "Affordable percentage of income payment" means the amount of the participant's annual bill deemed affordable under subparagraph 3412(e)(I).

- (III) “Arrearage” means the past-due amount appearing, as of the date on which a participant newly enters the program, on the then most recent prior bill rendered to a participant for which they received the benefit of service.
- (IV) “Colorado Energy Office” means the Colorado Energy Office created in § 24-38.5-101, C.R.S.
- (V) “Eligible income qualified customer” means a residential utility customer who meets the household income thresholds pursuant to paragraph 3412(c).
- (VI) “Fixed credit” means an annual bill credit established at the beginning of a participant’s participation in a program each year delivered as a monthly credit on each participant’s bill. The fixed credit is the participant’s full annual bill minus the participant’s affordable percentage of income payment obligation on the full annual bill.
- (VII) “Full annual bill” means the current consumption of a participant billed at standard residential rates. The full annual bill of a participant is comprised of two parts: (1) that portion of the bill that is equal to the affordable percentage of income payment; and, (2) that portion of the bill that exceeds the affordable percentage of income payment.
- (VIII) “LEAP” means Low-Income Energy Assistance Program, a county-run, federally-funded, program supervised by the Colorado Department of Human Services, Division of Low-Income Energy Assistance.
- (IX) “LEAP participant” means a utility customer who at the time of applying to participate in a program has been determined to be eligible for LEAP benefits by the Department during either: (1) the Department’s current LEAP application period, if that period is open at the time the customer applies for program participation; or, (2) the Department’s most recently closed LEAP application period, if that period is closed at the time the customer applies to participate in the program and the Department’s next LEAP application period has not yet opened, provided, however, that in order to retain status as a LEAP participant under part (2) of this definition, the utility customer must apply to the Department during the Department’s next LEAP benefit application period and be determined eligible for such benefits.
- (X) “Non-participant” means a utility customer who is not receiving income qualified assistance under rule 3412.
- (XI) “Participant” means an eligible income qualified residential utility customer who is granted the reasonable preference or advantage through participation in an electric service low-income program.
- (XII) “Percentage of Income Payment Plan” (or “PIPP”) means a payment plan for participants that does not exceed an affordable percentage of their household income as set forth in subparagraph 3412(e)(I).
- (XIII) “Program” means an electric service low-income program approved under rule 3412.

- (XIV) “Program credits” means the amount of benefits provided to participants to offset the unaffordable portion of a participant’s utility bill and /or dollar amounts credited to participants for arrearage forgiveness.
 - (XV) “Unaffordable portion” means the amount of the estimated full annual bill that exceeds the affordable percentage of income payment.
- (c) Participant eligibility.
- (I) Eligible participants are limited to those who meet one or more of the following criteria:
 - (A) household income less than or equal to 200 percent of the federal poverty guideline;
 - (B) household income less than or equal to 80 percent of the area median income, as published annually by the United States Department of Housing and Urban Development; or
 - (C) qualification under income guidelines adopted by the Department of Human Services pursuant to § 40-8.5-105, C.R.S.
 - (II) The utility shall obtain the determination of a participant’s eligibility from the Department of Human Services, Energy Outreach Colorado, or the Colorado Energy Office.
 - (III) If a participant’s household income is \$0, the utility may establish a process that verifies income on a more frequent basis.
 - (IV) Program participants shall not be required to make payment on their utility account as a condition of entering into the program.
- (d) Enrollment. Utilities shall be responsible for the methods by which participant enrollment in their approved low-income program is obtained and sustained, however the utility should engage in enrollment processes that are efficient and attempt to maximize the potential benefits of participation in the low-income program by low-income customers.
- (e) Payment plan.
- (I) Participant payments for electric bills rendered to participants shall not exceed an affordable percentage of income payment. The percentage of a participant’s household income for which the participant is responsible shall be determined as follows:
 - (A) for electric accounts for which electricity is the primary heating fuel, participant payments shall be no lower than three percent and not greater than six percent of the participant’s household income; however, if the participant also has natural gas service from a regulated utility, participant payments shall not be greater than five percent of the participant’s household income; and

- (B) for electric accounts for which electricity is not the primary heating fuel, participant payments shall be no lower than two percent and not greater than three percent of the participant's household income.
- (II) In the event that a primary heating fuel for any particular participant has been identified by LEAP, that determination shall be final.
- (III) Notwithstanding the percentage of income limits established in subparagraph 3412(e)(I), a utility may establish minimum monthly payment amounts for participants with household income of \$0, provided that:
 - (A) the participant's minimum payment for an electric heating account shall be no more than \$20.00 a month; and
 - (B) the participant's minimum payment for an electric non-heating account shall be no more than \$10.00 a month.
- (IV) Full annual bill calculation. The utility shall be responsible for estimating a participant's full annual bill for the purpose of determining the unaffordable portion of the participant's full annual bill delivered as a fixed credit on the participant's monthly billing statement.
- (V) Fixed credit benefit. The fixed credit shall be adjusted during a program year in the event that standard residential rates, including commodity or fuel charges change to the extent that the full annual bill at the new rates would differ from the full annual bill upon which the fixed credits are currently based by 25 percent or more.
- (VI) Levelized budget billing participation. A utility may enroll participants in its levelized budget billing program as a condition of participation in the program, though the utility shall also allow participants the option to opt out of levelized budget billing if they so choose without losing PIPP benefits, which option shall be available to the participants where the utility's automated billing system is capable. Utilities without automated billing systems capable of permitting opt out of levelized budget billing shall reasonably and prudently modify their systems to facilitate opt out of levelized budget billing. Should a participant fail to meet monthly bill obligations and be placed by a utility in its regular delinquent collection cycle, the utility may remove the participant from levelized budget billing in accordance with the utility's levelized budget billing tariff.
- (VII) Arrearage credits.
 - (A) Arrearage credits shall be applied to pre-existing arrearages.
 - (B) Arrearage credits shall be sufficient to reduce, when combined with participant copayments, if any, the pre-existing arrearages to \$0.00 over a period not less than one month and not more than twenty-four months.
 - (C) Application of an arrearage credit to a participant account may be conditioned by the utility on one or more of the following:

- (i) the receipt of regular participant payments toward bills for current usage;
or
 - (ii) the payment of a participant copayment toward the arrearages so long as the participant's copayment total dollar amount does not exceed one percent of gross household income.
 - (D) Should the participant exit the program prior to the full forgiveness of all pre-existing arrearages, the amount of remaining pre-existing arrearages shall become due in accordance with the utility's tariff filed under rules 3401, 3407, and 3408.
 - (E) Pre-existing arrears under this subparagraph shall not serve as the basis for the termination of service for nonpayment or as the basis for any other utility collection activity while the customer is participating in the program.
 - (F) A participant may receive arrearage credits under this section even if that participant does not receive a credit toward current bills.
 - (VIII) Portability of benefits. A participant may continue to participate without reapplication should the participant change service addresses but remain within the service territory of the utility providing the benefit, provided that the utility may make necessary adjustments in the billing amount to reflect the changed circumstances. A participant who changes service addresses and does not remain within the service territory of the utility providing the benefit must reapply to become a participant at the participant's new service address.
 - (IX) Payment default provisions. Failure of a participant to make his or her monthly bill payments may result in a utility placing the participant in its regular collection cycle. Partial or late payments shall not result in the removal of a participant from the program.
- (f) Program implementation.
- Each utility shall maintain effective terms and conditions in its tariffs on file with the Commission containing its low-income program.
- (g) Cost recovery.
- (I) Each utility shall include in its income qualified tariff terms and conditions how costs of the program will be recovered.
 - (II) Program cost recovery.
 - (A) Program cost recovery shall be based on a fixed monthly fee.
 - (B) The maximum impact on residential rates shall be no more than \$1.00 per month.

- (C) In order to determine monthly rates applicable to rate classes other than residential, program costs shall be allocated to each retail rate based on each rate class's share of the test year revenue requirement established in the utility's last Phase II rate case, or under another reasonable methodology supported by quantifiable information. The monthly rate per this subparagraph to be charged each rate schedule customer shall be clearly stated on a tariff sheet.
- (D) Utilities shall separately account for the program year's program cost recovery and program and administrative costs to determine if the net of program cost recovery and program and administrative cost are in balance during the program year.
 - (i) No later than December 31 of each year, the utility shall file a report with the Commission in the most recent miscellaneous proceeding for annual low-income filings detailing the net difference between program cost recovery and program costs as of October 31 of each year.
 - (1) Should the net difference of program cost recovery over program and administrative costs be greater than 50 percent derived in (D) above, either positive or negative, and the utility is not currently at the maximum impact for non-participants, the utility shall file with the Commission an advice letter and tariff pages seeking approval for the rates determined in subparagraph 3412(g)(II)(D) in order to bring the projected recovery in balance for the ensuing 12 month period. The revised charge shall not exceed the maximum impact for non-participants in subparagraph 3412(g)(II)(C).
- (III) The following costs are eligible for recovery by a utility as program costs:
 - (A) program credits or discounts applied against bills for current usage.
 - (B) program credits applied against pre-existing arrearages.
 - (C) program administrative costs; and
 - (D) Commission-sponsored program evaluation costs required under paragraph 3412(k).
- (IV) The utility shall apply, as an offset to cost recovery, all program expenses attributable to the program. Program expenses include utility operating costs; changes in the return requirement on cash working capital for carrying arrearages; changes in the cost of credit and collection activities directly related to income qualified participants; and changes in uncollectable account costs for these participants.
- (V) LEAP grants. The utility may apply energy assistance grants provided to the participant by the LEAP program to the dollar value of credits granted to individual program participants.

- (A) If applying LEAP grants first, a utility shall apply any energy assistance benefit granted to the participant by LEAP to that portion of the program participant's full annual bill that exceeds the participant's affordable percentage of income payment.
 - (B) If the dollar value of the energy assistance grant is greater than the dollar value of the difference between the program participant's full annual bill and the participant's affordable percentage of income payment, the dollar amount by which the energy assistance grant exceeds the difference will be applied:
 - (i) first, to any pre-existing arrearages that at the time of the energy assistance grant continues to be outstanding; and
 - (ii) second, to the account of the program participant as a benefit to the participant.
 - (C) No portion of an energy assistance or LEAP grant provided to a program participant may be applied to the account of a participant other than the participant to whom the energy assistance grant was rendered.
 - (D) If an all-electric utility's income qualified customers do not benefit widely from LEAP grants, the utility shall not apply the dollar value of credits granted to individual LEAP grantees to the dollar value of credits granted to individual program participants.
- (h) Other programs. In addition to the utility's low-income program, with Commission approval, a utility may offer other rate relief options to eligible households.
- (I) Other programs offered by the utility under rule 3412 must be intended to reach income qualified households that do not substantially benefit from the provisions of the low-income program. Such programs may take the form of discount rates, tiered discount rates or other direct bill relief methods where the income qualified household benefitting from the program is granted a reasonable preference in tariffed rates assessed to all residential utility customers.
 - (II) Cost recovery for other programs combined with the Percentage of Income Payment Plan shall not exceed the maximum impact on residential rates described in subparagraph 3412(g)(II)(C).
- (i) Energy efficiency and weatherization.
- (I) The utility shall provide all program participants with information on energy efficiency programs offered by the utility or other entities and existing weatherization programs offered by the state of Colorado or other entities.
 - (II) The utility shall provide the Colorado Energy Office with the name and service address of participant households for which annual electricity usage exceeds 10,000 kWh annually.

- (j) Stakeholder engagement. A utility shall conduct annual meetings with income qualified stakeholders for the purpose of seeking solutions to issues of mutual concern and aligning program practices with the needs of customers and other stakeholders.
- (k) Program evaluation. A triennial evaluation of the program provisions under rule 3412 beginning in 2019 shall be undertaken in order to review best practices in similar low-income assistance programs in existence in other regulatory jurisdictions, as well as evaluate operation of each utility's program for effectiveness in achieving optimum support being provided to income qualified participants. The evaluation shall also recommend modifications if available that improve the delivery of benefits to participants and increase the efficiency and effectiveness of each program as they exist at the point of evaluation. The program evaluation shall include a customer needs assessment provided that adequate funds are available.
 - (I) Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders including, but not limited to, Commission staff, all Commission regulated electric and gas utilities, LEAP, the Office of Consumer Counsel, and Energy Outreach Colorado in the design of the requirements regarding study focus and final reporting.
 - (II) Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days.
 - (III) \$00.0013 per customer per month shall be set aside by the utility in order to fund the triennial evaluation of the program evaluation described in paragraph 3412(k).
 - (IV) The dollars resulting from the \$00.0013 charge shall be recovered as a program cost under subparagraph 3412(f)(IV).
 - (V) The evaluation will be filed by Commission staff in the most recent miscellaneous proceeding for annual low-income filings.
 - (VI) Staff and the CEO will assess the individual utilities' deferred balances set aside for the program evaluation starting in 2019 at the conclusion of the third program year and each three years thereafter and will determine the amounts each utility is to remit to the third party evaluator based on the contractual terms approved by the Commission for the evaluation.
- (l) Annual report. No later than December 31 of each year, each utility shall file a report in the most recent miscellaneous proceeding for annual low-income filings using the form available on the Commission's website based on each 12-month period ending October 31, and containing the following information:
 - (I) monthly information on the program including total number of participants, amount of benefit disbursement, type of benefit disbursement, LEAP benefits applied to the unaffordable portion of participant's bills, administrative costs, and revenue collection;
 - (II) the number of applicants for the program;

- (III) the number of applicants qualified for the program;
- (IV) the number of participants;
- (V) the average assistance provided, both mean and median;
- (VI) the maximum assistance provided to an individual participant;
- (VII) the minimum assistance provided to an individual participant;
- (VIII) total cost of the program and the average rate impact on non-participants by rate class, including impact based on typical monthly consumption of both its residential and small business customers;
- (IX) the number of participants that had service discontinued as a result of late payment or non-payment, and the amount of uncollectable revenue from participants;
- (X) an estimate of utility savings as a result of the implementation of the program (e.g., reduction in trips related to discontinuance of service, reduction in uncollectable revenue, etc.);
- (XI) the average monthly and annual total electric consumption in PIPP participants' homes;
- (XII) the average monthly and annual total electric consumption in the utility's residential customer's homes;
- (XIII) the number of program participants referred to the weatherization program;
- (XIV) the total dollar value of participant arrearages forgiven, the number of customers who had arrearage balances forgiven, and the maximum and minimum dollar value of arrears forgiven;
- (XV) a description of the ways in which the program is being integrated with existing energy efficiency, DSM, or behavioral programs offered by the utility;
- (XVI) a description of the ways in which the program is being integrated with existing weatherization programs offered by the state of Colorado;
- (XVII) a description of program outreach strategies and metrics that illustrate the effectiveness of each outreach strategy;
- (XVIII) a description of participant outreach, education, and engagement efforts, including descriptions of communications and materials, and key findings from those efforts;
- (XIX) the number of participants at the start of the program year that the utility removed for any reason, the number of participants who opted out of the program after enrollment, the number of potential participants rejected because of the existence of a cap on the program, the period of arrearage time from date participants became eligible and were granted arrearage forgiveness, and the number of participants who came back as eligible

participants in the program year after being eligible in a prior program year and were provided arrearage credits in the program year;

- (XX) a narrative summary of the utility’s recommended program modifications based on report findings; and
 - (XXI) a statement regarding whether the utility is accommodating PIPP participants’ requests to opt out of levelized budget billing pursuant to subparagraph 3412(e)(VI) and, if not, an explanation of why the utility believes it is not reasonable and prudent to modify its automated billing system to accommodate such requests. If the utility plans to accommodate such requests at any point in the upcoming year, a description of the plan, including the anticipated cost of the plan and the date that the functionality in its automated billing system will go online, must be included.
- (m) Energy Assistance System Benefit Charge. Beginning October 1, 2021, each utility shall include on its monthly bills a flat energy assistance system benefit charge of 50 cents, with this amount rising to 75 cents on October 1, 2022, and being adjusted for inflation in accordance with changes in the United States Department of Labor’s Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood beginning on October 1, 2023. The disposition of money collected by the Energy Assistance System Benefit Charge is determined by § 40-8.7-108, C.R.S.
- (l) Prior to October 1, 2023, and each year following, Commission staff shall compute the charge adjusted by the index and shall send a letter to each utility stating the charge to be paid by customers during the next calendar year.

* * * *

[indicates omission of unaffected rules]

3540. Data Access, Privacy and Confidentiality.

- (a) The utility shall disclose data necessary to implement these rules with appropriate levels of protection, considering sensitivity and public benefit. The utility shall identify and address the treatment of sensitive information in consideration of the objectives of DSP and as required by these rules.
- (b) The utility shall not disclose personal information, as defined in paragraph 1004(x), or customer data, as defined in paragraph 3001(k). Paragraph 3033(b) shall not apply to data releases under this rule.
- (c) In each DSP application filing made pursuant to rule 3529, the utility shall file a list of the information related to the resource plan proceeding that the utility claims is confidential and a list of the information that the utility claims is highly confidential, and its proposed treatment of the information. For good cause shown, the utility may seek to protect information as confidential or highly confidential by filing the appropriate motion under rule 1101 of the Commission’s Rules of Practice and Procedure in a timely manner.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-4

PART 4 RULES REGULATING GAS UTILITIES

4001. Definitions.

The following definitions apply throughout this Part 4, except where a specific rule or statute provides otherwise. In addition to the definitions here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

- (a) "Advanced metering infrastructure" means an integrated system of smart electric or gas utility meters and communication networks that enables two-way communication between an electric or gas utility's data systems and the meter's internet protocol address and allows the utility to measure usage and/or connect or disconnect service remotely.
- (ab) "Affiliate" of a utility means a subsidiary of a utility, a parent corporation of a utility, a joint venture organized as a separate corporation or partnership to the extent of the individual utility's involvement with the joint venture, a subsidiary of a parent corporation of a utility or where the utility or the parent corporation has a controlling interest over an entity.
- (bc) "Aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) or a compilation of customer data of one or more customers from which and personal information has been removed.
- (de) "Applicant for service" means a person who applies for utility service and who either has taken no previous utility service from that utility or has not taken utility service from that utility within the most recent 30 days.
- (ed) "Air Pollution Control Division" means the Air Pollution Control Division of the Colorado Department of Public Health and Environment established by § 25-1-102(2)(a), C.R.S.
- (fe) "Air Quality Control Commission" means the decision-making body within the Colorado Department of Public Health and Environment established by § 25-7-104, C.R.S., to oversee and promulgate the rules to administer Colorado's air quality programs.
- (gf) "Base rate" means charges used to recover costs of utility infrastructure and operations, including a return on capital investment, not otherwise recovered through a utility rate adjustment mechanism.

- (hg) "Basis Point" means one-hundredth of a percentage point (100 basis points = 1 percent).
- (ih) "Benefit of service" means the use of utility service by each person of legal age who resides at a premises to which service is delivered and who is not registered with the utility as the customer of record.
- (ij) "Best value employment metrics" means additional labor metrics required to be obtained by a utility from bidders and contractors for a utility construction contract, specifically, the length and type of training and apprenticeship programs available to the workforce, the percentage of labor estimated to be Colorado residents as compared to out-of-state workers, the number and type of long-term careers supported by the project, whether the workforce will be covered by a labor agreement, and the wage rates and health care and pension benefits, including employer pension contribution rates, provided to protect labor.
- (kj) "Biomethane" means:
- (I) a mixture of carbon dioxide and hydrocarbons released from the biological decomposition of organic materials that is primarily methane and provides a net reduction in greenhouse gas emissions; and
 - (II) includes biomethane recovered from manure management systems or anaerobic digesters that has been processed to meet pipeline quality gas standards.
- (lk) "Commission" means the Colorado Public Utilities Commission.
- (lm) "Contracted agent" means any person that has contracted with a utility in compliance with rule 4030 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (nm) "Cubic foot" means, as the context requires.
- (I) At Local Pressure Conditions. For the purpose of measuring gas to a customer at local pressure conditions, a cubic foot is that amount of gas which occupies a volume of one cubic foot under the conditions existing in the customer's meter as and where installed. When gas is metered at a pressure in excess of eight inches of water column gauge pressure, a suitable correction factor shall be applied to provide for measurement of gas as if delivered and metered at a pressure of six inches of water column gauge pressure. A utility may also apply appropriate factors to correct local pressure measurement to standard conditions.
 - (II) At Standard Conditions. For all other purposes, including testing gas, a standard cubic foot is that amount of gas at standard conditions which occupies a volume of one cubic foot.
- (oa) "Curtailement" means the inability of a transportation customer or a sales customer to receive gas due to a shortage of gas supply.
- (pe) "Customer" means any person who is currently receiving utility service. Any person who moves within a utility's service territory and obtains utility service at a new location within 30 days shall

be considered a "customer." Unless stated in a particular rule, "customer" applies to any class of customer as defined by the Commission or by utility tariff.

- (~~gf~~) "Customer data" means customer specific information, excluding personal information as defined in paragraph 1004(x), that is:
- (I) collected from the gas meter by the utility and stored in its data systems;
 - (II) combined with customer-specific energy usage information on bills issued to the customer for regulated utility service when not publicly or lawfully available to the general public; or
 - (III) about the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs.
- (~~rq~~) "Dekatherm" (Dth) means a measurement of gas commodity heat content. One Dekatherm is the energy equivalent of 1,000,000 British Thermal Units (1 MMBtu).
- (~~sf~~) "Dedicated recovered methane pipeline" means a conveyance of recovered methane that is not a part of a common carrier pipeline system, and which conveys recovered methane from where it is generated to a common carrier pipeline or to the end user in Colorado for which the recovered methane was produced so long as the recovered methane replaces geologic gas supplied by a gas distribution utility or small gas distribution utility.
- (~~ts~~) "Design peak demand" refers to the maximum gas flow rate projected for a utility system, or a portion thereof, which is utilized by a utility for gas infrastructure capacity planning.
- (~~ut~~) "Disproportionately impacted community" means a geographic area defined pursuant to § 40-2-108(3)(d), C.R.S., and as may be further modified by Commission rule or order. Mapping of such geographic areas shall be conducted in accordance with the best available mapping tool developed by the Colorado Department of Public Health and Environment, until such time as a different practice is adopted by Commission rule or order.
- (~~vt~~) "Distribution system" means the utility-owned piping and associated facilities used to deliver gas to customers, excluding facilities owned by a utility that are classified on the books and records of the utility as production, storage, or transmission facilities.
- (~~w~~) "Emergency or safety event or circumstance" means a manmade or natural emergency event or safety circumstance:
- (I) that prevents utility staff from being able to safely travel to or work at a customer's residence or place of business for purposes of reconnecting or making necessary repairs prior to reconnecting utility service; or
 - (II) for which a utility has dispatched utility staff members to help respond to the emergency or safety event or circumstance and, due to the timing or number of utility staff dispatched, the utility lacks sufficient trained staff to reconnect or make necessary repairs prior to reconnecting utility service at a customer's residence or place of business; and

(III) includes a severe weather event that one or more reputable weather forecasting sources forecasts to occur in the following twenty-four hours and that is more likely than not to result in dangerous travel or on-site outdoor or indoor work conditions for individuals in the path of the weather event.

- ~~(xv)~~ "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.
- ~~(yw)~~ "Gas" means natural or geological gas; hydrogen, or recovered methane, or any mixture thereof transported by a common carrier or dedicated pipeline; flammable gas; manufactured gas; petroleum or other hydrocarbon gases including propane; or any mixture of gases injected into a pipeline and transmitted, distributed, or furnished by any utility.
- ~~(zx)~~ "Income-qualified utility customer" or "low-income customer" is a customer meeting the requirements of § 40-3-106(1)(d)(II), C.R.S.
- ~~(aay)~~ "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure, 4 CCR 723-1.
- ~~(bbz)~~ "Interruption" means a utility's inability to provide transportation to a transportation customer, or its inability to serve a sales customer, due to constraints on the utility's pipeline system.
- ~~(ccaa)~~ "Intrastate transmission pipeline" or "ITP" means generally any person that provides gas transportation service for compensation to or for another person in the State of Colorado using transmission facilities rather than distribution facilities and is exempt from FERC jurisdiction.
- ~~(ddbb)~~ "Local distribution company" (LDC) means any person, other than an interstate pipeline or an intrastate transmission pipeline, engaged in the sale and distribution of gas for end-user consumption. A LDC may also perform transportation services for its end-use customers, for another LDC or its end-use customers, as authorized under its effective Colorado jurisdictional tariffs.
- ~~(eeee)~~ "Local government" means any Colorado county, municipality, city and county, home rule city or town, home rule city and county, or city or town operating under a territorial charter.
- ~~(ffed)~~ "Local office" means any Colorado office operated by a utility at which persons may make requests to establish or to discontinue utility service. If the utility does not operate an office in Colorado, "local office" means any office operated by a utility at which persons may make requests to establish or to discontinue utility service in Colorado.
- ~~(ggee)~~ "Mandatory relocation" means a project to relocate the utility's gas infrastructure as required by a federal, tribal, state, county, or local governmental body.
- ~~(hh#)~~ "Main" means a distribution line that serves, or is designed to serve, as a common source of supply for more than one service lateral.
- ~~(igg)~~ "Mcf" means 1,000 standard cubic feet.
- ~~(jjH)~~ "MMBtu" means 1,000,000 British Thermal Units, or one Dekatherm.

- (~~kkii~~) “Natural gas” or “geological gas” means methane or other hydrocarbons that occur underground without human intervention and may be used as fuel.
- (~~lljj~~) “Non-pipeline alternative” means programs, equipment, or actions that avoid, reduce, or delay the need for investment in certain types of new gas infrastructure and may include energy efficiency, demand response, and beneficial electrification.
- (~~mmkk~~) “Non-standard customer data” means all customer data that are not standard customer data.
- (~~nnll~~) “Past due” means the point at which a utility can affect a customer’s account for regulated service due to non-payment of charges for regulated service.
- (~~oopp~~) “Pipeline system” means the utility-owned piping and associated facilities used in the transmission or distribution of gas.
- (~~pprr~~) “Principal place of business” means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility’s operations in Colorado are located.
- (~~qqee~~) “Pressure district” means a localized area within a utility’s service territory whereby an established minimum and maximum pressure range is intended to be maintained and is distinct from neighboring regions.
- (~~rrpp~~) “Property owner” means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of real property is located to determine ownership of government record.
- (~~ssqq~~) “Pyrolysis” means the thermochemical decomposition of material at elevated temperatures without the participation of oxygen.
- (~~tt~~) “Qualifying communication” means one of the following methods of communicating with a utility customer about a possible upcoming disconnection of service:
- (I) a physical visit to the customer’s premises during which a utility representative speaks with the customer and provides the customer utility assistance information or, if the customer is not available to speak, leaves notice of proposed disconnection and utility assistance information for the customer’s review; or
- (II) a telephone call, text, or e-mail to the customer’s last-known telephone number or email address in which:
- (A) the utility representative provides the customer with notice of the proposed disconnection and utility assistance information; and
- (B) the utility representative either speaks directly with the customer over the telephone or the customer receives the utility representative’s text or email.
- (~~uu#~~) “Rate adjustment mechanism” or “rate rider” means a charge added to a utility bill to recover a specific cost that is not part of the base rate.

- (~~yyss~~) "Recovered methane" means any of the following that are located in the State of Colorado and meet the recovered methane protocol approved by the Air Quality Control Commission: biomethane; methane derived from municipal solid waste, the pyrolysis of municipal solid waste, biomass pyrolysis or enzymatic biomass, or wastewater treatment; coal mine methane as defined in § 40-2-124(1)(a)(II), C.R.S, the capture of which is not otherwise required by law; or methane that would have leaked without repairs of the gas distribution or service pipelines from the city gate to customer end use.
- (~~wwtt~~) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission, presented on a tariff sheet, or contained in a tariff of the utility.
- (~~xxuu~~) "Sales customer" or "full service customer" means a customer who receives sales service from a utility and is not served under a utility's gas transportation service at that same meter.
- (~~yyvv~~) "Sales service" means a bundled gas utility service in which the utility both purchases gas commodity for resale to the customer and delivers the gas to the customer.
- (~~zzww~~) "Security" includes any stock, bond, note, or other evidence of indebtedness.
- (~~aaax~~) "Service lateral" means that part of a distribution system from the utility's main to the entrance to a customer's physical location.
- (~~bbby~~) "Standard conditions" means gas at a temperature of 60 degrees Fahrenheit and subject to an absolute pressure equal to 14.73 pounds per square inch absolute.
- (~~cczz~~) "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- (~~ddaaa~~) "Standby capacity" means the maximum daily volumetric amount of capacity reserved in the utility's system for use by a transportation customer, if the customer purchased optional standby service.
- (~~eebbb~~) "Standby supply" means the daily volumetric amount of gas reserved by a utility for the use by a transportation customer should that customer's supply fail, if the customer purchased optional standby service.
- (~~ffeee~~) "Test year" means a twelve-month period that is examined to determine a utility's costs of service in a rate case.
- (~~ggddd~~) "Third party" means a person who is not the customer, an agent of the customer who has been designated by the customer with the utility and is acting on the customer's behalf, a regulated utility serving the customer, or a contracted agent of the utility.
- (~~hhhee~~) "Transportation" means the exchange, forward-haul, backhaul, flow reversal, or displacement of gas between a utility and a transportation customer through a pipeline system.
- (~~iiiff~~) "Transportation customer" means a person who, by signing a gas transportation agreement, elects to subscribe to gas transportation service offered by a utility.

~~(jjjggg)~~ "Unique identifier" means customer's name, mailing address, telephone number, or email address that is displayed on a bill.

~~(kkkhhh)~~ "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff, and are for service or merchandise not required as a condition of receiving regulated utility service.

~~(###lll)~~ "Utility" means a public utility as defined in § 40-1-103, C.R.S., providing sales service or transportation service (or both) in Colorado. This term includes both an ITP and a LDC.

~~(mmm)~~ "Utility assistance information" means information that a utility representative provides a customer informing the customer that the customer may contact 1-866-HEAT-HELP (1-866-432-8435) to determine if the customer qualifies for utility bill payment assistance.

~~(nnnjjj)~~ "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.

~~(oookkk)~~ "Whole building data" means the sum of the monthly gas use for either all service connections at a building on a parcel of real property or all buildings on a parcel of real property.

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[indicates omission of unaffected rules]

4102. Certificate of Public Convenience and Necessity for Facilities.

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[indicates omission of unaffected rules]

(XVI) for proposed facilities meeting the definition of a new business project or a capacity expansion project, as defined in subparagraphs 4553(a)(III)(B) and (C), the utility shall also present an analysis of alternatives including non-pipeline alternatives, costs for those alternatives, and criteria used to rank or eliminate such alternatives.

(A) An analysis of alternatives shall consider, at a minimum:

- (i) one or more applicable clean heat resources consistent with the utility's most recently approved clean heat plan, pursuant to rule 4732, demand side management plan, pursuant to rule 4753, or beneficial electrification plan, as applicable;
- (ii) a cost-benefit analysis including the costs of direct investment and the social costs of carbon and methane for emissions due to or avoided by the alternative, and other costs determined appropriate by the Commission; and
- (iii) available best value employment metrics associated with each alternative, as defined in paragraph 4001(~~jh~~), including a projection of

gas distribution jobs affected by the alternative and jobs made available through the alternative, opportunities to transition any affected gas distribution jobs to the alternative, pay and benefit levels of the affected gas distribution jobs and the jobs available through a transition opportunity, and how employment impacts associated with each alternative could affect disproportionately impacted communities.

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[indicates omission of unaffected rules]

4403. Applications for Service, Customer Deposits, and Third-Party Guarantee Arrangements.

- (a) A utility shall process an application for utility service that is made either orally or in writing and shall apply nondiscriminatory criteria with respect to the requirement of a deposit prior to commencement of service. Nondiscriminatory criteria means that no deposit or guarantee, or additional deposit or guarantee, shall be required by a utility because of race, sex, creed, national origin, marital status, age, number of dependents, source of income, disability, or geographical area of residence.
- (b) All utilities requiring deposits shall offer customers at least one payment alternative that does not require the use of the customer's social security number.
- (c) If billing records are available for a customer who has received past service from the utility, the utility shall not require that person to make new or additional deposits to guarantee payment of current bills unless the records indicate recent or substantial delinquencies.
- (d) A utility shall not require a deposit from an applicant for service who provides written documentation of a 12 consecutive month good payment history from the utility from which that person received similar service. For purposes of this paragraph, the 12 consecutive months must have ended no earlier than 60 days prior to the date of the application for service.
- (e) A utility shall not require a deposit from an applicant for service or restoration of service who is or was within the last 12 months, a participant in the Low-Income Energy Assistance Program or in ~~an low~~-income qualified program consistent with rule 4412, or who received energy bill assistance from Energy Outreach Colorado within the last 12 months.
- (f) If a utility uses credit scoring to determine whether to require a deposit from an applicant for service or a customer, the utility shall have a tariff that describes, for each scoring model that it uses, the credit scoring evaluation criteria and the credit score limit that triggers a deposit requirement.
- (g) If a utility uses credit scoring, prior payment history with the utility, or customer-provided prior payment history with a like utility as a criterion for establishing the need for a deposit, the utility shall include in its tariff the specific evaluation criteria that trigger the need for a deposit.
- (h) If a utility denies an application for service or requires a deposit as a condition of providing service, the utility immediately shall inform the applicant for service of the decision and shall

provide, within three business days, a written explanation to the applicant for service stating the specific reasons why the application for service has been denied or a deposit is required.

- (i) No utility shall require any surety other than either a deposit to secure payment for utility services or a third-party guarantee of payment in lieu of a deposit. In no event shall the furnishing of utility services or extension of utility facilities, or any indebtedness in connection therewith, result in a lien, mortgage, or other interest in any real or personal property of the customer unless such indebtedness has been reduced to a judgment. Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.
- (j) The total deposit a utility may require or hold at any one time shall not exceed an amount equal to an estimated 90 days' bill of the customer, except in the case of a customer whose bills are payable in advance of service, in which case the deposit shall not exceed an estimated 60 days' bill of the customer. The deposit may be in addition to any advance, contribution in aid of construction or guarantee required by the utility tariff in connection with construction of lines or facilities, as provided in the extension policy in the utility's tariffs. A deposit may be paid in installments.
- (k) A utility receiving deposits shall maintain records showing:
 - (I) the name of each customer making a deposit;
 - (II) the amount and date of the deposit;
 - (III) each transaction, such as the payment of interest or interest credited, concerning the deposit;
 - (IV) each premise where the customer receives service from the utility while the deposit is retained by the utility;
 - (V) if the deposit was returned to the customer, the date on which the deposit was returned to the customer; and
 - (VI) if the unclaimed deposit was paid to the energy assistance organization, the date on which the deposit was paid to the energy assistance organization.
- (l) Each utility shall state in its tariff its customer deposit policy for establishing or maintaining service. The tariff shall state the circumstances under which a deposit will be required and the circumstances under which it will be returned. A utility shall return any deposit paid by a customer who has made no more than two late payments in 12 consecutive months.
- (m) Each utility shall issue a receipt to every customer from whom a deposit is received. No utility shall refuse to return a deposit or any balance to which a customer may be entitled solely on the basis that the customer is unable to produce a receipt.

- (n) The payment of a deposit shall not relieve any customer from the obligation to pay current bills as they become due. A utility is not required to apply any deposit to any indebtedness of the customer to the utility, except for utility services due or past due after service is terminated.
- (o) A utility shall pay simple interest on a deposit at the percentage rate per annum as calculated by the Commission staff and in the manner provided in this paragraph.
 - (I) At the request of the customer, the interest shall be paid to the customer either on the return of the deposit or annually. The simple interest on a deposit shall be earned from the date the deposit is received by the utility to the date the customer is paid. At the option of the utility, interest payments may be paid directly to the customer or credited to the customer's account.
 - (II) The simple interest to be paid on a deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately preceding year) of the 12 monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, the Commission staff shall compute the interest rate to be paid. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on deposits during the next calendar year. Annually following receipt of Commission staff's letter, if necessary, a utility shall file by advice letter or application, as appropriate, a revised tariff, effective the first day of January of the following year, or on an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' deposits, except when there is no change in the rate of interest to be paid on such deposits.
- (p) A utility shall have tariffs concerning third-party guarantee arrangements and, pursuant to those tariffs, shall offer the option of a third party guarantee arrangement for use in lieu of a deposit. The following shall apply to third-party guarantee arrangements:
 - (I) an applicant for service or a customer may elect to use a third-party guarantor in lieu of paying a deposit;
 - (II) the third-party guarantee form, signed by both the third-party guarantor and the applicant for service or the customer, shall be provided to the utility;
 - (III) the utility may refuse to accept a third-party guarantee if the guarantor is not a customer in good standing at the time of the presentation of the guarantee to the utility;
 - (IV) the amount guaranteed shall not exceed the amount which the applicant for service or the customer would have been required to provide as a deposit;
 - (V) the guarantee shall remain in effect until the earlier of the following occurs:

- (A) the guarantee is terminated in writing by the guarantor;
 - (B) if the guarantor was a customer at the time of undertaking the guarantee, the guarantor ceases to be a customer of the utility; or
 - (C) the customer has established a satisfactory payment record, as defined in the utility's tariffs, for 12 consecutive months.
- (VI) Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.
- (q) A utility shall pay all unclaimed monies, as defined in § 40-8.5-103(5), C.R.S., that remain unclaimed for more than two years to the energy assistance organization. "Unclaimed monies" shall not include: undistributed refunds for overcharges subject to other statutory provisions and rules and credits to existing customers from cost adjustment mechanisms.
- (I) Monies shall be deemed unclaimed and presumed abandoned when left with the utility for more than two years after termination of the services for which the deposit or the construction advance was made or when left with the utility for more than two years after the deposit or the construction advance becomes payable to the customer pursuant to a final Commission order establishing the terms and conditions for the return of such deposit or advance and the utility has made reasonable efforts to locate the customer.
 - (II) Interest on a deposit shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the utility receives the deposit and ending on the date on which the deposit is paid to the energy assistance organization. If the utility does not pay the unclaimed deposit to the energy assistance organization within four months of the date on which the unclaimed deposition is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed deposit at the rate established pursuant to paragraph (o) of this rule plus six percent.
 - (III) If payable under the utility's line extension tariff provisions, interest on a construction advance shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the construction advance is deemed to be owed to the customer pursuant to the utility's extension policy and ending on the date on which the construction advance is paid to the energy assistance organization. If the utility does not pay the unclaimed construction advance to the energy assistance organization within four months of the date on which the unclaimed construction advance is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed construction advance at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (r) A utility shall resolve all inquiries regarding a customer's unclaimed monies and shall not refer such inquiries to the energy assistance organization.

- (s) If a utility has paid unclaimed monies to the energy assistance organization, a customer later makes an inquiry claiming those monies, and the utility resolves the inquiry by paying those monies to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.

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[indicates omission of unaffected rules]

4407. Discontinuance of Service.

- (a) A utility shall not discontinue the service of a customer for any reason other than the following:
 - (I) nonpayment of regulated charges;
 - (II) fraud or subterfuge;
 - (III) service diversion;
 - (IV) equipment tampering;
 - (V) safety concerns;
 - (VI) exigent circumstances;
 - (VII) discontinuance ordered by any appropriate governmental authority; or
 - (VIII) properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.
- (b) A utility shall apply nondiscriminatory criteria when determining whether to discontinue service for nonpayment. A utility shall not discontinue service for nonpayment of any of the following:
 - (I) any amount which has not appeared on a regular monthly bill or which is not past due. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the 31st day following the due date of current charges;
 - (II) any past due amount that is less than \$50;
 - (III) any amount due on another account now or previously held or guaranteed by the customer, or with respect to which the customer received service, unless the amount has first been transferred either to an account which is for the same class of service or to an account which the customer has agreed will secure the other account. Any amount so transferred shall be considered due on the regular due date of the bill on which it first appears and shall be subject to notice of discontinuance as if it had been billed for the first time;

- (IV) any amount due on an account on which the customer is or was neither the customer of record nor a guarantor, or any amount due from a previous occupant of the premises. This subparagraph does not apply if the customer is or was obtaining service through fraud or subterfuge or if paragraph 4401(c) applies;
 - (V) any amount due on an account for which the present customer is or was the customer of record, if another person established the account through fraud or subterfuge and without the customer's knowledge or consent;
 - (VI) any delinquent amount, unless the utility can supply billing records from the time the delinquency occurred;
 - (VII) any debt except that incurred for service rendered by the utility in Colorado;
 - (VIII) any unregulated charge; or
 - (IX) any amount which is the subject of a pending dispute or informal complaint under rule 4004.
- (c) If the utility discovers any connection or device installed on the customer's premises, including any energy-consuming device in the proximity of the utility's meter, which would prevent the meter from registering the actual amount of energy used, the utility shall do one of the following.
- (I) Remove or correct such devices or connections. If the utility takes this action, it shall leave at the premises a written notice which advises the customer of the violation, of the steps taken by the utility to correct it, and of the utility's ability to bill the customer for any estimated energy consumption not properly registered. This notice shall be left at the time the removal or correction occurs.
 - (II) Provide the customer with written notice that the device or connection must be removed or corrected within 15 days and that the customer may be billed for any estimated energy consumption not properly registered. If the utility elects to take this action and the device or connection is not removed or corrected within the 15 days permitted, then within seven calendar days from the expiration of the 15 days, the utility shall remove or correct the device or connection pursuant to subparagraph (c)(I) of this rule.
- (d) If a utility discovers evidence that any utility-owned equipment has been tampered with or that service has been diverted, the utility shall provide the customer with written notice of the discovery. The written notice shall inform the customer of the steps the utility will take to determine whether non-registration of energy consumption has or will occur and shall inform the customer that the customer may be billed for any estimated energy consumption not properly registered. The utility shall mail or hand-deliver the written notice within three calendar days of making the discovery of tampering or service diversion.
- (e) A utility shall not discontinue service, other than to address safety concerns or in exigent circumstances, if one of the following is met.

- (I) A customer at any time tenders full payment in accordance with the terms and conditions of the notice of discontinuance to a utility employee authorized to receive payment. Payment of a charge for a service call shall not be required to avoid discontinuance.
- (II) If a customer pays, on or before the expiration date of the notice of discontinuance, at least one-tenth of the amount shown on the notice and enters into an installment payment plan with the utility, as provided in rule 4404.
- (III) ~~If it is outside the hours of 8:00 a.m. and 4:00 p.m.; between 12:00 Noon on Friday and 8:00 a.m. the following Monday; between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday; or between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any day during which the utility's local office is not open.~~Outside the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday
- ~~(IV) Between the hours of 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday or day during which the utility's local office is closed.~~
- ~~(V) To the greatest extent practicable, a utility shall not disconnect a customer after 11:59 a.m. on a Monday through Thursday.~~
- (IV) Medical emergencies.
 - (A) A utility shall postpone service discontinuance to a residential customer for 90 days from the date of a medical certificate issued by a Colorado-licensed physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients which evidences that service discontinuance will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. A customer may invoke this subparagraph only once in any twelve consecutive months.
 - (B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who has already entered into a payment arrangement, but broke the arrangement prior to seeking a medical certificate, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.
 - (C) The medical certificate must be in writing (which includes electronic certificates and signatures and those provided electronically), sent to the utility from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, and clearly show the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients certifying the medical emergency. Such certificate is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.

- (D) A utility may accept notification by telephone from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, but a written medical certificate must be sent to the utility within ten days.

(VII) Weather provisions.

- (A) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 32 degrees Fahrenheit (32°F) or lower at any time during the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 4409. Nothing prohibits a utility from postponing service discontinuance when temperatures are warmer than these criteria.

- (B) A utility shall postpone service discontinuance to a residential customer during an emergency or safety event or circumstance impacting the local area.

- (f) In addition to its tariffs, a utility shall publish information related to its practices around delinquency, disconnection for nonpayment, and reconnection on its website. This information should be written in a manner that promotes customer understanding and must be produced in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information. A utility must include at least the following information:
 - (I) the customer's rights related to service disconnection, including medical and weather-based protections, timing restrictions on service disconnection, and options and hours to contact the utility for support relating to service disconnection;
 - (II) a summary of a customer's options to prevent service disconnection for nonpayment, including installment payment plan options, utility energy assistance and affordability programs, and eligibility requirements for such programs;
 - (III) referrals to organizations that provide energy payment assistance, including energy efficiency services, such as Energy Outreach Colorado, charities, nonprofits, and governmental entities that provide or administer funds for such assistance;
 - (IV) the customer's rights related to service restoration, including restoration timelines, actions customers may take to restore service, and options and hours to contact the utility for support relating to service restoration;
 - (V) a summary of charges, fees, and deposits to which a customer may be subject under paragraphs 4403(j) and 4404(a), with a description of how those amounts are calculated, explained in a way that enables a customer to estimate the full costs they may be assessed;
 - (VI) a description of the customer's options in the event of a dispute regarding billing or disconnection practices;

- (VII) a description of the options available to an occupant of a service address who is not a customer of record and who has a court-ordered protection order against a customer of record for the service address, relating to past-due balances, service disconnection, restoration, and continuance at the service address, including initiating new service, transferring service, and the utility's practices, policies, and criteria for determining benefit of service for purposes of transferring a customer of record's balance to an occupant; and
 - (VIII) a description of the utility's Demand-Side Management programs, including requirements to participate, the benefits of participating, and utility contact information relating to such programs.
- (g) Reporting requirements.
- (I) Annual Report. No later than March 1 of each calendar year, each utility shall file a report covering the prior calendar year in the miscellaneous proceeding for utility disconnection filings, using the form available on the Commission's website. The report shall provide data on residential customers by class and zip code and must also break down such data by ~~low~~-income qualified customers, defined as customers participating in ~~low~~-income qualified programs authorized by rule 4412 and the Low-Income Energy Assistance Program. For data provided in this report, paragraph 4033(b) shall not apply. The report shall contain the following information, displayed by quarter:
 - (A) total number of unique customers;
 - (B) total dollar amount billed;
 - (C) total number of unique customers charged a late payment charge;
 - (D) total dollar amount of late payment charges collected;
 - (E) number of unique customers with an arrearage balance by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (F) dollar amount of arrearages by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (G) total number of disconnection notices sent;
 - (H) total number of disconnections for nonpayment;
 - (I) total number of service restorations after disconnections for nonpayment;
 - (J) average duration of disconnection for nonpayment in hours, measured from when the customer completes an action in paragraph 4409(b) to when service is restored;
 - (K) total dollar amount of deposits collected for restoring service that was disconnected for nonpayment;

- (L) total number of deposits collected for restoring service that was disconnected for nonpayment;
 - (M) total number of new installment payment plans entered into;
 - (N) average repayment term of new installment payment plans entered into;
 - (O) total dollar amount of fees collected for disconnecting service for nonpayment;
 - (P) total dollar amount of fees collected for restoring service that was disconnected for nonpayment;
 - (Q) total dollar amount of collection fees collected from customers whose service was disconnected for nonpayment; and
 - (R) total dollar amount of any other tariff-authorized charges or fees collected resulting from past due amounts, service disconnection for nonpayment, and restoring service that was disconnected for nonpayment.
- (II) Along with the items in subparagraph (g)(I), each utility shall file the following additional items.
- (A) A narrative containing the utility's analysis of any trends or inconsistencies revealed by the reported data for the prior year including, at minimum, an analysis of:
 - (i) the total number of residential customers who were disconnected for nonpayment in the prior calendar year and percent of those customers who were disconnected for nonpayment multiple times; and
 - (ii) the total number of residential installment payment plans entered into in the prior calendar year, the average length of those installment payment plans, the number of residential installment payment plans completed, and the number of residential installment payment plans that were broken.
 - (B) Information about how the utility is working to reduce delinquencies and disconnections, including any actions the utility is taking specific to residential customers experiencing multiple disconnections in a calendar year, and a description of the efforts to identify and refer energy efficiency and bill assistance resources.

(h) Receipt of a qualifying communication. For purposes of compliance with § 40-3-103.6(3)(c)(II) and subparagraph 4001(tt)(II)(B), a customer "receives" the text or e-mail if:

(I) the utility sends the text or email with customer assistance information to the text address or e-mail address previously provided by the customer to the utility; and

- (II) the utility does not subsequently receive a “bounce back” or other message indicating the text address is invalid or the e-mail address is invalid.

- (i) Customer education and outreach strategy: A utility shall conduct at least one meeting with stakeholders and interested customers for the purpose of seeking input on its customer education and outreach strategy for conducting disconnections and reconnections during its multi-year strategy reporting period under paragraph 4407(j). The results of these meetings and a detailed summary of the customer education and outreach conducted will be reported as part of its first annual report due no later than March 1, 2024, and each subsequent reporting year.

- (j) Customer education and outreach multi-year strategy reporting: As part of its annual report due no later than March 1, 2024, a utility shall file a customer education and outreach strategy on residential and small commercial customer disconnections and reconnections covering a span of the next five years. As part of this filing, a utility shall provide an overview of its education and outreach efforts, including qualifying communications, disconnection and reconnection data and trends, and the tariffed rates for disconnection and reconnections. Upon filing of an initial multi-year strategy report, each utility shall file an update to its report every five years on March 1 of the relevant year. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.

- (k) Tariff: A utility shall file language to include in its tariff as cited below a requirement to report on its five-year customer education and outreach strategy, and if applicable, qualifying communications for reconnections. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.

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[indicates omission of unaffected rules]

4409. Restoration of Service.

- (a) Unless prevented from doing so by safety concerns, a utility shall restore, without additional fee or charge, any discontinued service which was not properly discontinued or restored as provided in rules 4407, 4408, and 4409.

- (b) A utility shall restore service if the customer does any of the following:
 - (I) pays in full the amount for regulated charges shown on the notice and any deposit and/or fees as may be specifically required by the utility's tariff in the event of discontinuance of service;

 - (II) pays any reconnection and collection charges specifically required by the utility's tariff, enters into an installment payment plan, and makes the first installment payment, unless the cause for discontinuance was the customer's breach of such an arrangement;

 - (III) presents a medical certificate, as provided in subparagraph 4407(e)(IV);

(IV) demonstrates to the utility that the cause for discontinuance, if other than non-payment, has been cured.

(c) A utility shall reconnect a customer's service on the same day as the customer requests reconnection, if the customer makes a payment or payment arrangement in accordance with the utility's policies, requesting reconnection of service on a Monday through Friday that is not a holiday and one of the following circumstances is met:

(I) the customer has advanced metering infrastructure and has requested reconnection of service at least one hour before the close of business for the utility's customer service division; except that the utility may reconnect service on the day following a disconnection of service if there are internet connectivity, technical, or mechanical problems or emergency conditions that reasonably prevent the utility from remotely reconnecting the customer's service; or,

(II) the customer is without advanced metering infrastructure or a gas utility customer and has requested reconnection of service on or before 12:59 p.m.; except that, an electric utility or gas utility may reconnect the customer's service on the day following a disconnection if:

(A) prior to disconnection of the customer's service, the utility has made a qualifying communication with the customer; or

(B) an emergency or safety event or circumstance arises after disconnection of service that renders the utility's staff temporarily unavailable to safely reconnect service. If next-day reconnection of service is not possible due to the continuation of the emergency or safety event or circumstance, the utility shall reconnect the customer's service as soon as possible.

(ed) Unless prevented by an emergency or safety event or circumstances~~safety concerns or exigent circumstances~~, a utility shall restore service to a customer who has completed an action in paragraph (b) within 24 hours (excluding weekends and holidays) of the time that the customer completes an action in paragraph (b), or within 12 hours of the time that the customer completes an action in paragraph (b) if the customer pays applicable after-hours charges and fees established in tariffs. ~~The utility must exercise its best efforts to restore service for customers meeting requirements of paragraph (b) on the same day of a service discontinuance.~~

(de) The utility must resolve doubts as to whether a customer has met the requirements for service restoration under paragraph (b) in favor of restoration.

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[indicates omission of unaffected rules]

4411. Low-Income Energy Assistance Act.

(a) Scope and applicability.

- (I) Rule 4411 is applicable to gas and combined gas and electric utility providers except those exempted under (II) or (III). Pursuant to §§ 40-8.7-101 through 111, C.R.S., utilities are required to provide an opportunity for their customers to contribute an optional amount through the customers' monthly billing statement.
- (II) Municipally owned gas or gas and electric utilities are exempt if:
 - (A) the utility operates an alternative energy assistance program to support its ~~low-~~income qualified customers with their energy needs and self-certifies to the Organization through written statement that its program meets the following criteria:
 - (i) the amount and method for funding of the program has been determined by the governing body; and
 - (ii) the program monies will be collected and distributed in a manner and under eligibility criteria determined by the governing body for the purpose of residential energy assistance to customers who are challenged with paying energy bills for financial reasons, including seniors on fixed incomes, individuals with disabilities, and ~~low-~~income qualified individuals, or,
 - (B) the governing body of the utility determines its service area has a limited number of people who qualify for energy assistance and self-certifies to the Organization via written statement such determination.
- (III) A municipally owned gas or gas and electric utility not exempt under subparagraph (a)(II) of this rule, is exempt if:
 - (A) the utility designs and implements a procedure to notify all customers at least twice each year of the option to conveniently contribute to the Organization by means of a monthly energy assistance charge. Such procedure shall be approved by the governing utility. The governing body of such utility shall determine the disposition and delivery of the optional energy assistance charge that it collects on the following basis:
 - (i) delivering the collections to the organization for distribution; or
 - (ii) distributing the moneys under criteria developed by the governing body for the purpose set forth in subparagraph (a)(II)(A)(ii) of this rule;
 - (B) alternatively, the utility provides funding for energy assistance to the Organization by using a source of funding other than the optional customer contribution on each customer bill that approximates the amount reasonably expected to be collected from an optional charge on customer's bills.
- (IV) A municipally gas or gas and electric utility that is exempt under subparagraph (a)(III) of this rule shall be entitled to participate in the Organization's low-income assistance program.

- (V) Gas or gas and electric utilities that desire a change in status must inform the Organization and file a notice to the Commission within 30 days prior to expected changes.
- (b) Definitions. The following definitions apply only in the context of rule 4411. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.
 - (I) “Alternative energy assistance program” means a program operated by a municipally owned electric and gas utility or rural electric cooperative that is not part of the energy assistance program established pursuant to this statute.
 - (II) “Customer” means the named holder of an individually metered account upon which charges for electricity or gas are paid to a utility. “Customer” shall not include a customer ~~that who~~ receives electricity or gas for the sole purpose of reselling the electricity or gas to others.
 - (III) “Energy assistance program” or “Program” means the Low Income Energy Assistance Program created by § 40-8.7-104, C.R.S., and designed to provide financial assistance, residential energy efficiency, and energy conservation assistance.
 - (IV) “Organization” means Energy Outreach Colorado, a Colorado nonprofit corporation.
 - (V) “Remittance device” means the section of a customer’s utility bill statement that is returned to the utility company for payment. This includes but is not limited to paper payment stubs, web page files used to electronically collect payments, and electronic fund transfers.
 - (VI) “Utility” means a corporation, association, partnership, cooperative electric association, or municipally owned entity that provides retail electric service or retail gas service to customers in Colorado. “Utility” does not mean a propane company.
- (c) Plan implementation and maintenance.
 - (I) Except as provided in paragraph 4411(a), each utility shall implement and maintain a customer opt-in contribution mechanism. The utility’s opt-in mechanism shall include, at minimum, the following provisions.
 - (A) A description of the procedures the utility will use to notify its customers, including those customers that make payments electronically, about the opt-in provision. Utilities may combine their efforts to notify customers into a single state-wide or region-wide effort consistent with the participating utilities communication programs. Each participating utility shall clearly identify its support of the combined communications program, with its corporate name and/or logo visible to the intended audience.
 - (B) A description of the additional efforts the utility will use to inform its customers about the program to ensure that adequate notice of the opt-in provision is given to all customers. Notification shall include communication to all customers that the donation and related information will be passed through to the Organization.

- (C) A description of the check-off mechanism that will be displayed on the monthly remittance device to solicit voluntary donations. The remittance device shall include, at minimum, check-off categories of five dollars, ten dollars, twenty dollars, and “other amount”. The remittance device must also note the name of the program as the “voluntary energy assistance program,” or if the utility is unable to identify the name of the program individually, the utility shall use a general energy assistance identifier approved by the Commission.
- (D) A description or an example of how the utility will display the voluntary contribution as a separate line item on the customer’s monthly billing statement and how the voluntary contribution will be included in the total amount due. The line item must identify the contribution as “voluntary”.
- (E) A description of the notification process that the utility will use to ensure that once a utility customer opts into the program, the energy assistance contribution will be assessed on a monthly basis until the customer notifies the utility of the customer’s desire to stop contributing. The utility shall describe how it will manage participation in the program when customers miss one or more voluntary payment, or pay less than the pre-selected donation amount.
- (F) Identification of the procedures the utility will use to notify customers of their ability to cancel or discontinue voluntary contributions along with a description of the mechanism the utility will use to allow customers who make electronic payments to discontinue their participation in the opt-in program.
- (G) A description of the procedures the utility will use, where feasible, to notify customers participating in the program about the customer’s ability to continue to contribute when the customer changes their address within the utility’s service territory.
- (H) A description of the method the utility will use to provide clear, periodic, and cost-effective notice of the opt-in provision to its customers at least twice per year. Acceptable methods include, but are not limited to, bill inserts, statements on the bill or envelope, and other utility communication pieces.
- (I) A description of the start-up costs that the utility incurred in connection with the program along with supporting detailed justification for such costs. The description should include the utility’s initial costs of setting up the collection mechanism and reformatting its billing systems to solicit the optional contribution but shall not include the cost of any notification efforts by the utility. Utilities may elect to recover all start-up costs before the remaining moneys generated by the program are distributed to the Organization or over a period of time from the funds generated by the program, subject to Commission review and approval.
- (J) An estimate of the on-going costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate shall not include the cost of any notification efforts by the utility.

- (K) A detailed justification for the costs identified in subparagraphs (I) and (J). As stated in § 40-8.7-104(3), C.R.S., the costs incurred must be reasonable in connection with the program.
 - (L) Utilities shall recover the start up cost and on-going cost of administration associated with the program from funds generated from the program. Insert and notification costs shall be considered in the utility's cost of service.
 - (M) A description of the procedures the utility will use to account for and process program donations separately from customer payments for utility services.
- (II) Each utility shall participate in the energy assistance program consistent with its plan approved by the Commission and shall provide the opportunity for its customers to make an optional energy assistance contribution on the monthly remittance device on their utility bill.
 - (III) The utility may submit an application to the Commission no later than April 1 of each year for approval of reimbursement costs the utility incurred for the program during the previous calendar year. Such application shall include a proposed schedule for the reimbursement of these costs to the utility. The applications shall include detailed supporting justification for approval of these costs. Such detailed justification includes, but is not limited to, copies of invoices and time sheets. Such applications shall not seek reimbursement of costs related to notification efforts. Participating utilities may request reimbursement costs for such notification efforts in base rate filings, subject to Commission review and approval.
 - (IV) A utility may seek modification of its initial plan or subsequent plans by filing an application with the Commission.
- (d) Fund administration.
 - (I) At a minimum, each utility shall transfer the funds collected from its customers under the energy assistance program to the organization under the following schedule:
 - (A) for the funds collected during the period of January 1 to March 31 of each year, the utility shall transfer the collected funds to the Organization before May 1 of such year;
 - (B) for the funds collected during the period of April 1 to June 30 of each year, the utility shall transfer the collected funds to the Organization before August 1 of such year;
 - (C) for the funds collected during the period of July 1 to September 30 of each year, the utility shall transfer the collected funds to the Organization before November 1 of such year;
 - (D) for the funds collected during the period of October 1 to December 31 of each year, the utility shall transfer the collected funds to the Organization before February 1 of the next year; and

- (E) each utility shall maintain a separate accounting for all energy assistance program funds received by customers.
- (II) Each utility shall provide the organization with the following information.
 - (A) How the funds collected for the previous calendar year were generated, including the number of customers participating in the program. Such report shall include a summary of the number of program participants and funds collected by month, and shall be provided by February 1 of each year.
 - (B) At each time funds are remitted, a listing of all program participants including the donor's name, billing address, and monthly donation amount. The participant information provided to the organization shall be used exclusively for complying with the requirements of § 40-8.7-101, C.R.S., et seq. and state and federal laws.
- (III) The Public Utilities Commission shall submit, as necessary, a bill for payment to the Organization for any administrative costs incurred pursuant to the program.
- (IV) The organization shall provide the Office of Utility Consumer Advocate and the Public Utilities Commission with a copy of the written report that is described in § 40-8.7-110, C.R.S. This report shall not contain individual participant information.
- (e) Prohibition of disconnection. Utilities shall not disconnect a customer's gas service for non-payment of optional contribution amounts.

4412. Gas Service Affordability Program.

- (a) Scope and applicability.
 - (I) Gas utilities with Colorado retail customers shall provide ~~low~~-income qualified energy assistance by offering rates, charges, and services that grant a reasonable preference or advantage to residential ~~low~~-income qualified customers, as permitted by § 40-3-106, C.R.S.
 - (II) Rule 4412 is applicable to investor-owned gas utilities subject to rate regulation by the Commission.
- (b) Definitions. The following definitions apply only in the context of rule 4412. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.
 - (I) "Administrative cost" means the utility's direct cost for labor (to include the cost of benefit loadings), materials, and other verifiable expenditures directly related to the administration and operation of the program not to exceed ten percent of the total cost of program credits applied against bills for current usage and pre-existing arrearages or \$10,000, whichever amount is greater.
 - (II) "Affordable percentage of income payment" means the amount of the participant's annual bill deemed affordable under subparagraph 4412(e)(I).

- (III) “Arrearage” means the past-due amount appearing, as of the date on which a participant newly enters the program, on the then most recent prior bill rendered to a participant for which they received the benefit of service.
- (IV) “Colorado Energy Office” (CEO) means the Colorado Energy Office created in § 24-38.5-101, C.R.S.
- (V) “Eligible ~~low~~-income qualified customer” means a residential utility customer who meets the household income thresholds pursuant to paragraph 4412(c).
- (VI) “Fixed credit” means an annual bill credit established at the beginning of a participant’s participation in a program each year delivered as a monthly credit on each participant’s bill. The fixed credit is the participant’s full annual bill minus the participant’s affordable percentage of income payment obligation on the full annual bill.
- (VII) “Full annual bill” means the current consumption of a participant billed at standard residential rates. The full annual bill of a participant is comprised of two parts: (1) that portion of the bill that is equal to the affordable percentage of income payment; and (2) that portion of the bill that exceeds the affordable percentage of income payment.
- (VIII) “LEAP” means Low-Income Energy Assistance Program, a county-run, federally-funded, program supervised by the Colorado Department of Human Services, Division of Low-Income Energy Assistance.
- (IX) “LEAP participant” means a utility customer who at the time of applying to participate in a program has been determined to be eligible for LEAP benefits by the Department during either the Department’s current LEAP application period, if that period is open at the time the customer applies for program participation; or (the Department’s most recently closed LEAP application period, if that period is closed at the time the customer applies to participate in the program and the Department’s next LEAP application period has not yet opened, provided, however, that in order to retain status as a LEAP participant under this definition, the utility customer must apply to the Department during the Department’s next LEAP benefit application period and be determined eligible for such benefits.
- (X) “Non-participant” means a utility customer who is not receiving ~~low~~-income qualified assistance under rule 4412.
- (XI) “Participant” means an eligible ~~low~~-income qualified residential utility customer who is granted the reasonable preference or advantage through participation in a gas service low-income program.
- (XII) “Percentage of Income Payment Plan” (PIPP) means a payment plan for participants that does not exceed an affordable percentage of their household income as set forth in subparagraph 4412(e)(I).
- (XIII) “Program” means a gas service low-income program approved under rule 4412.

- (XIV) “Program credits” means the amount of benefits provided to participants to offset the unaffordable portion of a participant’s utility bill and /or dollar amounts credited to participants for arrearage forgiveness.
 - (XV) “Unaffordable portion” means the amount of the estimated full annual bill that exceeds the affordable percentage of income payment.
- (c) Participant eligibility.
- (I) Eligible participants are limited to those who meet one or more of the following criteria:
 - (A) ~~median~~ household income less than or equal to 200 percent of the federal poverty guideline;
 - (B) ~~median~~ household income less than or equal to 80 percent of the area median income, as published annually by the United States Department of Housing and Urban Development; or
 - (C) qualification under income guidelines adopted by the Department of Human Services pursuant to § 40-8.5-105, C.R.S.
 - (II) The utility shall obtain the determination of a participant’s eligibility from the Department of Human Services, Energy Outreach Colorado, or the Colorado Energy Office.
 - (III) If a participant’s household income is \$0, the utility may establish a process that verifies income on a more frequent basis.
 - (IV) Program participants shall not be required to make payment on their utility account as a condition of entering into the program.
- (d) Enrollment. Utilities shall be responsible for the methods by which participant enrollment in their approved low-income program is obtained and sustained, however the utility should engage in enrollment processes that are efficient and attempt to maximize the potential benefits of participation in the low-income program by low-income customers.
- (e) Payment plan.
- (I) Participant payments for natural gas bills rendered to participants shall not exceed an affordable percentage of income payment. For accounts for which natural gas is the primary heating fuel, participant payments shall be no lower than two percent and not greater than three percent of the participant’s household income. For accounts for which electricity is the primary heating fuel but the participant also has natural gas service, utility participant payments for gas service shall not be greater than one percent of the participant’s household income.
 - (II) In the event that a primary heating fuel for any particular participant has been identified by LEAP, that determination shall be final.

- (III) Notwithstanding the percentage of income limits established in subparagraph 4412(e)(I), a utility may establish minimum monthly payment amounts for participants with household income of \$0, provided that the participant's minimum payment for a natural gas account shall be no more than \$10.00 a month.
- (IV) Full annual bill calculation. The utility shall be responsible for estimating a participant's full annual bill for the purpose of determining the unaffordable portion of the participant's full annual bill delivered as a fixed credit on the participant's monthly billing statement.
- (V) Fixed credit benefit. The fixed credit shall be adjusted during a program year in the event that standard residential rates, including commodity or fuel charges change to the extent that the full annual bill at the new rates would differ from the full annual bill upon which the fixed credits are currently based by 25 percent or more.
- (VI) Levelized budget billing participation. A utility may enroll participants in its levelized budget billing program as a condition of participation in the program, though the utility shall also allow participants the option to opt out of levelized budget billing if they so choose without losing PIPP benefits, which option shall be available to the participants where the utility's automated billing system is capable. Utilities without automated billing systems capable of permitting opt out of levelized budget billing shall reasonably and prudently modify their systems to facilitate opt out of levelized budget billing. Should a participant fail to meet monthly bill obligations and be placed by a utility in its regular delinquent collection cycle, the utility may remove the participant from levelized budget billing in accordance with the utility's levelized budget billing tariff.
- (VII) Arrearage credits.
 - (A) Arrearage credits shall be applied to pre-existing arrearages.
 - (B) Arrearage credits shall be sufficient to reduce, when combined with participant copayments, if any, the pre-existing arrearages to \$0.00 over a period not less than one month and not more than twenty-four months.
 - (C) Application of an arrearage credit to a participant account may be conditioned by the utility on one or more of the following:
 - (i) the receipt of regular participant payments toward bills for current usage; or
 - (ii) the payment of a participant copayment toward the arrearages so long as the participant's copayment total dollar amount does not exceed one percent of gross household income.
 - (D) Should the participant exit the program prior to the full forgiveness of all pre-existing arrearages, the amount of remaining pre-existing arrearages shall become due in accordance with the utility's tariff filed under rules 4401, 4407, and 4408.

- (E) Pre-existing arrears under this subparagraph shall not serve as the basis for the termination of service for nonpayment or as the basis for any other utility collection activity while the customer is participating in the program.
 - (F) A participant may receive arrearage credits under this section even if that participant does not receive a credit toward current bills.
- (VIII) Portability of benefits. A participant may continue to participate without reapplication should the participant change service addresses but remain within the service territory of the utility providing the benefit, provided that the utility may make necessary adjustments in the billing amount to reflect the changed circumstances. A participant who changes service addresses and does not remain within the service territory of the utility providing the benefit must reapply to become a participant at the participant's new service address.
- (IX) Payment default provisions. Failure of a participant to make his or her monthly bill payments may result in a utility placing the participant in its regular collection cycle. Partial or late payments shall not result in the removal of a participant from the program.
- (f) Program implementation.

Each utility shall maintain effective terms and conditions in its tariffs on file with the Commission describing its low-income program.

- (g) Cost recovery.
- (I) Each utility shall include in its ~~low~~-income qualified tariff terms and conditions how costs of the program will be recovered.
 - (II) Program cost recovery.
 - (A) Program cost recovery shall be based on a fixed monthly fee.
 - (B) The maximum impact on residential rates shall be no more than \$1.00 per month.
 - (C) In order to determine monthly rates applicable to rate classes other than residential, program costs shall be allocated to each retail rate based on each rate class's share of the test year revenue requirement established in the utility's last Phase II rate case, or under another reasonable methodology supported by quantifiable information. The monthly rate per this subparagraph to be charged each rate schedule customer shall be clearly stated on a tariff sheet.
 - (D) Utilities shall separately account for the program year's program cost recovery and program and administrative costs to determine if the net of program cost recovery and program and administrative cost are in balance during the program year.
 - (i) No later than December 31 of each year, the utility shall file a report with the Commission in the most recent miscellaneous proceeding for annual

low-income filings detailing the net difference between program cost recovery and program costs as of October 31 of each year.

- (1) Should the net difference of program cost recovery over program and administrative costs be greater than 50 percent derived in D) above, either positive or negative, and the utility is not currently at the maximum impact for non-participants, the utility shall file with the Commission an advice letter and tariff pages seeking approval for the rates determined in subparagraph 4412(g)(II)(D) in order to bring the projected recovery in balance for the ensuing 12 month period. The revised Residential charge shall not exceed the maximum impact for non-participants in subparagraph 4412(g)(II)(C).
- (III) The following costs are eligible for recovery by a utility as program costs:
 - (A) program credits or discounts applied against bills for current usage;
 - (B) program credits applied against pre-existing arrearages;
 - (C) program administrative costs; and
 - (D) Commission-sponsored program evaluation costs required under paragraph 4412(k).
 - (IV) The utility shall apply, as an offset to cost recovery, all program expenses attributable to the program. Program expenses include utility operating costs; changes in the return requirement on cash working capital for carrying arrearages; changes in the cost of credit and collection activities directly related to low-income qualified participants; and changes in uncollectable account costs for these participants.
 - (V) LEAP grants.
 - (A) The utility may apply energy assistance grants provided to the participant by the LEAP program to the dollar value of credits granted to individual program participants.
 - (B) If applying LEAP grants first, a utility shall apply any energy assistance benefit granted to the participant by LEAP to that portion of the program participant's full annual bill that exceeds the participant's affordable percentage of income payment.
 - (C) If the dollar value of the energy assistance grant is greater than the dollar value of the difference between the program participant's full annual bill and the participant's affordable percentage of income payment, the dollar amount by which the energy assistance grant exceeds the difference will be applied:
 - (i) first, to any pre-existing arrearages that at the time of the energy assistance grant continues to be outstanding; and

- (ii) second, to the account of the program participant as a benefit to the participant.
 - (D) No portion of an energy assistance or LEAP grant provided to a program participant may be applied to the account of a participant other than the participant to whom the energy assistance grant was rendered.
- (h) Other programs. In addition to the utility's low-income program, with Commission approval, a utility may offer other rate relief options to eligible households.
 - (I) Other programs offered by the utility under rule 4412 must be intended to reach ~~low-income~~ **qualified** households that do not substantially benefit from the provisions of the low-income program. Such programs may take the form of discount rates, tiered discount rates or other direct bill relief methods where the ~~low-income~~ **qualified** household benefitting from the program is granted a reasonable preference in tariffed rates assessed to all residential utility customers.
 - (II) Cost recovery for other programs combined with the Percentage of Income Payment Plan shall not exceed the maximum impact on residential rates described in subparagraph 4412(g)(II)(C).
- (i) Energy efficiency and weatherization.
 - (I) The utility shall provide all program participants with information on energy efficiency programs offered by the utility or other entities and existing weatherization programs offered by the state of Colorado or other entities.
 - (II) The utility shall provide the Colorado Energy Office with the name and service address of participant households for which annual natural gas usage exceeds 600 therms annually.
- (j) Stakeholder engagement. A utility shall conduct annual meetings with ~~low-income~~ **qualified** stakeholders for the purpose of seeking solutions to issues of mutual concern and aligning program practices with the needs of customers and other stakeholders.
- (k) Program evaluation. A triennial evaluation of the program provisions under rule 4412 beginning in 2019 shall be undertaken in order to review best practices in similar low-income assistance programs in existence in other regulatory jurisdictions, as well as evaluate operation of each utility's program for effectiveness in achieving optimum support being provided to ~~low-income~~ **qualified** participants. The evaluation shall also recommend modifications if available that improve the delivery of benefits to participants and increase the efficiency and effectiveness of each program as they exist at the point of evaluation. The program evaluation shall include a customer needs assessment provided that adequate funds are available.
 - (I) Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders including, but not limited to, Commission staff, all Commission regulated electric and gas utilities, LEAP, the Office of Consumer Counsel, and Energy Outreach Colorado in the design of the requirements regarding study focus and final reporting.

- (II) Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days.
 - (III) \$00.0013 per customer per month shall be set aside by the utility in order to cover the cost of the program evaluation described in paragraph 4412(k).
 - (IV) The dollars resulting from the \$00.0013 charge shall be recovered as a program cost under subparagraph 4412(g)(III).
 - (V) The evaluation will be filed by Commission staff in the most recent miscellaneous proceeding for annual low-income filings.
 - (VI) Staff and the CEO will assess the individual utilities' deferred balances set aside for the program evaluation starting in 2019 at the conclusion of the third program year and each three years thereafter and will determine the amounts each utility is to remit to the third party evaluator based on the contractual terms approved by the Commission for the evaluation.
- (I) Annual report. No later than December 31 of each year, each utility shall file a report in the most recent miscellaneous proceeding established by the Commission to receive annual low-income filings using the form available on the Commission's website, based on the 12-month period ending October 31 and containing the following information below:
- (I) monthly information on the program including number of participants, amount of benefit disbursement, type of benefit disbursement, LEAP benefits applied to the unaffordable portion of participant's bills, administrative costs, and revenue collection;
 - (II) the number of applicants for the program;
 - (III) the number of applicants qualified for the program;
 - (IV) the number of participants;
 - (V) the average assistance provided, both mean and median;
 - (VI) the maximum assistance provided to an individual participant;
 - (VII) the minimum assistance provided to an individual participant;
 - (VIII) total cost of the program and the average rate impact on non-participants by rate class, including impact based on typical monthly consumption of both its residential and small business customers;
 - (IX) the number of participants that had service discontinued as a result of late payment or non-payment, and the amount of uncollectable revenue from participants;

- (X) an estimate of utility savings as a result of the implementation of the program (e.g., reduction in trips related to discontinuance of service, reduction in uncollectable revenue, etc.);
 - (XI) the average monthly and annual total natural gas consumption in PIPP participants' homes;
 - (XII) the average monthly and annual total natural gas consumption in the utility's residential customer's homes;
 - (XIII) the number of program participants referred to the weatherization program;
 - (XIV) the total dollar value of participant arrearages forgiven, the number of customers who had arrearage balances forgiven, and the maximum and minimum dollar value of arrears forgiven;
 - (XV) a description of the ways in which the program is being integrated with existing energy efficiency, DSM, or behavioral programs offered by the utility;
 - (XVI) a description of the ways in which the program is being integrated with existing weatherization programs offered by the state of Colorado;
 - (XVII) a description of program outreach strategies and metrics that illustrate the effectiveness of each outreach strategy;
 - (XVIII) a description of participant outreach, education, and engagement efforts, including descriptions of communications and materials, and key findings from those efforts;
 - (XIX) the number of participants at the start of the program year that the utility removed for any reason, the number of participants who opted out of the program after enrollment, the number of potential participants rejected because of the existence of a cap on the program, the period of arrearage time from date participants became eligible and were granted arrearage forgiveness, and the number of participants who came back as eligible participants in the program year after being eligible in a prior program year and were provided arrearage credits in the program year;
 - (XX) a narrative summary of the utility's recommended program modifications based on report findings; and
 - (XXI) a statement regarding whether the utility is accommodating PIPP participants' requests to opt out of levelized budget billing pursuant to subparagraph 4412(e)(VI) and, if not, an explanation of why the utility believes it is not reasonable and prudent to modify its automated billing system to accommodate such requests. If the utility plans to accommodate such requests at any point in the upcoming year, a description of the plan, including the anticipated cost of the plan and the date that the functionality in its automated billing system will go online, must be included.
- (m) Energy Assistance System Benefit Charge. Beginning October 1, 2021, each utility shall include on its monthly bills a flat energy assistance system benefit charge of 50 cents, with this amount

rising to 75 cents on October 1, 2022, and being adjusted for inflation in accordance with changes in the United States Department of Labor’s Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood beginning on October 1, 2023. The disposition of money collected by the Energy Assistance System Benefit Charge is determined by § 40-8.7-108, C.R.S.

- (I) Prior to October 1, 2023, and each year following, Commission staff shall compute the charge adjusted by the index and shall send a letter to each utility stating the charge to be paid by customers during the next calendar year.

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[indicates omission of unaffected rules]

4553. Contents of a Gas Infrastructure Plan.

(a) General.

- (I) The utility shall describe in each gas infrastructure plan the methodology, criteria, and assumptions used to develop the gas infrastructure plan. The utility shall specifically describe its system planning and infrastructure modeling process including the assumptions and variables that are inputs into the process.
- (II) The utility shall describe its budget planning processes and the expected level of accuracy in its cost projections.
- (III) The utility shall categorize planned projects, or explain any deviation of project categorization, based on the categories set forth below. A planned project may be included in more than one category or subcategory. The utility shall also explain the inter-relationship of planned projects, to the extent applicable.
 - (A) “System safety and integrity projects” shall include but are not limited to pipeline and storage integrity management programs; exposed pipe inspection and remediation; pipe or compressor station upgrades; projects undertaken to meet U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration requirements; and Supervisory Control and Data Acquisition (SCADA) upgrades.
 - (B) “New business projects” shall include utility investment and spending needed to provide gas service to new customers or customers requiring new gas service.
 - (C) “Capacity expansion projects” shall include both individual projects and sets of inter-related facilities needed to maintain system reliability and meet a specified capacity expansion need. Within the category of capacity expansion projects, the utility shall further separate appropriate projects into the following sub-categories:
 - (i) capacity expansion projects needed for reliability or growth in sales by existing customers, structures, and facilities; and

(ii) capacity expansion projects needed for growth in sales due to new customers, structures, and facilities, that are not otherwise new business planned projects.

(D) “Mandatory relocation projects” as defined in paragraph 4001(~~ggdd~~).

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[indicates omission of unaffected rules]

(c) Planned project information.

(I) The utility shall present the following project-specific information for all planned projects in the gas infrastructure plan total period, with information provided to the extent practicable for projects in the gas infrastructure plan informational period:

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[indicates omission of unaffected rules]

(P) for a quantity of new business and capacity expansion projects, given the criteria established by the Commission in accordance with subparagraph 4552(b)(l)(A) through (C), the utility shall present an analysis of alternatives, including non-pipeline alternatives, costs for those alternatives, and criteria used to rank or eliminate such alternatives.

(i) An analysis of alternatives shall consider, at a minimum:

- (1) one or more applicable clean heat resources consistent with the utility’s most recently approved clean heat plan, pursuant to rule 4732, demand side management plan, pursuant to rule 4753, or beneficial electrification plan, as applicable;
- (2) a cost-benefit analysis including the costs of direct investment and the social costs of carbon and methane for emissions due to or avoided by the alternative, and other costs determined appropriate by the Commission; and
- (3) available best value employment metrics associated with each alternative, as defined in paragraph 4001(~~jh~~), including a projection of gas distribution jobs affected by the alternative and jobs made available through the alternative, opportunities to transition any affected gas distribution jobs to the alternative, pay and benefit levels of the affected gas distribution jobs and the jobs available through a transition opportunity, and how employment impacts associated with each alternative could affect disproportionately impacted communities.

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[indicates omission of unaffected rules]

4731. Clean Heat Plan Application Requirements.

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[indicates omission of unaffected rules]

(f) Project-based information.

(l) It is the Commission’s policy that utilities should acquire clean heat resources in the most cost-effective manner. To this end, the utility shall use competitive solicitations to the maximum extent practical.

(A) If a utility’s clean heat plan includes the purchase or development of green hydrogen, the utility must include the gross quantity of green hydrogen transported by a common carrier or dedicated pipeline on an annual basis and the corresponding Btu content.

(B) With the exception of a green hydrogen project proposed in coordination with the State of Colorado, to secure benefits under a federal law, or as part of a State of Colorado application for a hydrogen hub, a proposal for a green hydrogen project shall include a competitive solicitation proposal, which shall include, at minimum, the following information:

- (1) a copy of the request for proposals to be offered in the competitive solicitation;
- (2) an explanation of required milestones and development-related penalties;
- (3) the timing of the competitive solicitation and review and negotiation processes;
- (4) a copy of the proposed contract to be signed by the utility and any third-party entity;
- (5) the utility’s standards for interconnection, including purity standards and metering methods; and
- (6) an explanation of how best value employment metrics, as defined in paragraph 4001(jh), will be evaluated in the utility’s review of bids.

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[indicates omission of unaffected rules]

4732. Approval of a Clean Heat Plan.

- (b) In evaluating whether the clean heat plan is in the public interest, the Commission shall consider, at a minimum, the following factors:

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[indicates omission of unaffected rules]

- (VI) whether the plan provides long-term impacts on Colorado’s utility workforce as part of a just transition including consideration of the labor metrics and benefits as specified in § 40-3.2-108(8), C.R.S., and defined in ~~rule-paragraph~~ 4001(jh); and

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[indicates omission of unaffected rules]

4733. Interim Clean Heat Plan Reporting.

- (a) By March 31 in all calendar years that a clean heat plan application is not submitted, each utility shall submit to the Commission an annual clean heat plan report that shows, pursuant to its approved clean heat plans:

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[indicates omission of unaffected rules]

- (VII) detailed information obtained from contractors about their use of Colorado-based labor, use of contractors participating in apprenticeship programs meeting the criteria in § 40-3.2-105.5(3), C.R.S., use of out-of-state labor to construct and deliver clean heat resources, and other labor metrics and information as specified in § 40-3.2-108(8), C.R.S., and defined in paragraph 4001(jh);

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[indicates omission of unaffected rules]

4753. Periodic DSM Plan Filing.

Each utility shall periodically file, in accordance with paragraph 4752(e), a prospective natural gas DSM plan that covers a DSM period of three years, unless otherwise ordered by the Commission. The plan shall include the following information:

- (a) the utility’s proposed expenditures by year for each DSM program, by budget category; the sum of these expenditures represents the utility’s proposed expenditure target as required by § 40-3.2-103(2)(a), C.R.S.;

- (b) the utility's estimated natural gas energy savings over the lifetimes of the measures implemented in a given annual DSM program period, expressed in dekatherms per dollar of expenditure, and presented for each DSM program proposed for Commission approval; this represents the utility's proposed savings target required by § 40-3.2-103(2)(b), C.R.S.;
- (c) the anticipated units of energy to be saved annually by a given annual DSM program, which equals the product of the proposed expenditure target and proposed savings target; this product is referred to herein as the energy target;
- (d) the estimated dollar per therm value that represents the utility's annual fixed costs that are recovered through commodity sales on a per therm basis;
- (e) the utility shall include in its DSM plan application data and information sufficient to describe the design, implementation, oversight and cost effectiveness of the DSM programs. Such data and information shall include, at a minimum, program budgets delineated by year, estimated participation rates and program savings (in therms);
- (f) in the information and data provided in a proposed DSM plan, the utility shall reflect consideration of the factors set forth in the Overview and Purpose, rule 4750. At a minimum the utility shall provide the following information detailing how it developed its proposed DSM program:
 - (I) descriptions of identifiable market segments, with respect to gas usage and unique characteristics;
 - (II) a comprehensive list of DSM measures that the utility is proposing for inclusion in its DSM plan;
 - (III) a detailed analysis of proposed DSM programs for a utility's service territory in terms of markets, customer classes, anticipated participation rates (as a number and a percent of the market), estimated energy savings and cost effectiveness;
 - (IV) a ranking of proposed DSM programs, from greatest value and potential to least, based upon the data required in subparagraph (f)(III);
 - (V) proposed marketing strategies to promote participation based on industry best practices;
 - (VI) calculation of cost effectiveness of the proposed DSM programs using a modified TRC test. Each proposed DSM program is to have a projected value greater than or equal to 1.0 using a modified TRC test, except as provided for in paragraph 4753 (g); and
 - (VII) an analysis of the impact of the proposed DSM program expenditures on utility rates, assuming a 12-month cost recovery period.
- (g) In its DSM plan, the utility shall address how it proposes to target DSM services to ~~low-income~~ qualified customers. The utility shall also address whether it proposes to provide DSM services directly or indirectly through financial support of conservation programs for ~~low-income~~ qualified households administered by the State of Colorado, as authorized by § 40-3.2-103(3)(a), C.R.S. The utility may propose one or more ~~low-income~~ DSM programs for income qualified customers

or customers in disproportionately impacted communities that yield a modified TRC test value below 1.0.

- (h) In proposing an expenditure target for Commission approval, pursuant to § 40-3.2-103 (2)(a), C.R.S., the utility shall comply with the following:
 - (I) the utility's annual expenditure target for DSM programs shall be, at a minimum, two percent of a natural gas utility's base rate revenues, (exclusive of commodity costs), from its sales customers in the 12-month calendar period prior to setting the targets, or one-half of one percent of total revenues from its sales customers in the 12-month calendar period prior to setting the targets, whichever is greater;
 - (II) the utility may propose an expenditure target in excess of two percent of base rate revenues; and
 - (III) funds spent for education programs, market transformation programs and impact and process evaluations and program planning related to natural gas DSM programs may be recovered without having to show that such expenditures, on an independent basis, are cost-effective; such costs shall be included in the overall benefit/cost ratio analysis.
- (i) The utility shall propose a budget to achieve the expenditure target proposed in paragraph 4753 (a). The budget shall be detailed for the overall DSM plan and for each program for each year and shall be categorized into:
 - (I) planning and design costs;
 - (II) administrative and DSM program delivery costs;
 - (III) advertising and promotional costs, including DSM education;
 - (IV) customer incentive costs;
 - (V) equipment and installation costs;
 - (VI) measurement and verification costs; and
 - (VII) miscellaneous costs.
- (j) The budget shall explain anticipated increases/decreases in financial resources and human resources from year to year.
- (k) A utility may spend more than the annual expenditure target established by the Commission up to 25 percent over the target, without being required to submit a proposed DSM plan amendment. A utility may submit a proposed DSM plan amendment for approval when expenditures are in excess of 25 percent over the expenditure target.
- (l) As a part of its DSM plan, each utility shall propose a DSM plan with a benefit/cost value of unity (1) or greater, using a modified TRC test.

- (m) For the purposes of calculating a modified TRC, the non-energy benefits of avoided emissions and societal impacts shall be incorporated as follows.
 - (l) The initial TRC ratio, which excludes consideration of avoided emissions and other societal benefits, shall be multiplied by 1.05 to reflect the value of the avoided emissions and other societal benefits. The result shall be the modified TRC. A utility may propose for approval a different factor for avoided emissions and societal impacts, but must submit documentation substantiating the proposed value.
- (n) Measurement and verification (M & V) plan. The utility shall describe in complete detail how it proposes to monitor and evaluate the implementation of its proposed programs. The utility shall explain how it will accumulate and validate the information needed to measure the plan's performance against the standards, pursuant to rule 4755. The utility shall propose measurement and verification reporting sufficient to communicate results to the commission in a detailed, accurate and timely basis.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-4

PART 4 RULES REGULATING GAS UTILITIES

4001. Definitions.

The following definitions apply throughout this Part 4, except where a specific rule or statute provides otherwise. In addition to the definitions here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

- (a) "Advanced metering infrastructure" means an integrated system of smart electric or gas utility meters and communication networks that enables two-way communication between an electric or gas utility's data systems and the meter's internet protocol address and allows the utility to measure usage and/or connect or disconnect service remotely.
- (b) "Affiliate" of a utility means a subsidiary of a utility, a parent corporation of a utility, a joint venture organized as a separate corporation or partnership to the extent of the individual utility's involvement with the joint venture, a subsidiary of a parent corporation of a utility or where the utility or the parent corporation has a controlling interest over an entity.
- (c) "Aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) or a compilation of customer data of one or more customers from which and personal information has been removed.
- (d) "Applicant for service" means a person who applies for utility service and who either has taken no previous utility service from that utility or has not taken utility service from that utility within the most recent 30 days.
- (e) "Air Pollution Control Division" means the Air Pollution Control Division of the Colorado Department of Public Health and Environment established by § 25-1-102(2)(a), C.R.S.
- (f) "Air Quality Control Commission" means the decision-making body within the Colorado Department of Public Health and Environment established by § 25-7-104, C.R.S., to oversee and promulgate the rules to administer Colorado's air quality programs.
- (g) "Base rate" means charges used to recover costs of utility infrastructure and operations, including a return on capital investment, not otherwise recovered through a utility rate adjustment mechanism.

- (h) "Basis Point" means one-hundredth of a percentage point (100 basis points = 1 percent).
- (i) "Benefit of service" means the use of utility service by each person of legal age who resides at a premises to which service is delivered and who is not registered with the utility as the customer of record.
- (j) "Best value employment metrics" means additional labor metrics required to be obtained by a utility from bidders and contractors for a utility construction contract, specifically, the length and type of training and apprenticeship programs available to the workforce, the percentage of labor estimated to be Colorado residents as compared to out-of-state workers, the number and type of long-term careers supported by the project, whether the workforce will be covered by a labor agreement, and the wage rates and health care and pension benefits, including employer pension contribution rates, provided to protect labor.
- (k) "Biomethane" means:
 - (I) a mixture of carbon dioxide and hydrocarbons released from the biological decomposition of organic materials that is primarily methane and provides a net reduction in greenhouse gas emissions; and
 - (II) includes biomethane recovered from manure management systems or anaerobic digesters that has been processed to meet pipeline quality gas standards.
- (l) "Commission" means the Colorado Public Utilities Commission.
- (m) "Contracted agent" means any person that has contracted with a utility in compliance with rule 4030 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (n) "Cubic foot" means, as the context requires.
 - (I) At Local Pressure Conditions. For the purpose of measuring gas to a customer at local pressure conditions, a cubic foot is that amount of gas which occupies a volume of one cubic foot under the conditions existing in the customer's meter as and where installed. When gas is metered at a pressure in excess of eight inches of water column gauge pressure, a suitable correction factor shall be applied to provide for measurement of gas as if delivered and metered at a pressure of six inches of water column gauge pressure. A utility may also apply appropriate factors to correct local pressure measurement to standard conditions.
 - (II) At Standard Conditions. For all other purposes, including testing gas, a standard cubic foot is that amount of gas at standard conditions which occupies a volume of one cubic foot.
- (o) "Curtailement" means the inability of a transportation customer or a sales customer to receive gas due to a shortage of gas supply.
- (p) "Customer" means any person who is currently receiving utility service. Any person who moves within a utility's service territory and obtains utility service at a new location within 30 days shall

be considered a "customer." Unless stated in a particular rule, "customer" applies to any class of customer as defined by the Commission or by utility tariff.

- (q) "Customer data" means customer specific information, excluding personal information as defined in paragraph 1004(x), that is:
 - (I) collected from the gas meter by the utility and stored in its data systems;
 - (II) combined with customer-specific energy usage information on bills issued to the customer for regulated utility service when not publicly or lawfully available to the general public; or
 - (III) about the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs.
- (r) "Dekatherm" (Dth) means a measurement of gas commodity heat content. One Dekatherm is the energy equivalent of 1,000,000 British Thermal Units (1 MMBtu).
- (s) "Dedicated recovered methane pipeline" means a conveyance of recovered methane that is not a part of a common carrier pipeline system, and which conveys recovered methane from where it is generated to a common carrier pipeline or to the end user in Colorado for which the recovered methane was produced so long as the recovered methane replaces geologic gas supplied by a gas distribution utility or small gas distribution utility.
- (t) "Design peak demand" refers to the maximum gas flow rate projected for a utility system, or a portion thereof, which is utilized by a utility for gas infrastructure capacity planning.
- (u) "Disproportionately impacted community" means a geographic area defined pursuant to § 40-2-108(3)(d), C.R.S., and as may be further modified by Commission rule or order. Mapping of such geographic areas shall be conducted in accordance with the best available mapping tool developed by the Colorado Department of Public Health and Environment, until such time as a different practice is adopted by Commission rule or order.
- (v) "Distribution system" means the utility-owned piping and associated facilities used to deliver gas to customers, excluding facilities owned by a utility that are classified on the books and records of the utility as production, storage, or transmission facilities.
- (w) "Emergency or safety event or circumstance" means a manmade or natural emergency event or safety circumstance:
 - (I) that prevents utility staff from being able to safely travel to or work at a customer's residence or place of business for purposes of reconnecting or making necessary repairs prior to reconnecting utility service; or
 - (II) for which a utility has dispatched utility staff members to help respond to the emergency or safety event or circumstance and, due to the timing or number of utility staff dispatched, the utility lacks sufficient trained staff to reconnect or make necessary repairs prior to reconnecting utility service at a customer's residence or place of business; and

- (III) includes a severe weather event that one or more reputable weather forecasting sources forecasts to occur in the following twenty-four hours and that is more likely than not to result in dangerous travel or on-site outdoor or indoor work conditions for individuals in the path of the weather event.
- (x) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.
- (y) "Gas" means natural or geological gas; hydrogen, or recovered methane, or any mixture thereof transported by a common carrier or dedicated pipeline; flammable gas; manufactured gas; petroleum or other hydrocarbon gases including propane; or any mixture of gases injected into a pipeline and transmitted, distributed, or furnished by any utility.
- (z) "Income-qualified utility customer" or "low-income customer" is a customer meeting the requirements of § 40-3-106(1)(d)(II), C.R.S.
- (aa) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure, 4 CCR 723-1.
- (bb) "Interruption" means a utility's inability to provide transportation to a transportation customer, or its inability to serve a sales customer, due to constraints on the utility's pipeline system.
- (cc) "Intrastate transmission pipeline" or "ITP" means generally any person that provides gas transportation service for compensation to or for another person in the State of Colorado using transmission facilities rather than distribution facilities and is exempt from FERC jurisdiction.
- (dd) "Local distribution company" (LDC) means any person, other than an interstate pipeline or an intrastate transmission pipeline, engaged in the sale and distribution of gas for end-user consumption. A LDC may also perform transportation services for its end-use customers, for another LDC or its end-use customers, as authorized under its effective Colorado jurisdictional tariffs.
- (ee) "Local government" means any Colorado county, municipality, city and county, home rule city or town, home rule city and county, or city or town operating under a territorial charter.
- (ff) "Local office" means any Colorado office operated by a utility at which persons may make requests to establish or to discontinue utility service. If the utility does not operate an office in Colorado, "local office" means any office operated by a utility at which persons may make requests to establish or to discontinue utility service in Colorado.
- (gg) "Mandatory relocation" means a project to relocate the utility's gas infrastructure as required by a federal, tribal, state, county, or local governmental body.
- (hh) "Main" means a distribution line that serves, or is designed to serve, as a common source of supply for more than one service lateral.
- (ii) "Mcf" means 1,000 standard cubic feet.
- (jj) "MMBtu" means 1,000,000 British Thermal Units, or one Dekatherm.

- (kk) “Natural gas” or “geological gas” means methane or other hydrocarbons that occur underground without human intervention and may be used as fuel.
- (ll) “Non-pipeline alternative” means programs, equipment, or actions that avoid, reduce, or delay the need for investment in certain types of new gas infrastructure and may include energy efficiency, demand response, and beneficial electrification.
- (mm) “Non-standard customer data” means all customer data that are not standard customer data.
- (nn) “Past due” means the point at which a utility can affect a customer’s account for regulated service due to non-payment of charges for regulated service.
- (oo) “Pipeline system” means the utility-owned piping and associated facilities used in the transmission or distribution of gas.
- (pp) “Principal place of business” means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility’s operations in Colorado are located.
- (qq) “Pressure district” means a localized area within a utility’s service territory whereby an established minimum and maximum pressure range is intended to be maintained and is distinct from neighboring regions.
- (rr) “Property owner” means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of real property is located to determine ownership of government record.
- (ss) “Pyrolysis” means the thermochemical decomposition of material at elevated temperatures without the participation of oxygen.
- (tt) “Qualifying communication” means one of the following methods of communicating with a utility customer about a possible upcoming disconnection of service:
- (I) a physical visit to the customer’s premises during which a utility representative speaks with the customer and provides the customer utility assistance information or, if the customer is not available to speak, leaves notice of proposed disconnection and utility assistance information for the customer’s review; or
 - (II) a telephone call, text, or e-mail to the customer’s last-known telephone number or email address in which:
 - (A) the utility representative provides the customer with notice of the proposed disconnection and utility assistance information; and
 - (B) the utility representative either speaks directly with the customer over the telephone or the customer receives the utility representative’s text or email.
- (uu) “Rate adjustment mechanism” or “rate rider” means a charge added to a utility bill to recover a specific cost that is not part of the base rate.

- (vv) "Recovered methane" means any of the following that are located in the State of Colorado and meet the recovered methane protocol approved by the Air Quality Control Commission: biomethane; methane derived from municipal solid waste, the pyrolysis of municipal solid waste, biomass pyrolysis or enzymatic biomass, or wastewater treatment; coal mine methane as defined in § 40-2-124(1)(a)(II), C.R.S, the capture of which is not otherwise required by law; or methane that would have leaked without repairs of the gas distribution or service pipelines from the city gate to customer end use.
- (ww) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission, presented on a tariff sheet, or contained in a tariff of the utility.
- (xx) "Sales customer" or "full service customer" means a customer who receives sales service from a utility and is not served under a utility's gas transportation service at that same meter.
- (yy) "Sales service" means a bundled gas utility service in which the utility both purchases gas commodity for resale to the customer and delivers the gas to the customer.
- (zz) "Security" includes any stock, bond, note, or other evidence of indebtedness.
- (aaa) "Service lateral" means that part of a distribution system from the utility's main to the entrance to a customer's physical location.
- (bbb) "Standard conditions" means gas at a temperature of 60 degrees Fahrenheit and subject to an absolute pressure equal to 14.73 pounds per square inch absolute.
- (ccc) "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- (ddd) "Standby capacity" means the maximum daily volumetric amount of capacity reserved in the utility's system for use by a transportation customer, if the customer purchased optional standby service.
- (eee) "Standby supply" means the daily volumetric amount of gas reserved by a utility for the use by a transportation customer should that customer's supply fail, if the customer purchased optional standby service.
- (fff) "Test year" means a twelve-month period that is examined to determine a utility's costs of service in a rate case.
- (ggg) "Third party" means a person who is not the customer, an agent of the customer who has been designated by the customer with the utility and is acting on the customer's behalf, a regulated utility serving the customer, or a contracted agent of the utility.
- (hhh) "Transportation" means the exchange, forward-haul, backhaul, flow reversal, or displacement of gas between a utility and a transportation customer through a pipeline system.
- (iii) "Transportation customer" means a person who, by signing a gas transportation agreement, elects to subscribe to gas transportation service offered by a utility.

- (jjj) "Unique identifier" means customer's name, mailing address, telephone number, or email address that is displayed on a bill.
- (kkk) "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff, and are for service or merchandise not required as a condition of receiving regulated utility service.
- (lll) "Utility" means a public utility as defined in § 40-1-103, C.R.S., providing sales service or transportation service (or both) in Colorado. This term includes both an ITP and a LDC.
- (mmm) "Utility assistance information" means information that a utility representative provides a customer informing the customer that the customer may contact 1-866-HEAT-HELP (1-866-432-8435) to determine if the customer qualifies for utility bill payment assistance.
- (nnn) "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.
- (ooo) "Whole building data" means the sum of the monthly gas use for either all service connections at a building on a parcel of real property or all buildings on a parcel of real property.

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[indicates omission of unaffected rules]

4102. Certificate of Public Convenience and Necessity for Facilities.

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[indicates omission of unaffected rules]

- (XVI) for proposed facilities meeting the definition of a new business project or a capacity expansion project, as defined in subparagraphs 4553(a)(III)(B) and (C), the utility shall also present an analysis of alternatives including non-pipeline alternatives, costs for those alternatives, and criteria used to rank or eliminate such alternatives.
 - (A) An analysis of alternatives shall consider, at a minimum:
 - (i) one or more applicable clean heat resources consistent with the utility's most recently approved clean heat plan, pursuant to rule 4732, demand side management plan, pursuant to rule 4753, or beneficial electrification plan, as applicable;
 - (ii) a cost-benefit analysis including the costs of direct investment and the social costs of carbon and methane for emissions due to or avoided by the alternative, and other costs determined appropriate by the Commission; and
 - (iii) available best value employment metrics associated with each alternative, as defined in paragraph 4001(j), including a projection of gas

distribution jobs affected by the alternative and jobs made available through the alternative, opportunities to transition any affected gas distribution jobs to the alternative, pay and benefit levels of the affected gas distribution jobs and the jobs available through a transition opportunity, and how employment impacts associated with each alternative could affect disproportionately impacted communities.

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[indicates omission of unaffected rules]

4403. Applications for Service, Customer Deposits, and Third-Party Guarantee Arrangements.

- (a) A utility shall process an application for utility service that is made either orally or in writing and shall apply nondiscriminatory criteria with respect to the requirement of a deposit prior to commencement of service. Nondiscriminatory criteria means that no deposit or guarantee, or additional deposit or guarantee, shall be required by a utility because of race, sex, creed, national origin, marital status, age, number of dependents, source of income, disability, or geographical area of residence.
- (b) All utilities requiring deposits shall offer customers at least one payment alternative that does not require the use of the customer's social security number.
- (c) If billing records are available for a customer who has received past service from the utility, the utility shall not require that person to make new or additional deposits to guarantee payment of current bills unless the records indicate recent or substantial delinquencies.
- (d) A utility shall not require a deposit from an applicant for service who provides written documentation of a 12 consecutive month good payment history from the utility from which that person received similar service. For purposes of this paragraph, the 12 consecutive months must have ended no earlier than 60 days prior to the date of the application for service.
- (e) A utility shall not require a deposit from an applicant for service or restoration of service who is or was within the last 12 months, a participant in the Low-Income Energy Assistance Program or in an income qualified program consistent with rule 4412, or who received energy bill assistance from Energy Outreach Colorado within the last 12 months.
- (f) If a utility uses credit scoring to determine whether to require a deposit from an applicant for service or a customer, the utility shall have a tariff that describes, for each scoring model that it uses, the credit scoring evaluation criteria and the credit score limit that triggers a deposit requirement.
- (g) If a utility uses credit scoring, prior payment history with the utility, or customer-provided prior payment history with a like utility as a criterion for establishing the need for a deposit, the utility shall include in its tariff the specific evaluation criteria that trigger the need for a deposit.
- (h) If a utility denies an application for service or requires a deposit as a condition of providing service, the utility immediately shall inform the applicant for service of the decision and shall

provide, within three business days, a written explanation to the applicant for service stating the specific reasons why the application for service has been denied or a deposit is required.

- (i) No utility shall require any surety other than either a deposit to secure payment for utility services or a third-party guarantee of payment in lieu of a deposit. In no event shall the furnishing of utility services or extension of utility facilities, or any indebtedness in connection therewith, result in a lien, mortgage, or other interest in any real or personal property of the customer unless such indebtedness has been reduced to a judgment. Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.
- (j) The total deposit a utility may require or hold at any one time shall not exceed an amount equal to an estimated 90 days' bill of the customer, except in the case of a customer whose bills are payable in advance of service, in which case the deposit shall not exceed an estimated 60 days' bill of the customer. The deposit may be in addition to any advance, contribution in aid of construction or guarantee required by the utility tariff in connection with construction of lines or facilities, as provided in the extension policy in the utility's tariffs. A deposit may be paid in installments.
- (k) A utility receiving deposits shall maintain records showing:
 - (I) the name of each customer making a deposit;
 - (II) the amount and date of the deposit;
 - (III) each transaction, such as the payment of interest or interest credited, concerning the deposit;
 - (IV) each premise where the customer receives service from the utility while the deposit is retained by the utility;
 - (V) if the deposit was returned to the customer, the date on which the deposit was returned to the customer; and
 - (VI) if the unclaimed deposit was paid to the energy assistance organization, the date on which the deposit was paid to the energy assistance organization.
- (l) Each utility shall state in its tariff its customer deposit policy for establishing or maintaining service. The tariff shall state the circumstances under which a deposit will be required and the circumstances under which it will be returned. A utility shall return any deposit paid by a customer who has made no more than two late payments in 12 consecutive months.
- (m) Each utility shall issue a receipt to every customer from whom a deposit is received. No utility shall refuse to return a deposit or any balance to which a customer may be entitled solely on the basis that the customer is unable to produce a receipt.

- (n) The payment of a deposit shall not relieve any customer from the obligation to pay current bills as they become due. A utility is not required to apply any deposit to any indebtedness of the customer to the utility, except for utility services due or past due after service is terminated.
- (o) A utility shall pay simple interest on a deposit at the percentage rate per annum as calculated by the Commission staff and in the manner provided in this paragraph.
 - (I) At the request of the customer, the interest shall be paid to the customer either on the return of the deposit or annually. The simple interest on a deposit shall be earned from the date the deposit is received by the utility to the date the customer is paid. At the option of the utility, interest payments may be paid directly to the customer or credited to the customer's account.
 - (II) The simple interest to be paid on a deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately preceding year) of the 12 monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, the Commission staff shall compute the interest rate to be paid. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on deposits during the next calendar year. Annually following receipt of Commission staff's letter, if necessary, a utility shall file by advice letter or application, as appropriate, a revised tariff, effective the first day of January of the following year, or on an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' deposits, except when there is no change in the rate of interest to be paid on such deposits.
- (p) A utility shall have tariffs concerning third-party guarantee arrangements and, pursuant to those tariffs, shall offer the option of a third party guarantee arrangement for use in lieu of a deposit. The following shall apply to third-party guarantee arrangements:
 - (I) an applicant for service or a customer may elect to use a third-party guarantor in lieu of paying a deposit;
 - (II) the third-party guarantee form, signed by both the third-party guarantor and the applicant for service or the customer, shall be provided to the utility;
 - (III) the utility may refuse to accept a third-party guarantee if the guarantor is not a customer in good standing at the time of the presentation of the guarantee to the utility;
 - (IV) the amount guaranteed shall not exceed the amount which the applicant for service or the customer would have been required to provide as a deposit;
 - (V) the guarantee shall remain in effect until the earlier of the following occurs:

- (A) the guarantee is terminated in writing by the guarantor;
 - (B) if the guarantor was a customer at the time of undertaking the guarantee, the guarantor ceases to be a customer of the utility; or
 - (C) the customer has established a satisfactory payment record, as defined in the utility's tariffs, for 12 consecutive months.
- (VI) Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.
- (q) A utility shall pay all unclaimed monies, as defined in § 40-8.5-103(5), C.R.S., that remain unclaimed for more than two years to the energy assistance organization. "Unclaimed monies" shall not include: undistributed refunds for overcharges subject to other statutory provisions and rules and credits to existing customers from cost adjustment mechanisms.
- (I) Monies shall be deemed unclaimed and presumed abandoned when left with the utility for more than two years after termination of the services for which the deposit or the construction advance was made or when left with the utility for more than two years after the deposit or the construction advance becomes payable to the customer pursuant to a final Commission order establishing the terms and conditions for the return of such deposit or advance and the utility has made reasonable efforts to locate the customer.
 - (II) Interest on a deposit shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the utility receives the deposit and ending on the date on which the deposit is paid to the energy assistance organization. If the utility does not pay the unclaimed deposit to the energy assistance organization within four months of the date on which the unclaimed deposition is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed deposit at the rate established pursuant to paragraph (o) of this rule plus six percent.
 - (III) If payable under the utility's line extension tariff provisions, interest on a construction advance shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the construction advance is deemed to be owed to the customer pursuant to the utility's extension policy and ending on the date on which the construction advance is paid to the energy assistance organization. If the utility does not pay the unclaimed construction advance to the energy assistance organization within four months of the date on which the unclaimed construction advance is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed construction advance at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (r) A utility shall resolve all inquiries regarding a customer's unclaimed monies and shall not refer such inquiries to the energy assistance organization.

- (s) If a utility has paid unclaimed monies to the energy assistance organization, a customer later makes an inquiry claiming those monies, and the utility resolves the inquiry by paying those monies to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.

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[indicates omission of unaffected rules]

4407. Discontinuance of Service.

- (a) A utility shall not discontinue the service of a customer for any reason other than the following:
 - (I) nonpayment of regulated charges;
 - (II) fraud or subterfuge;
 - (III) service diversion;
 - (IV) equipment tampering;
 - (V) safety concerns;
 - (VI) exigent circumstances;
 - (VII) discontinuance ordered by any appropriate governmental authority; or
 - (VIII) properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.
- (b) A utility shall apply nondiscriminatory criteria when determining whether to discontinue service for nonpayment. A utility shall not discontinue service for nonpayment of any of the following:
 - (I) any amount which has not appeared on a regular monthly bill or which is not past due. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the 31st day following the due date of current charges;
 - (II) any past due amount that is less than \$50;
 - (III) any amount due on another account now or previously held or guaranteed by the customer, or with respect to which the customer received service, unless the amount has first been transferred either to an account which is for the same class of service or to an account which the customer has agreed will secure the other account. Any amount so transferred shall be considered due on the regular due date of the bill on which it first appears and shall be subject to notice of discontinuance as if it had been billed for the first time;

- (IV) any amount due on an account on which the customer is or was neither the customer of record nor a guarantor, or any amount due from a previous occupant of the premises. This subparagraph does not apply if the customer is or was obtaining service through fraud or subterfuge or if paragraph 4401(c) applies;
 - (V) any amount due on an account for which the present customer is or was the customer of record, if another person established the account through fraud or subterfuge and without the customer's knowledge or consent;
 - (VI) any delinquent amount, unless the utility can supply billing records from the time the delinquency occurred;
 - (VII) any debt except that incurred for service rendered by the utility in Colorado;
 - (VIII) any unregulated charge; or
 - (IX) any amount which is the subject of a pending dispute or informal complaint under rule 4004.
- (c) If the utility discovers any connection or device installed on the customer's premises, including any energy-consuming device in the proximity of the utility's meter, which would prevent the meter from registering the actual amount of energy used, the utility shall do one of the following.
- (I) Remove or correct such devices or connections. If the utility takes this action, it shall leave at the premises a written notice which advises the customer of the violation, of the steps taken by the utility to correct it, and of the utility's ability to bill the customer for any estimated energy consumption not properly registered. This notice shall be left at the time the removal or correction occurs.
 - (II) Provide the customer with written notice that the device or connection must be removed or corrected within 15 days and that the customer may be billed for any estimated energy consumption not properly registered. If the utility elects to take this action and the device or connection is not removed or corrected within the 15 days permitted, then within seven calendar days from the expiration of the 15 days, the utility shall remove or correct the device or connection pursuant to subparagraph (c)(I) of this rule.
- (d) If a utility discovers evidence that any utility-owned equipment has been tampered with or that service has been diverted, the utility shall provide the customer with written notice of the discovery. The written notice shall inform the customer of the steps the utility will take to determine whether non-registration of energy consumption has or will occur and shall inform the customer that the customer may be billed for any estimated energy consumption not properly registered. The utility shall mail or hand-deliver the written notice within three calendar days of making the discovery of tampering or service diversion.
- (e) A utility shall not discontinue service, other than to address safety concerns or in exigent circumstances, if one of the following is met.

- (I) A customer at any time tenders full payment in accordance with the terms and conditions of the notice of discontinuance to a utility employee authorized to receive payment. Payment of a charge for a service call shall not be required to avoid discontinuance.
- (II) If a customer pays, on or before the expiration date of the notice of discontinuance, at least one-tenth of the amount shown on the notice and enters into an installment payment plan with the utility, as provided in rule 4404.
- (III) Outside the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday
- (IV) Between the hours of 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday or day during which the utility's local office is closed.
- (V) To the greatest extent practicable, a utility shall not disconnect a customer after 11:59 a.m. on a Monday through Thursday.
- (VI) Medical emergencies.
 - (A) A utility shall postpone service discontinuance to a residential customer for 90 days from the date of a medical certificate issued by a Colorado-licensed physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients which evidences that service discontinuance will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. A customer may invoke this subparagraph only once in any twelve consecutive months.
 - (B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who has already entered into a payment arrangement, but broke the arrangement prior to seeking a medical certificate, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.
 - (C) The medical certificate must be in writing (which includes electronic certificates and signatures and those provided electronically), sent to the utility from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, and clearly show the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients certifying the medical emergency. Such certificate is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.
 - (D) A utility may accept notification by telephone from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, but a written medical certificate must be sent to the utility within ten days.

- (VII) Weather provisions.
 - (A) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 32 degrees Fahrenheit (32°F) or lower at any time during the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 4409. Nothing prohibits a utility from postponing service discontinuance when temperatures are warmer than these criteria.
 - (B) A utility shall postpone service discontinuance to a residential customer during an emergency or safety event or circumstance impacting the local area.
- (f) In addition to its tariffs, a utility shall publish information related to its practices around delinquency, disconnection for nonpayment, and reconnection on its website. This information should be written in a manner that promotes customer understanding and must be produced in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information. A utility must include at least the following information:
 - (I) the customer's rights related to service disconnection, including medical and weather-based protections, timing restrictions on service disconnection, and options and hours to contact the utility for support relating to service disconnection;
 - (II) a summary of a customer's options to prevent service disconnection for nonpayment, including installment payment plan options, utility energy assistance and affordability programs, and eligibility requirements for such programs;
 - (III) referrals to organizations that provide energy payment assistance, including energy efficiency services, such as Energy Outreach Colorado, charities, nonprofits, and governmental entities that provide or administer funds for such assistance;
 - (IV) the customer's rights related to service restoration, including restoration timelines, actions customers may take to restore service, and options and hours to contact the utility for support relating to service restoration;
 - (V) a summary of charges, fees, and deposits to which a customer may be subject under paragraphs 4403(j) and 4404(a), with a description of how those amounts are calculated, explained in a way that enables a customer to estimate the full costs they may be assessed;
 - (VI) a description of the customer's options in the event of a dispute regarding billing or disconnection practices;
 - (VII) a description of the options available to an occupant of a service address who is not a customer of record and who has a court-ordered protection order against a customer of record for the service address, relating to past-due balances, service disconnection, restoration, and continuance at the service address, including initiating new service,

transferring service, and the utility's practices, policies, and criteria for determining benefit of service for purposes of transferring a customer of record's balance to an occupant; and

- (VIII) a description of the utility's Demand-Side Management programs, including requirements to participate, the benefits of participating, and utility contact information relating to such programs.
- (g) Reporting requirements.
- (I) Annual Report. No later than March 1 of each calendar year, each utility shall file a report covering the prior calendar year in the miscellaneous proceeding for utility disconnection filings, using the form available on the Commission's website. The report shall provide data on residential customers by class and zip code and must also break down such data by income qualified customers, defined as customers participating in income qualified programs authorized by rule 4412 and the Low-Income Energy Assistance Program. For data provided in this report, paragraph 4033(b) shall not apply. The report shall contain the following information, displayed by quarter:
 - (A) total number of unique customers;
 - (B) total dollar amount billed;
 - (C) total number of unique customers charged a late payment charge;
 - (D) total dollar amount of late payment charges collected;
 - (E) number of unique customers with an arrearage balance by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (F) dollar amount of arrearages by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (G) total number of disconnection notices sent;
 - (H) total number of disconnections for nonpayment;
 - (I) total number of service restorations after disconnections for nonpayment;
 - (J) average duration of disconnection for nonpayment in hours, measured from when the customer completes an action in paragraph 4409(b) to when service is restored;
 - (K) total dollar amount of deposits collected for restoring service that was disconnected for nonpayment;
 - (L) total number of deposits collected for restoring service that was disconnected for nonpayment;
 - (M) total number of new installment payment plans entered into;

- (N) average repayment term of new installment payment plans entered into;
 - (O) total dollar amount of fees collected for disconnecting service for nonpayment;
 - (P) total dollar amount of fees collected for restoring service that was disconnected for nonpayment;
 - (Q) total dollar amount of collection fees collected from customers whose service was disconnected for nonpayment; and
 - (R) total dollar amount of any other tariff-authorized charges or fees collected resulting from past due amounts, service disconnection for nonpayment, and restoring service that was disconnected for nonpayment.
- (II) Along with the items in subparagraph (g)(I), each utility shall file the following additional items.
- (A) A narrative containing the utility’s analysis of any trends or inconsistencies revealed by the reported data for the prior year including, at minimum, an analysis of:
 - (i) the total number of residential customers who were disconnected for nonpayment in the prior calendar year and percent of those customers who were disconnected for nonpayment multiple times; and
 - (ii) the total number of residential installment payment plans entered into in the prior calendar year, the average length of those installment payment plans, the number of residential installment payment plans completed, and the number of residential installment payment plans that were broken.
 - (B) Information about how the utility is working to reduce delinquencies and disconnections, including any actions the utility is taking specific to residential customers experiencing multiple disconnections in a calendar year, and a description of the efforts to identify and refer energy efficiency and bill assistance resources.
- (h) Receipt of a qualifying communication. For purposes of compliance with § 40-3-103.6(3)(c)(II) and subparagraph 4001(tt)(II)(B), a customer “receives” the text or e-mail if:
- (I) the utility sends the text or email with customer assistance information to the text address or e-mail address previously provided by the customer to the utility; and
 - (II) the utility does not subsequently receive a “bounce back” or other message indicating the text address is invalid or the e-mail address is invalid.
- (i) Customer education and outreach strategy: A utility shall conduct at least one meeting with stakeholders and interested customers for the purpose of seeking input on its customer education and outreach strategy for conducting disconnections and reconnections during its multi-year

strategy reporting period under paragraph 4407(j). The results of these meetings and a detailed summary of the customer education and outreach conducted will be reported as part of its first annual report due no later than March 1, 2024, and each subsequent reporting year.

- (j) Customer education and outreach multi-year strategy reporting: As part of its annual report due no later than March 1, 2024, a utility shall file a customer education and outreach strategy on residential and small commercial customer disconnections and reconnections covering a span of the next five years. As part of this filing, a utility shall provide an overview of its education and outreach efforts, including qualifying communications, disconnection and reconnection data and trends, and the tariffed rates for disconnection and reconnections. Upon filing of an initial multi-year strategy report, each utility shall file an update to its report every five years on March 1 of the relevant year. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.
- (k) Tariff: A utility shall file language to include in its tariff as cited below a requirement to report on its five-year customer education and outreach strategy, and if applicable, qualifying communications for reconnections. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.

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[indicates omission of unaffected rules]

4409. Restoration of Service.

- (a) Unless prevented from doing so by safety concerns, a utility shall restore, without additional fee or charge, any discontinued service which was not properly discontinued or restored as provided in rules 4407, 4408, and 4409.
- (b) A utility shall restore service if the customer does any of the following:
 - (I) pays in full the amount for regulated charges shown on the notice and any deposit and/or fees as may be specifically required by the utility's tariff in the event of discontinuance of service;
 - (II) pays any reconnection and collection charges specifically required by the utility's tariff, enters into an installment payment plan, and makes the first installment payment, unless the cause for discontinuance was the customer's breach of such an arrangement;
 - (III) presents a medical certificate, as provided in subparagraph 4407(e)(IV);
 - (IV) demonstrates to the utility that the cause for discontinuance, if other than non-payment, has been cured.
- (c) A utility shall reconnect a customer's service on the same day as the customer requests reconnection, if the customer makes a payment or payment arrangement in accordance with the

utility's policies, requesting reconnection of service on a Monday through Friday that is not a holiday and one of the following circumstances is met:

- (I) the customer has advanced metering infrastructure and has requested reconnection of service at least one hour before the close of business for the utility's customer service division; except that the utility may reconnect service on the day following a disconnection of service if there are internet connectivity, technical, or mechanical problems or emergency conditions that reasonably prevent the utility from remotely reconnecting the customer's service; or,
 - (II) the customer is without advanced metering infrastructure or a gas utility customer and has requested reconnection of service on or before 12:59 p.m.; except that, an electric utility or gas utility may reconnect the customer's service on the day following a disconnection if:
 - (A) prior to disconnection of the customer's service, the utility has made a qualifying communication with the customer; or
 - (B) an emergency or safety event or circumstance arises after disconnection of service that renders the utility's staff temporarily unavailable to safely reconnect service. If next-day reconnection of service is not possible due to the continuation of the emergency or safety event or circumstance, the utility shall reconnect the customer's service as soon as possible.
- (d) Unless prevented by an emergency or safety event or circumstance, a utility shall restore service to a customer who has completed an action in paragraph (b) within 24 hours (excluding weekends and holidays) of the time that the customer completes an action in paragraph (b), or within 12 hours of the time that the customer completes an action in paragraph (b) if the customer pays applicable after-hours charges and fees established in tariffs.
- (e) The utility must resolve doubts as to whether a customer has met the requirements for service restoration under paragraph (b) in favor of restoration.

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[indicates omission of unaffected rules]

4411. Low-Income Energy Assistance Act.

- (a) Scope and applicability.
 - (I) Rule 4411 is applicable to gas and combined gas and electric utility providers except those exempted under (II) or (III). Pursuant to §§ 40-8.7-101 through 111, C.R.S., utilities are required to provide an opportunity for their customers to contribute an optional amount through the customers' monthly billing statement.
 - (II) Municipally owned gas or gas and electric utilities are exempt if:

- (A) the utility operates an alternative energy assistance program to support its income qualified customers with their energy needs and self-certifies to the Organization through written statement that its program meets the following criteria:
 - (i) the amount and method for funding of the program has been determined by the governing body; and
 - (ii) the program monies will be collected and distributed in a manner and under eligibility criteria determined by the governing body for the purpose of residential energy assistance to customers who are challenged with paying energy bills for financial reasons, including seniors on fixed incomes, individuals with disabilities, and income qualified individuals, or,
 - (B) the governing body of the utility determines its service area has a limited number of people who qualify for energy assistance and self-certifies to the Organization via written statement such determination.
- (III) A municipally owned gas or gas and electric utility not exempt under subparagraph (a)(II) of this rule, is exempt if:
- (A) the utility designs and implements a procedure to notify all customers at least twice each year of the option to conveniently contribute to the Organization by means of a monthly energy assistance charge. Such procedure shall be approved by the governing utility. The governing body of such utility shall determine the disposition and delivery of the optional energy assistance charge that it collects on the following basis:
 - (i) delivering the collections to the organization for distribution; or
 - (ii) distributing the moneys under criteria developed by the governing body for the purpose set forth in subparagraph (a)(II)(A)(ii) of this rule;
 - (B) alternatively, the utility provides funding for energy assistance to the Organization by using a source of funding other than the optional customer contribution on each customer bill that approximates the amount reasonably expected to be collected from an optional charge on customer's bills.
- (IV) A municipally gas or gas and electric utility that is exempt under subparagraph (a)(III) of this rule shall be entitled to participate in the Organization's low-income assistance program.
- (V) Gas or gas and electric utilities that desire a change in status must inform the Organization and file a notice to the Commission within 30 days prior to expected changes.
- (b) Definitions. The following definitions apply only in the context of rule 4411. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (I) “Alternative energy assistance program” means a program operated by a municipally owned electric and gas utility or rural electric cooperative that is not part of the energy assistance program established pursuant to this statute.
 - (II) “Customer” means the named holder of an individually metered account upon which charges for electricity or gas are paid to a utility. “Customer” shall not include a customer who receives electricity or gas for the sole purpose of reselling the electricity or gas to others.
 - (III) “Energy assistance program” or “Program” means the Low Income Energy Assistance Program created by § 40-8.7-104, C.R.S., and designed to provide financial assistance, residential energy efficiency, and energy conservation assistance.
 - (IV) “Organization” means Energy Outreach Colorado, a Colorado nonprofit corporation.
 - (V) “Remittance device” means the section of a customer’s utility bill statement that is returned to the utility company for payment. This includes but is not limited to paper payment stubs, web page files used to electronically collect payments, and electronic fund transfers.
 - (VI) “Utility” means a corporation, association, partnership, cooperative electric association, or municipally owned entity that provides retail electric service or retail gas service to customers in Colorado. “Utility” does not mean a propane company.
- (c) Plan implementation and maintenance.
- (I) Except as provided in paragraph 4411(a), each utility shall implement and maintain a customer opt-in contribution mechanism. The utility’s opt-in mechanism shall include, at minimum, the following provisions.
 - (A) A description of the procedures the utility will use to notify its customers, including those customers that make payments electronically, about the opt-in provision. Utilities may combine their efforts to notify customers into a single state-wide or region-wide effort consistent with the participating utilities communication programs. Each participating utility shall clearly identify its support of the combined communications program, with its corporate name and/or logo visible to the intended audience.
 - (B) A description of the additional efforts the utility will use to inform its customers about the program to ensure that adequate notice of the opt-in provision is given to all customers. Notification shall include communication to all customers that the donation and related information will be passed through to the Organization.
 - (C) A description of the check-off mechanism that will be displayed on the monthly remittance device to solicit voluntary donations. The remittance device shall include, at minimum, check-off categories of five dollars, ten dollars, twenty dollars, and “other amount”. The remittance device must also note the name of the program as the “voluntary energy assistance program,” or if the utility is

unable to identify the name of the program individually, the utility shall use a general energy assistance identifier approved by the Commission.

- (D) A description or an example of how the utility will display the voluntary contribution as a separate line item on the customer's monthly billing statement and how the voluntary contribution will be included in the total amount due. The line item must identify the contribution as "voluntary".
- (E) A description of the notification process that the utility will use to ensure that once a utility customer opts into the program, the energy assistance contribution will be assessed on a monthly basis until the customer notifies the utility of the customer's desire to stop contributing. The utility shall describe how it will manage participation in the program when customers miss one or more voluntary payment, or pay less than the pre-selected donation amount.
- (F) Identification of the procedures the utility will use to notify customers of their ability to cancel or discontinue voluntary contributions along with a description of the mechanism the utility will use to allow customers who make electronic payments to discontinue their participation in the opt-in program.
- (G) A description of the procedures the utility will use, where feasible, to notify customers participating in the program about the customer's ability to continue to contribute when the customer changes their address within the utility's service territory.
- (H) A description of the method the utility will use to provide clear, periodic, and cost-effective notice of the opt-in provision to its customers at least twice per year. Acceptable methods include, but are not limited to, bill inserts, statements on the bill or envelope, and other utility communication pieces.
- (I) A description of the start-up costs that the utility incurred in connection with the program along with supporting detailed justification for such costs. The description should include the utility's initial costs of setting up the collection mechanism and reformatting its billing systems to solicit the optional contribution but shall not include the cost of any notification efforts by the utility. Utilities may elect to recover all start-up costs before the remaining moneys generated by the program are distributed to the Organization or over a period of time from the funds generated by the program, subject to Commission review and approval.
- (J) An estimate of the on-going costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate shall not include the cost of any notification efforts by the utility.
- (K) A detailed justification for the costs identified in subparagraphs (I) and (J). As stated in § 40-8.7-104(3), C.R.S., the costs incurred must be reasonable in connection with the program.

- (L) Utilities shall recover the start up cost and on-going cost of administration associated with the program from funds generated from the program. Insert and notification costs shall be considered in the utility's cost of service.
 - (M) A description of the procedures the utility will use to account for and process program donations separately from customer payments for utility services.
 - (II) Each utility shall participate in the energy assistance program consistent with its plan approved by the Commission and shall provide the opportunity for its customers to make an optional energy assistance contribution on the monthly remittance device on their utility bill.
 - (III) The utility may submit an application to the Commission no later than April 1 of each year for approval of reimbursement costs the utility incurred for the program during the previous calendar year. Such application shall include a proposed schedule for the reimbursement of these costs to the utility. The applications shall include detailed supporting justification for approval of these costs. Such detailed justification includes, but is not limited to, copies of invoices and time sheets. Such applications shall not seek reimbursement of costs related to notification efforts. Participating utilities may request reimbursement costs for such notification efforts in base rate filings, subject to Commission review and approval.
 - (IV) A utility may seek modification of its initial plan or subsequent plans by filing an application with the Commission.
- (d) Fund administration.
- (I) At a minimum, each utility shall transfer the funds collected from its customers under the energy assistance program to the organization under the following schedule:
 - (A) for the funds collected during the period of January 1 to March 31 of each year, the utility shall transfer the collected funds to the Organization before May 1 of such year;
 - (B) for the funds collected during the period of April 1 to June 30 of each year, the utility shall transfer the collected funds to the Organization before August 1 of such year;
 - (C) for the funds collected during the period of July 1 to September 30 of each year, the utility shall transfer the collected funds to the Organization before November 1 of such year;
 - (D) for the funds collected during the period of October 1 to December 31 of each year, the utility shall transfer the collected funds to the Organization before February 1 of the next year; and
 - (E) each utility shall maintain a separate accounting for all energy assistance program funds received by customers.

- (II) Each utility shall provide the organization with the following information.
 - (A) How the funds collected for the previous calendar year were generated, including the number of customers participating in the program. Such report shall include a summary of the number of program participants and funds collected by month, and shall be provided by February 1 of each year.
 - (B) At each time funds are remitted, a listing of all program participants including the donor's name, billing address, and monthly donation amount. The participant information provided to the organization shall be used exclusively for complying with the requirements of § 40-8.7-101, C.R.S., et seq. and state and federal laws.
- (III) The Public Utilities Commission shall submit, as necessary, a bill for payment to the Organization for any administrative costs incurred pursuant to the program.
- (IV) The organization shall provide the Office of Utility Consumer Advocate and the Public Utilities Commission with a copy of the written report that is described in § 40-8.7-110, C.R.S. This report shall not contain individual participant information.
- (e) Prohibition of disconnection. Utilities shall not disconnect a customer's gas service for non-payment of optional contribution amounts.

4412. Gas Service Affordability Program.

- (a) Scope and applicability.
 - (I) Gas utilities with Colorado retail customers shall provide income qualified energy assistance by offering rates, charges, and services that grant a reasonable preference or advantage to residential income qualified customers, as permitted by § 40-3-106, C.R.S.
 - (II) Rule 4412 is applicable to investor-owned gas utilities subject to rate regulation by the Commission.
- (b) Definitions. The following definitions apply only in the context of rule 4412. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.
 - (I) "Administrative cost" means the utility's direct cost for labor (to include the cost of benefit loadings), materials, and other verifiable expenditures directly related to the administration and operation of the program not to exceed ten percent of the total cost of program credits applied against bills for current usage and pre-existing arrearages or \$10,000, whichever amount is greater.
 - (II) "Affordable percentage of income payment" means the amount of the participant's annual bill deemed affordable under subparagraph 4412(e)(I).
 - (III) "Arrearage" means the past-due amount appearing, as of the date on which a participant newly enters the program, on the then most recent prior bill rendered to a participant for which they received the benefit of service.

- (IV) “Colorado Energy Office” (CEO) means the Colorado Energy Office created in § 24-38.5-101, C.R.S.
- (V) “Eligible income qualified customer” means a residential utility customer who meets the household income thresholds pursuant to paragraph 4412(c).
- (VI) “Fixed credit” means an annual bill credit established at the beginning of a participant’s participation in a program each year delivered as a monthly credit on each participant’s bill. The fixed credit is the participant’s full annual bill minus the participant’s affordable percentage of income payment obligation on the full annual bill.
- (VII) “Full annual bill” means the current consumption of a participant billed at standard residential rates. The full annual bill of a participant is comprised of two parts: (1) that portion of the bill that is equal to the affordable percentage of income payment; and (2) that portion of the bill that exceeds the affordable percentage of income payment.
- (VIII) “LEAP” means Low-Income Energy Assistance Program, a county-run, federally-funded, program supervised by the Colorado Department of Human Services, Division of Low-Income Energy Assistance.
- (IX) “LEAP participant” means a utility customer who at the time of applying to participate in a program has been determined to be eligible for LEAP benefits by the Department during either the Department’s current LEAP application period, if that period is open at the time the customer applies for program participation; or (the Department’s most recently closed LEAP application period, if that period is closed at the time the customer applies to participate in the program and the Department’s next LEAP application period has not yet opened, provided, however, that in order to retain status as a LEAP participant under this definition, the utility customer must apply to the Department during the Department’s next LEAP benefit application period and be determined eligible for such benefits.
- (X) “Non-participant” means a utility customer who is not receiving income qualified assistance under rule 4412.
- (XI) “Participant” means an eligible income qualified residential utility customer who is granted the reasonable preference or advantage through participation in a gas service low-income program.
- (XII) “Percentage of Income Payment Plan” (PIPP) means a payment plan for participants that does not exceed an affordable percentage of their household income as set forth in subparagraph 4412(e)(l).
- (XIII) “Program” means a gas service low-income program approved under rule 4412.
- (XIV) “Program credits” means the amount of benefits provided to participants to offset the unaffordable portion of a participant’s utility bill and /or dollar amounts credited to participants for arrearage forgiveness.
- (XV) “Unaffordable portion” means the amount of the estimated full annual bill that exceeds the affordable percentage of income payment.

- (c) Participant eligibility.
 - (I) Eligible participants are limited to those who meet one or more of the following criteria:
 - (A) household income less than or equal to 200 percent of the federal poverty guideline;
 - (B) household income less than or equal to 80 percent of the area median income, as published annually by the United States Department of Housing and Urban Development; or
 - (C) qualification under income guidelines adopted by the Department of Human Services pursuant to § 40-8.5-105, C.R.S.
 - (II) The utility shall obtain the determination of a participant's eligibility from the Department of Human Services, Energy Outreach Colorado, or the Colorado Energy Office.
 - (III) If a participant's household income is \$0, the utility may establish a process that verifies income on a more frequent basis.
 - (IV) Program participants shall not be required to make payment on their utility account as a condition of entering into the program.
- (d) Enrollment. Utilities shall be responsible for the methods by which participant enrollment in their approved low-income program is obtained and sustained, however the utility should engage in enrollment processes that are efficient and attempt to maximize the potential benefits of participation in the low-income program by low-income customers.
- (e) Payment plan.
 - (I) Participant payments for natural gas bills rendered to participants shall not exceed an affordable percentage of income payment. For accounts for which natural gas is the primary heating fuel, participant payments shall be no lower than two percent and not greater than three percent of the participant's household income. For accounts for which electricity is the primary heating fuel but the participant also has natural gas service, utility participant payments for gas service shall not be greater than one percent of the participant's household income.
 - (II) In the event that a primary heating fuel for any particular participant has been identified by LEAP, that determination shall be final.
 - (III) Notwithstanding the percentage of income limits established in subparagraph 4412(e)(I), a utility may establish minimum monthly payment amounts for participants with household income of \$0, provided that the participant's minimum payment for a natural gas account shall be no more than \$10.00 a month.
 - (IV) Full annual bill calculation. The utility shall be responsible for estimating a participant's full annual bill for the purpose of determining the unaffordable portion of the participant's full annual bill delivered as a fixed credit on the participant's monthly billing statement.

- (V) Fixed credit benefit. The fixed credit shall be adjusted during a program year in the event that standard residential rates, including commodity or fuel charges change to the extent that the full annual bill at the new rates would differ from the full annual bill upon which the fixed credits are currently based by 25 percent or more.
- (VI) Levelized budget billing participation. A utility may enroll participants in its levelized budget billing program as a condition of participation in the program, though the utility shall also allow participants the option to opt out of levelized budget billing if they so choose without losing PIPP benefits, which option shall be available to the participants where the utility's automated billing system is capable. Utilities without automated billing systems capable of permitting opt out of levelized budget billing shall reasonably and prudently modify their systems to facilitate opt out of levelized budget billing. Should a participant fail to meet monthly bill obligations and be placed by a utility in its regular delinquent collection cycle, the utility may remove the participant from levelized budget billing in accordance with the utility's levelized budget billing tariff.
- (VII) Arrearage credits.
 - (A) Arrearage credits shall be applied to pre-existing arrearages.
 - (B) Arrearage credits shall be sufficient to reduce, when combined with participant copayments, if any, the pre-existing arrearages to \$0.00 over a period not less than one month and not more than twenty-four months.
 - (C) Application of an arrearage credit to a participant account may be conditioned by the utility on one or more of the following:
 - (i) the receipt of regular participant payments toward bills for current usage;
or
 - (ii) the payment of a participant copayment toward the arrearages so long as the participant's copayment total dollar amount does not exceed one percent of gross household income.
 - (D) Should the participant exit the program prior to the full forgiveness of all pre-existing arrearages, the amount of remaining pre-existing arrearages shall become due in accordance with the utility's tariff filed under rules 4401, 4407, and 4408.
 - (E) Pre-existing arrears under this subparagraph shall not serve as the basis for the termination of service for nonpayment or as the basis for any other utility collection activity while the customer is participating in the program.
 - (F) A participant may receive arrearage credits under this section even if that participant does not receive a credit toward current bills.
- (VIII) Portability of benefits. A participant may continue to participate without reapplication should the participant change service addresses but remain within the service territory of the utility providing the benefit, provided that the utility may make necessary adjustments

in the billing amount to reflect the changed circumstances. A participant who changes service addresses and does not remain within the service territory of the utility providing the benefit must reapply to become a participant at the participant's new service address.

- (IX) Payment default provisions. Failure of a participant to make his or her monthly bill payments may result in a utility placing the participant in its regular collection cycle. Partial or late payments shall not result in the removal of a participant from the program.

- (f) Program implementation.

Each utility shall maintain effective terms and conditions in its tariffs on file with the Commission describing its low-income program.

- (g) Cost recovery.

- (I) Each utility shall include in its income qualified tariff terms and conditions how costs of the program will be recovered.

- (II) Program cost recovery.

- (A) Program cost recovery shall be based on a fixed monthly fee.

- (B) The maximum impact on residential rates shall be no more than \$1.00 per month.

- (C) In order to determine monthly rates applicable to rate classes other than residential, program costs shall be allocated to each retail rate based on each rate class's share of the test year revenue requirement established in the utility's last Phase II rate case, or under another reasonable methodology supported by quantifiable information. The monthly rate per this subparagraph to be charged each rate schedule customer shall be clearly stated on a tariff sheet.

- (D) Utilities shall separately account for the program year's program cost recovery and program and administrative costs to determine if the net of program cost recovery and program and administrative cost are in balance during the program year.

- (i) No later than December 31 of each year, the utility shall file a report with the Commission in the most recent miscellaneous proceeding for annual low-income filings detailing the net difference between program cost recovery and program costs as of October 31 of each year.

- (1) Should the net difference of program cost recovery over program and administrative costs be greater than 50 percent derived in D) above, either positive or negative, and the utility is not currently at the maximum impact for non-participants, the utility shall file with the Commission an advice letter and tariff pages seeking approval for the rates determined in subparagraph 4412(g)(II)(D) in order to bring the projected recovery in balance for the ensuing 12 month period. The revised Residential charge shall not exceed the maximum impact for non-participants in subparagraph 4412(g)(II)(C).
- (III) The following costs are eligible for recovery by a utility as program costs:
- (A) program credits or discounts applied against bills for current usage;
 - (B) program credits applied against pre-existing arrearages;
 - (C) program administrative costs; and
 - (D) Commission-sponsored program evaluation costs required under paragraph 4412(k).
- (IV) The utility shall apply, as an offset to cost recovery, all program expenses attributable to the program. Program expenses include utility operating costs; changes in the return requirement on cash working capital for carrying arrearages; changes in the cost of credit and collection activities directly related to income qualified participants; and changes in uncollectable account costs for these participants.
- (V) LEAP grants.
- (A) The utility may apply energy assistance grants provided to the participant by the LEAP program to the dollar value of credits granted to individual program participants.
 - (B) If applying LEAP grants first, a utility shall apply any energy assistance benefit granted to the participant by LEAP to that portion of the program participant's full annual bill that exceeds the participant's affordable percentage of income payment.
 - (C) If the dollar value of the energy assistance grant is greater than the dollar value of the difference between the program participant's full annual bill and the participant's affordable percentage of income payment, the dollar amount by which the energy assistance grant exceeds the difference will be applied:
 - (i) first, to any pre-existing arrearages that at the time of the energy assistance grant continues to be outstanding; and
 - (ii) second, to the account of the program participant as a benefit to the participant.

- (D) No portion of an energy assistance or LEAP grant provided to a program participant may be applied to the account of a participant other than the participant to whom the energy assistance grant was rendered.
- (h) Other programs. In addition to the utility's low-income program, with Commission approval, a utility may offer other rate relief options to eligible households.
 - (I) Other programs offered by the utility under rule 4412 must be intended to reach income qualified households that do not substantially benefit from the provisions of the low-income program. Such programs may take the form of discount rates, tiered discount rates or other direct bill relief methods where the income qualified household benefitting from the program is granted a reasonable preference in tariffed rates assessed to all residential utility customers.
 - (II) Cost recovery for other programs combined with the Percentage of Income Payment Plan shall not exceed the maximum impact on residential rates described in subparagraph 4412(g)(II)(C).
- (i) Energy efficiency and weatherization.
 - (I) The utility shall provide all program participants with information on energy efficiency programs offered by the utility or other entities and existing weatherization programs offered by the state of Colorado or other entities.
 - (II) The utility shall provide the Colorado Energy Office with the name and service address of participant households for which annual natural gas usage exceeds 600 therms annually.
- (j) Stakeholder engagement. A utility shall conduct annual meetings with income qualified stakeholders for the purpose of seeking solutions to issues of mutual concern and aligning program practices with the needs of customers and other stakeholders.
- (k) Program evaluation. A triennial evaluation of the program provisions under rule 4412 beginning in 2019 shall be undertaken in order to review best practices in similar low-income assistance programs in existence in other regulatory jurisdictions, as well as evaluate operation of each utility's program for effectiveness in achieving optimum support being provided to income qualified participants. The evaluation shall also recommend modifications if available that improve the delivery of benefits to participants and increase the efficiency and effectiveness of each program as they exist at the point of evaluation. The program evaluation shall include a customer needs assessment provided that adequate funds are available.
 - (I) Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders including, but not limited to, Commission staff, all Commission regulated electric and gas utilities, LEAP, the Office of Consumer Counsel, and Energy Outreach Colorado in the design of the requirements regarding study focus and final reporting.

- (II) Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days.
 - (III) \$00.0013 per customer per month shall be set aside by the utility in order to cover the cost of the program evaluation described in paragraph 4412(k).
 - (IV) The dollars resulting from the \$00.0013 charge shall be recovered as a program cost under subparagraph 4412(g)(III).
 - (V) The evaluation will be filed by Commission staff in the most recent miscellaneous proceeding for annual low-income filings.
 - (VI) Staff and the CEO will assess the individual utilities' deferred balances set aside for the program evaluation starting in 2019 at the conclusion of the third program year and each three years thereafter and will determine the amounts each utility is to remit to the third party evaluator based on the contractual terms approved by the Commission for the evaluation.
- (I) Annual report. No later than December 31 of each year, each utility shall file a report in the most recent miscellaneous proceeding established by the Commission to receive annual low-income filings using the form available on the Commission's website, based on the 12-month period ending October 31 and containing the following information below:
- (I) monthly information on the program including number of participants, amount of benefit disbursement, type of benefit disbursement, LEAP benefits applied to the unaffordable portion of participant's bills, administrative costs, and revenue collection;
 - (II) the number of applicants for the program;
 - (III) the number of applicants qualified for the program;
 - (IV) the number of participants;
 - (V) the average assistance provided, both mean and median;
 - (VI) the maximum assistance provided to an individual participant;
 - (VII) the minimum assistance provided to an individual participant;
 - (VIII) total cost of the program and the average rate impact on non-participants by rate class, including impact based on typical monthly consumption of both its residential and small business customers;
 - (IX) the number of participants that had service discontinued as a result of late payment or non-payment, and the amount of uncollectable revenue from participants;

- (X) an estimate of utility savings as a result of the implementation of the program (e.g., reduction in trips related to discontinuance of service, reduction in uncollectable revenue, etc.);
 - (XI) the average monthly and annual total natural gas consumption in PIPP participants' homes;
 - (XII) the average monthly and annual total natural gas consumption in the utility's residential customer's homes;
 - (XIII) the number of program participants referred to the weatherization program;
 - (XIV) the total dollar value of participant arrearages forgiven, the number of customers who had arrearage balances forgiven, and the maximum and minimum dollar value of arrears forgiven;
 - (XV) a description of the ways in which the program is being integrated with existing energy efficiency, DSM, or behavioral programs offered by the utility;
 - (XVI) a description of the ways in which the program is being integrated with existing weatherization programs offered by the state of Colorado;
 - (XVII) a description of program outreach strategies and metrics that illustrate the effectiveness of each outreach strategy;
 - (XVIII) a description of participant outreach, education, and engagement efforts, including descriptions of communications and materials, and key findings from those efforts;
 - (XIX) the number of participants at the start of the program year that the utility removed for any reason, the number of participants who opted out of the program after enrollment, the number of potential participants rejected because of the existence of a cap on the program, the period of arrearage time from date participants became eligible and were granted arrearage forgiveness, and the number of participants who came back as eligible participants in the program year after being eligible in a prior program year and were provided arrearage credits in the program year;
 - (XX) a narrative summary of the utility's recommended program modifications based on report findings; and
 - (XXI) a statement regarding whether the utility is accommodating PIPP participants' requests to opt out of levelized budget billing pursuant to subparagraph 4412(e)(VI) and, if not, an explanation of why the utility believes it is not reasonable and prudent to modify its automated billing system to accommodate such requests. If the utility plans to accommodate such requests at any point in the upcoming year, a description of the plan, including the anticipated cost of the plan and the date that the functionality in its automated billing system will go online, must be included.
- (m) Energy Assistance System Benefit Charge. Beginning October 1, 2021, each utility shall include on its monthly bills a flat energy assistance system benefit charge of 50 cents, with this amount

rising to 75 cents on October 1, 2022, and being adjusted for inflation in accordance with changes in the United States Department of Labor’s Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood beginning on October 1, 2023. The disposition of money collected by the Energy Assistance System Benefit Charge is determined by § 40-8.7-108, C.R.S.

- (I) Prior to October 1, 2023, and each year following, Commission staff shall compute the charge adjusted by the index and shall send a letter to each utility stating the charge to be paid by customers during the next calendar year.

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[indicates omission of unaffected rules]

4553. Contents of a Gas Infrastructure Plan.

(a) General.

- (I) The utility shall describe in each gas infrastructure plan the methodology, criteria, and assumptions used to develop the gas infrastructure plan. The utility shall specifically describe its system planning and infrastructure modeling process including the assumptions and variables that are inputs into the process.
- (II) The utility shall describe its budget planning processes and the expected level of accuracy in its cost projections.
- (III) The utility shall categorize planned projects, or explain any deviation of project categorization, based on the categories set forth below. A planned project may be included in more than one category or subcategory. The utility shall also explain the inter-relationship of planned projects, to the extent applicable.
 - (A) “System safety and integrity projects” shall include but are not limited to pipeline and storage integrity management programs; exposed pipe inspection and remediation; pipe or compressor station upgrades; projects undertaken to meet U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration requirements; and Supervisory Control and Data Acquisition (SCADA) upgrades.
 - (B) “New business projects” shall include utility investment and spending needed to provide gas service to new customers or customers requiring new gas service.
 - (C) “Capacity expansion projects” shall include both individual projects and sets of inter-related facilities needed to maintain system reliability and meet a specified capacity expansion need. Within the category of capacity expansion projects, the utility shall further separate appropriate projects into the following sub-categories:
 - (i) capacity expansion projects needed for reliability or growth in sales by existing customers, structures, and facilities; and

- (ii) capacity expansion projects needed for growth in sales due to new customers, structures, and facilities, that are not otherwise new business planned projects.

(D) “Mandatory relocation projects” as defined in paragraph 4001(gg).

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[indicates omission of unaffected rules]

(c) Planned project information.

- (l) The utility shall present the following project-specific information for all planned projects in the gas infrastructure plan total period, with information provided to the extent practicable for projects in the gas infrastructure plan informational period:

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[indicates omission of unaffected rules]

(P) for a quantity of new business and capacity expansion projects, given the criteria established by the Commission in accordance with subparagraph 4552(b)(l)(A) through (C), the utility shall present an analysis of alternatives, including non-pipeline alternatives, costs for those alternatives, and criteria used to rank or eliminate such alternatives.

(i) An analysis of alternatives shall consider, at a minimum:

- (1) one or more applicable clean heat resources consistent with the utility’s most recently approved clean heat plan, pursuant to rule 4732, demand side management plan, pursuant to rule 4753, or beneficial electrification plan, as applicable;
- (2) a cost-benefit analysis including the costs of direct investment and the social costs of carbon and methane for emissions due to or avoided by the alternative, and other costs determined appropriate by the Commission; and
- (3) available best value employment metrics associated with each alternative, as defined in paragraph 4001(j), including a projection of gas distribution jobs affected by the alternative and jobs made available through the alternative, opportunities to transition any affected gas distribution jobs to the alternative, pay and benefit levels of the affected gas distribution jobs and the jobs available through a transition opportunity, and how employment impacts associated with each alternative could affect disproportionately impacted communities.

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[indicates omission of unaffected rules]

4731. Clean Heat Plan Application Requirements.

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[indicates omission of unaffected rules]

(f) Project-based information.

- (l) It is the Commission’s policy that utilities should acquire clean heat resources in the most cost-effective manner. To this end, the utility shall use competitive solicitations to the maximum extent practical.
 - (A) If a utility’s clean heat plan includes the purchase or development of green hydrogen, the utility must include the gross quantity of green hydrogen transported by a common carrier or dedicated pipeline on an annual basis and the corresponding Btu content.
 - (B) With the exception of a green hydrogen project proposed in coordination with the State of Colorado, to secure benefits under a federal law, or as part of a State of Colorado application for a hydrogen hub, a proposal for a green hydrogen project shall include a competitive solicitation proposal, which shall include, at minimum, the following information:
 - (1) a copy of the request for proposals to be offered in the competitive solicitation;
 - (2) an explanation of required milestones and development-related penalties;
 - (3) the timing of the competitive solicitation and review and negotiation processes;
 - (4) a copy of the proposed contract to be signed by the utility and any third-party entity;
 - (5) the utility’s standards for interconnection, including purity standards and metering methods; and
 - (6) an explanation of how best value employment metrics, as defined in paragraph 4001(j), will be evaluated in the utility’s review of bids.

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[indicates omission of unaffected rules]

4732. Approval of a Clean Heat Plan.

- (b) In evaluating whether the clean heat plan is in the public interest, the Commission shall consider, at a minimum, the following factors:

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[indicates omission of unaffected rules]

- (VI) whether the plan provides long-term impacts on Colorado’s utility workforce as part of a just transition including consideration of the labor metrics and benefits as specified in § 40-3.2-108(8), C.R.S., and defined in paragraph 4001(j); and

* * * *

[indicates omission of unaffected rules]

4733. Interim Clean Heat Plan Reporting.

- (a) By March 31 in all calendar years that a clean heat plan application is not submitted, each utility shall submit to the Commission an annual clean heat plan report that shows, pursuant to its approved clean heat plans:

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[indicates omission of unaffected rules]

- (VII) detailed information obtained from contractors about their use of Colorado-based labor, use of contractors participating in apprenticeship programs meeting the criteria in § 40-3.2-105.5(3), C.R.S., use of out-of-state labor to construct and deliver clean heat resources, and other labor metrics and information as specified in § 40-3.2-108(8), C.R.S., and defined in paragraph 4001(j);

* * * *

[indicates omission of unaffected rules]

4753. Periodic DSM Plan Filing.

Each utility shall periodically file, in accordance with paragraph 4752(e), a prospective natural gas DSM plan that covers a DSM period of three years, unless otherwise ordered by the Commission. The plan shall include the following information:

- (a) the utility’s proposed expenditures by year for each DSM program, by budget category; the sum of these expenditures represents the utility’s proposed expenditure target as required by § 40-3.2-103(2)(a), C.R.S.;

- (b) the utility's estimated natural gas energy savings over the lifetimes of the measures implemented in a given annual DSM program period, expressed in dekatherms per dollar of expenditure, and presented for each DSM program proposed for Commission approval; this represents the utility's proposed savings target required by § 40-3.2-103(2)(b), C.R.S.;
- (c) the anticipated units of energy to be saved annually by a given annual DSM program, which equals the product of the proposed expenditure target and proposed savings target; this product is referred to herein as the energy target;
- (d) the estimated dollar per therm value that represents the utility's annual fixed costs that are recovered through commodity sales on a per therm basis;
- (e) the utility shall include in its DSM plan application data and information sufficient to describe the design, implementation, oversight and cost effectiveness of the DSM programs. Such data and information shall include, at a minimum, program budgets delineated by year, estimated participation rates and program savings (in therms);
- (f) in the information and data provided in a proposed DSM plan, the utility shall reflect consideration of the factors set forth in the Overview and Purpose, rule 4750. At a minimum the utility shall provide the following information detailing how it developed its proposed DSM program:
 - (I) descriptions of identifiable market segments, with respect to gas usage and unique characteristics;
 - (II) a comprehensive list of DSM measures that the utility is proposing for inclusion in its DSM plan;
 - (III) a detailed analysis of proposed DSM programs for a utility's service territory in terms of markets, customer classes, anticipated participation rates (as a number and a percent of the market), estimated energy savings and cost effectiveness;
 - (IV) a ranking of proposed DSM programs, from greatest value and potential to least, based upon the data required in subparagraph (f)(III);
 - (V) proposed marketing strategies to promote participation based on industry best practices;
 - (VI) calculation of cost effectiveness of the proposed DSM programs using a modified TRC test. Each proposed DSM program is to have a projected value greater than or equal to 1.0 using a modified TRC test, except as provided for in paragraph 4753 (g); and
 - (VII) an analysis of the impact of the proposed DSM program expenditures on utility rates, assuming a 12-month cost recovery period.
- (g) In its DSM plan, the utility shall address how it proposes to target DSM services to income qualified customers. The utility shall also address whether it proposes to provide DSM services directly or indirectly through financial support of conservation programs for income qualified households administered by the State of Colorado, as authorized by § 40-3.2-103(3)(a), C.R.S. The utility may propose one or more DSM programs for income qualified customers or customers in disproportionately impacted communities that yield a modified TRC test value below 1.0.

- (h) In proposing an expenditure target for Commission approval, pursuant to § 40-3.2-103 (2)(a), C.R.S., the utility shall comply with the following:
 - (I) the utility's annual expenditure target for DSM programs shall be, at a minimum, two percent of a natural gas utility's base rate revenues, (exclusive of commodity costs), from its sales customers in the 12-month calendar period prior to setting the targets, or one-half of one percent of total revenues from its sales customers in the 12-month calendar period prior to setting the targets, whichever is greater;
 - (II) the utility may propose an expenditure target in excess of two percent of base rate revenues; and
 - (III) funds spent for education programs, market transformation programs and impact and process evaluations and program planning related to natural gas DSM programs may be recovered without having to show that such expenditures, on an independent basis, are cost-effective; such costs shall be included in the overall benefit/cost ratio analysis.
- (i) The utility shall propose a budget to achieve the expenditure target proposed in paragraph 4753 (a). The budget shall be detailed for the overall DSM plan and for each program for each year and shall be categorized into:
 - (I) planning and design costs;
 - (II) administrative and DSM program delivery costs;
 - (III) advertising and promotional costs, including DSM education;
 - (IV) customer incentive costs;
 - (V) equipment and installation costs;
 - (VI) measurement and verification costs; and
 - (VII) miscellaneous costs.
- (j) The budget shall explain anticipated increases/decreases in financial resources and human resources from year to year.
- (k) A utility may spend more than the annual expenditure target established by the Commission up to 25 percent over the target, without being required to submit a proposed DSM plan amendment. A utility may submit a proposed DSM plan amendment for approval when expenditures are in excess of 25 percent over the expenditure target.
- (l) As a part of its DSM plan, each utility shall propose a DSM plan with a benefit/cost value of unity (1) or greater, using a modified TRC test.
- (m) For the purposes of calculating a modified TRC, the non-energy benefits of avoided emissions and societal impacts shall be incorporated as follows.

- (l) The initial TRC ratio, which excludes consideration of avoided emissions and other societal benefits, shall be multiplied by 1.05 to reflect the value of the avoided emissions and other societal benefits. The result shall be the modified TRC. A utility may propose for approval a different factor for avoided emissions and societal impacts, but must submit documentation substantiating the proposed value.

- (n) Measurement and verification (M & V) plan. The utility shall describe in complete detail how it proposes to monitor and evaluate the implementation of its proposed programs. The utility shall explain how it will accumulate and validate the information needed to measure the plan's performance against the standards, pursuant to rule 4755. The utility shall propose measurement and verification reporting sufficient to communicate results to the commission in a detailed, accurate and timely basis.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22R-0557EG

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION’S RULES REGULATING ELECTRIC UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-3, AND RULES REGULATING GAS UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-4, PURSUANT TO HOUSE BILL 22-1018.

**COMMISSION DECISION GRANTING EXCEPTIONS
IN PART AND DENYING IN PART**

Mailed Date: March 7, 2024
Adopted Date: January 31, 2024

TABLE OF CONTENTS

I. BY THE COMMISSION 1

 A. Statement 1

 B. Background..... 2

 C. Exceptions to the Recommended Decision 4

 1. Atmos Exceptions 4

 2. CNG’s Exceptions..... 5

 D. Findings and Conclusions..... 11

II. ORDER..... 12

 A. The Commission Orders That:..... 12

 B. ADOPTED IN COMMISSIONERS’ WEEKLY MEETING January 31, 2024..... 13

I. BY THE COMMISSION

A. Statement

1. Through this Decision, the Commission grants, in part, and denies, in part, the exceptions filed to Recommended Decision No. R23-0844, issued December 20, 2023, by Administrative Law Judge (ALJ) Alenka Han (Recommended Decision). The Recommended

Decision adopted rules regarding statutory changes to § 40-3-103.6, C.R.S. made pursuant to House Bill (HB)22-1018, addressing utility's practices concerning a customer's ability to pay their utility bills.

B. Background

2. In 2022, the Colorado General Assembly enacted HB22-1018, which concerned a customer's ability to pay utility bills. The legislation adopted numerous criteria limiting a utility's procedures for disconnecting service due to nonpayment. Additionally, HB22-1018 directed the Commission to commence a rulemaking proceeding to adopt standard practices for gas and electric utilities to follow when disconnecting services due to nonpayment.

3. The Commission initiated this proceeding by issuing a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3, and the Rules Regulating Gas Utilities, 4 CCR 723-4. The NOPR proposed changes to the rules, established deadlines for initial written comments, and scheduled a remote public comment hearing for February 27, 2023. The rulemaking proceeding was referred to an Administrative Law Judge.

4. The Office of Utility Consumer Advocates (UCA), Energy Outreach Colorado (EOC), Public Service Company of Colorado (Public Service), Colorado Natural Gas, Inc. (CNG), Black Hills Colorado Electric, LLC, and Black Hills Colorado Gas, Inc., doing business as Black Hills Energy (collectively, Black Hills), and Atmos Energy Corporation (Atmos) filed written comments. Four subsequent public comment hearings were held on April 4, 2023, May 15, 2023, July 18, 2023, and September 15, 2023, respectively.

5. During the course of the rulemaking proceedings, EOC and UCA (collectively, Joint Respondents), along with Public Service and Black Hills, advised the ALJ that they were

jointly drafting proposed consensus rule language. The proposed consensus rules (Consensus Rules) were filed prior to the public comment hearing held on July 18, 2023. The Proposed Consensus Rules recommended language for Rules 3407(h), (i), (j), and (k), 4 CCR 723-3, and Rules 4407(h), (i), (j), and (k), 4 CCR 723-4. The proposed rules further defined “qualifying communication” by specifying the circumstances by which a customer was deemed to have received a utility’s message and required each utility to advise the Commission in a tariff of the utility’s planned educational outreach to customers regarding disconnections and reconnections. Because of the delayed filing of the Consensus Rules, the rulemaking hearing was continued to September 15, 2023. Atmos and CNG filed Joint Comments responding to the Consensus Rules.

6. Consensus Rules 3407(i) and 4407(i) proposed requiring utilities to conduct at least one meeting with stakeholders and interested customers to solicit input on their customer education and outreach strategies regarding disconnections and reconnections. The results of these meetings and a summary of the outreach programs were proposed to be included in each utilities’ annual reports.

7. Rules 3407(j) and 4407(j) proposed reporting requirements for utilities to notify the Commission about their efforts and strategies to educate customers about disconnection and reconnection procedures. Utilities must also update their strategy reports to reflect these efforts every five years. Additionally, any electric utility employing AMI technology to remotely disconnect and/or reconnect customers must include an overview of its historical use of remote disconnections in its strategy report.

8. Consensus Rules 3407(k) and 4407(k) propose that utilities incorporate language into their tariffs that describe their individual education outreach and strategies by reporting on their five-year customer education and outreach strategies.

9. The ALJ found that including language in a tariff is the best means to ensure compliance with the new reporting requirements. The ALJ concluded that including Consensus Rules 3407(i), (j) and (k) as well as Consensus Rules 4407(i), (j) and (k) as part of the adopted rules was reasonable and appropriate.

C. Exceptions to the Recommended Decision

10. Pursuant to § 40-6-109(2), C.R.S., and 4 CCR 723-1-1505(a) of the Commission's Rules of Practice and Procedure, Atmos and CNG timely filed exceptions to the Recommended Decision. Joint Respondents timely filed a Joint Response to the exceptions.

1. Atmos Exceptions

11. Atmos takes issue with a legal finding by the ALJ. Atmos contends the Recommended Decision contains a legal error regarding the role of a "qualifying communication" under HB22-1018 and should be corrected. The Recommended Decision finds that HB22-1018 requires a qualifying communication to occur before a utility disconnects a customer for nonpayment. The ALJ clarifies that a utility must reconnect a customer without AMI technology the same day the customer requests reconnection unless the utility made a qualifying communication to the customer. In the event the utility sent the customer a qualifying communication, reconnection to a non-AMI-enabled property can occur the following day.

12. However, Atmos disagrees, arguing § 40-3-103.6 C.R.S., does not require a qualifying communication occur prior to disconnection. Atmos takes the position § 40-3-103.6(1.5)(b)(I), C.R.S. instead, provides an exception to the same day reconnection requirements. Atmos asserts under HB22-1018, a gas utility is required to reconnect a customer's service on the same day as the customer requests reconnection if the customer has requested reconnection of service prior to 12:59 p.m. However, the gas utility can reconnect the customer's

service on the day following disconnection if, prior to disconnecting the customer's service, the utility made a qualifying communication to the customer. Atmos contends that a gas utility can disconnect a customer without making a qualifying communication, but if the customer requests reconnection prior to 12:59 p.m., then the utility must reconnect the customer the same day, unless an emergency or safety event or circumstance arises after disconnection of service that renders the utility's staff temporarily unavailable to safely reconnect service.

13. Joint Respondents agree with Atmos' position. Joint Respondents agree that a utility has discretion over whether to make a qualifying communication to a customer and hold itself to same-day reconnections for all reconnections made in a timely manner. Joint Respondents request the Commission grant the limited exception of Atmos, noting that no rule language needs to be modified as part of the correction.

14. We agree with Atmos and the Joint Respondents. The ALJ erred in the interpretation of the term, "qualifying communication." We agree the proper interpretation would allow a gas utility to reconnect the customer's service on the day following disconnection if, prior to disconnecting the customer's service, the utility made a qualifying communication to the customer.

2. CNG's Exceptions

15. CNG's exceptions focus on Rules 4407(i)–(k), adopted by the ALJ from the proposed Consensus Rules. CNG notes that Rules 4407(i)–(k) were not part of the original draft rules that accompanied the Commission's NOPR or expressly mandated by HB22-1018. CNG takes the position it (and Atmos) is a smaller gas-only utility without AMI-capable meters or remote disconnection technology, to which the Consensus Rules were intended. CNG contends that, prior to the submission of the Consensus Rules, the plain focus and intent of the Commission's

proposed rules were related to the use of remote disconnection technology and there was no indication those rules would apply to utilities not using, or planning to use, that technology. Consequently, CNG requests that it be excepted from the various requirements of Rules 4408(i)–(k).

16. CNG claims that the multi-year plan best applies to utilities conducting remote disconnects and should only apply to those that employ AMI technology. CNG argues the focus and intent of the proposed rules, prior to the submission of the Consensus Rules, was related to the use of remote disconnection technology and there was no indication the rules would apply to utilities not using or planning to use this technology. CNG contends applying these Rules to the gas-only utilities that do not employ remote disconnect technology imposes a burdensome multi-year regulatory filing that may increase administrative and legal costs which would be spread over a very small customer base.

17. Joint Respondents acknowledge the adoption of the new customer education and outreach strategy rules are not required by HB22-1018; however, Joint Respondents argue the proposed Rules do not violate the Bill or any other statutory provision governing the regulation of utilities. Rather, Joint Respondents maintain the proposed Rules exceed current statutory requirements on disconnection and reconnection by educating utility customers on vital processes with the goal of avoiding disconnections altogether. Joint Respondents agree with CNG that the value of a customer education and outreach strategy will assist customers who may be new to remote disconnection and reconnection technology. However, Joint Respondents are convinced the educational outreach would be helpful to all customers, regardless of the technology used.

18. We agree with the findings of the ALJ and Joint Respondent's arguments that while the proposed Rules exceed current statutory requirements on disconnection and reconnection, they

nonetheless play an important role in educating utility customers on disconnection processes with the goal of avoiding disconnections altogether. We further agree with UCA that neither the Electric and Gas Rules, nor HB22-1018, are explicitly limited to remote disconnections and reconnections. We find merit in the argument addressing the scope of HB22-1018 which anticipates a utility's use of AMI and remote disconnection and reconnection technology but employs broader language applicable all disconnections. Given the prescriptive nature of § 40-3-103.6, C.R.S., we are convinced the intent of HB22-1018 is to educate customers about the disconnection and reconnection process, whether remote or not, in order for customers to understand their utility's processes to avoid disconnections when possible. Consequently, we deny CNG's exceptions on this point.

19. CNG disputes the need for additional customer communications regarding disconnections, as it contends, they are clearly defined in existing Gas Rules. These existing Rules at 4408 and 4409, according to CNG, establish customer notification steps that are required prior to disconnection and require, among other things, when and how notice is to be provided. CNG asserts requiring a small utility such as CNG to incur the administrative and legal costs associated with these additional requirements is not in the public interest.

20. While current rules do address disconnection processes, we do not believe they achieve the same purpose as the rules proposed here. For example, Rule 4408 addresses a utility's obligation to provide notice to customers prior to disconnections. Rule 4409 addresses time frames during which the utility must restore service to a disconnected customer. Notably, neither of these rules describes a process by which the utility performs outreach or educates customers on the reconnection and disconnection processes. We find these additional outreach processes to inform customers about a utility's disconnection and reconnection processes to inform customers about a

utility's disconnection and reconnection procedures are essential to customer education and thereby reducing disconnections. Accordingly, we deny CNG's exceptions on this issue.

21. CNG also takes issue with the annual reporting requirement in Rule 4407(j), arguing it is duplicative of existing reporting requirements and so is unnecessary. CNG submits that the bulk of the information being sought here is already included in the requirements found in current Rules 4407(g)(I) and (II) noting however, that those rules do not require tariffed provisions for disconnection and reconnection.

22. CNG maintains current Rule 4407(g)(II)(B), is more comprehensive than proposed Rule 4407(j), requiring utilities to provide information about how the utility is working to reduce delinquencies and disconnections, including actions being taken and a description of the efforts to identify efficiency and bill assistance resources. CNG contends it is neither administratively efficient nor in the public interest to require utilities, especially a small utility such as CNG with a small customer base, to duplicate reporting that is already required.

23. Joint Respondents acknowledge that the Commission recently worked with Public Service, Black Hills, Atmos and CNG to update the annual disconnection reporting requirements. However, Joint Respondents indicate it is their intention to have the customer education and outreach strategy reporting work alongside the existing obligations. Joint Respondents assert that the filing obligations CNG's exceptions describe are regulatory documents not easily available to customers facing a potential disconnection. Joint Respondents instead, view aspects of a utility's customer education and outreach strategy as a publicly available document posted on a utility's website, and potentially posted on the Commission's website as well. Moreover, Joint Respondents note the current requirements, such as numeric data on disconnections and

reconnections, do not provide any sort of narrative on customer education or outreach strategies that would be helpful to customers.

24. Joint Respondents continue that while HB22-1018 does not obligate the Commission to adopt these new customer education and outreach strategy rules, nothing there violates HB22-1018 or any statutory provision governing the Commission's regulation of utilities. Rather, it is Joint Respondent's position the proposed Consensus Rules exceed current statutory requirements on the disconnection and reconnection framework and serve the public interest by educating utility customers on utility processes with the goal of avoiding disruptive disconnections altogether. Joint Responders do not believe the size of a utility should be considered when educating its customer base. Joint Respondents conclude that a residential customer of CNG should have the same rights and information as a residential customer of Public Service or Black Hills.

25. We disagree with the contention Rules 4407(g)(I)(A)-(R) and (g)(II)(A)(i)-(ii) are duplicative of the proposed rules. Rather, we observe these existing requirements direct utilities to submit to the Commission, reports containing data on, among other things, the total number of customers served, the total number of disconnections notices sent, the total number of disconnections for nonpayment, and the total number of service restorations. We agree with Joint Respondents that these filings are merely empirical in nature and do nothing to educate customers on utility processes. The requirements set out in 4407(i)-(k) compel utilities to engage in customer outreach and develop strategies to ensure customers are aware of utility practices regarding disconnection procedures. We find the customer-oriented processes in the proposed Rules are in the public interest and do not impose undue burdens on smaller utilities such as CNG. We consequently deny CNG's exceptions on this issue.

26. CNG contends, on another point, the Commission completed a revision to the existing disconnection reporting requirements concurrent with this rulemaking in Proceeding No. 23M-0042EG, adopting several improvements, including disconnection reporting requirements. With the institution of the newly designed *Disconnections Annual Report*, monthly reporting of disconnection statistics, and the pre-existing reporting requirements, CNG asserts there is little reason to now require even more reporting.

27. Joint Respondents acknowledge the Commission has recently worked with all four utilities to update annual disconnection reporting. However, Joint Respondents maintain it was their intention to allow the Customer Education and Outreach Strategy reporting to work alongside existing reporting obligations. Joint Respondents envision aspects of a utility's Customer Education and Outreach Strategy as a publicly available document posted on a utility's website. They note these filings could also potentially be posted on the Commission's website available to the general public. Joint Respondents argue the existing filing obligations CNG's exceptions describe are actually regulatory documents not as easily available to customers facing a possible disconnection of service and seeking guidance. Joint Respondents again assert the monthly reports merely provide numeric data on disconnections and reconnections but fail to provide any sort of narrative of customer education or outreach strategies that would be helpful to customers.

28. We agree with Joint Respondents. We are satisfied a utility's Customer Education and Outreach Strategy is complementary to the empirical data reporting required under current Rules. These reports will serve as a useful guide to utility customers, especially those facing the possibility of disconnection. Therefore, we deny CNG's exceptions on this issue.

29. CNG additionally argues the stakeholder meeting requirement in Rule 4407(i) should either be combined with the standing low-income stakeholder meeting required by

Rule 4412(j) or eliminated. In CNG's view, the meeting requirements are similar in purpose so it is not necessary for the Commission to institute another stakeholder meeting requirement.

30. Joint Respondents agree that clarification is needed on this issue and state that it was always their intention that the stakeholder meetings in the new Rules could be combined with the existing low-income stakeholder meeting.

31. We agree with the parties that merging Rule 4407(i) stakeholder meetings with Rule 4407(j) low-income stakeholder meetings makes sense and we therefore grant CNG's exceptions on this point. We apply the same change to the Rules Regulating Electric Utilities to maintain consistency in these areas.

D. Findings and Conclusions

32. Consequently, we grant Atmos' exceptions and find a utility has discretion over whether to make a qualifying communication to a customer and hold itself to same-day reconnections for all reconnections made in a timely manner, as discussed above.

33. Additionally, we grant in part and deny in part CNG's exceptions as discussed above. As noted in deliberations, we find transparency and customer education beneficial to all utility customers regardless of size or use of technology. Disconnections are a significant issue and education of ratepayers is paramount to avoid disconnections in the first place, and certainly to ensure ratepayers are well aware of those processes. It is also important we have the proper information to track disconnections overall. We agree with EOC and UCA that it would be helpful to have some of this in a more public-facing format to ensure that all interested parties have access to it and can easily understand and digest the information. We do not find CNG's exceptions compelling to exempt it from these requirements because requiring such reporting would be expensive or difficult. Rather, we are not convinced any costs associated with these rules are

burdensome. We are convinced transparency is central to reducing disconnections through proper ratepayer education.

34. We adopt the rules shown in legislative (*i.e.*, strikeout/underline) format (Attachments A and C) and final format (Attachments B and D) attached to this Decision, consistent with the discussion above. The rule redlines are to the currently effective rules.

II. **ORDER**

A. **The Commission Orders That:**

1. The exceptions to Recommended Decision No. R23-0844 filed by Atmos Energy Corporation on January 9, 2024, are granted consistent with the discussion above.

2. The exceptions to Recommended Decision No. R23-0844 filed by Colorado Natural Gas, Inc. on January 9, 2024, are granted in part and denied in part consistent with the discussion above.

3. The stakeholder meetings required pursuant to Rules 4 CCR 723-4-4407(i) and 4 CCR 723-3-3307(i) shall be amended to merge with the current low-income stakeholder meetings pursuant to Rule 4 CCR 723-4-4412(j) and 723-3-3314(j), consistent with the discussion above.

4. The Rules Regulating Electric Utilities, 4 CCR 723-3, and the Rules Regulating Gas Utilities, 4 CCR 723-4, contained in legislative format in Attachment A and C to this Decision and final format in Attachment B and D to this Decision, are adopted. The attachments are publicly available through the Commission's E-Filings system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=22R-0557EG

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
January 31, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

MEGAN M. GILMAN

TOM PLANT

Commissioners

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-3

PART 3

RULES REGULATING ELECTRIC UTILITIES

3001. Definitions.

The following definitions apply throughout this Part 3, except where a specific rule or statute provides otherwise. In addition to the definitions here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

- (a) "Advanced metering infrastructure" means an integrated system of smart electric utility meters and communication networks that enables two-way communication between an electric utility's data systems and the meter's internet protocol address and allows the electric utility to measure electricity usage and/or connect or disconnect service remotely.
- (ab) "Affiliate" of a utility means a subsidiary of a utility, a parent corporation of a public utility, a joint venture organized as a separate corporation or partnership to the extent of the individual utility's involvement with the joint venture, a subsidiary of a parent corporation of a utility or where the utility or the parent corporation has a controlling interest over an entity.
- (bc) "Aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) and/or the compilation of customer data of one or more customers from which all unique identifiers and personal information has been removed.
- (ed) "Applicant for service" means a person who applies for utility service and who either has taken no previous utility service from that utility or has not taken utility service from that utility within the most recent 30 days.
- (ee) "Base rate" means charges used to recover costs of utility infrastructure and operations, including a return on capital investment, not otherwise recovered through a utility rate adjustment mechanism.
- (ef) "Basis point" means one-hundredth of a percentage point (100 basis points = one percent).
- (fg) "Benefit of service" means the use of utility service by each person of legal age who resides at a premises to which service is delivered and who is not registered with the utility as the customer of record.

- (gh) "Commission" means the Colorado Public Utilities Commission.
- (hi) "Contracted agent" means any person that has contracted with a utility in compliance with rule 3030 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (ij) "Customer" means any person who is currently receiving utility service. Any person who moves within a utility's service territory and obtains utility service at a new location within 30 days shall be considered a "customer." Unless stated in a particular rule, "customer" applies to any class of customer as defined by the Commission or by utility tariff.
- (jk) "Customer data" means customer-specific data or information, excluding personal information as defined in paragraph 1004(x), that is:
- (I) collected from the electric meter by the utility and stored in its data systems (e.g., kWh, kW, voltage, VARs and power factor);
 - (II) combined with customer-specific energy usage information on bills issued to the customer for regulated utility service when not publicly or lawfully available to the general public; or
 - (III) about the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs.
- (kl) "Distribution facilities" are those lines designed to operate at the utility's distribution voltages in the area as defined in the utility's tariffs including substation transformers that transform electricity to a distribution voltage and also includes other equipment within a transforming substation which is not integral to the circuitry of the utility's transmission system.
- (m) "Emergency or safety event or circumstance" means a manmade or natural emergency event or safety circumstance:
- (I) that prevents utility staff from being able to safely travel to or work at a customer's residence or place of business for purposes of reconnecting or making necessary repairs prior to reconnecting utility service; or
 - (II) for which a utility has dispatched utility staff members to help respond to the emergency or safety event or circumstance and, due to the timing or number of utility staff dispatched, the utility lacks sufficient trained staff to reconnect or make necessary repairs prior to reconnecting utility service at a customer's residence or place of business; and
 - (III) includes a severe weather event that one or more reputable weather forecasting sources forecasts to occur in the following twenty-four hours and that is more likely than not to result in dangerous travel or on-site outdoor or indoor work conditions for individuals in the path of the weather event.
- (ln) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.

- (~~mq~~) "Energy storage system" means a commercially available technology that is capable of retaining energy, storing the energy for a period of time, and delivering the energy as electricity after storage by chemical, thermal, mechanical, or other means.
- (~~rp~~) "Financial security" includes any stock, bond, note, or other evidence of indebtedness.
- (~~eq~~) "Generation facility" means a power plant that converts a primary energy resource into electricity. Primary energy resources include, but are not limited to: nuclear resources, coal, natural gas, hydro, wind, solar, biomass, and geothermal.
- (~~pr~~) "Heavy load" means not less than 60 percent, but not more than 100 percent, of the nameplate-rated capacity of a meter.
- (~~s~~) "Income qualified utility customer" or "low income customer" is a customer meeting the requirements of § 40-3-106(1)(d)(II), C.R.S.
- (~~qt~~) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure.
- (~~ru~~) "Light load" means approximately five to ten percent of the nameplate-rated capacity of a meter.
- (~~sv~~) "Load" means the power consumed by an electric utility customer over time (measured in terms of either demand or energy or both).
- (~~tw~~) "Local government" means any Colorado county, municipality, city and county, home rule city or town, home rule city and county, or city or town operating under a territorial charter.
- (~~ux~~) "Local office" means any Colorado office operated by a utility at which persons may make requests to establish or to discontinue utility service. If the utility does not operate an office in Colorado, "local office" means any office operated by a utility at which persons may make requests to establish or to discontinue utility service in Colorado.
- (~~vy~~) "Main service terminal" means the point at which the utility's metering connections terminate.
- (~~wz~~) "Major event" means an event as defined in and consistent with IEEE Standard Number 1366-2003, Guide for Electric Power Distribution Reliability Indices.
- (~~xaa~~) "MVA" means mega-volt amperes and is the vector sum of the real power and the reactive power.
- (~~ybb~~) "Non-standard customer data" means all customer data that are not standard customer data.
- (~~zcc~~) "Output" means the energy and power produced by a generation system.
- (~~aaed~~) "Past due" means the point at which a utility can affect a customer's account for regulated service due to non-payment of charges for regulated service.
- (~~aaee~~) "Powerline trail" means a multimodal trail that is: eight feet in width or wider; made of hard surface such as concrete or compacted gravel; used for recreational purposes or commuting in a manner

that does not involve a motor vehicle; and located in an existing transmission or future transmission corridor.

- (~~bb~~ff) "Principal place of business" means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility's operations in Colorado are located.
- (~~ee~~gg) "Property owner" means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of property is located to determine ownership of government record.
- (~~hh~~) "Qualifying communication" means one of the following methods of communicating with a utility customer about a possible upcoming disconnection of service:
- (I) a physical visit to the customer's premises during which a utility representative speaks with the customer and provides the customer utility assistance information or, if the customer is not available to speak, leaves notice of proposed disconnection and utility assistance information for the customer's review; or
- (II) a telephone call, text, or e-mail to the customer's last-known telephone number or email address in which:
- (A) the utility representative provides the customer with notice of proposed disconnection and utility assistance information; and
- (B) the utility representative either speaks directly with the customer over the telephone or the customer receives the utility representative's text or email.
- (~~dd~~ii) "Rate adjustment mechanism" or "rate rider" means a charge added to a utility bill to recover a specific cost that is not part of the base rate.
- (~~ee~~jj) "Reference standard" means suitable indicating electrical equipment permanently mounted in a utility's laboratory and used for no purpose other than testing rotating standards.
- (~~ff~~kk) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission or contained in a tariff of the utility.
- (~~gg~~ll) "RFP" means request for proposals.
- (~~hh~~mm) "Rotating standard" means a portable meter used for testing service meters.
- (~~ii~~nn) "RUS" means the Rural Utilities Service of the United States Department of Agriculture, or its successor agencies.
- (~~jj~~oo) "Service connection" is the location on the customer's premises/facilities at which a point of delivery of power between the utility and the customer is established. For example, in the case of a typical residential customer served from overhead secondary supply, this is the location at which the utility's electric service drop conductors are physically connected to the customer's electric service entrance conductors.

- (~~kkpp~~) "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- (~~lqq~~) "Test year" means a twelve-month period that is examined to determine a utility's costs of service in a rate case.
- (~~mrrm~~) "Third-party" means a person who is not the customer, an agent of the customer who has been designated by the customer with the utility and is acting of the customer's behalf, a regulated utility serving the customer, or a contracted agent, of the utility.
- (~~Hss~~) "Transmission corridor" means a tract of land owned, occupied, or leased by a transmission provider as defined in § 33-45-102(11), C.R.S., or covered by an easement or right-of-way held by a transmission provider, where an electric transmission line is constructed, operated, or maintained at a voltage of 69 kilovolts or above.
- (~~AAtt~~) "Transmission facilities" are those lines and related substations designed and operating at voltage levels above the utility's voltages for distribution facilities, including but not limited to related substation facilities such as transformers, capacitor banks, or breakers that are integral to the circuitry of the utility's transmission system.
- (~~oouu~~) "Unique identifier" means a customer's name, mailing address, telephone number, or email address that is displayed on a bill.
- (~~ppvv~~) "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff filed with the Commission, and are for service or merchandise not required as a condition of receiving regulated utility service.
- (~~ww~~) "Utility assistance information" means information that a utility representative provides a customer informing the customer that the customer may contact 1-866-HEAT-HELP (1-866-432-8435) to determine if the customer qualifies for utility bill payment assistance.
- (~~qqxx~~) "Utility" means any public utility as defined in § 40-1-103, C.R.S., providing electric, steam, or associated services in the state of Colorado.
- (~~fyv~~) "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.
- (~~sszz~~) "Whole building data" means the sum of the monthly electric use for either all meters at a building on a parcel or real property or all buildings on a parcel of real property.

* * * *

[indicates omission of unaffected rules]

3403. Applications for Service, Customer Deposits, and Third-Party Guarantee Arrangements.

- (a) A utility shall process an application for utility service that is made either orally or in writing and shall apply nondiscriminatory criteria with respect to the requirement of a deposit prior to commencement of service. Nondiscriminatory criteria means that no deposit or guarantee, or additional deposit or guarantee, shall be required by a utility because of race, sex, creed, national origin, marital status, age, number of dependents, source of income, disability, or geographical area of residence.
- (b) All utilities requiring deposits shall offer customers at least one payment alternative that does not require the use of the customer's social security number.
- (c) If billing records are available for a customer who has received past service from the utility, the utility shall not require that person to make new or additional deposits to guarantee payment of current bills unless the records indicate recent or substantial delinquencies.
- (d) A utility shall not require a deposit from an applicant for service who provides written documentation of a 12 consecutive month good -payment history from the utility from which that person received similar service. For purposes of this paragraph, the 12 consecutive months must have ended no earlier than 60 days prior to the date of the application for service.
- (e) A utility shall not require a deposit from an applicant for service or restoration of service who is or was within the last 12 months, a participant in the Low-Income Energy Assistance Program (LEAP) or in an low-income qualified program consistent with rule 3412, or who received energy bill assistance from Energy Outreach Colorado within the last 12 months.
- (f) If a utility uses credit scoring to determine whether to require a deposit from an applicant for service or a customer, the utility shall have a tariff that describes, for each scoring model that it uses, the credit scoring evaluation criteria and the credit score limit that triggers a deposit requirement.
- (g) If a utility uses credit scoring, prior payment history with the utility, or customer-provided prior payment history with a like utility as a criterion for establishing the need for a deposit, the utility shall include in its tariff the specific evaluation criteria that trigger the need for a deposit.
- (h) If a utility denies an application for service or requires a deposit as a condition of providing service, the utility immediately shall inform the applicant for service of the decision and shall provide, within three business days, a written explanation to the applicant for service stating the reasons why the application for service has been denied or a deposit is required.
- (i) No utility shall require any surety other than either a deposit to secure payment for utility services or a third-party guarantee of payment in lieu of a deposit. In no event shall the furnishing of utility services or extension of utility facilities, or any indebtedness in connection therewith, result in a lien, mortgage, or other interest in any real or personal property of the customer unless such indebtedness has been reduced to a judgment. Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.

- (j) The total deposit a utility may require or hold at any one time shall not exceed an amount equal to an estimated 90 days' bill of the customer, except in the case of a customer whose bills are payable in advance of service, in which case the deposit shall not exceed an estimated 60 days' bill of the customer. The deposit may be in addition to any advance, contribution, or guarantee in connection with construction of lines or facilities, as provided in the extension policy in the utility's tariffs. A deposit may be paid in installments.
- (k) A utility receiving deposits shall maintain records showing:
 - (I) the name of each customer making a deposit;
 - (II) the amount and date of the deposit;
 - (III) each transaction, such as the payment of interest or interest credited, concerning the deposit;
 - (IV) each premise where the customer receives service from the utility while the deposit is retained by the utility;
 - (V) if the deposit was returned to the customer, the date on which the deposit was returned to the customer; and
 - (VI) if the unclaimed deposit was paid to the energy assistance organization, the date on which the deposit was paid to the energy assistance organization.
- (l) Each utility shall state in its tariff its customer deposit policy for establishing or maintaining service. The tariff shall state the circumstances under which a deposit will be required and the circumstances under which it will be returned. A utility shall return any deposit paid by a customer who has made no more than two late payments in 12 consecutive months.
- (m) Each utility shall issue a receipt to every customer from whom a deposit is received. No utility shall refuse to return a deposit or any balance to which a customer may be entitled solely on the basis that the customer is unable to produce a receipt.
- (n) The payment of a deposit shall not relieve any customer from the obligation to pay current bills as they become due. A utility is not required to apply any deposit to any indebtedness of the customer to the utility, except for utility services due or past due after service is terminated.
- (o) A utility shall pay simple interest on a deposit at the percentage rate per annum as calculated by Commission staff and in the manner provided in this paragraph.
 - (I) At the request of the customer, the interest shall be paid to the customer either on the return of the deposit or annually. The simple interest on a deposit shall be earned from the date the deposit is received by the utility to the date the customer is paid. At the option of the utility, interest payments may be paid directly to the customer or by a credit to the customer's account.
 - (II) The simple interest to be paid on a deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately

preceding year) of the 12 monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, Commission staff shall compute the interest rate to be paid. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on deposits during the next calendar year. Annually following receipt of Commission staff's letter, if necessary, each utility shall file by advice letter or application, as appropriate, a revised tariff, effective the first day of January of the following year, or on an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' deposits, except when there is no change in the rate of interest to be paid on such deposits.

- (p) A utility shall have tariffs concerning third-party guarantee arrangements and, pursuant to those tariffs, shall offer the option of a third party guarantee arrangement for use in lieu of a deposit. The following shall apply to third-party guarantee arrangements:
- (I) an applicant for service or a customer may elect to use a third-party guarantor in lieu of paying a deposit;
 - (II) the third-party guarantee form, signed by both the third-party guarantor and the applicant for service or the customer, shall be provided to the utility;
 - (III) the utility may refuse to accept a third-party guarantee if the guarantor is not a customer in good standing at the time of the guarantee;
 - (IV) the amount guaranteed shall not exceed the amount which the applicant for service or the customer would have been required to provide as a deposit;
 - (V) the guarantee shall remain in effect until the earlier of the following occurs:
 - (A) the guarantee is terminated in writing by the guarantor;
 - (B) if the guarantor was a customer at the time of undertaking the guarantee, the guarantor ceases to be a customer of the utility; or
 - (C) the customer has established a satisfactory payment record, as defined in the utility's tariffs, for 12 consecutive months.
 - (VI) Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.

- (q) A utility shall pay all unclaimed monies, as defined in § 40-8.5-103(5), C.R.S., that remain unclaimed for more than two years to the energy assistance organization. "Unclaimed monies" shall not include: undistributed refunds for overcharges subject to other statutory provisions and rules; and, credits to existing customers from cost adjustment mechanisms.
- (I) Monies shall be deemed unclaimed and presumed abandoned when left with the utility for more than two years after termination of the services for which the deposit or the construction advance was made or when left with the utility for more than two years after the deposit or the construction advance becomes payable to the customer pursuant to a final Commission order establishing the terms and conditions for the return of such deposit or advance and the utility has made reasonable efforts to locate the customer.
- (II) Interest on a deposit shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the utility receives the deposit and ending on the date on which the deposit is paid to the energy assistance organization. If the utility does not pay the unclaimed deposit to the energy assistance organization within four months of the date on which the unclaimed deposit is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed deposit at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (III) If payable under the utility's line extension tariff provisions, interest on a construction advance shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the construction advance is deemed to be owed to the customer pursuant to the utility's extension policy and ending on the date on which the construction advance is paid to the energy assistance organization. If the utility does not pay the unclaimed construction advance to the energy assistance organization within four months of the date on which the unclaimed construction advance is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed construction advance at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (r) A utility shall resolve all inquiries regarding a customer's unclaimed monies and shall not refer such inquiries to the energy assistance organization.
- (s) If a utility has paid unclaimed monies to the energy assistance organization, a customer later makes an inquiry claiming those monies, and the utility resolves the inquiry by paying those monies to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.
- (t) For purposes of paragraphs (q), (r), and (s) of this rule, "utility" means and includes: a cooperative electric association which elects to be so governed; and, a utility as defined in ~~rule~~paragraph 3001(~~xxx~~).

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[indicates omission of unaffected rules]

3407. Discontinuance of Service.

- (a) A utility shall not discontinue the service of a customer for any reason other than the following:
- (I) nonpayment of regulated charges;
 - (II) fraud or subterfuge;
 - (III) service diversion;
 - (IV) equipment tampering;
 - (V) safety concerns;
 - (VI) exigent circumstances;
 - (VII) discontinuance ordered by any appropriate governmental authority; or
 - (VIII) properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.
- (b) A utility shall apply nondiscriminatory criteria when determining whether to discontinue service for nonpayment. A utility shall not discontinue service for nonpayment of any of the following:
- (I) any amount which has not appeared on a regular monthly bill or which is not past due. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the 31st day following the due date of current charges;
 - (II) any past due amount that is less than \$50;
 - (III) any amount due on another account now or previously held or guaranteed by the customer, or with respect to which the customer received service, unless the amount has first been transferred either to an account which is for the same class of service or to an account which the customer has agreed will secure the other account. Any amount so transferred shall be considered due on the regular due date of the bill on which it first appears and shall be subject to notice of discontinuance as if it had been billed for the first time;
 - (IV) any amount due on an account on which the customer is or was neither the customer of record nor a guarantor, or any amount due from a previous occupant of the premises. This subparagraph does not apply if the customer is or was obtaining service through fraud or subterfuge or if paragraph 3401(c) applies;
 - (V) any amount due on any account for which the present customer is or was the customer of record, if another person established the account through fraud or subterfuge and without the customer's knowledge or consent;
 - (VI) any delinquent amount, unless the utility can supply billing records from the time the delinquency occurred;

- (VII) any debt except that incurred for service rendered by the utility in Colorado;
 - (VIII) any unregulated charge; or
 - (IX) any amount which is the subject of a pending dispute or informal complaint under rule 3004.
- (c) If the utility discovers any connection or device installed on the customer's premises, including any energy-consuming device connected on the line side of the utility's meter, which would prevent the meter from registering the actual amount of energy used, the utility shall do one of the following.
- (I) Remove or correct such devices or connections. If the utility takes this action, it shall leave at the premises a written notice which advises the customer of the violation, of the steps taken by the utility to correct it, and of the utility's ability to bill the customer for any estimated energy consumption not properly registered. This notice shall be left at the time the removal or correction occurs.
 - (II) Provide the customer with written notice that the device or connection must be removed or corrected within 15 days and that the customer may be billed for any estimated energy consumption not properly registered. If the utility elects to take this action and the device or connection is not removed or corrected within the 15 days permitted, then within seven calendar days from the expiration of the 15 days, the utility shall remove or correct the device or connection pursuant to subparagraph (c)(I) of this rule.
- (d) If a utility discovers evidence that any utility-owned equipment has been tampered with or that service has been diverted, the utility shall provide the customer with written notice of the discovery. The written notice shall inform the customer of the steps the utility will take to determine whether non-registration of energy consumption has or will occur and shall inform the customer that the customer may be billed for any estimated energy consumption not properly registered. The utility shall mail or hand-deliver the written notice within three calendar days of making the discovery of tampering or service diversion.
- (e) A utility shall not discontinue service, other than to address safety concerns or in exigent circumstances, if one of the following is met.
- (I) A customer at any time tenders full payment in accordance with the terms and conditions of the notice of discontinuance to a utility employee authorized to receive payment. Payment of a charge for a service call shall not be required to avoid discontinuance.
 - (II) If a customer pays, on or before the expiration date of the notice of discontinuance, at least one-tenth of the amount shown on the notice and enters into an installment payment plan with the utility, as provided in rule 3404.
 - (III) ~~If it is outside the hours of 8:00 a.m. and 4:00 p.m.; between 12:00 Noon on Friday and 8:00 a.m. the following Monday; between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday; or between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any day during which the utility's local office is not open.~~ Outside the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday.

(IV) Between the hours of 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday or day during which the utility's local office is closed.

(V) To the greatest extent practicable, a utility shall not disconnect a customer after 11:59 a.m. on a Monday through Thursday.

(VI) Medical emergencies.

- (A) A utility shall postpone discontinuance of electric service to a residential customer for 90 days from the date of a medical certificate issued by a Colorado-licensed physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients which evidences that service discontinuance will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. A customer may invoke this subparagraph only once in any twelve consecutive months.
- (B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who has already entered into a payment arrangement, but broke the arrangement prior to seeking a medical certificate, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.
- (C) The medical certificate must be in writing (which includes electronic certificates and signatures and those provided electronically), sent to the utility from the office of a licensed physician or health care practitioner licensed to prescribe and treat patients, and clearly show the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients certifying the medical emergency. Such certificate is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.
- (D) A utility may accept notification by telephone from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, but a written medical certificate must be sent to the utility within ten days.

(VII) Weather provisions.

- (A) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 32 degrees Fahrenheit (32°F) or lower at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are warmer than these criteria.

(B) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 95 degrees Fahrenheit (95°F) or higher at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are cooler than these criteria.

(C) A utility shall postpone service discontinuance to a residential customer during an emergency or safety event or circumstance impacting the local area.

- (f) In addition to its tariffs, a utility shall publish information related to its practices around delinquency, disconnection for nonpayment, and reconnection on its website. This information should be written in a manner that promotes customer understanding and must be produced in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information. A utility must include at least the following information:
- (I) the customer's rights related to service disconnection, including medical and weather-based protections, timing restrictions on service disconnection, and options and hours to contact the utility for support relating to service disconnection;
 - (II) a summary of a customer's options to prevent service disconnection for nonpayment, including installment payment plan options, utility energy assistance and affordability programs, and eligibility requirements for such programs;
 - (III) referrals to organizations that provide energy payment assistance, including energy efficiency services, such as Energy Outreach Colorado, charities, nonprofits, and governmental entities that provide or administer funds for such assistance;
 - (IV) the customer's rights related to service restoration, including restoration timelines, actions customers may take to restore service; and options and hours to contact the utility for support relating to service restoration;
 - (V) a summary of charges, fees, and deposits to which a customer may be subject under paragraphs 3404(a) and 3403(j), with a description of how those amounts are calculated, explained in a way that enables a customer to estimate the full costs they may be assessed;
 - (VI) a description of the customer's options in the event of a dispute regarding billing or disconnection practices;
 - (VII) a description of the options available to an occupant of a service address who is not a customer of record and who has a court-ordered protection order against a customer of record for the service address, relating to past-due balances, service disconnection, restoration, and continuance at the service address, including initiating new service, transferring service, and the utility's practices, policies, and criteria for determining benefit of service for purposes of transferring a customer's balance to an occupant; and

- (VIII) a description of the utility's Demand-Side Management programs, including requirements to participate, the benefits of participating, and utility contact information relating to such programs.
- (g) Reporting requirements.
- (I) Annual Report. No later than March 1 of each calendar year, each utility shall file a report covering the prior calendar year in the miscellaneous proceeding for utility disconnection filings, using the form available on the Commission's website. The report shall provide data on residential customers by class and zip code and must also break down such data by ~~low~~-income qualified customers, defined as customers participating in ~~low~~-income qualified programs authorized by rule 3412 and the Low-Income Energy Assistance Program. For data provided in this report, paragraph 3033(b) shall not apply. The report shall contain the following information, displayed by quarter:
- (A) total number of unique customers;
 - (B) total dollar amount billed;
 - (C) total number of customers charged a late payment charge;
 - (D) total dollar amount of late payment charges collected;
 - (E) number of customers with an arrearage balance by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (F) dollar amount of arrearages by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (G) total number of disconnection notices sent;
 - (H) total number of disconnections for nonpayment;
 - (I) total number of service restorations after disconnections for nonpayment;
 - (J) average duration of disconnection for nonpayment by hours, measured from when the customer completes an action in paragraph 3409(b) to when service is restored;
 - (K) total dollar amount of deposits collected for restoring service that was disconnected for nonpayment;
 - (L) total number of deposits collected for restoring service that was disconnected for nonpayment;
 - (M) total number of new installment payment plans entered into;
 - (N) average repayment term of new installment payment plans entered into;

- (O) total dollar amount of fees collected for disconnecting service for nonpayment;
 - (P) total dollar amount of fees collected for restoring service that was disconnected for nonpayment;
 - (Q) total dollar amount of collection fees collected from customers whose service was disconnected for nonpayment; and
 - (R) total dollar amount of any other tariff-authorized charges or fees collected resulting from past due amounts, service disconnection for nonpayment, and restoring service that was disconnected for nonpayment.
- (II) Along with the items in subparagraph (g)(I), each utility shall file the following additional items.
- (A) A narrative containing the utility’s analysis of any trends or inconsistencies revealed by the data in the prior year including, at minimum, an analysis of:
 - (i) the total number of residential customers who were disconnected for nonpayment in the prior calendar year and percent of those customers who were disconnected for nonpayment multiple times; and
 - (ii) the total number of residential installment payment plans entered into in the prior calendar year, the average length of those installment payment plans, the number of residential installment payment plans completed, and the number of residential installment payment plans that were broken.
 - (B) Information about how the utility is working to reduce delinquencies and disconnections, including any actions the utility is taking specific to residential customers experiencing multiple disconnections in a calendar year, and a description of the efforts made to identify entities to which the utility refers customers for energy bill assistance.
- (h) Receipt of a qualifying communication. For purposes of compliance with § 40-3-103.6(3)(c)(II) and subparagraph 3001(hh)(II)(B), a customer “receives” the text or e-mail if:
- (I) the utility sends the text or email with customer assistance information to the text address or e-mail address previously provided by the customer to the utility; and
 - (II) the utility does not subsequently receive a “bounce back” or other message indicating the text address is invalid or the e-mail address is invalid.
- (i) Customer education and outreach strategy. A utility shall conduct at least one meeting with stakeholders and interested customers for the purpose of seeking input on its customer education and outreach strategy for conducting disconnections and reconnections during its multi-year strategy reporting period under paragraph 3407(j). The results of these meetings and a detailed summary of the customer education and outreach conducted will be reported as part of its first annual report due no later than March 1, 2024, and each subsequent reporting year. Such

education and outreach meetings may be held in conjunction with the income qualified meetings required under paragraph 3412(j).

- (j) Customer education and outreach multi-year strategy reporting. As part of its annual report due no later than March 1, 2024, a utility shall file a customer education and outreach strategy on residential and small commercial customer disconnections and reconnections covering a span of the next five years. As part of this filing, a utility shall provide an overview of its education and outreach efforts, including qualifying communications, disconnection and reconnection data and trends, and the tariffed rates for disconnection and reconnections. Additionally, if applicable, an electric utility shall provide an overview of its historical use of remote disconnections, including the time period in which such an electrical utility has used remote disconnections and reconnections. Upon filing of an initial multi-year strategy report, each utility shall file an update to its report every five years on March 1 of the relevant year. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.
- (k) Tariff. A utility shall file language to include in its tariff as cited below a requirement to report on its five-year customer education and outreach strategy, and if applicable, qualifying communications for reconnections. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.

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[indicates omission of unaffected rules]

3409. Restoration of Service.

- (a) Unless prevented from doing so by safety concerns or exigent circumstances, a utility shall restore, without additional fee or charge, any discontinued service which was not properly discontinued or restored as provided in rules 3407, 3408, and 3409.
- (b) A utility shall restore service if the customer does any of the following:
- (I) pays in full the amount for regulated charges shown on the notice and any deposit and/or fees as may be specifically required by the utility's tariff in the event of discontinuance of service;
 - (II) pays any reconnection and collection charges specifically required by the utility's tariff, enters into an installment payment plan, and makes the first installment payment, unless the cause for discontinuance was the customer's breach of such an arrangement;
 - (III) presents a medical certificate, as provided in subparagraph 3407(e)(IV); or

(IV) demonstrates to the utility that the cause for discontinuance, if other than non-payment, has been cured.

(c) A utility shall reconnect a customer's service on the same day as the customer requests reconnection, if the customer makes a payment or payment arrangement in accordance with the utilities policies, requesting reconnection of service on a Monday through Friday that is not a holiday, and one of the following circumstances is met:

(I) the customer has advanced metering infrastructure and has requested reconnection of service at least one hour before the close of business for the electric utility's customer service division; except that the utility may reconnect service on the day following a disconnection of service if there are internet connectivity, technical, or mechanical problems or emergency conditions that reasonably prevent the utility from remotely reconnecting the customer's service; or

(II) the customer is without advanced metering infrastructure and has requested reconnection of service on or before 12:59 p.m.; except that, an electric utility or gas utility may reconnect the customer's service on the day following a disconnection if:

(A) prior to disconnection of the customer's service, the utility has made a qualifying communication with the customer; or

(B) an emergency or safety event or circumstance arises after disconnection of service that renders the utility's staff temporarily unavailable to safely reconnect service. If next-day reconnection of service is not possible due to the continuation of the emergency or safety event or circumstance, the utility shall reconnect the customer's service as soon as possible.

(de) Unless prevented by an emergency or safety event or circumstance safety concerns or exigent circumstances, a utility shall restore service to a customer who has completed an action in paragraph (b) within 24 hours (excluding weekends and holidays) of the time that the customer completes an action in paragraph (b), or within 12 hours of the time that the customer completes an action in paragraph (b) if the customer pays applicable after-hours charges and fees established in tariffs. ~~The utility must exercise its best efforts to restore service for customers meeting requirements of paragraph (b) on the same day of a service discontinuance.~~

(ed) The utility must resolve doubts as to whether a customer has met the requirements for service restoration under paragraph (b) in favor of restoration.

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[indicates omission of unaffected rules]

3411. Low-Income Energy Assistance Act.

(a) Scope and applicability.

- (I) Rule 3411 is applicable to electric utilities, combined gas and electric utilities, and cooperative electric association except those exempted under (II) or (III). Pursuant to §§ 40-8.7-101 through 111, C.R.S., utilities are required to provide an opportunity for their customers to contribute an optional amount through the customers' monthly billing statement.
- (II) Municipally owned electric utilities, combined gas and electric utilities, or cooperative electric associations are exempt if:
 - (A) the utility operates an alternative energy assistance program to support its ~~low-~~income qualified customers with their energy needs and self-certifies to the organization through written statement that its program meets the following criteria:
 - (i) the amount and method for funding of the program has been determined by the governing body; and
 - (ii) the program monies will be collected and distributed in a manner and under eligibility criteria determined by the governing body for the purpose of residential energy assistance to customers who are challenged with paying energy bills for financial reasons, including seniors on fixed incomes, individuals with disabilities, and ~~low-~~income qualified individuals; or
 - (B) the governing body of the utility determines its service area has a limited number of people who qualify for energy assistance and self-certifies to the organization via written statement such determination.
- (III) A municipally owned electric utility, combined gas and electric utility, or cooperative electric association not exempt under subparagraph (II), is exempt if:
 - (A) the utility designs and implements a procedure to notify all customers at least twice each year of the option to conveniently contribute to the organization by means of a monthly energy assistance charge. Such procedure shall be approved by the governing utility. The governing body of such utility shall determine the disposition and delivery of the optional energy assistance charge that it collects on the following basis:
 - (i) delivering the collections to the organization for distribution; or
 - (ii) distributing the moneys under criteria developed by the governing body for the purpose set forth in subparagraph (II)(A)(ii).
 - (B) Alternatively, the utility provides funding for energy assistance to the organization by using a source of funding other than the optional customer contribution on each customer bill that approximates the amount reasonably expected to be collected from an optional charge on customer's bills.

- (IV) A municipally owned electric utility, combined gas and electric utility, or cooperative electric association that is exempt under subparagraph (III) shall be entitled to participate in the organization's low-income assistance program.
 - (V) Electric utilities, combined gas and electric utilities, and cooperative electric associations that desire a change in status must inform the organization and file a notice to the Commission within 30 days prior to expected changes.
- (b) Definitions. The following definitions apply only in the context of rule 3411. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply:
- (I) "Alternative energy assistance program" means a program operated by a municipally owned electric and gas utility or rural electric cooperative that is not part of the energy assistance program established pursuant to this statute.
 - (II) "Customer" means the named holder of an individually metered account upon which charges for electricity or gas are paid to a utility. "Customer" shall not include a customer ~~that~~**who** receives electricity or gas for the sole purpose of reselling the electricity or gas to others.
 - (III) "Energy assistance program" or "Program" means the Low Income Energy Assistance Program created by § 40-8.7-104, C.R.S., and designed to provide financial assistance, residential energy efficiency, and energy conservation assistance.
 - (IV) "Organization" means Energy Outreach Colorado, a Colorado nonprofit corporation, formerly known as the Colorado Energy Assistance Foundation.
 - (V) "Remittance device" means the section of a customer's utility bill statement that is returned to the utility company for payment. This includes but is not limited to paper payment stubs, web page files used to electronically collect payments, and electronic fund transfers.
 - (VI) "Utility" means a corporation, association, partnership, cooperative electric association, or municipally owned entity that provides retail electric service or retail gas service to customers in Colorado. "Utility" does not mean a propane company.
- (c) Plan implementation and maintenance.
- (I) Except as provided in paragraph 3411(a), each utility shall implement and maintain a customer opt-in contribution mechanism. The utility's opt-in mechanism shall include, at minimum, the following provisions:
 - (A) A description of the procedures the utility will use to notify its customers, including those customers that make payments electronically, about the opt-in provision prior to September 1, 2006. Utilities may combine their efforts to notify customers into a single state-wide or region-wide effort consistent with the participating utilities communication programs. Each participating utility shall clearly identify its support of the combined communications program, with its corporate name and/or logo visible to the intended audience.

- (B) A description of the additional efforts the utility will use to inform its customers about the program to ensure that adequate notice of the opt-in provision is given to all customers. Notification shall include communication to all customers that the donation and related information will be passed through to the Organization.
- (C) A description of the check-off mechanism that will be displayed on the monthly remittance device to solicit voluntary donations. The remittance device shall include, at minimum, check-off categories of five dollars, ten dollars, twenty dollars, and “other amount”. The remittance device must also note the name of the program as the “voluntary energy assistance program,” or if the utility is unable to identify the name of the program individually, the utility shall use a general energy assistance identifier approved by the Commission.
- (D) A description or an example of how the utility will display the voluntary contribution as a separate line item on the customer’s monthly billing statement and how the voluntary contribution will be included in the total amount due. The line item must identify the contribution as “voluntary”.
- (E) A description of the notification process that the utility will use to ensure that once a utility customer opts into the program, the energy assistance contribution will be assessed on a monthly basis until the customer notifies the utility of the customer’s desire to stop contributing. The utility shall describe how it will manage participation in the program when customers miss one or more voluntary payment, or pay less than the pre-selected donation amount.
- (F) Identification of the procedures the utility will use to notify customers of their ability to cancel or discontinue voluntary contributions along with a description of the mechanism the utility will use to allow customers who make electronic payments to discontinue their participation in the opt-in program.
- (G) A description of the procedures the utility will use, where feasible, to notify customers participating in the program about the customer’s ability to continue to contribute when the customer changes their address within the utility’s service territory.
- (H) A description of the method the utility will use to provide clear, periodic, and cost-effective notice of the opt-in provision to its customers at least twice per year. Acceptable methods include, but are not limited to, bill inserts, statements on the bill or envelope, and other utility communication pieces.
- (I) An estimate of the start-up costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate should include the utility’s initial costs of setting up the collection mechanism and reformatting its billing systems to solicit the optional contribution but shall not include the cost of any notification efforts by the utility. Utilities may elect to recover all start-up costs before the remaining moneys generated by the program are distributed to the Organization or over a period of time from the funds generated by the program, subject to Commission review and approval.

- (J) An estimate of the on-going costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate shall not include the cost of any notification efforts by the utility.
 - (K) A detailed justification for the costs identified in subparagraphs (I) and (J).— As stated in § 40-8.7-104(3), C.R.S., the costs incurred must be reasonable in connection with the program.
 - (L) Utilities shall recover the startup cost and on-going cost of administration associated with the program from funds generated from the program. Insert and notification costs shall be considered in the utility's cost of service.
 - (M) A description of the procedures the utility will use to account for and process program donations separately from customer payments for utility services.
- (II) Each utility shall participate in the energy assistance program consistent with its plan approved by the Commission and shall provide the opportunity for its customers to make an optional energy assistance contribution on the monthly remittance device on their utility billing.
 - (III) The utility may submit an application to the Commission no later than April 1 of each year for approval of reimbursement costs the utility incurred for the program during the previous calendar year. Such application shall include a proposed schedule for the reimbursement of these costs to the utility. The applications shall include detailed supporting justification for approval of these costs. Such detailed justification includes, but is not limited to, copies of receipts and time sheets. Such applications shall not seek reimbursement of costs related to notification efforts. Participating utilities may include reimbursement costs for such notification efforts in their periodic cost of service rate filings, subject to Commission review and approval.
 - (IV) A utility may seek modification of its initial plan or subsequent plans by filing an application with the Commission. Such application shall meet the requirements of (d)(I).
- (d) Fund administration.
- (I) At a minimum, each utility shall transfer the funds collected from its customers under the Energy assistance program to the organization under the following schedule:
 - (A) for the funds collected during the period of January 1 to March 31 of each year, the utility shall transfer the collected funds to the organization before May 1 of such year;
 - (B) for the funds collected during the period of April 1 to June 30 of each year, the utility shall transfer the collected funds to the organization before August 1 of such year;
 - (C) for the funds collected during the period of July 1 to September 30 of each year, the utility shall transfer the collected funds to the organization before November 1 of such year;

- (D) for the funds collected during the period of October 1 to December 31 of each year, the utility shall transfer the collected funds to the organization before February 1 of the next year; and
 - (E) each utility shall maintain a separate accounting for all energy assistance program funds received by customers.
- (II) Each utility shall provide the organization with the following information.
- (A) How the funds collected for the previous calendar year were generated, including the number of customers participating in the program. Such report shall include a summary of the number of program participants and funds collected by month, and shall be provided by February 1 of each year.
 - (B) At each time funds are remitted, a listing of all program participants including the donor's name, billing address, and monthly donation amount. The participant information provided to the organization shall be used exclusively for complying with the requirements of § 40-8.7-101, C.R.S., et seq. and state and federal laws.
- (III) The Commission shall submit, as necessary, a bill for payment to the organization for any administrative costs incurred pursuant to the program.
- (IV) The organization shall provide the Office of Utility Consumer Advocate and the Commission with a copy of the written report that is described in § 40-8.7-110, C.R.S. This report shall not contain individual participant information.
- (e) Prohibition of disconnection. Utilities shall not disconnect a customer's electric service for non-payment of optional contribution amounts.

3412. Electric Service Affordability Program.

- (a) Scope and applicability.
 - (I) Electric utilities with Colorado retail customers shall provide ~~low~~-income qualified energy assistance by offering rates, charges, and services that grant a reasonable preference or advantage to residential ~~low~~-income qualified customers, as permitted by § 40-3-106, C.R.S. Electric utilities shall use consistent naming for assistance programs: [Utility name] Affordability Program.
 - (II) Rule 3412 is applicable to investor-owned electric utilities subject to rate regulation by the Commission.
- (b) Definitions. The following definitions apply only in the context of rule 3412. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (I) “Administrative cost” means the utility’s direct cost for labor (to include the cost of benefit loadings), materials, and other verifiable expenditures directly related to the administration and operation of the program not to exceed ten percent of the total cost of program credits applied against bills for current usage and pre-existing arrearages or \$10,000, whichever amount is greater.
- (II) “Affordable percentage of income payment” means the amount of the participant’s annual bill deemed affordable under subparagraph 3412(e)(I).
- (III) “Arrearage” means the past-due amount appearing, as of the date on which a participant newly enters the program, on the then most recent prior bill rendered to a participant for which they received the benefit of service.
- (IV) “Colorado Energy Office” means the Colorado Energy Office created in § 24-38.5-101, C.R.S.
- (V) “Eligible ~~low~~-income qualified customer” means a residential utility customer who meets the household income thresholds pursuant to paragraph 3412(c).
- (VI) “Fixed credit” means an annual bill credit established at the beginning of a participant’s participation in a program each year delivered as a monthly credit on each participant’s bill. The fixed credit is the participant’s full annual bill minus the participant’s affordable percentage of income payment obligation on the full annual bill.
- (VII) “Full annual bill” means the current consumption of a participant billed at standard residential rates. The full annual bill of a participant is comprised of two parts: (1) that portion of the bill that is equal to the affordable percentage of income payment; and, (2) that portion of the bill that exceeds the affordable percentage of income payment.
- (VIII) “LEAP” means Low-Income Energy Assistance Program, a county-run, federally-funded, program supervised by the Colorado Department of Human Services, Division of Low-Income Energy Assistance.
- (IX) “LEAP participant” means a utility customer who at the time of applying to participate in a program has been determined to be eligible for LEAP benefits by the Department during either: (1) the Department’s current LEAP application period, if that period is open at the time the customer applies for program participation; or, (2) the Department’s most recently closed LEAP application period, if that period is closed at the time the customer applies to participate in the program and the Department’s next LEAP application period has not yet opened, provided, however, that in order to retain status as a LEAP participant under part (2) of this definition, the utility customer must apply to the Department during the Department’s next LEAP benefit application period and be determined eligible for such benefits.
- (X) “Non-participant” means a utility customer who is not receiving ~~low~~-income qualified assistance under rule 3412.

- (XI) “Participant” means an eligible ~~low~~-income qualified residential utility customer who is granted the reasonable preference or advantage through participation in an electric service low-income program.
 - (XII) “Percentage of Income Payment Plan” (or “PIPP”) means a payment plan for participants that does not exceed an affordable percentage of their household income as set forth in subparagraph 3412(e)(l).
 - (XIII) “Program” means an electric service low-income program approved under rule 3412.
 - (XIV) “Program credits” means the amount of benefits provided to participants to offset the unaffordable portion of a participant’s utility bill and /or dollar amounts credited to participants for arrearage forgiveness.
 - (XV) “Unaffordable portion” means the amount of the estimated full annual bill that exceeds the affordable percentage of income payment.
- (c) Participant eligibility.
- (I) Eligible participants are limited to those who meet one or more of the following criteria:
 - (A) ~~median~~ household income less than or equal to 200 percent of the federal poverty guideline;
 - (B) ~~median~~ household income less than or equal to 80 percent of the area median income, as published annually by the United States Department of Housing and Urban Development; or
 - (C) qualification under income guidelines adopted by the Department of Human Services pursuant to § 40-8.5-105, C.R.S.
 - (II) The utility shall obtain the determination of a participant’s eligibility from the Department of Human Services, Energy Outreach Colorado, or the Colorado Energy Office.
 - (III) If a participant’s household income is \$0, the utility may establish a process that verifies income on a more frequent basis.
 - (IV) Program participants shall not be required to make payment on their utility account as a condition of entering into the program.
- (d) Enrollment. Utilities shall be responsible for the methods by which participant enrollment in their approved low-income program is obtained and sustained, however the utility should engage in enrollment processes that are efficient and attempt to maximize the potential benefits of participation in the low-income program by low-income customers.
- (e) Payment plan.

- (I) Participant payments for electric bills rendered to participants shall not exceed an affordable percentage of income payment. The percentage of a participant's household income for which the participant is responsible shall be determined as follows:
 - (A) for electric accounts for which electricity is the primary heating fuel, participant payments shall be no lower than three percent and not greater than six percent of the participant's household income; however, if the participant also has natural gas service from a regulated utility, participant payments shall not be greater than five percent of the participant's household income; and
 - (B) for electric accounts for which electricity is not the primary heating fuel, participant payments shall be no lower than two percent and not greater than three percent of the participant's household income.
- (II) In the event that a primary heating fuel for any particular participant has been identified by LEAP, that determination shall be final.
- (III) Notwithstanding the percentage of income limits established in subparagraph 3412(e)(I), a utility may establish minimum monthly payment amounts for participants with household income of \$0, provided that:
 - (A) the participant's minimum payment for an electric heating account shall be no more than \$20.00 a month; and
 - (B) the participant's minimum payment for an electric non-heating account shall be no more than \$10.00 a month.
- (IV) Full annual bill calculation. The utility shall be responsible for estimating a participant's full annual bill for the purpose of determining the unaffordable portion of the participant's full annual bill delivered as a fixed credit on the participant's monthly billing statement.
- (V) Fixed credit benefit. The fixed credit shall be adjusted during a program year in the event that standard residential rates, including commodity or fuel charges change to the extent that the full annual bill at the new rates would differ from the full annual bill upon which the fixed credits are currently based by 25 percent or more.
- (VI) Levelized budget billing participation. A utility may enroll participants in its levelized budget billing program as a condition of participation in the program, though the utility shall also allow participants the option to opt out of levelized budget billing if they so choose without losing PIPP benefits, which option shall be available to the participants where the utility's automated billing system is capable. Utilities without automated billing systems capable of permitting opt out of levelized budget billing shall reasonably and prudently modify their systems to facilitate opt out of levelized budget billing. Should a participant fail to meet monthly bill obligations and be placed by a utility in its regular delinquent collection cycle, the utility may remove the participant from levelized budget billing in accordance with the utility's levelized budget billing tariff.
- (VII) Arrearage credits.

- (A) Arrearage credits shall be applied to pre-existing arrearages.
 - (B) Arrearage credits shall be sufficient to reduce, when combined with participant copayments, if any, the pre-existing arrearages to \$0.00 over a period not less than one month and not more than twenty-four months.
 - (C) Application of an arrearage credit to a participant account may be conditioned by the utility on one or more of the following:
 - (i) the receipt of regular participant payments toward bills for current usage; or
 - (ii) the payment of a participant copayment toward the arrearages so long as the participant's copayment total dollar amount does not exceed one percent of gross household income.
 - (D) Should the participant exit the program prior to the full forgiveness of all pre-existing arrearages, the amount of remaining pre-existing arrearages shall become due in accordance with the utility's tariff filed under rules 3401, 3407, and 3408.
 - (E) Pre-existing arrears under this subparagraph shall not serve as the basis for the termination of service for nonpayment or as the basis for any other utility collection activity while the customer is participating in the program.
 - (F) A participant may receive arrearage credits under this section even if that participant does not receive a credit toward current bills.
- (VIII) Portability of benefits. A participant may continue to participate without reapplication should the participant change service addresses but remain within the service territory of the utility providing the benefit, provided that the utility may make necessary adjustments in the billing amount to reflect the changed circumstances. A participant who changes service addresses and does not remain within the service territory of the utility providing the benefit must reapply to become a participant at the participant's new service address.
- (IX) Payment default provisions. Failure of a participant to make his or her monthly bill payments may result in a utility placing the participant in its regular collection cycle. Partial or late payments shall not result in the removal of a participant from the program.
- (f) Program implementation.
- Each utility shall maintain effective terms and conditions in its tariffs on file with the Commission containing its low-income program.
- (g) Cost recovery.
- (I) Each utility shall include in its ~~low-income~~ qualified tariff terms and conditions how costs of the program will be recovered.

- (II) Program cost recovery.
 - (A) Program cost recovery shall be based on a fixed monthly fee.
 - (B) The maximum impact on residential rates shall be no more than \$1.00 per month.
 - (C) In order to determine monthly rates applicable to rate classes other than residential, program costs shall be allocated to each retail rate based on each rate class's share of the test year revenue requirement established in the utility's last Phase II rate case, or under another reasonable methodology supported by quantifiable information. The monthly rate per this subparagraph to be charged each rate schedule customer shall be clearly stated on a tariff sheet.
 - (D) Utilities shall separately account for the program year's program cost recovery and program and administrative costs to determine if the net of program cost recovery and program and administrative cost are in balance during the program year.
 - (i) No later than December 31 of each year, the utility shall file a report with the Commission in the most recent miscellaneous proceeding for annual low-income filings detailing the net difference between program cost recovery and program costs as of October 31 of each year.
 - (1) Should the net difference of program cost recovery over program and administrative costs be greater than 50 percent derived in (D) above, either positive or negative, and the utility is not currently at the maximum impact for non-participants, the utility shall file with the Commission an advice letter and tariff pages seeking approval for the rates determined in subparagraph 3412(g)(II)(D) in order to bring the projected recovery in balance for the ensuing 12 month period. The revised charge shall not exceed the maximum impact for non-participants in subparagraph 3412(g)(II)(C).
- (III) The following costs are eligible for recovery by a utility as program costs:
 - (A) program credits or discounts applied against bills for current usage.
 - (B) program credits applied against pre-existing arrearages.
 - (C) program administrative costs; and
 - (D) Commission-sponsored program evaluation costs required under paragraph 3412(k).

- (IV) The utility shall apply, as an offset to cost recovery, all program expenses attributable to the program. Program expenses include utility operating costs; changes in the return requirement on cash working capital for carrying arrearages; changes in the cost of credit and collection activities directly related to ~~low-income~~ qualified participants; and changes in uncollectable account costs for these participants.
- (V) LEAP grants. The utility may apply energy assistance grants provided to the participant by the LEAP program to the dollar value of credits granted to individual program participants.
 - (A) If applying LEAP grants first, a utility shall apply any energy assistance benefit granted to the participant by LEAP to that portion of the program participant's full annual bill that exceeds the participant's affordable percentage of income payment.
 - (B) If the dollar value of the energy assistance grant is greater than the dollar value of the difference between the program participant's full annual bill and the participant's affordable percentage of income payment, the dollar amount by which the energy assistance grant exceeds the difference will be applied:
 - (i) first, to any pre-existing arrearages that at the time of the energy assistance grant continues to be outstanding; and
 - (ii) second, to the account of the program participant as a benefit to the participant.
 - (C) No portion of an energy assistance or LEAP grant provided to a program participant may be applied to the account of a participant other than the participant to whom the energy assistance grant was rendered.
 - (D) If an all-electric utility's ~~low-income~~ qualified customers do not benefit widely from LEAP grants, the utility shall not apply the dollar value of credits granted to individual LEAP grantees to the dollar value of credits granted to individual program participants.
- (h) Other programs. In addition to the utility's low-income program, with Commission approval, a utility may offer other rate relief options to eligible households.
 - (I) Other programs offered by the utility under rule 3412 must be intended to reach ~~low-income~~ qualified households that do not substantially benefit from the provisions of the low-income program. Such programs may take the form of discount rates, tiered discount rates or other direct bill relief methods where the ~~low-income~~ qualified household benefitting from the program is granted a reasonable preference in tariffed rates assessed to all residential utility customers.
 - (II) Cost recovery for other programs combined with the Percentage of Income Payment Plan shall not exceed the maximum impact on residential rates described in subparagraph 3412(g)(II)(C).

- (i) Energy efficiency and weatherization.
 - (I) The utility shall provide all program participants with information on energy efficiency programs offered by the utility or other entities and existing weatherization programs offered by the state of Colorado or other entities.
 - (II) The utility shall provide the Colorado Energy Office with the name and service address of participant households for which annual electricity usage exceeds 10,000 kWh annually.
- (j) Stakeholder engagement. A utility shall conduct annual meetings with ~~low~~-income qualified stakeholders for the purpose of seeking solutions to issues of mutual concern and aligning program practices with the needs of customers and other stakeholders.
- (k) Program evaluation. A triennial evaluation of the program provisions under rule 3412 beginning in 2019 shall be undertaken in order to review best practices in similar low-income assistance programs in existence in other regulatory jurisdictions, as well as evaluate operation of each utility's program for effectiveness in achieving optimum support being provided to ~~low~~-income qualified participants. The evaluation shall also recommend modifications if available that improve the delivery of benefits to participants and increase the efficiency and effectiveness of each program as they exist at the point of evaluation. The program evaluation shall include a customer needs assessment provided that adequate funds are available.
 - (I) Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders including, but not limited to, Commission staff, all Commission regulated electric and gas utilities, LEAP, the Office of Consumer Counsel, and Energy Outreach Colorado in the design of the requirements regarding study focus and final reporting.
 - (II) Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days.
 - (III) \$00.0013 per customer per month shall be set aside by the utility in order to fund the triennial evaluation of the program evaluation described in paragraph 3412(k).
 - (IV) The dollars resulting from the \$00.0013 charge shall be recovered as a program cost under subparagraph 3412(f)(IV).
 - (V) The evaluation will be filed by Commission staff in the most recent miscellaneous proceeding for annual low-income filings.
 - (VI) Staff and the CEO will assess the individual utilities' deferred balances set aside for the program evaluation starting in 2019 at the conclusion of the third program year and each three years thereafter and will determine the amounts each utility is to remit to the third party evaluator based on the contractual terms approved by the Commission for the evaluation.

- (I) Annual report. No later than December 31 of each year, each utility shall file a report in the most recent miscellaneous proceeding for annual low-income filings using the form available on the Commission's website based on each 12-month period ending October 31, and containing the following information:
- (I) monthly information on the program including total number of participants, amount of benefit disbursement, type of benefit disbursement, LEAP benefits applied to the unaffordable portion of participant's bills, administrative costs, and revenue collection;
 - (II) the number of applicants for the program;
 - (III) the number of applicants qualified for the program;
 - (IV) the number of participants;
 - (V) the average assistance provided, both mean and median;
 - (VI) the maximum assistance provided to an individual participant;
 - (VII) the minimum assistance provided to an individual participant;
 - (VIII) total cost of the program and the average rate impact on non-participants by rate class, including impact based on typical monthly consumption of both its residential and small business customers;
 - (IX) the number of participants that had service discontinued as a result of late payment or non-payment, and the amount of uncollectable revenue from participants;
 - (X) an estimate of utility savings as a result of the implementation of the program (e.g., reduction in trips related to discontinuance of service, reduction in uncollectable revenue, etc.);
 - (XI) the average monthly and annual total electric consumption in PIPP participants' homes;
 - (XII) the average monthly and annual total electric consumption in the utility's residential customer's homes;
 - (XIII) the number of program participants referred to the weatherization program;
 - (XIV) the total dollar value of participant arrearages forgiven, the number of customers who had arrearage balances forgiven, and the maximum and minimum dollar value of arrears forgiven;
 - (XV) a description of the ways in which the program is being integrated with existing energy efficiency, DSM, or behavioral programs offered by the utility;
 - (XVI) a description of the ways in which the program is being integrated with existing weatherization programs offered by the state of Colorado;

- (XVII) a description of program outreach strategies and metrics that illustrate the effectiveness of each outreach strategy;
 - (XVIII) a description of participant outreach, education, and engagement efforts, including descriptions of communications and materials, and key findings from those efforts;
 - (XIX) the number of participants at the start of the program year that the utility removed for any reason, the number of participants who opted out of the program after enrollment, the number of potential participants rejected because of the existence of a cap on the program, the period of arrearage time from date participants became eligible and were granted arrearage forgiveness, and the number of participants who came back as eligible participants in the program year after being eligible in a prior program year and were provided arrearage credits in the program year;
 - (XX) a narrative summary of the utility’s recommended program modifications based on report findings; and
 - (XXI) a statement regarding whether the utility is accommodating PIPP participants’ requests to opt out of levelized budget billing pursuant to subparagraph 3412(e)(VI) and, if not, an explanation of why the utility believes it is not reasonable and prudent to modify its automated billing system to accommodate such requests. If the utility plans to accommodate such requests at any point in the upcoming year, a description of the plan, including the anticipated cost of the plan and the date that the functionality in its automated billing system will go online, must be included.
- (m) Energy Assistance System Benefit Charge. Beginning October 1, 2021, each utility shall include on its monthly bills a flat energy assistance system benefit charge of 50 cents, with this amount rising to 75 cents on October 1, 2022, and being adjusted for inflation in accordance with changes in the United States Department of Labor’s Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood beginning on October 1, 2023. The disposition of money collected by the Energy Assistance System Benefit Charge is determined by § 40-8.7-108, C.R.S.
- (l) Prior to October 1, 2023, and each year following, Commission staff shall compute the charge adjusted by the index and shall send a letter to each utility stating the charge to be paid by customers during the next calendar year.

* * * *

[indicates omission of unaffected rules]

3540. Data Access, Privacy and Confidentiality.

- (a) The utility shall disclose data necessary to implement these rules with appropriate levels of protection, considering sensitivity and public benefit. The utility shall identify and address the treatment of sensitive information in consideration of the objectives of DSP and as required by these rules.

- (b) The utility shall not disclose personal information, as defined in paragraph 1004(x), or customer data, as defined in paragraph 3001(ki). Paragraph 3033(b) shall not apply to data releases under this rule.

- (c) In each DSP application filing made pursuant to rule 3529, the utility shall file a list of the information related to the resource plan proceeding that the utility claims is confidential and a list of the information that the utility claims is highly confidential, and its proposed treatment of the information. For good cause shown, the utility may seek to protect information as confidential or highly confidential by filing the appropriate motion under rule 1101 of the Commission's Rules of Practice and Procedure in a timely manner.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-3

PART 3 RULES REGULATING ELECTRIC UTILITIES

3001. Definitions.

The following definitions apply throughout this Part 3, except where a specific rule or statute provides otherwise. In addition to the definitions here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

- (a) "Advanced metering infrastructure" means an integrated system of smart electric utility meters and communication networks that enables two-way communication between an electric utility's data systems and the meter's internet protocol address and allows the electric utility to measure electricity usage and/or connect or disconnect service remotely.
- (b) "Affiliate" of a utility means a subsidiary of a utility, a parent corporation of a public utility, a joint venture organized as a separate corporation or partnership to the extent of the individual utility's involvement with the joint venture, a subsidiary of a parent corporation of a utility or where the utility or the parent corporation has a controlling interest over an entity.
- (c) "Aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) and/or the compilation of customer data of one or more customers from which all unique identifiers and personal information has been removed.
- (d) "Applicant for service" means a person who applies for utility service and who either has taken no previous utility service from that utility or has not taken utility service from that utility within the most recent 30 days.
- (e) "Base rate" means charges used to recover costs of utility infrastructure and operations, including a return on capital investment, not otherwise recovered through a utility rate adjustment mechanism.
- (f) "Basis point" means one-hundredth of a percentage point (100 basis points = one percent).
- (g) "Benefit of service" means the use of utility service by each person of legal age who resides at a premises to which service is delivered and who is not registered with the utility as the customer of record.

- (h) "Commission" means the Colorado Public Utilities Commission.
- (i) "Contracted agent" means any person that has contracted with a utility in compliance with rule 3030 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (j) "Customer" means any person who is currently receiving utility service. Any person who moves within a utility's service territory and obtains utility service at a new location within 30 days shall be considered a "customer." Unless stated in a particular rule, "customer" applies to any class of customer as defined by the Commission or by utility tariff.
- (k) "Customer data" means customer-specific data or information, excluding personal information as defined in paragraph 1004(x), that is:
 - (I) collected from the electric meter by the utility and stored in its data systems (e.g., kWh, kW, voltage, VARs and power factor);
 - (II) combined with customer-specific energy usage information on bills issued to the customer for regulated utility service when not publicly or lawfully available to the general public; or
 - (III) about the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs.
- (l) "Distribution facilities" are those lines designed to operate at the utility's distribution voltages in the area as defined in the utility's tariffs including substation transformers that transform electricity to a distribution voltage and also includes other equipment within a transforming substation which is not integral to the circuitry of the utility's transmission system.
- (m) "Emergency or safety event or circumstance" means a manmade or natural emergency event or safety circumstance:
 - (I) that prevents utility staff from being able to safely travel to or work at a customer's residence or place of business for purposes of reconnecting or making necessary repairs prior to reconnecting utility service; or
 - (II) for which a utility has dispatched utility staff members to help respond to the emergency or safety event or circumstance and, due to the timing or number of utility staff dispatched, the utility lacks sufficient trained staff to reconnect or make necessary repairs prior to reconnecting utility service at a customer's residence or place of business; and
 - (III) includes a severe weather event that one or more reputable weather forecasting sources forecasts to occur in the following twenty-four hours and that is more likely than not to result in dangerous travel or on-site outdoor or indoor work conditions for individuals in the path of the weather event.
- (n) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.

- (o) "Energy storage system" means a commercially available technology that is capable of retaining energy, storing the energy for a period of time, and delivering the energy as electricity after storage by chemical, thermal, mechanical, or other means.
- (p) "Financial security" includes any stock, bond, note, or other evidence of indebtedness.
- (q) "Generation facility" means a power plant that converts a primary energy resource into electricity. Primary energy resources include, but are not limited to: nuclear resources, coal, natural gas, hydro, wind, solar, biomass, and geothermal.
- (r) "Heavy load" means not less than 60 percent, but not more than 100 percent, of the nameplate-rated capacity of a meter.
- (s) "Income qualified utility customer" or "low income customer" is a customer meeting the requirements of § 40-3-106(1)(d)(II), C.R.S.
- (t) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure.
- (u) "Light load" means approximately five to ten percent of the nameplate-rated capacity of a meter.
- (v) "Load" means the power consumed by an electric utility customer over time (measured in terms of either demand or energy or both).
- (w) "Local government" means any Colorado county, municipality, city and county, home rule city or town, home rule city and county, or city or town operating under a territorial charter.
- (x) "Local office" means any Colorado office operated by a utility at which persons may make requests to establish or to discontinue utility service. If the utility does not operate an office in Colorado, "local office" means any office operated by a utility at which persons may make requests to establish or to discontinue utility service in Colorado.
- (y) "Main service terminal" means the point at which the utility's metering connections terminate.
- (z) "Major event" means an event as defined in and consistent with IEEE Standard Number 1366-2003, Guide for Electric Power Distribution Reliability Indices.
- (aa) "MVA" means mega-volt amperes and is the vector sum of the real power and the reactive power.
- (bb) "Non-standard customer data" means all customer data that are not standard customer data.
- (cc) "Output" means the energy and power produced by a generation system.
- (dd) "Past due" means the point at which a utility can affect a customer's account for regulated service due to non-payment of charges for regulated service.
- (ee) "Powerline trail" means a multimodal trail that is: eight feet in width or wider; made of hard surface such as concrete or compacted gravel; used for recreational purposes or commuting in a manner

that does not involve a motor vehicle; and located in an existing transmission or future transmission corridor.

- (ff) "Principal place of business" means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility's operations in Colorado are located.
- (gg) "Property owner" means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of property is located to determine ownership of government record.
- (hh) "Qualifying communication" means one of the following methods of communicating with a utility customer about a possible upcoming disconnection of service:
 - (I) a physical visit to the customer's premises during which a utility representative speaks with the customer and provides the customer utility assistance information or, if the customer is not available to speak, leaves notice of proposed disconnection and utility assistance information for the customer's review; or
 - (II) a telephone call, text, or e-mail to the customer's last-known telephone number or email address in which:
 - (A) the utility representative provides the customer with notice of proposed disconnection and utility assistance information; and
 - (B) the utility representative either speaks directly with the customer over the telephone or the customer receives the utility representative's text or email.
- (ii) "Rate adjustment mechanism" or "rate rider" means a charge added to a utility bill to recover a specific cost that is not part of the base rate.
- (jj) "Reference standard" means suitable indicating electrical equipment permanently mounted in a utility's laboratory and used for no purpose other than testing rotating standards.
- (kk) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission or contained in a tariff of the utility.
- (ll) "RFP" means request for proposals.
- (mm) "Rotating standard" means a portable meter used for testing service meters.
- (nn) "RUS" means the Rural Utilities Service of the United States Department of Agriculture, or its successor agencies.
- (oo) "Service connection" is the location on the customer's premises/facilities at which a point of delivery of power between the utility and the customer is established. For example, in the case of a typical residential customer served from overhead secondary supply, this is the location at which the utility's electric service drop conductors are physically connected to the customer's electric service entrance conductors.

- (pp) “Standard customer data” means customer data maintained by a utility in its systems in the ordinary course of business.
- (qq) “Test year” means a twelve-month period that is examined to determine a utility's costs of service in a rate case.
- (rr) “Third-party” means a person who is not the customer, an agent of the customer who has been designated by the customer with the utility and is acting of the customer's behalf, a regulated utility serving the customer, or a contracted agent, of the utility.
- (ss) “Transmission corridor” means a tract of land owned, occupied, or leased by a transmission provider as defined in § 33-45-102(11), C.R.S., or covered by an easement or right-of-way held by a transmission provider, where an electric transmission line is constructed, operated, or maintained at a voltage of 69 kilovolts or above.
- (tt) "Transmission facilities" are those lines and related substations designed and operating at voltage levels above the utility's voltages for distribution facilities, including but not limited to related substation facilities such as transformers, capacitor banks, or breakers that are integral to the circuitry of the utility's transmission system.
- (uu) “Unique identifier” means a customer's name, mailing address, telephone number, or email address that is displayed on a bill.
- (vv) "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff filed with the Commission, and are for service or merchandise not required as a condition of receiving regulated utility service.
- (ww) "Utility assistance information" means information that a utility representative provides a customer informing the customer that the customer may contact 1-866-HEAT-HELP (1-866-432-8435) to determine if the customer qualifies for utility bill payment assistance.
- (xx) "Utility" means any public utility as defined in § 40-1-103, C.R.S., providing electric, steam, or associated services in the state of Colorado.
- (yy) "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.
- (zz) “Whole building data” means the sum of the monthly electric use for either all meters at a building on a parcel or real property or all buildings on a parcel of real property.

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[indicates omission of unaffected rules]

3403. Applications for Service, Customer Deposits, and Third-Party Guarantee Arrangements.

- (a) A utility shall process an application for utility service that is made either orally or in writing and shall apply nondiscriminatory criteria with respect to the requirement of a deposit prior to commencement of service. Nondiscriminatory criteria means that no deposit or guarantee, or additional deposit or guarantee, shall be required by a utility because of race, sex, creed, national origin, marital status, age, number of dependents, source of income, disability, or geographical area of residence.
- (b) All utilities requiring deposits shall offer customers at least one payment alternative that does not require the use of the customer's social security number.
- (c) If billing records are available for a customer who has received past service from the utility, the utility shall not require that person to make new or additional deposits to guarantee payment of current bills unless the records indicate recent or substantial delinquencies.
- (d) A utility shall not require a deposit from an applicant for service who provides written documentation of a 12 consecutive month good -payment history from the utility from which that person received similar service. For purposes of this paragraph, the 12 consecutive months must have ended no earlier than 60 days prior to the date of the application for service.
- (e) A utility shall not require a deposit from an applicant for service or restoration of service who is or was within the last 12 months, a participant in the Low-Income Energy Assistance Program (LEAP) or in an income qualified program consistent with rule 3412, or who received energy bill assistance from Energy Outreach Colorado within the last 12 months.
- (f) If a utility uses credit scoring to determine whether to require a deposit from an applicant for service or a customer, the utility shall have a tariff that describes, for each scoring model that it uses, the credit scoring evaluation criteria and the credit score limit that triggers a deposit requirement.
- (g) If a utility uses credit scoring, prior payment history with the utility, or customer-provided prior payment history with a like utility as a criterion for establishing the need for a deposit, the utility shall include in its tariff the specific evaluation criteria that trigger the need for a deposit.
- (h) If a utility denies an application for service or requires a deposit as a condition of providing service, the utility immediately shall inform the applicant for service of the decision and shall provide, within three business days, a written explanation to the applicant for service stating the reasons why the application for service has been denied or a deposit is required.
- (i) No utility shall require any surety other than either a deposit to secure payment for utility services or a third-party guarantee of payment in lieu of a deposit. In no event shall the furnishing of utility services or extension of utility facilities, or any indebtedness in connection therewith, result in a lien, mortgage, or other interest in any real or personal property of the customer unless such indebtedness has been reduced to a judgment. Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.

- (j) The total deposit a utility may require or hold at any one time shall not exceed an amount equal to an estimated 90 days' bill of the customer, except in the case of a customer whose bills are payable in advance of service, in which case the deposit shall not exceed an estimated 60 days' bill of the customer. The deposit may be in addition to any advance, contribution, or guarantee in connection with construction of lines or facilities, as provided in the extension policy in the utility's tariffs. A deposit may be paid in installments.
- (k) A utility receiving deposits shall maintain records showing:
 - (I) the name of each customer making a deposit;
 - (II) the amount and date of the deposit;
 - (III) each transaction, such as the payment of interest or interest credited, concerning the deposit;
 - (IV) each premise where the customer receives service from the utility while the deposit is retained by the utility;
 - (V) if the deposit was returned to the customer, the date on which the deposit was returned to the customer; and
 - (VI) if the unclaimed deposit was paid to the energy assistance organization, the date on which the deposit was paid to the energy assistance organization.
- (l) Each utility shall state in its tariff its customer deposit policy for establishing or maintaining service. The tariff shall state the circumstances under which a deposit will be required and the circumstances under which it will be returned. A utility shall return any deposit paid by a customer who has made no more than two late payments in 12 consecutive months.
- (m) Each utility shall issue a receipt to every customer from whom a deposit is received. No utility shall refuse to return a deposit or any balance to which a customer may be entitled solely on the basis that the customer is unable to produce a receipt.
- (n) The payment of a deposit shall not relieve any customer from the obligation to pay current bills as they become due. A utility is not required to apply any deposit to any indebtedness of the customer to the utility, except for utility services due or past due after service is terminated.
- (o) A utility shall pay simple interest on a deposit at the percentage rate per annum as calculated by Commission staff and in the manner provided in this paragraph.
 - (I) At the request of the customer, the interest shall be paid to the customer either on the return of the deposit or annually. The simple interest on a deposit shall be earned from the date the deposit is received by the utility to the date the customer is paid. At the option of the utility, interest payments may be paid directly to the customer or by a credit to the customer's account.
 - (II) The simple interest to be paid on a deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately

preceding year) of the 12 monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, Commission staff shall compute the interest rate to be paid. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on deposits during the next calendar year. Annually following receipt of Commission staff's letter, if necessary, each utility shall file by advice letter or application, as appropriate, a revised tariff, effective the first day of January of the following year, or on an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' deposits, except when there is no change in the rate of interest to be paid on such deposits.

- (p) A utility shall have tariffs concerning third-party guarantee arrangements and, pursuant to those tariffs, shall offer the option of a third party guarantee arrangement for use in lieu of a deposit. The following shall apply to third-party guarantee arrangements:
- (I) an applicant for service or a customer may elect to use a third-party guarantor in lieu of paying a deposit;
 - (II) the third-party guarantee form, signed by both the third-party guarantor and the applicant for service or the customer, shall be provided to the utility;
 - (III) the utility may refuse to accept a third-party guarantee if the guarantor is not a customer in good standing at the time of the guarantee;
 - (IV) the amount guaranteed shall not exceed the amount which the applicant for service or the customer would have been required to provide as a deposit;
 - (V) the guarantee shall remain in effect until the earlier of the following occurs:
 - (A) the guarantee is terminated in writing by the guarantor;
 - (B) if the guarantor was a customer at the time of undertaking the guarantee, the guarantor ceases to be a customer of the utility; or
 - (C) the customer has established a satisfactory payment record, as defined in the utility's tariffs, for 12 consecutive months.
 - (VI) Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.

- (q) A utility shall pay all unclaimed monies, as defined in § 40-8.5-103(5), C.R.S., that remain unclaimed for more than two years to the energy assistance organization. "Unclaimed monies" shall not include: undistributed refunds for overcharges subject to other statutory provisions and rules; and, credits to existing customers from cost adjustment mechanisms.
- (I) Monies shall be deemed unclaimed and presumed abandoned when left with the utility for more than two years after termination of the services for which the deposit or the construction advance was made or when left with the utility for more than two years after the deposit or the construction advance becomes payable to the customer pursuant to a final Commission order establishing the terms and conditions for the return of such deposit or advance and the utility has made reasonable efforts to locate the customer.
- (II) Interest on a deposit shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the utility receives the deposit and ending on the date on which the deposit is paid to the energy assistance organization. If the utility does not pay the unclaimed deposit to the energy assistance organization within four months of the date on which the unclaimed deposit is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed deposit at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (III) If payable under the utility's line extension tariff provisions, interest on a construction advance shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the construction advance is deemed to be owed to the customer pursuant to the utility's extension policy and ending on the date on which the construction advance is paid to the energy assistance organization. If the utility does not pay the unclaimed construction advance to the energy assistance organization within four months of the date on which the unclaimed construction advance is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed construction advance at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (r) A utility shall resolve all inquiries regarding a customer's unclaimed monies and shall not refer such inquiries to the energy assistance organization.
- (s) If a utility has paid unclaimed monies to the energy assistance organization, a customer later makes an inquiry claiming those monies, and the utility resolves the inquiry by paying those monies to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.
- (t) For purposes of paragraphs (q), (r), and (s) of this rule, "utility" means and includes: a cooperative electric association which elects to be so governed; and a utility as defined in paragraph 3001(xx).

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[indicates omission of unaffected rules]

3407. Discontinuance of Service.

- (a) A utility shall not discontinue the service of a customer for any reason other than the following:
- (I) nonpayment of regulated charges;
 - (II) fraud or subterfuge;
 - (III) service diversion;
 - (IV) equipment tampering;
 - (V) safety concerns;
 - (VI) exigent circumstances;
 - (VII) discontinuance ordered by any appropriate governmental authority; or
 - (VIII) properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.
- (b) A utility shall apply nondiscriminatory criteria when determining whether to discontinue service for nonpayment. A utility shall not discontinue service for nonpayment of any of the following:
- (I) any amount which has not appeared on a regular monthly bill or which is not past due. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the 31st day following the due date of current charges;
 - (II) any past due amount that is less than \$50;
 - (III) any amount due on another account now or previously held or guaranteed by the customer, or with respect to which the customer received service, unless the amount has first been transferred either to an account which is for the same class of service or to an account which the customer has agreed will secure the other account. Any amount so transferred shall be considered due on the regular due date of the bill on which it first appears and shall be subject to notice of discontinuance as if it had been billed for the first time;
 - (IV) any amount due on an account on which the customer is or was neither the customer of record nor a guarantor, or any amount due from a previous occupant of the premises. This subparagraph does not apply if the customer is or was obtaining service through fraud or subterfuge or if paragraph 3401(c) applies;
 - (V) any amount due on any account for which the present customer is or was the customer of record, if another person established the account through fraud or subterfuge and without the customer's knowledge or consent;
 - (VI) any delinquent amount, unless the utility can supply billing records from the time the delinquency occurred;

- (VII) any debt except that incurred for service rendered by the utility in Colorado;
 - (VIII) any unregulated charge; or
 - (IX) any amount which is the subject of a pending dispute or informal complaint under rule 3004.
- (c) If the utility discovers any connection or device installed on the customer's premises, including any energy-consuming device connected on the line side of the utility's meter, which would prevent the meter from registering the actual amount of energy used, the utility shall do one of the following.
- (I) Remove or correct such devices or connections. If the utility takes this action, it shall leave at the premises a written notice which advises the customer of the violation, of the steps taken by the utility to correct it, and of the utility's ability to bill the customer for any estimated energy consumption not properly registered. This notice shall be left at the time the removal or correction occurs.
 - (II) Provide the customer with written notice that the device or connection must be removed or corrected within 15 days and that the customer may be billed for any estimated energy consumption not properly registered. If the utility elects to take this action and the device or connection is not removed or corrected within the 15 days permitted, then within seven calendar days from the expiration of the 15 days, the utility shall remove or correct the device or connection pursuant to subparagraph (c)(I) of this rule.
- (d) If a utility discovers evidence that any utility-owned equipment has been tampered with or that service has been diverted, the utility shall provide the customer with written notice of the discovery. The written notice shall inform the customer of the steps the utility will take to determine whether non-registration of energy consumption has or will occur and shall inform the customer that the customer may be billed for any estimated energy consumption not properly registered. The utility shall mail or hand-deliver the written notice within three calendar days of making the discovery of tampering or service diversion.
- (e) A utility shall not discontinue service, other than to address safety concerns or in exigent circumstances, if one of the following is met.
- (I) A customer at any time tenders full payment in accordance with the terms and conditions of the notice of discontinuance to a utility employee authorized to receive payment. Payment of a charge for a service call shall not be required to avoid discontinuance.
 - (II) If a customer pays, on or before the expiration date of the notice of discontinuance, at least one-tenth of the amount shown on the notice and enters into an installment payment plan with the utility, as provided in rule 3404.
 - (III) Outside the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday.
 - (IV) Between the hours of 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday or day during which the utility's local office is closed.

- (V) To the greatest extent practicable, a utility shall not disconnect a customer after 11:59 a.m. on a Monday through Thursday.

- (VI) Medical emergencies.
 - (A) A utility shall postpone discontinuance of electric service to a residential customer for 90 days from the date of a medical certificate issued by a Colorado-licensed physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients which evidences that service discontinuance will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. A customer may invoke this subparagraph only once in any twelve consecutive months.
 - (B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who has already entered into a payment arrangement, but broke the arrangement prior to seeking a medical certificate, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.
 - (C) The medical certificate must be in writing (which includes electronic certificates and signatures and those provided electronically), sent to the utility from the office of a licensed physician or health care practitioner licensed to prescribe and treat patients, and clearly show the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients certifying the medical emergency. Such certificate is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.
 - (D) A utility may accept notification by telephone from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, but a written medical certificate must be sent to the utility within ten days.

- (VII) Weather provisions.
 - (A) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 32 degrees Fahrenheit (32°F) or lower at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are warmer than these criteria.
 - (B) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and

9:00 a.m. predicts that the temperature will be 95 degrees Fahrenheit (95°F) or higher at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are cooler than these criteria.

- (C) A utility shall postpone service discontinuance to a residential customer during an emergency or safety event or circumstance impacting the local area.
- (f) In addition to its tariffs, a utility shall publish information related to its practices around delinquency, disconnection for nonpayment, and reconnection on its website. This information should be written in a manner that promotes customer understanding and must be produced in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information. A utility must include at least the following information:
- (I) the customer's rights related to service disconnection, including medical and weather-based protections, timing restrictions on service disconnection, and options and hours to contact the utility for support relating to service disconnection;
 - (II) a summary of a customer's options to prevent service disconnection for nonpayment, including installment payment plan options, utility energy assistance and affordability programs, and eligibility requirements for such programs;
 - (III) referrals to organizations that provide energy payment assistance, including energy efficiency services, such as Energy Outreach Colorado, charities, nonprofits, and governmental entities that provide or administer funds for such assistance;
 - (IV) the customer's rights related to service restoration, including restoration timelines, actions customers may take to restore service; and options and hours to contact the utility for support relating to service restoration;
 - (V) a summary of charges, fees, and deposits to which a customer may be subject under paragraphs 3404(a) and 3403(j), with a description of how those amounts are calculated, explained in a way that enables a customer to estimate the full costs they may be assessed;
 - (VI) a description of the customer's options in the event of a dispute regarding billing or disconnection practices;
 - (VII) a description of the options available to an occupant of a service address who is not a customer of record and who has a court-ordered protection order against a customer of record for the service address, relating to past-due balances, service disconnection, restoration, and continuance at the service address, including initiating new service, transferring service, and the utility's practices, policies, and criteria for determining benefit of service for purposes of transferring a customer's balance to an occupant; and

- (VIII) a description of the utility's Demand-Side Management programs, including requirements to participate, the benefits of participating, and utility contact information relating to such programs.
- (g) Reporting requirements.
- (I) Annual Report. No later than March 1 of each calendar year, each utility shall file a report covering the prior calendar year in the miscellaneous proceeding for utility disconnection filings, using the form available on the Commission's website. The report shall provide data on residential customers by class and zip code and must also break down such data by income qualified customers, defined as customers participating in income qualified programs authorized by rule 3412 and the Low-Income Energy Assistance Program. For data provided in this report, paragraph 3033(b) shall not apply. The report shall contain the following information, displayed by quarter:
- (A) total number of unique customers;
 - (B) total dollar amount billed;
 - (C) total number of customers charged a late payment charge;
 - (D) total dollar amount of late payment charges collected;
 - (E) number of customers with an arrearage balance by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (F) dollar amount of arrearages by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (G) total number of disconnection notices sent;
 - (H) total number of disconnections for nonpayment;
 - (I) total number of service restorations after disconnections for nonpayment;
 - (J) average duration of disconnection for nonpayment by hours, measured from when the customer completes an action in paragraph 3409(b) to when service is restored;
 - (K) total dollar amount of deposits collected for restoring service that was disconnected for nonpayment;
 - (L) total number of deposits collected for restoring service that was disconnected for nonpayment;
 - (M) total number of new installment payment plans entered into;
 - (N) average repayment term of new installment payment plans entered into;

- (O) total dollar amount of fees collected for disconnecting service for nonpayment;
 - (P) total dollar amount of fees collected for restoring service that was disconnected for nonpayment;
 - (Q) total dollar amount of collection fees collected from customers whose service was disconnected for nonpayment; and
 - (R) total dollar amount of any other tariff-authorized charges or fees collected resulting from past due amounts, service disconnection for nonpayment, and restoring service that was disconnected for nonpayment.
- (II) Along with the items in subparagraph (g)(I), each utility shall file the following additional items.
- (A) A narrative containing the utility’s analysis of any trends or inconsistencies revealed by the data in the prior year including, at minimum, an analysis of:
 - (i) the total number of residential customers who were disconnected for nonpayment in the prior calendar year and percent of those customers who were disconnected for nonpayment multiple times; and
 - (ii) the total number of residential installment payment plans entered into in the prior calendar year, the average length of those installment payment plans, the number of residential installment payment plans completed, and the number of residential installment payment plans that were broken.
 - (B) Information about how the utility is working to reduce delinquencies and disconnections, including any actions the utility is taking specific to residential customers experiencing multiple disconnections in a calendar year, and a description of the efforts made to identify entities to which the utility refers customers for energy bill assistance.
- (h) Receipt of a qualifying communication. For purposes of compliance with § 40-3-103.6(3)(c)(II) and subparagraph 3001(hh)(II)(B), a customer “receives” the text or e-mail if:
- (I) the utility sends the text or email with customer assistance information to the text address or e-mail address previously provided by the customer to the utility; and
 - (II) the utility does not subsequently receive a “bounce back” or other message indicating the text address is invalid or the e-mail address is invalid.
- (i) Customer education and outreach strategy. A utility shall conduct at least one meeting with stakeholders and interested customers for the purpose of seeking input on its customer education and outreach strategy for conducting disconnections and reconnections during its multi-year strategy reporting period under paragraph 3407(j). The results of these meetings and a detailed summary of the customer education and outreach conducted will be reported as part of its first annual report due no later than March 1, 2024, and each subsequent reporting year. Such

education and outreach meetings may be held in conjunction with the income qualified meetings required under paragraph 3412(j).

- (j) Customer education and outreach multi-year strategy reporting. As part of its annual report due no later than March 1, 2024, a utility shall file a customer education and outreach strategy on residential and small commercial customer disconnections and reconnections covering a span of the next five years. As part of this filing, a utility shall provide an overview of its education and outreach efforts, including qualifying communications, disconnection and reconnection data and trends, and the tariffed rates for disconnection and reconnections. Additionally, if applicable, an electric utility shall provide an overview of its historical use of remote disconnections, including the time period in which such an electrical utility has used remote disconnections and reconnections. Upon filing of an initial multi-year strategy report, each utility shall file an update to its report every five years on March 1 of the relevant year. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.
- (k) Tariff. A utility shall file language to include in its tariff as cited below a requirement to report on its five-year customer education and outreach strategy, and if applicable, qualifying communications for reconnections. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.

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[indicates omission of unaffected rules]

3409. Restoration of Service.

- (a) Unless prevented from doing so by safety concerns or exigent circumstances, a utility shall restore, without additional fee or charge, any discontinued service which was not properly discontinued or restored as provided in rules 3407, 3408, and 3409.
- (b) A utility shall restore service if the customer does any of the following:
 - (I) pays in full the amount for regulated charges shown on the notice and any deposit and/or fees as may be specifically required by the utility's tariff in the event of discontinuance of service;
 - (II) pays any reconnection and collection charges specifically required by the utility's tariff, enters into an installment payment plan, and makes the first installment payment, unless the cause for discontinuance was the customer's breach of such an arrangement;
 - (III) presents a medical certificate, as provided in subparagraph 3407(e)(IV); or
 - (IV) demonstrates to the utility that the cause for discontinuance, if other than non-payment, has been cured.

- (c) A utility shall reconnect a customer's service on the same day as the customer requests reconnection, if the customer makes a payment or payment arrangement in accordance with the utilities policies, requesting reconnection of service on a Monday through Friday that is not a holiday, and one of the following circumstances is met:
- (I) the customer has advanced metering infrastructure and has requested reconnection of service at least one hour before the close of business for the electric utility's customer service division; except that the utility may reconnect service on the day following a disconnection of service if there are internet connectivity, technical, or mechanical problems or emergency conditions that reasonably prevent the utility from remotely reconnecting the customer's service; or
 - (II) the customer is without advanced metering infrastructure and has requested reconnection of service on or before 12:59 p.m.; except that, an electric utility or gas utility may reconnect the customer's service on the day following a disconnection if:
 - (A) prior to disconnection of the customer's service, the utility has made a qualifying communication with the customer; or
 - (B) an emergency or safety event or circumstance arises after disconnection of service that renders the utility's staff temporarily unavailable to safely reconnect service. If next-day reconnection of service is not possible due to the continuation of the emergency or safety event or circumstance, the utility shall reconnect the customer's service as soon as possible.
- (d) Unless prevented by an emergency or safety event or circumstance, a utility shall restore service to a customer who has completed an action in paragraph (b) within 24 hours (excluding weekends and holidays) of the time that the customer completes an action in paragraph (b), or within 12 hours of the time that the customer completes an action in paragraph (b) if the customer pays applicable after-hours charges and fees established in tariffs.
- (e) The utility must resolve doubts as to whether a customer has met the requirements for service restoration under paragraph (b) in favor of restoration.

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[indicates omission of unaffected rules]

3411. Low-Income Energy Assistance Act.

- (a) Scope and applicability.
- (I) Rule 3411 is applicable to electric utilities, combined gas and electric utilities, and cooperative electric association except those exempted under (II) or (III). Pursuant to §§ 40-8.7-101 through 111, C.R.S., utilities are required to provide an opportunity for their customers to contribute an optional amount through the customers' monthly billing statement.

- (II) Municipally owned electric utilities, combined gas and electric utilities, or cooperative electric associations are exempt if:
 - (A) the utility operates an alternative energy assistance program to support its income qualified customers with their energy needs and self-certifies to the organization through written statement that its program meets the following criteria:
 - (i) the amount and method for funding of the program has been determined by the governing body; and
 - (ii) the program monies will be collected and distributed in a manner and under eligibility criteria determined by the governing body for the purpose of residential energy assistance to customers who are challenged with paying energy bills for financial reasons, including seniors on fixed incomes, individuals with disabilities, and income qualified individuals; or
 - (B) the governing body of the utility determines its service area has a limited number of people who qualify for energy assistance and self-certifies to the organization via written statement such determination.
- (III) A municipally owned electric utility, combined gas and electric utility, or cooperative electric association not exempt under subparagraph (II), is exempt if:
 - (A) the utility designs and implements a procedure to notify all customers at least twice each year of the option to conveniently contribute to the organization by means of a monthly energy assistance charge. Such procedure shall be approved by the governing utility. The governing body of such utility shall determine the disposition and delivery of the optional energy assistance charge that it collects on the following basis:
 - (i) delivering the collections to the organization for distribution; or
 - (ii) distributing the moneys under criteria developed by the governing body for the purpose set forth in subparagraph (II)(A)(ii).
 - (B) Alternatively, the utility provides funding for energy assistance to the organization by using a source of funding other than the optional customer contribution on each customer bill that approximates the amount reasonably expected to be collected from an optional charge on customer's bills.
- (IV) A municipally owned electric utility, combined gas and electric utility, or cooperative electric association that is exempt under subparagraph (III) shall be entitled to participate in the organization's low-income assistance program.
- (V) Electric utilities, combined gas and electric utilities, and cooperative electric associations that desire a change in status must inform the organization and file a notice to the Commission within 30 days prior to expected changes.

- (b) Definitions. The following definitions apply only in the context of rule 3411. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply:
- (I) “Alternative energy assistance program” means a program operated by a municipally owned electric and gas utility or rural electric cooperative that is not part of the energy assistance program established pursuant to this statute.
 - (II) “Customer” means the named holder of an individually metered account upon which charges for electricity or gas are paid to a utility. “Customer” shall not include a customer who receives electricity or gas for the sole purpose of reselling the electricity or gas to others.
 - (III) “Energy assistance program” or “Program” means the Low Income Energy Assistance Program created by § 40-8.7-104, C.R.S., and designed to provide financial assistance, residential energy efficiency, and energy conservation assistance.
 - (IV) “Organization” means Energy Outreach Colorado, a Colorado nonprofit corporation, formerly known as the Colorado Energy Assistance Foundation.
 - (V) “Remittance device” means the section of a customer’s utility bill statement that is returned to the utility company for payment. This includes but is not limited to paper payment stubs, web page files used to electronically collect payments, and electronic fund transfers.
 - (VI) “Utility” means a corporation, association, partnership, cooperative electric association, or municipally owned entity that provides retail electric service or retail gas service to customers in Colorado. “Utility” does not mean a propane company.
- (c) Plan implementation and maintenance.
- (I) Except as provided in paragraph 3411(a), each utility shall implement and maintain a customer opt-in contribution mechanism. The utility’s opt-in mechanism shall include, at minimum, the following provisions:
 - (A) A description of the procedures the utility will use to notify its customers, including those customers that make payments electronically, about the opt-in provision prior to September 1, 2006. Utilities may combine their efforts to notify customers into a single state-wide or region-wide effort consistent with the participating utilities communication programs. Each participating utility shall clearly identify its support of the combined communications program, with its corporate name and/or logo visible to the intended audience.
 - (B) A description of the additional efforts the utility will use to inform its customers about the program to ensure that adequate notice of the opt-in provision is given to all customers. Notification shall include communication to all customers that the donation and related information will be passed through to the Organization.
 - (C) A description of the check-off mechanism that will be displayed on the monthly remittance device to solicit voluntary donations. The remittance device shall

include, at minimum, check-off categories of five dollars, ten dollars, twenty dollars, and “other amount”. The remittance device must also note the name of the program as the “voluntary energy assistance program,” or if the utility is unable to identify the name of the program individually, the utility shall use a general energy assistance identifier approved by the Commission.

- (D) A description or an example of how the utility will display the voluntary contribution as a separate line item on the customer’s monthly billing statement and how the voluntary contribution will be included in the total amount due. The line item must identify the contribution as “voluntary”.
- (E) A description of the notification process that the utility will use to ensure that once a utility customer opts into the program, the energy assistance contribution will be assessed on a monthly basis until the customer notifies the utility of the customer’s desire to stop contributing. The utility shall describe how it will manage participation in the program when customers miss one or more voluntary payment, or pay less than the pre-selected donation amount.
- (F) Identification of the procedures the utility will use to notify customers of their ability to cancel or discontinue voluntary contributions along with a description of the mechanism the utility will use to allow customers who make electronic payments to discontinue their participation in the opt-in program.
- (G) A description of the procedures the utility will use, where feasible, to notify customers participating in the program about the customer’s ability to continue to contribute when the customer changes their address within the utility’s service territory.
- (H) A description of the method the utility will use to provide clear, periodic, and cost-effective notice of the opt-in provision to its customers at least twice per year. Acceptable methods include, but are not limited to, bill inserts, statements on the bill or envelope, and other utility communication pieces.
- (I) An estimate of the start-up costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate should include the utility’s initial costs of setting up the collection mechanism and reformatting its billing systems to solicit the optional contribution but shall not include the cost of any notification efforts by the utility. Utilities may elect to recover all start-up costs before the remaining moneys generated by the program are distributed to the Organization or over a period of time from the funds generated by the program, subject to Commission review and approval.
- (J) An estimate of the on-going costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate shall not include the cost of any notification efforts by the utility.
- (K) A detailed justification for the costs identified in subparagraphs (I) and (J). As stated in § 40-8.7-104(3), C.R.S., the costs incurred must be reasonable in connection with the program.

- (L) Utilities shall recover the startup cost and on-going cost of administration associated with the program from funds generated from the program. Insert and notification costs shall be considered in the utility's cost of service.
 - (M) A description of the procedures the utility will use to account for and process program donations separately from customer payments for utility services.
 - (II) Each utility shall participate in the energy assistance program consistent with its plan approved by the Commission and shall provide the opportunity for its customers to make an optional energy assistance contribution on the monthly remittance device on their utility billing.
 - (III) The utility may submit an application to the Commission no later than April 1 of each year for approval of reimbursement costs the utility incurred for the program during the previous calendar year. Such application shall include a proposed schedule for the reimbursement of these costs to the utility. The applications shall include detailed supporting justification for approval of these costs. Such detailed justification includes, but is not limited to, copies of receipts and time sheets. Such applications shall not seek reimbursement of costs related to notification efforts. Participating utilities may include reimbursement costs for such notification efforts in their periodic cost of service rate filings, subject to Commission review and approval.
 - (IV) A utility may seek modification of its initial plan or subsequent plans by filing an application with the Commission. Such application shall meet the requirements of (d)(I).
- (d) Fund administration.
- (I) At a minimum, each utility shall transfer the funds collected from its customers under the Energy assistance program to the organization under the following schedule:
 - (A) for the funds collected during the period of January 1 to March 31 of each year, the utility shall transfer the collected funds to the organization before May 1 of such year;
 - (B) for the funds collected during the period of April 1 to June 30 of each year, the utility shall transfer the collected funds to the organization before August 1 of such year;
 - (C) for the funds collected during the period of July 1 to September 30 of each year, the utility shall transfer the collected funds to the organization before November 1 of such year;
 - (D) for the funds collected during the period of October 1 to December 31 of each year, the utility shall transfer the collected funds to the organization before February 1 of the next year; and
 - (E) each utility shall maintain a separate accounting for all energy assistance program funds received by customers.

- (II) Each utility shall provide the organization with the following information.
 - (A) How the funds collected for the previous calendar year were generated, including the number of customers participating in the program. Such report shall include a summary of the number of program participants and funds collected by month, and shall be provided by February 1 of each year.
 - (B) At each time funds are remitted, a listing of all program participants including the donor's name, billing address, and monthly donation amount. The participant information provided to the organization shall be used exclusively for complying with the requirements of § 40-8.7-101, C.R.S., et seq. and state and federal laws.
- (III) The Commission shall submit, as necessary, a bill for payment to the organization for any administrative costs incurred pursuant to the program.
- (IV) The organization shall provide the Office of Utility Consumer Advocate and the Commission with a copy of the written report that is described in § 40-8.7-110, C.R.S. This report shall not contain individual participant information.
- (e) Prohibition of disconnection. Utilities shall not disconnect a customer's electric service for non-payment of optional contribution amounts.

3412. Electric Service Affordability Program.

- (a) Scope and applicability.
 - (I) Electric utilities with Colorado retail customers shall provide income qualified energy assistance by offering rates, charges, and services that grant a reasonable preference or advantage to residential income qualified customers, as permitted by § 40-3-106, C.R.S. Electric utilities shall use consistent naming for assistance programs: [Utility name] Affordability Program.
 - (II) Rule 3412 is applicable to investor-owned electric utilities subject to rate regulation by the Commission.
- (b) Definitions. The following definitions apply only in the context of rule 3412. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.
 - (I) "Administrative cost" means the utility's direct cost for labor (to include the cost of benefit loadings), materials, and other verifiable expenditures directly related to the administration and operation of the program not to exceed ten percent of the total cost of program credits applied against bills for current usage and pre-existing arrearages or \$10,000, whichever amount is greater.
 - (II) "Affordable percentage of income payment" means the amount of the participant's annual bill deemed affordable under subparagraph 3412(e)(I).

- (III) “Arrearage” means the past-due amount appearing, as of the date on which a participant newly enters the program, on the then most recent prior bill rendered to a participant for which they received the benefit of service.
- (IV) “Colorado Energy Office” means the Colorado Energy Office created in § 24-38.5-101, C.R.S.
- (V) “Eligible income qualified customer” means a residential utility customer who meets the household income thresholds pursuant to paragraph 3412(c).
- (VI) “Fixed credit” means an annual bill credit established at the beginning of a participant’s participation in a program each year delivered as a monthly credit on each participant’s bill. The fixed credit is the participant’s full annual bill minus the participant’s affordable percentage of income payment obligation on the full annual bill.
- (VII) “Full annual bill” means the current consumption of a participant billed at standard residential rates. The full annual bill of a participant is comprised of two parts: (1) that portion of the bill that is equal to the affordable percentage of income payment; and, (2) that portion of the bill that exceeds the affordable percentage of income payment.
- (VIII) “LEAP” means Low-Income Energy Assistance Program, a county-run, federally-funded, program supervised by the Colorado Department of Human Services, Division of Low-Income Energy Assistance.
- (IX) “LEAP participant” means a utility customer who at the time of applying to participate in a program has been determined to be eligible for LEAP benefits by the Department during either: (1) the Department’s current LEAP application period, if that period is open at the time the customer applies for program participation; or, (2) the Department’s most recently closed LEAP application period, if that period is closed at the time the customer applies to participate in the program and the Department’s next LEAP application period has not yet opened, provided, however, that in order to retain status as a LEAP participant under part (2) of this definition, the utility customer must apply to the Department during the Department’s next LEAP benefit application period and be determined eligible for such benefits.
- (X) “Non-participant” means a utility customer who is not receiving income qualified assistance under rule 3412.
- (XI) “Participant” means an eligible income qualified residential utility customer who is granted the reasonable preference or advantage through participation in an electric service low-income program.
- (XII) “Percentage of Income Payment Plan” (or “PIPP”) means a payment plan for participants that does not exceed an affordable percentage of their household income as set forth in subparagraph 3412(e)(I).
- (XIII) “Program” means an electric service low-income program approved under rule 3412.

- (XIV) “Program credits” means the amount of benefits provided to participants to offset the unaffordable portion of a participant’s utility bill and /or dollar amounts credited to participants for arrearage forgiveness.
 - (XV) “Unaffordable portion” means the amount of the estimated full annual bill that exceeds the affordable percentage of income payment.
- (c) Participant eligibility.
- (I) Eligible participants are limited to those who meet one or more of the following criteria:
 - (A) household income less than or equal to 200 percent of the federal poverty guideline;
 - (B) household income less than or equal to 80 percent of the area median income, as published annually by the United States Department of Housing and Urban Development; or
 - (C) qualification under income guidelines adopted by the Department of Human Services pursuant to § 40-8.5-105, C.R.S.
 - (II) The utility shall obtain the determination of a participant’s eligibility from the Department of Human Services, Energy Outreach Colorado, or the Colorado Energy Office.
 - (III) If a participant’s household income is \$0, the utility may establish a process that verifies income on a more frequent basis.
 - (IV) Program participants shall not be required to make payment on their utility account as a condition of entering into the program.
- (d) Enrollment. Utilities shall be responsible for the methods by which participant enrollment in their approved low-income program is obtained and sustained, however the utility should engage in enrollment processes that are efficient and attempt to maximize the potential benefits of participation in the low-income program by low-income customers.
- (e) Payment plan.
- (I) Participant payments for electric bills rendered to participants shall not exceed an affordable percentage of income payment. The percentage of a participant’s household income for which the participant is responsible shall be determined as follows:
 - (A) for electric accounts for which electricity is the primary heating fuel, participant payments shall be no lower than three percent and not greater than six percent of the participant’s household income; however, if the participant also has natural gas service from a regulated utility, participant payments shall not be greater than five percent of the participant’s household income; and

- (B) for electric accounts for which electricity is not the primary heating fuel, participant payments shall be no lower than two percent and not greater than three percent of the participant's household income.
- (II) In the event that a primary heating fuel for any particular participant has been identified by LEAP, that determination shall be final.
- (III) Notwithstanding the percentage of income limits established in subparagraph 3412(e)(I), a utility may establish minimum monthly payment amounts for participants with household income of \$0, provided that:
 - (A) the participant's minimum payment for an electric heating account shall be no more than \$20.00 a month; and
 - (B) the participant's minimum payment for an electric non-heating account shall be no more than \$10.00 a month.
- (IV) Full annual bill calculation. The utility shall be responsible for estimating a participant's full annual bill for the purpose of determining the unaffordable portion of the participant's full annual bill delivered as a fixed credit on the participant's monthly billing statement.
- (V) Fixed credit benefit. The fixed credit shall be adjusted during a program year in the event that standard residential rates, including commodity or fuel charges change to the extent that the full annual bill at the new rates would differ from the full annual bill upon which the fixed credits are currently based by 25 percent or more.
- (VI) Levelized budget billing participation. A utility may enroll participants in its levelized budget billing program as a condition of participation in the program, though the utility shall also allow participants the option to opt out of levelized budget billing if they so choose without losing PIPP benefits, which option shall be available to the participants where the utility's automated billing system is capable. Utilities without automated billing systems capable of permitting opt out of levelized budget billing shall reasonably and prudently modify their systems to facilitate opt out of levelized budget billing. Should a participant fail to meet monthly bill obligations and be placed by a utility in its regular delinquent collection cycle, the utility may remove the participant from levelized budget billing in accordance with the utility's levelized budget billing tariff.
- (VII) Arrearage credits.
 - (A) Arrearage credits shall be applied to pre-existing arrearages.
 - (B) Arrearage credits shall be sufficient to reduce, when combined with participant copayments, if any, the pre-existing arrearages to \$0.00 over a period not less than one month and not more than twenty-four months.
 - (C) Application of an arrearage credit to a participant account may be conditioned by the utility on one or more of the following:

- (i) the receipt of regular participant payments toward bills for current usage;
or
 - (ii) the payment of a participant copayment toward the arrearages so long as the participant's copayment total dollar amount does not exceed one percent of gross household income.
 - (D) Should the participant exit the program prior to the full forgiveness of all pre-existing arrearages, the amount of remaining pre-existing arrearages shall become due in accordance with the utility's tariff filed under rules 3401, 3407, and 3408.
 - (E) Pre-existing arrears under this subparagraph shall not serve as the basis for the termination of service for nonpayment or as the basis for any other utility collection activity while the customer is participating in the program.
 - (F) A participant may receive arrearage credits under this section even if that participant does not receive a credit toward current bills.
 - (VIII) Portability of benefits. A participant may continue to participate without reapplication should the participant change service addresses but remain within the service territory of the utility providing the benefit, provided that the utility may make necessary adjustments in the billing amount to reflect the changed circumstances. A participant who changes service addresses and does not remain within the service territory of the utility providing the benefit must reapply to become a participant at the participant's new service address.
 - (IX) Payment default provisions. Failure of a participant to make his or her monthly bill payments may result in a utility placing the participant in its regular collection cycle. Partial or late payments shall not result in the removal of a participant from the program.
- (f) Program implementation.
- Each utility shall maintain effective terms and conditions in its tariffs on file with the Commission containing its low-income program.
- (g) Cost recovery.
- (I) Each utility shall include in its income qualified tariff terms and conditions how costs of the program will be recovered.
 - (II) Program cost recovery.
 - (A) Program cost recovery shall be based on a fixed monthly fee.
 - (B) The maximum impact on residential rates shall be no more than \$1.00 per month.

- (C) In order to determine monthly rates applicable to rate classes other than residential, program costs shall be allocated to each retail rate based on each rate class's share of the test year revenue requirement established in the utility's last Phase II rate case, or under another reasonable methodology supported by quantifiable information. The monthly rate per this subparagraph to be charged each rate schedule customer shall be clearly stated on a tariff sheet.
- (D) Utilities shall separately account for the program year's program cost recovery and program and administrative costs to determine if the net of program cost recovery and program and administrative cost are in balance during the program year.
 - (i) No later than December 31 of each year, the utility shall file a report with the Commission in the most recent miscellaneous proceeding for annual low-income filings detailing the net difference between program cost recovery and program costs as of October 31 of each year.
 - (1) Should the net difference of program cost recovery over program and administrative costs be greater than 50 percent derived in (D) above, either positive or negative, and the utility is not currently at the maximum impact for non-participants, the utility shall file with the Commission an advice letter and tariff pages seeking approval for the rates determined in subparagraph 3412(g)(II)(D) in order to bring the projected recovery in balance for the ensuing 12 month period. The revised charge shall not exceed the maximum impact for non-participants in subparagraph 3412(g)(II)(C).
- (III) The following costs are eligible for recovery by a utility as program costs:
 - (A) program credits or discounts applied against bills for current usage.
 - (B) program credits applied against pre-existing arrearages.
 - (C) program administrative costs; and
 - (D) Commission-sponsored program evaluation costs required under paragraph 3412(k).
- (IV) The utility shall apply, as an offset to cost recovery, all program expenses attributable to the program. Program expenses include utility operating costs; changes in the return requirement on cash working capital for carrying arrearages; changes in the cost of credit and collection activities directly related to income qualified participants; and changes in uncollectable account costs for these participants.
- (V) LEAP grants. The utility may apply energy assistance grants provided to the participant by the LEAP program to the dollar value of credits granted to individual program participants.

- (A) If applying LEAP grants first, a utility shall apply any energy assistance benefit granted to the participant by LEAP to that portion of the program participant's full annual bill that exceeds the participant's affordable percentage of income payment.
 - (B) If the dollar value of the energy assistance grant is greater than the dollar value of the difference between the program participant's full annual bill and the participant's affordable percentage of income payment, the dollar amount by which the energy assistance grant exceeds the difference will be applied:
 - (i) first, to any pre-existing arrearages that at the time of the energy assistance grant continues to be outstanding; and
 - (ii) second, to the account of the program participant as a benefit to the participant.
 - (C) No portion of an energy assistance or LEAP grant provided to a program participant may be applied to the account of a participant other than the participant to whom the energy assistance grant was rendered.
 - (D) If an all-electric utility's income qualified customers do not benefit widely from LEAP grants, the utility shall not apply the dollar value of credits granted to individual LEAP grantees to the dollar value of credits granted to individual program participants.
- (h) Other programs. In addition to the utility's low-income program, with Commission approval, a utility may offer other rate relief options to eligible households.
- (I) Other programs offered by the utility under rule 3412 must be intended to reach income qualified households that do not substantially benefit from the provisions of the low-income program. Such programs may take the form of discount rates, tiered discount rates or other direct bill relief methods where the income qualified household benefitting from the program is granted a reasonable preference in tariffed rates assessed to all residential utility customers.
 - (II) Cost recovery for other programs combined with the Percentage of Income Payment Plan shall not exceed the maximum impact on residential rates described in subparagraph 3412(g)(II)(C).
- (i) Energy efficiency and weatherization.
- (I) The utility shall provide all program participants with information on energy efficiency programs offered by the utility or other entities and existing weatherization programs offered by the state of Colorado or other entities.
 - (II) The utility shall provide the Colorado Energy Office with the name and service address of participant households for which annual electricity usage exceeds 10,000 kWh annually.

- (j) Stakeholder engagement. A utility shall conduct annual meetings with income qualified stakeholders for the purpose of seeking solutions to issues of mutual concern and aligning program practices with the needs of customers and other stakeholders.
- (k) Program evaluation. A triennial evaluation of the program provisions under rule 3412 beginning in 2019 shall be undertaken in order to review best practices in similar low-income assistance programs in existence in other regulatory jurisdictions, as well as evaluate operation of each utility's program for effectiveness in achieving optimum support being provided to income qualified participants. The evaluation shall also recommend modifications if available that improve the delivery of benefits to participants and increase the efficiency and effectiveness of each program as they exist at the point of evaluation. The program evaluation shall include a customer needs assessment provided that adequate funds are available.
 - (I) Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders including, but not limited to, Commission staff, all Commission regulated electric and gas utilities, LEAP, the Office of Consumer Counsel, and Energy Outreach Colorado in the design of the requirements regarding study focus and final reporting.
 - (II) Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days.
 - (III) \$00.0013 per customer per month shall be set aside by the utility in order to fund the triennial evaluation of the program evaluation described in paragraph 3412(k).
 - (IV) The dollars resulting from the \$00.0013 charge shall be recovered as a program cost under subparagraph 3412(f)(IV).
 - (V) The evaluation will be filed by Commission staff in the most recent miscellaneous proceeding for annual low-income filings.
 - (VI) Staff and the CEO will assess the individual utilities' deferred balances set aside for the program evaluation starting in 2019 at the conclusion of the third program year and each three years thereafter and will determine the amounts each utility is to remit to the third party evaluator based on the contractual terms approved by the Commission for the evaluation.
- (l) Annual report. No later than December 31 of each year, each utility shall file a report in the most recent miscellaneous proceeding for annual low-income filings using the form available on the Commission's website based on each 12-month period ending October 31, and containing the following information:
 - (I) monthly information on the program including total number of participants, amount of benefit disbursement, type of benefit disbursement, LEAP benefits applied to the unaffordable portion of participant's bills, administrative costs, and revenue collection;
 - (II) the number of applicants for the program;

- (III) the number of applicants qualified for the program;
- (IV) the number of participants;
- (V) the average assistance provided, both mean and median;
- (VI) the maximum assistance provided to an individual participant;
- (VII) the minimum assistance provided to an individual participant;
- (VIII) total cost of the program and the average rate impact on non-participants by rate class, including impact based on typical monthly consumption of both its residential and small business customers;
- (IX) the number of participants that had service discontinued as a result of late payment or non-payment, and the amount of uncollectable revenue from participants;
- (X) an estimate of utility savings as a result of the implementation of the program (e.g., reduction in trips related to discontinuance of service, reduction in uncollectable revenue, etc.);
- (XI) the average monthly and annual total electric consumption in PIPP participants' homes;
- (XII) the average monthly and annual total electric consumption in the utility's residential customer's homes;
- (XIII) the number of program participants referred to the weatherization program;
- (XIV) the total dollar value of participant arrearages forgiven, the number of customers who had arrearage balances forgiven, and the maximum and minimum dollar value of arrears forgiven;
- (XV) a description of the ways in which the program is being integrated with existing energy efficiency, DSM, or behavioral programs offered by the utility;
- (XVI) a description of the ways in which the program is being integrated with existing weatherization programs offered by the state of Colorado;
- (XVII) a description of program outreach strategies and metrics that illustrate the effectiveness of each outreach strategy;
- (XVIII) a description of participant outreach, education, and engagement efforts, including descriptions of communications and materials, and key findings from those efforts;
- (XIX) the number of participants at the start of the program year that the utility removed for any reason, the number of participants who opted out of the program after enrollment, the number of potential participants rejected because of the existence of a cap on the program, the period of arrearage time from date participants became eligible and were granted arrearage forgiveness, and the number of participants who came back as eligible

participants in the program year after being eligible in a prior program year and were provided arrearage credits in the program year;

- (XX) a narrative summary of the utility’s recommended program modifications based on report findings; and
 - (XXI) a statement regarding whether the utility is accommodating PIPP participants’ requests to opt out of levelized budget billing pursuant to subparagraph 3412(e)(VI) and, if not, an explanation of why the utility believes it is not reasonable and prudent to modify its automated billing system to accommodate such requests. If the utility plans to accommodate such requests at any point in the upcoming year, a description of the plan, including the anticipated cost of the plan and the date that the functionality in its automated billing system will go online, must be included.
- (m) Energy Assistance System Benefit Charge. Beginning October 1, 2021, each utility shall include on its monthly bills a flat energy assistance system benefit charge of 50 cents, with this amount rising to 75 cents on October 1, 2022, and being adjusted for inflation in accordance with changes in the United States Department of Labor’s Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood beginning on October 1, 2023. The disposition of money collected by the Energy Assistance System Benefit Charge is determined by § 40-8.7-108, C.R.S.
- (l) Prior to October 1, 2023, and each year following, Commission staff shall compute the charge adjusted by the index and shall send a letter to each utility stating the charge to be paid by customers during the next calendar year.

* * * *

[indicates omission of unaffected rules]

3540. Data Access, Privacy and Confidentiality.

- (a) The utility shall disclose data necessary to implement these rules with appropriate levels of protection, considering sensitivity and public benefit. The utility shall identify and address the treatment of sensitive information in consideration of the objectives of DSP and as required by these rules.
- (b) The utility shall not disclose personal information, as defined in paragraph 1004(x), or customer data, as defined in paragraph 3001(k). Paragraph 3033(b) shall not apply to data releases under this rule.
- (c) In each DSP application filing made pursuant to rule 3529, the utility shall file a list of the information related to the resource plan proceeding that the utility claims is confidential and a list of the information that the utility claims is highly confidential, and its proposed treatment of the information. For good cause shown, the utility may seek to protect information as confidential or highly confidential by filing the appropriate motion under rule 1101 of the Commission’s Rules of Practice and Procedure in a timely manner.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-4

PART 4 RULES REGULATING GAS UTILITIES

4001. Definitions.

The following definitions apply throughout this Part 4, except where a specific rule or statute provides otherwise. In addition to the definitions here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

- (a) "Advanced metering infrastructure" means an integrated system of smart electric or gas utility meters and communication networks that enables two-way communication between an electric or gas utility's data systems and the meter's internet protocol address and allows the utility to measure usage and/or connect or disconnect service remotely.
- (ab) "Affiliate" of a utility means a subsidiary of a utility, a parent corporation of a utility, a joint venture organized as a separate corporation or partnership to the extent of the individual utility's involvement with the joint venture, a subsidiary of a parent corporation of a utility or where the utility or the parent corporation has a controlling interest over an entity.
- (bc) "Aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) or a compilation of customer data of one or more customers from which and personal information has been removed.
- (de) "Applicant for service" means a person who applies for utility service and who either has taken no previous utility service from that utility or has not taken utility service from that utility within the most recent 30 days.
- (ed) "Air Pollution Control Division" means the Air Pollution Control Division of the Colorado Department of Public Health and Environment established by § 25-1-102(2)(a), C.R.S.
- (fe) "Air Quality Control Commission" means the decision-making body within the Colorado Department of Public Health and Environment established by § 25-7-104, C.R.S., to oversee and promulgate the rules to administer Colorado's air quality programs.
- (gf) "Base rate" means charges used to recover costs of utility infrastructure and operations, including a return on capital investment, not otherwise recovered through a utility rate adjustment mechanism.

- (hg) "Basis Point" means one-hundredth of a percentage point (100 basis points = 1 percent).
- (ih) "Benefit of service" means the use of utility service by each person of legal age who resides at a premises to which service is delivered and who is not registered with the utility as the customer of record.
- (ij) "Best value employment metrics" means additional labor metrics required to be obtained by a utility from bidders and contractors for a utility construction contract, specifically, the length and type of training and apprenticeship programs available to the workforce, the percentage of labor estimated to be Colorado residents as compared to out-of-state workers, the number and type of long-term careers supported by the project, whether the workforce will be covered by a labor agreement, and the wage rates and health care and pension benefits, including employer pension contribution rates, provided to protect labor.
- (kj) "Biomethane" means:
- (I) a mixture of carbon dioxide and hydrocarbons released from the biological decomposition of organic materials that is primarily methane and provides a net reduction in greenhouse gas emissions; and
 - (II) includes biomethane recovered from manure management systems or anaerobic digesters that has been processed to meet pipeline quality gas standards.
- (lk) "Commission" means the Colorado Public Utilities Commission.
- (lm) "Contracted agent" means any person that has contracted with a utility in compliance with rule 4030 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (nm) "Cubic foot" means, as the context requires.
- (I) At Local Pressure Conditions. For the purpose of measuring gas to a customer at local pressure conditions, a cubic foot is that amount of gas which occupies a volume of one cubic foot under the conditions existing in the customer's meter as and where installed. When gas is metered at a pressure in excess of eight inches of water column gauge pressure, a suitable correction factor shall be applied to provide for measurement of gas as if delivered and metered at a pressure of six inches of water column gauge pressure. A utility may also apply appropriate factors to correct local pressure measurement to standard conditions.
 - (II) At Standard Conditions. For all other purposes, including testing gas, a standard cubic foot is that amount of gas at standard conditions which occupies a volume of one cubic foot.
- (oa) "Curtailement" means the inability of a transportation customer or a sales customer to receive gas due to a shortage of gas supply.
- (pe) "Customer" means any person who is currently receiving utility service. Any person who moves within a utility's service territory and obtains utility service at a new location within 30 days shall

be considered a "customer." Unless stated in a particular rule, "customer" applies to any class of customer as defined by the Commission or by utility tariff.

- (~~qf~~) "Customer data" means customer specific information, excluding personal information as defined in paragraph 1004(x), that is:
- (I) collected from the gas meter by the utility and stored in its data systems;
 - (II) combined with customer-specific energy usage information on bills issued to the customer for regulated utility service when not publicly or lawfully available to the general public; or
 - (III) about the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs.
- (~~rq~~) "Dekatherm" (Dth) means a measurement of gas commodity heat content. One Dekatherm is the energy equivalent of 1,000,000 British Thermal Units (1 MMBtu).
- (~~sf~~) "Dedicated recovered methane pipeline" means a conveyance of recovered methane that is not a part of a common carrier pipeline system, and which conveys recovered methane from where it is generated to a common carrier pipeline or to the end user in Colorado for which the recovered methane was produced so long as the recovered methane replaces geologic gas supplied by a gas distribution utility or small gas distribution utility.
- (~~ts~~) "Design peak demand" refers to the maximum gas flow rate projected for a utility system, or a portion thereof, which is utilized by a utility for gas infrastructure capacity planning.
- (~~ut~~) "Disproportionately impacted community" means a geographic area defined pursuant to § 40-2-108(3)(d), C.R.S., and as may be further modified by Commission rule or order. Mapping of such geographic areas shall be conducted in accordance with the best available mapping tool developed by the Colorado Department of Public Health and Environment, until such time as a different practice is adopted by Commission rule or order.
- (~~vt~~) "Distribution system" means the utility-owned piping and associated facilities used to deliver gas to customers, excluding facilities owned by a utility that are classified on the books and records of the utility as production, storage, or transmission facilities.
- (~~w~~) "Emergency or safety event or circumstance" means a manmade or natural emergency event or safety circumstance:
- (I) that prevents utility staff from being able to safely travel to or work at a customer's residence or place of business for purposes of reconnecting or making necessary repairs prior to reconnecting utility service; or
 - (II) for which a utility has dispatched utility staff members to help respond to the emergency or safety event or circumstance and, due to the timing or number of utility staff dispatched, the utility lacks sufficient trained staff to reconnect or make necessary repairs prior to reconnecting utility service at a customer's residence or place of business; and

(III) includes a severe weather event that one or more reputable weather forecasting sources forecasts to occur in the following twenty-four hours and that is more likely than not to result in dangerous travel or on-site outdoor or indoor work conditions for individuals in the path of the weather event.

- (~~xw~~) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.
- (~~yw~~) "Gas" means natural or geological gas; hydrogen, or recovered methane, or any mixture thereof transported by a common carrier or dedicated pipeline; flammable gas; manufactured gas; petroleum or other hydrocarbon gases including propane; or any mixture of gases injected into a pipeline and transmitted, distributed, or furnished by any utility.
- (~~zx~~) "Income-qualified utility customer" or "low-income customer" is a customer meeting the requirements of § 40-3-106(1)(d)(II), C.R.S.
- (~~aa~~) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure, 4 CCR 723-1.
- (~~bb~~) "Interruption" means a utility's inability to provide transportation to a transportation customer, or its inability to serve a sales customer, due to constraints on the utility's pipeline system.
- (~~caa~~) "Intrastate transmission pipeline" or "ITP" means generally any person that provides gas transportation service for compensation to or for another person in the State of Colorado using transmission facilities rather than distribution facilities and is exempt from FERC jurisdiction.
- (~~ddb~~) "Local distribution company" (LDC) means any person, other than an interstate pipeline or an intrastate transmission pipeline, engaged in the sale and distribution of gas for end-user consumption. A LDC may also perform transportation services for its end-use customers, for another LDC or its end-use customers, as authorized under its effective Colorado jurisdictional tariffs.
- (~~eee~~) "Local government" means any Colorado county, municipality, city and county, home rule city or town, home rule city and county, or city or town operating under a territorial charter.
- (~~ffe~~) "Local office" means any Colorado office operated by a utility at which persons may make requests to establish or to discontinue utility service. If the utility does not operate an office in Colorado, "local office" means any office operated by a utility at which persons may make requests to establish or to discontinue utility service in Colorado.
- (~~gee~~) "Mandatory relocation" means a project to relocate the utility's gas infrastructure as required by a federal, tribal, state, county, or local governmental body.
- (~~hh~~) "Main" means a distribution line that serves, or is designed to serve, as a common source of supply for more than one service lateral.
- (~~iig~~) "Mcf" means 1,000 standard cubic feet.
- (~~jjh~~) "MMBtu" means 1,000,000 British Thermal Units, or one Dekatherm.

- (~~kkii~~) “Natural gas” or “geological gas” means methane or other hydrocarbons that occur underground without human intervention and may be used as fuel.
- (~~lljj~~) “Non-pipeline alternative” means programs, equipment, or actions that avoid, reduce, or delay the need for investment in certain types of new gas infrastructure and may include energy efficiency, demand response, and beneficial electrification.
- (~~mmkk~~) “Non-standard customer data” means all customer data that are not standard customer data.
- (~~nnll~~) “Past due” means the point at which a utility can affect a customer’s account for regulated service due to non-payment of charges for regulated service.
- (~~oopp~~) “Pipeline system” means the utility-owned piping and associated facilities used in the transmission or distribution of gas.
- (~~pprr~~) “Principal place of business” means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility’s operations in Colorado are located.
- (~~qqee~~) “Pressure district” means a localized area within a utility’s service territory whereby an established minimum and maximum pressure range is intended to be maintained and is distinct from neighboring regions.
- (~~rrpp~~) “Property owner” means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of real property is located to determine ownership of government record.
- (~~ssqq~~) “Pyrolysis” means the thermochemical decomposition of material at elevated temperatures without the participation of oxygen.
- (~~tt~~) “Qualifying communication” means one of the following methods of communicating with a utility customer about a possible upcoming disconnection of service:
- (I) a physical visit to the customer’s premises during which a utility representative speaks with the customer and provides the customer utility assistance information or, if the customer is not available to speak, leaves notice of proposed disconnection and utility assistance information for the customer’s review; or
- (II) a telephone call, text, or e-mail to the customer’s last-known telephone number or email address in which:
- (A) the utility representative provides the customer with notice of the proposed disconnection and utility assistance information; and
- (B) the utility representative either speaks directly with the customer over the telephone or the customer receives the utility representative’s text or email.
- (~~uu#~~) “Rate adjustment mechanism” or “rate rider” means a charge added to a utility bill to recover a specific cost that is not part of the base rate.

- (~~yyss~~) "Recovered methane" means any of the following that are located in the State of Colorado and meet the recovered methane protocol approved by the Air Quality Control Commission: biomethane; methane derived from municipal solid waste, the pyrolysis of municipal solid waste, biomass pyrolysis or enzymatic biomass, or wastewater treatment; coal mine methane as defined in § 40-2-124(1)(a)(II), C.R.S, the capture of which is not otherwise required by law; or methane that would have leaked without repairs of the gas distribution or service pipelines from the city gate to customer end use.
- (~~wwtt~~) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission, presented on a tariff sheet, or contained in a tariff of the utility.
- (~~xxuu~~) "Sales customer" or "full service customer" means a customer who receives sales service from a utility and is not served under a utility's gas transportation service at that same meter.
- (~~yyvv~~) "Sales service" means a bundled gas utility service in which the utility both purchases gas commodity for resale to the customer and delivers the gas to the customer.
- (~~zzww~~) "Security" includes any stock, bond, note, or other evidence of indebtedness.
- (~~aaax~~) "Service lateral" means that part of a distribution system from the utility's main to the entrance to a customer's physical location.
- (~~bbby~~) "Standard conditions" means gas at a temperature of 60 degrees Fahrenheit and subject to an absolute pressure equal to 14.73 pounds per square inch absolute.
- (~~cczz~~) "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- (~~ddaaa~~) "Standby capacity" means the maximum daily volumetric amount of capacity reserved in the utility's system for use by a transportation customer, if the customer purchased optional standby service.
- (~~eebbb~~) "Standby supply" means the daily volumetric amount of gas reserved by a utility for the use by a transportation customer should that customer's supply fail, if the customer purchased optional standby service.
- (~~ffeee~~) "Test year" means a twelve-month period that is examined to determine a utility's costs of service in a rate case.
- (~~ggged~~) "Third party" means a person who is not the customer, an agent of the customer who has been designated by the customer with the utility and is acting on the customer's behalf, a regulated utility serving the customer, or a contracted agent of the utility.
- (~~hhhee~~) "Transportation" means the exchange, forward-haul, backhaul, flow reversal, or displacement of gas between a utility and a transportation customer through a pipeline system.
- (~~iiiff~~) "Transportation customer" means a person who, by signing a gas transportation agreement, elects to subscribe to gas transportation service offered by a utility.

~~(jjjggg)~~ "Unique identifier" means customer's name, mailing address, telephone number, or email address that is displayed on a bill.

~~(kkkhhh)~~ "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff, and are for service or merchandise not required as a condition of receiving regulated utility service.

~~(###ll)~~ "Utility" means a public utility as defined in § 40-1-103, C.R.S., providing sales service or transportation service (or both) in Colorado. This term includes both an ITP and a LDC.

~~(mmm)~~ "Utility assistance information" means information that a utility representative provides a customer informing the customer that the customer may contact 1-866-HEAT-HELP (1-866-432-8435) to determine if the customer qualifies for utility bill payment assistance.

~~(nnnjjj)~~ "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.

~~(oookkk)~~ "Whole building data" means the sum of the monthly gas use for either all service connections at a building on a parcel of real property or all buildings on a parcel of real property.

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[indicates omission of unaffected rules]

4102. Certificate of Public Convenience and Necessity for Facilities.

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[indicates omission of unaffected rules]

(XVI) for proposed facilities meeting the definition of a new business project or a capacity expansion project, as defined in subparagraphs 4553(a)(III)(B) and (C), the utility shall also present an analysis of alternatives including non-pipeline alternatives, costs for those alternatives, and criteria used to rank or eliminate such alternatives.

(A) An analysis of alternatives shall consider, at a minimum:

- (i) one or more applicable clean heat resources consistent with the utility's most recently approved clean heat plan, pursuant to rule 4732, demand side management plan, pursuant to rule 4753, or beneficial electrification plan, as applicable;
- (ii) a cost-benefit analysis including the costs of direct investment and the social costs of carbon and methane for emissions due to or avoided by the alternative, and other costs determined appropriate by the Commission; and
- (iii) available best value employment metrics associated with each alternative, as defined in paragraph 4001(~~jh~~), including a projection of

gas distribution jobs affected by the alternative and jobs made available through the alternative, opportunities to transition any affected gas distribution jobs to the alternative, pay and benefit levels of the affected gas distribution jobs and the jobs available through a transition opportunity, and how employment impacts associated with each alternative could affect disproportionately impacted communities.

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[indicates omission of unaffected rules]

4403. Applications for Service, Customer Deposits, and Third-Party Guarantee Arrangements.

- (a) A utility shall process an application for utility service that is made either orally or in writing and shall apply nondiscriminatory criteria with respect to the requirement of a deposit prior to commencement of service. Nondiscriminatory criteria means that no deposit or guarantee, or additional deposit or guarantee, shall be required by a utility because of race, sex, creed, national origin, marital status, age, number of dependents, source of income, disability, or geographical area of residence.
- (b) All utilities requiring deposits shall offer customers at least one payment alternative that does not require the use of the customer's social security number.
- (c) If billing records are available for a customer who has received past service from the utility, the utility shall not require that person to make new or additional deposits to guarantee payment of current bills unless the records indicate recent or substantial delinquencies.
- (d) A utility shall not require a deposit from an applicant for service who provides written documentation of a 12 consecutive month good payment history from the utility from which that person received similar service. For purposes of this paragraph, the 12 consecutive months must have ended no earlier than 60 days prior to the date of the application for service.
- (e) A utility shall not require a deposit from an applicant for service or restoration of service who is or was within the last 12 months, a participant in the Low-Income Energy Assistance Program or in ~~an low~~-income qualified program consistent with rule 4412, or who received energy bill assistance from Energy Outreach Colorado within the last 12 months.
- (f) If a utility uses credit scoring to determine whether to require a deposit from an applicant for service or a customer, the utility shall have a tariff that describes, for each scoring model that it uses, the credit scoring evaluation criteria and the credit score limit that triggers a deposit requirement.
- (g) If a utility uses credit scoring, prior payment history with the utility, or customer-provided prior payment history with a like utility as a criterion for establishing the need for a deposit, the utility shall include in its tariff the specific evaluation criteria that trigger the need for a deposit.
- (h) If a utility denies an application for service or requires a deposit as a condition of providing service, the utility immediately shall inform the applicant for service of the decision and shall

provide, within three business days, a written explanation to the applicant for service stating the specific reasons why the application for service has been denied or a deposit is required.

- (i) No utility shall require any surety other than either a deposit to secure payment for utility services or a third-party guarantee of payment in lieu of a deposit. In no event shall the furnishing of utility services or extension of utility facilities, or any indebtedness in connection therewith, result in a lien, mortgage, or other interest in any real or personal property of the customer unless such indebtedness has been reduced to a judgment. Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.
- (j) The total deposit a utility may require or hold at any one time shall not exceed an amount equal to an estimated 90 days' bill of the customer, except in the case of a customer whose bills are payable in advance of service, in which case the deposit shall not exceed an estimated 60 days' bill of the customer. The deposit may be in addition to any advance, contribution in aid of construction or guarantee required by the utility tariff in connection with construction of lines or facilities, as provided in the extension policy in the utility's tariffs. A deposit may be paid in installments.
- (k) A utility receiving deposits shall maintain records showing:
 - (I) the name of each customer making a deposit;
 - (II) the amount and date of the deposit;
 - (III) each transaction, such as the payment of interest or interest credited, concerning the deposit;
 - (IV) each premise where the customer receives service from the utility while the deposit is retained by the utility;
 - (V) if the deposit was returned to the customer, the date on which the deposit was returned to the customer; and
 - (VI) if the unclaimed deposit was paid to the energy assistance organization, the date on which the deposit was paid to the energy assistance organization.
- (l) Each utility shall state in its tariff its customer deposit policy for establishing or maintaining service. The tariff shall state the circumstances under which a deposit will be required and the circumstances under which it will be returned. A utility shall return any deposit paid by a customer who has made no more than two late payments in 12 consecutive months.
- (m) Each utility shall issue a receipt to every customer from whom a deposit is received. No utility shall refuse to return a deposit or any balance to which a customer may be entitled solely on the basis that the customer is unable to produce a receipt.

- (n) The payment of a deposit shall not relieve any customer from the obligation to pay current bills as they become due. A utility is not required to apply any deposit to any indebtedness of the customer to the utility, except for utility services due or past due after service is terminated.
- (o) A utility shall pay simple interest on a deposit at the percentage rate per annum as calculated by the Commission staff and in the manner provided in this paragraph.
 - (I) At the request of the customer, the interest shall be paid to the customer either on the return of the deposit or annually. The simple interest on a deposit shall be earned from the date the deposit is received by the utility to the date the customer is paid. At the option of the utility, interest payments may be paid directly to the customer or credited to the customer's account.
 - (II) The simple interest to be paid on a deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately preceding year) of the 12 monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, the Commission staff shall compute the interest rate to be paid. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on deposits during the next calendar year. Annually following receipt of Commission staff's letter, if necessary, a utility shall file by advice letter or application, as appropriate, a revised tariff, effective the first day of January of the following year, or on an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' deposits, except when there is no change in the rate of interest to be paid on such deposits.
- (p) A utility shall have tariffs concerning third-party guarantee arrangements and, pursuant to those tariffs, shall offer the option of a third party guarantee arrangement for use in lieu of a deposit. The following shall apply to third-party guarantee arrangements:
 - (I) an applicant for service or a customer may elect to use a third-party guarantor in lieu of paying a deposit;
 - (II) the third-party guarantee form, signed by both the third-party guarantor and the applicant for service or the customer, shall be provided to the utility;
 - (III) the utility may refuse to accept a third-party guarantee if the guarantor is not a customer in good standing at the time of the presentation of the guarantee to the utility;
 - (IV) the amount guaranteed shall not exceed the amount which the applicant for service or the customer would have been required to provide as a deposit;
 - (V) the guarantee shall remain in effect until the earlier of the following occurs:

- (A) the guarantee is terminated in writing by the guarantor;
 - (B) if the guarantor was a customer at the time of undertaking the guarantee, the guarantor ceases to be a customer of the utility; or
 - (C) the customer has established a satisfactory payment record, as defined in the utility's tariffs, for 12 consecutive months.
- (VI) Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.
- (q) A utility shall pay all unclaimed monies, as defined in § 40-8.5-103(5), C.R.S., that remain unclaimed for more than two years to the energy assistance organization. "Unclaimed monies" shall not include: undistributed refunds for overcharges subject to other statutory provisions and rules and credits to existing customers from cost adjustment mechanisms.
- (I) Monies shall be deemed unclaimed and presumed abandoned when left with the utility for more than two years after termination of the services for which the deposit or the construction advance was made or when left with the utility for more than two years after the deposit or the construction advance becomes payable to the customer pursuant to a final Commission order establishing the terms and conditions for the return of such deposit or advance and the utility has made reasonable efforts to locate the customer.
 - (II) Interest on a deposit shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the utility receives the deposit and ending on the date on which the deposit is paid to the energy assistance organization. If the utility does not pay the unclaimed deposit to the energy assistance organization within four months of the date on which the unclaimed deposition is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed deposit at the rate established pursuant to paragraph (o) of this rule plus six percent.
 - (III) If payable under the utility's line extension tariff provisions, interest on a construction advance shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the construction advance is deemed to be owed to the customer pursuant to the utility's extension policy and ending on the date on which the construction advance is paid to the energy assistance organization. If the utility does not pay the unclaimed construction advance to the energy assistance organization within four months of the date on which the unclaimed construction advance is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed construction advance at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (r) A utility shall resolve all inquiries regarding a customer's unclaimed monies and shall not refer such inquiries to the energy assistance organization.

- (s) If a utility has paid unclaimed monies to the energy assistance organization, a customer later makes an inquiry claiming those monies, and the utility resolves the inquiry by paying those monies to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.

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[indicates omission of unaffected rules]

4407. Discontinuance of Service.

- (a) A utility shall not discontinue the service of a customer for any reason other than the following:
- (I) nonpayment of regulated charges;
 - (II) fraud or subterfuge;
 - (III) service diversion;
 - (IV) equipment tampering;
 - (V) safety concerns;
 - (VI) exigent circumstances;
 - (VII) discontinuance ordered by any appropriate governmental authority; or
 - (VIII) properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.
- (b) A utility shall apply nondiscriminatory criteria when determining whether to discontinue service for nonpayment. A utility shall not discontinue service for nonpayment of any of the following:
- (I) any amount which has not appeared on a regular monthly bill or which is not past due. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the 31st day following the due date of current charges;
 - (II) any past due amount that is less than \$50;
 - (III) any amount due on another account now or previously held or guaranteed by the customer, or with respect to which the customer received service, unless the amount has first been transferred either to an account which is for the same class of service or to an account which the customer has agreed will secure the other account. Any amount so transferred shall be considered due on the regular due date of the bill on which it first appears and shall be subject to notice of discontinuance as if it had been billed for the first time;

- (IV) any amount due on an account on which the customer is or was neither the customer of record nor a guarantor, or any amount due from a previous occupant of the premises. This subparagraph does not apply if the customer is or was obtaining service through fraud or subterfuge or if paragraph 4401(c) applies;
 - (V) any amount due on an account for which the present customer is or was the customer of record, if another person established the account through fraud or subterfuge and without the customer's knowledge or consent;
 - (VI) any delinquent amount, unless the utility can supply billing records from the time the delinquency occurred;
 - (VII) any debt except that incurred for service rendered by the utility in Colorado;
 - (VIII) any unregulated charge; or
 - (IX) any amount which is the subject of a pending dispute or informal complaint under rule 4004.
- (c) If the utility discovers any connection or device installed on the customer's premises, including any energy-consuming device in the proximity of the utility's meter, which would prevent the meter from registering the actual amount of energy used, the utility shall do one of the following.
- (I) Remove or correct such devices or connections. If the utility takes this action, it shall leave at the premises a written notice which advises the customer of the violation, of the steps taken by the utility to correct it, and of the utility's ability to bill the customer for any estimated energy consumption not properly registered. This notice shall be left at the time the removal or correction occurs.
 - (II) Provide the customer with written notice that the device or connection must be removed or corrected within 15 days and that the customer may be billed for any estimated energy consumption not properly registered. If the utility elects to take this action and the device or connection is not removed or corrected within the 15 days permitted, then within seven calendar days from the expiration of the 15 days, the utility shall remove or correct the device or connection pursuant to subparagraph (c)(I) of this rule.
- (d) If a utility discovers evidence that any utility-owned equipment has been tampered with or that service has been diverted, the utility shall provide the customer with written notice of the discovery. The written notice shall inform the customer of the steps the utility will take to determine whether non-registration of energy consumption has or will occur and shall inform the customer that the customer may be billed for any estimated energy consumption not properly registered. The utility shall mail or hand-deliver the written notice within three calendar days of making the discovery of tampering or service diversion.
- (e) A utility shall not discontinue service, other than to address safety concerns or in exigent circumstances, if one of the following is met.

- (I) A customer at any time tenders full payment in accordance with the terms and conditions of the notice of discontinuance to a utility employee authorized to receive payment. Payment of a charge for a service call shall not be required to avoid discontinuance.
- (II) If a customer pays, on or before the expiration date of the notice of discontinuance, at least one-tenth of the amount shown on the notice and enters into an installment payment plan with the utility, as provided in rule 4404.
- (III) ~~If it is outside the hours of 8:00 a.m. and 4:00 p.m.; between 12:00 Noon on Friday and 8:00 a.m. the following Monday; between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday; or between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any day during which the utility's local office is not open.~~Outside the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday
- ~~(IV) Between the hours of 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday or day during which the utility's local office is closed.~~
- ~~(V) To the greatest extent practicable, a utility shall not disconnect a customer after 11:59 a.m. on a Monday through Thursday.~~
- (IV) Medical emergencies.
 - (A) A utility shall postpone service discontinuance to a residential customer for 90 days from the date of a medical certificate issued by a Colorado-licensed physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients which evidences that service discontinuance will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. A customer may invoke this subparagraph only once in any twelve consecutive months.
 - (B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who has already entered into a payment arrangement, but broke the arrangement prior to seeking a medical certificate, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.
 - (C) The medical certificate must be in writing (which includes electronic certificates and signatures and those provided electronically), sent to the utility from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, and clearly show the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients certifying the medical emergency. Such certificate is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.

- (D) A utility may accept notification by telephone from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, but a written medical certificate must be sent to the utility within ten days.

(VII) Weather provisions.

(A) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 32 degrees Fahrenheit (32°F) or lower at any time during the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 4409. Nothing prohibits a utility from postponing service discontinuance when temperatures are warmer than these criteria.

(B) A utility shall postpone service discontinuance to a residential customer during an emergency or safety event or circumstance impacting the local area.

- (f) In addition to its tariffs, a utility shall publish information related to its practices around delinquency, disconnection for nonpayment, and reconnection on its website. This information should be written in a manner that promotes customer understanding and must be produced in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information. A utility must include at least the following information:
- (I) the customer's rights related to service disconnection, including medical and weather-based protections, timing restrictions on service disconnection, and options and hours to contact the utility for support relating to service disconnection;
 - (II) a summary of a customer's options to prevent service disconnection for nonpayment, including installment payment plan options, utility energy assistance and affordability programs, and eligibility requirements for such programs;
 - (III) referrals to organizations that provide energy payment assistance, including energy efficiency services, such as Energy Outreach Colorado, charities, nonprofits, and governmental entities that provide or administer funds for such assistance;
 - (IV) the customer's rights related to service restoration, including restoration timelines, actions customers may take to restore service, and options and hours to contact the utility for support relating to service restoration;
 - (V) a summary of charges, fees, and deposits to which a customer may be subject under paragraphs 4403(j) and 4404(a), with a description of how those amounts are calculated, explained in a way that enables a customer to estimate the full costs they may be assessed;
 - (VI) a description of the customer's options in the event of a dispute regarding billing or disconnection practices;

- (VII) a description of the options available to an occupant of a service address who is not a customer of record and who has a court-ordered protection order against a customer of record for the service address, relating to past-due balances, service disconnection, restoration, and continuance at the service address, including initiating new service, transferring service, and the utility's practices, policies, and criteria for determining benefit of service for purposes of transferring a customer of record's balance to an occupant; and
 - (VIII) a description of the utility's Demand-Side Management programs, including requirements to participate, the benefits of participating, and utility contact information relating to such programs.
- (g) Reporting requirements.
- (I) Annual Report. No later than March 1 of each calendar year, each utility shall file a report covering the prior calendar year in the miscellaneous proceeding for utility disconnection filings, using the form available on the Commission's website. The report shall provide data on residential customers by class and zip code and must also break down such data by ~~low~~-income qualified customers, defined as customers participating in ~~low~~-income qualified programs authorized by rule 4412 and the Low-Income Energy Assistance Program. For data provided in this report, paragraph 4033(b) shall not apply. The report shall contain the following information, displayed by quarter:
 - (A) total number of unique customers;
 - (B) total dollar amount billed;
 - (C) total number of unique customers charged a late payment charge;
 - (D) total dollar amount of late payment charges collected;
 - (E) number of unique customers with an arrearage balance by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (F) dollar amount of arrearages by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (G) total number of disconnection notices sent;
 - (H) total number of disconnections for nonpayment;
 - (I) total number of service restorations after disconnections for nonpayment;
 - (J) average duration of disconnection for nonpayment in hours, measured from when the customer completes an action in paragraph 4409(b) to when service is restored;
 - (K) total dollar amount of deposits collected for restoring service that was disconnected for nonpayment;

- (L) total number of deposits collected for restoring service that was disconnected for nonpayment;
 - (M) total number of new installment payment plans entered into;
 - (N) average repayment term of new installment payment plans entered into;
 - (O) total dollar amount of fees collected for disconnecting service for nonpayment;
 - (P) total dollar amount of fees collected for restoring service that was disconnected for nonpayment;
 - (Q) total dollar amount of collection fees collected from customers whose service was disconnected for nonpayment; and
 - (R) total dollar amount of any other tariff-authorized charges or fees collected resulting from past due amounts, service disconnection for nonpayment, and restoring service that was disconnected for nonpayment.
- (II) Along with the items in subparagraph (g)(I), each utility shall file the following additional items.
- (A) A narrative containing the utility's analysis of any trends or inconsistencies revealed by the reported data for the prior year including, at minimum, an analysis of:
 - (i) the total number of residential customers who were disconnected for nonpayment in the prior calendar year and percent of those customers who were disconnected for nonpayment multiple times; and
 - (ii) the total number of residential installment payment plans entered into in the prior calendar year, the average length of those installment payment plans, the number of residential installment payment plans completed, and the number of residential installment payment plans that were broken.
 - (B) Information about how the utility is working to reduce delinquencies and disconnections, including any actions the utility is taking specific to residential customers experiencing multiple disconnections in a calendar year, and a description of the efforts to identify and refer energy efficiency and bill assistance resources.

(h) Receipt of a qualifying communication. For purposes of compliance with § 40-3-103.6(3)(c)(II) and subparagraph 4001(tt)(II)(B), a customer "receives" the text or e-mail if:

(I) the utility sends the text or email with customer assistance information to the text address or e-mail address previously provided by the customer to the utility; and

- (II) the utility does not subsequently receive a “bounce back” or other message indicating the text address is invalid or the e-mail address is invalid.

- (i) Customer education and outreach strategy: A utility shall conduct at least one meeting with stakeholders and interested customers for the purpose of seeking input on its customer education and outreach strategy for conducting disconnections and reconnections during its multi-year strategy reporting period under paragraph 4407(j). The results of these meetings and a detailed summary of the customer education and outreach conducted will be reported as part of its first annual report due no later than March 1, 2024, and each subsequent reporting year. Such education and outreach meetings may be held in conjunction with the income qualified meetings under paragraph 4412(j).

- (j) Customer education and outreach multi-year strategy reporting: As part of its annual report due no later than March 1, 2024, a utility shall file a customer education and outreach strategy on residential and small commercial customer disconnections and reconnections covering a span of the next five years. As part of this filing, a utility shall provide an overview of its education and outreach efforts, including qualifying communications, disconnection and reconnection data and trends, and the tariffed rates for disconnection and reconnections. Upon filing of an initial multi-year strategy report, each utility shall file an update to its report every five years on March 1 of the relevant year. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.

- (k) Tariff: A utility shall file language to include in its tariff as cited below a requirement to report on its five-year customer education and outreach strategy, and if applicable, qualifying communications for reconnections. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.

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[indicates omission of unaffected rules]

4409. Restoration of Service.

- (a) Unless prevented from doing so by safety concerns, a utility shall restore, without additional fee or charge, any discontinued service which was not properly discontinued or restored as provided in rules 4407, 4408, and 4409.

- (b) A utility shall restore service if the customer does any of the following:
 - (I) pays in full the amount for regulated charges shown on the notice and any deposit and/or fees as may be specifically required by the utility's tariff in the event of discontinuance of service;

 - (II) pays any reconnection and collection charges specifically required by the utility's tariff, enters into an installment payment plan, and makes the first installment payment, unless the cause for discontinuance was the customer's breach of such an arrangement;

- (III) presents a medical certificate, as provided in subparagraph 4407(e)(IV);
- (IV) demonstrates to the utility that the cause for discontinuance, if other than non-payment, has been cured.

(c) A utility shall reconnect a customer's service on the same day as the customer requests reconnection, if the customer makes a payment or payment arrangement in accordance with the utility's policies, requesting reconnection of service on a Monday through Friday that is not a holiday and one of the following circumstances is met:

(I) the customer has advanced metering infrastructure and has requested reconnection of service at least one hour before the close of business for the utility's customer service division; except that the utility may reconnect service on the day following a disconnection of service if there are internet connectivity, technical, or mechanical problems or emergency conditions that reasonably prevent the utility from remotely reconnecting the customer's service; or,

(II) the customer is without advanced metering infrastructure or a gas utility customer and has requested reconnection of service on or before 12:59 p.m.; except that, an electric utility or gas utility may reconnect the customer's service on the day following a disconnection if:

(A) prior to disconnection of the customer's service, the utility has made a qualifying communication with the customer; or

(B) an emergency or safety event or circumstance arises after disconnection of service that renders the utility's staff temporarily unavailable to safely reconnect service. If next-day reconnection of service is not possible due to the continuation of the emergency or safety event or circumstance, the utility shall reconnect the customer's service as soon as possible.

(ed) Unless prevented by ~~an emergency or safety event or circumstances~~ ~~safety concerns or exigent circumstances~~, a utility shall restore service to a customer who has completed an action in paragraph (b) within 24 hours (excluding weekends and holidays) of the time that the customer completes an action in paragraph (b), or within 12 hours of the time that the customer completes an action in paragraph (b) if the customer pays applicable after-hours charges and fees established in tariffs. ~~The utility must exercise its best efforts to restore service for customers meeting requirements of paragraph (b) on the same day of a service discontinuance.~~

(de) The utility must resolve doubts as to whether a customer has met the requirements for service restoration under paragraph (b) in favor of restoration.

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[indicates omission of unaffected rules]

4411. Low-Income Energy Assistance Act.

(a) Scope and applicability.

- (I) Rule 4411 is applicable to gas and combined gas and electric utility providers except those exempted under (II) or (III). Pursuant to §§ 40-8.7-101 through 111, C.R.S., utilities are required to provide an opportunity for their customers to contribute an optional amount through the customers' monthly billing statement.
- (II) Municipally owned gas or gas and electric utilities are exempt if:
 - (A) the utility operates an alternative energy assistance program to support its ~~low-~~income qualified customers with their energy needs and self-certifies to the Organization through written statement that its program meets the following criteria:
 - (i) the amount and method for funding of the program has been determined by the governing body; and
 - (ii) the program monies will be collected and distributed in a manner and under eligibility criteria determined by the governing body for the purpose of residential energy assistance to customers who are challenged with paying energy bills for financial reasons, including seniors on fixed incomes, individuals with disabilities, and ~~low-~~income qualified individuals, or,
 - (B) the governing body of the utility determines its service area has a limited number of people who qualify for energy assistance and self-certifies to the Organization via written statement such determination.
- (III) A municipally owned gas or gas and electric utility not exempt under subparagraph (a)(II) of this rule, is exempt if:
 - (A) the utility designs and implements a procedure to notify all customers at least twice each year of the option to conveniently contribute to the Organization by means of a monthly energy assistance charge. Such procedure shall be approved by the governing utility. The governing body of such utility shall determine the disposition and delivery of the optional energy assistance charge that it collects on the following basis:
 - (i) delivering the collections to the organization for distribution; or
 - (ii) distributing the moneys under criteria developed by the governing body for the purpose set forth in subparagraph (a)(II)(A)(ii) of this rule;
 - (B) alternatively, the utility provides funding for energy assistance to the Organization by using a source of funding other than the optional customer contribution on each customer bill that approximates the amount reasonably expected to be collected from an optional charge on customer's bills.
- (IV) A municipally gas or gas and electric utility that is exempt under subparagraph (a)(III) of this rule shall be entitled to participate in the Organization's low-income assistance program.

- (V) Gas or gas and electric utilities that desire a change in status must inform the Organization and file a notice to the Commission within 30 days prior to expected changes.
- (b) Definitions. The following definitions apply only in the context of rule 4411. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.
 - (I) “Alternative energy assistance program” means a program operated by a municipally owned electric and gas utility or rural electric cooperative that is not part of the energy assistance program established pursuant to this statute.
 - (II) “Customer” means the named holder of an individually metered account upon which charges for electricity or gas are paid to a utility. “Customer” shall not include a customer ~~that who~~ receives electricity or gas for the sole purpose of reselling the electricity or gas to others.
 - (III) “Energy assistance program” or “Program” means the Low Income Energy Assistance Program created by § 40-8.7-104, C.R.S., and designed to provide financial assistance, residential energy efficiency, and energy conservation assistance.
 - (IV) “Organization” means Energy Outreach Colorado, a Colorado nonprofit corporation.
 - (V) “Remittance device” means the section of a customer’s utility bill statement that is returned to the utility company for payment. This includes but is not limited to paper payment stubs, web page files used to electronically collect payments, and electronic fund transfers.
 - (VI) “Utility” means a corporation, association, partnership, cooperative electric association, or municipally owned entity that provides retail electric service or retail gas service to customers in Colorado. “Utility” does not mean a propane company.
- (c) Plan implementation and maintenance.
 - (I) Except as provided in paragraph 4411(a), each utility shall implement and maintain a customer opt-in contribution mechanism. The utility’s opt-in mechanism shall include, at minimum, the following provisions.
 - (A) A description of the procedures the utility will use to notify its customers, including those customers that make payments electronically, about the opt-in provision. Utilities may combine their efforts to notify customers into a single state-wide or region-wide effort consistent with the participating utilities communication programs. Each participating utility shall clearly identify its support of the combined communications program, with its corporate name and/or logo visible to the intended audience.
 - (B) A description of the additional efforts the utility will use to inform its customers about the program to ensure that adequate notice of the opt-in provision is given to all customers. Notification shall include communication to all customers that the donation and related information will be passed through to the Organization.

- (C) A description of the check-off mechanism that will be displayed on the monthly remittance device to solicit voluntary donations. The remittance device shall include, at minimum, check-off categories of five dollars, ten dollars, twenty dollars, and “other amount”. The remittance device must also note the name of the program as the “voluntary energy assistance program,” or if the utility is unable to identify the name of the program individually, the utility shall use a general energy assistance identifier approved by the Commission.
- (D) A description or an example of how the utility will display the voluntary contribution as a separate line item on the customer’s monthly billing statement and how the voluntary contribution will be included in the total amount due. The line item must identify the contribution as “voluntary”.
- (E) A description of the notification process that the utility will use to ensure that once a utility customer opts into the program, the energy assistance contribution will be assessed on a monthly basis until the customer notifies the utility of the customer’s desire to stop contributing. The utility shall describe how it will manage participation in the program when customers miss one or more voluntary payment, or pay less than the pre-selected donation amount.
- (F) Identification of the procedures the utility will use to notify customers of their ability to cancel or discontinue voluntary contributions along with a description of the mechanism the utility will use to allow customers who make electronic payments to discontinue their participation in the opt-in program.
- (G) A description of the procedures the utility will use, where feasible, to notify customers participating in the program about the customer’s ability to continue to contribute when the customer changes their address within the utility’s service territory.
- (H) A description of the method the utility will use to provide clear, periodic, and cost-effective notice of the opt-in provision to its customers at least twice per year. Acceptable methods include, but are not limited to, bill inserts, statements on the bill or envelope, and other utility communication pieces.
- (I) A description of the start-up costs that the utility incurred in connection with the program along with supporting detailed justification for such costs. The description should include the utility’s initial costs of setting up the collection mechanism and reformatting its billing systems to solicit the optional contribution but shall not include the cost of any notification efforts by the utility. Utilities may elect to recover all start-up costs before the remaining moneys generated by the program are distributed to the Organization or over a period of time from the funds generated by the program, subject to Commission review and approval.
- (J) An estimate of the on-going costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate shall not include the cost of any notification efforts by the utility.

- (K) A detailed justification for the costs identified in subparagraphs (I) and (J). As stated in § 40-8.7-104(3), C.R.S., the costs incurred must be reasonable in connection with the program.
 - (L) Utilities shall recover the start up cost and on-going cost of administration associated with the program from funds generated from the program. Insert and notification costs shall be considered in the utility's cost of service.
 - (M) A description of the procedures the utility will use to account for and process program donations separately from customer payments for utility services.
- (II) Each utility shall participate in the energy assistance program consistent with its plan approved by the Commission and shall provide the opportunity for its customers to make an optional energy assistance contribution on the monthly remittance device on their utility bill.
 - (III) The utility may submit an application to the Commission no later than April 1 of each year for approval of reimbursement costs the utility incurred for the program during the previous calendar year. Such application shall include a proposed schedule for the reimbursement of these costs to the utility. The applications shall include detailed supporting justification for approval of these costs. Such detailed justification includes, but is not limited to, copies of invoices and time sheets. Such applications shall not seek reimbursement of costs related to notification efforts. Participating utilities may request reimbursement costs for such notification efforts in base rate filings, subject to Commission review and approval.
 - (IV) A utility may seek modification of its initial plan or subsequent plans by filing an application with the Commission.
- (d) Fund administration.
 - (I) At a minimum, each utility shall transfer the funds collected from its customers under the energy assistance program to the organization under the following schedule:
 - (A) for the funds collected during the period of January 1 to March 31 of each year, the utility shall transfer the collected funds to the Organization before May 1 of such year;
 - (B) for the funds collected during the period of April 1 to June 30 of each year, the utility shall transfer the collected funds to the Organization before August 1 of such year;
 - (C) for the funds collected during the period of July 1 to September 30 of each year, the utility shall transfer the collected funds to the Organization before November 1 of such year;
 - (D) for the funds collected during the period of October 1 to December 31 of each year, the utility shall transfer the collected funds to the Organization before February 1 of the next year; and

- (E) each utility shall maintain a separate accounting for all energy assistance program funds received by customers.
- (II) Each utility shall provide the organization with the following information.
 - (A) How the funds collected for the previous calendar year were generated, including the number of customers participating in the program. Such report shall include a summary of the number of program participants and funds collected by month, and shall be provided by February 1 of each year.
 - (B) At each time funds are remitted, a listing of all program participants including the donor's name, billing address, and monthly donation amount. The participant information provided to the organization shall be used exclusively for complying with the requirements of § 40-8.7-101, C.R.S., et seq. and state and federal laws.
- (III) The Public Utilities Commission shall submit, as necessary, a bill for payment to the Organization for any administrative costs incurred pursuant to the program.
- (IV) The organization shall provide the Office of Utility Consumer Advocate and the Public Utilities Commission with a copy of the written report that is described in § 40-8.7-110, C.R.S. This report shall not contain individual participant information.
- (e) Prohibition of disconnection. Utilities shall not disconnect a customer's gas service for non-payment of optional contribution amounts.

4412. Gas Service Affordability Program.

- (a) Scope and applicability.
 - (I) Gas utilities with Colorado retail customers shall provide ~~low~~-income qualified energy assistance by offering rates, charges, and services that grant a reasonable preference or advantage to residential ~~low~~-income qualified customers, as permitted by § 40-3-106, C.R.S.
 - (II) Rule 4412 is applicable to investor-owned gas utilities subject to rate regulation by the Commission.
- (b) Definitions. The following definitions apply only in the context of rule 4412. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.
 - (I) "Administrative cost" means the utility's direct cost for labor (to include the cost of benefit loadings), materials, and other verifiable expenditures directly related to the administration and operation of the program not to exceed ten percent of the total cost of program credits applied against bills for current usage and pre-existing arrearages or \$10,000, whichever amount is greater.
 - (II) "Affordable percentage of income payment" means the amount of the participant's annual bill deemed affordable under subparagraph 4412(e)(I).

- (III) “Arrearage” means the past-due amount appearing, as of the date on which a participant newly enters the program, on the then most recent prior bill rendered to a participant for which they received the benefit of service.
- (IV) “Colorado Energy Office” (CEO) means the Colorado Energy Office created in § 24-38.5-101, C.R.S.
- (V) “Eligible ~~low~~-income qualified customer” means a residential utility customer who meets the household income thresholds pursuant to paragraph 4412(c).
- (VI) “Fixed credit” means an annual bill credit established at the beginning of a participant’s participation in a program each year delivered as a monthly credit on each participant’s bill. The fixed credit is the participant’s full annual bill minus the participant’s affordable percentage of income payment obligation on the full annual bill.
- (VII) “Full annual bill” means the current consumption of a participant billed at standard residential rates. The full annual bill of a participant is comprised of two parts: (1) that portion of the bill that is equal to the affordable percentage of income payment; and (2) that portion of the bill that exceeds the affordable percentage of income payment.
- (VIII) “LEAP” means Low-Income Energy Assistance Program, a county-run, federally-funded, program supervised by the Colorado Department of Human Services, Division of Low-Income Energy Assistance.
- (IX) “LEAP participant” means a utility customer who at the time of applying to participate in a program has been determined to be eligible for LEAP benefits by the Department during either the Department’s current LEAP application period, if that period is open at the time the customer applies for program participation; or (the Department’s most recently closed LEAP application period, if that period is closed at the time the customer applies to participate in the program and the Department’s next LEAP application period has not yet opened, provided, however, that in order to retain status as a LEAP participant under this definition, the utility customer must apply to the Department during the Department’s next LEAP benefit application period and be determined eligible for such benefits.
- (X) “Non-participant” means a utility customer who is not receiving ~~low~~-income qualified assistance under rule 4412.
- (XI) “Participant” means an eligible ~~low~~-income qualified residential utility customer who is granted the reasonable preference or advantage through participation in a gas service low-income program.
- (XII) “Percentage of Income Payment Plan” (PIPP) means a payment plan for participants that does not exceed an affordable percentage of their household income as set forth in subparagraph 4412(e)(I).
- (XIII) “Program” means a gas service low-income program approved under rule 4412.

- (XIV) “Program credits” means the amount of benefits provided to participants to offset the unaffordable portion of a participant’s utility bill and /or dollar amounts credited to participants for arrearage forgiveness.
 - (XV) “Unaffordable portion” means the amount of the estimated full annual bill that exceeds the affordable percentage of income payment.
- (c) Participant eligibility.
- (I) Eligible participants are limited to those who meet one or more of the following criteria:
 - (A) ~~median~~ household income less than or equal to 200 percent of the federal poverty guideline;
 - (B) ~~median~~ household income less than or equal to 80 percent of the area median income, as published annually by the United States Department of Housing and Urban Development; or
 - (C) qualification under income guidelines adopted by the Department of Human Services pursuant to § 40-8.5-105, C.R.S.
 - (II) The utility shall obtain the determination of a participant’s eligibility from the Department of Human Services, Energy Outreach Colorado, or the Colorado Energy Office.
 - (III) If a participant’s household income is \$0, the utility may establish a process that verifies income on a more frequent basis.
 - (IV) Program participants shall not be required to make payment on their utility account as a condition of entering into the program.
- (d) Enrollment. Utilities shall be responsible for the methods by which participant enrollment in their approved low-income program is obtained and sustained, however the utility should engage in enrollment processes that are efficient and attempt to maximize the potential benefits of participation in the low-income program by low-income customers.
- (e) Payment plan.
- (I) Participant payments for natural gas bills rendered to participants shall not exceed an affordable percentage of income payment. For accounts for which natural gas is the primary heating fuel, participant payments shall be no lower than two percent and not greater than three percent of the participant’s household income. For accounts for which electricity is the primary heating fuel but the participant also has natural gas service, utility participant payments for gas service shall not be greater than one percent of the participant’s household income.
 - (II) In the event that a primary heating fuel for any particular participant has been identified by LEAP, that determination shall be final.

- (III) Notwithstanding the percentage of income limits established in subparagraph 4412(e)(I), a utility may establish minimum monthly payment amounts for participants with household income of \$0, provided that the participant's minimum payment for a natural gas account shall be no more than \$10.00 a month.
- (IV) Full annual bill calculation. The utility shall be responsible for estimating a participant's full annual bill for the purpose of determining the unaffordable portion of the participant's full annual bill delivered as a fixed credit on the participant's monthly billing statement.
- (V) Fixed credit benefit. The fixed credit shall be adjusted during a program year in the event that standard residential rates, including commodity or fuel charges change to the extent that the full annual bill at the new rates would differ from the full annual bill upon which the fixed credits are currently based by 25 percent or more.
- (VI) Levelized budget billing participation. A utility may enroll participants in its levelized budget billing program as a condition of participation in the program, though the utility shall also allow participants the option to opt out of levelized budget billing if they so choose without losing PIPP benefits, which option shall be available to the participants where the utility's automated billing system is capable. Utilities without automated billing systems capable of permitting opt out of levelized budget billing shall reasonably and prudently modify their systems to facilitate opt out of levelized budget billing. Should a participant fail to meet monthly bill obligations and be placed by a utility in its regular delinquent collection cycle, the utility may remove the participant from levelized budget billing in accordance with the utility's levelized budget billing tariff.
- (VII) Arrearage credits.
 - (A) Arrearage credits shall be applied to pre-existing arrearages.
 - (B) Arrearage credits shall be sufficient to reduce, when combined with participant copayments, if any, the pre-existing arrearages to \$0.00 over a period not less than one month and not more than twenty-four months.
 - (C) Application of an arrearage credit to a participant account may be conditioned by the utility on one or more of the following:
 - (i) the receipt of regular participant payments toward bills for current usage; or
 - (ii) the payment of a participant copayment toward the arrearages so long as the participant's copayment total dollar amount does not exceed one percent of gross household income.
 - (D) Should the participant exit the program prior to the full forgiveness of all pre-existing arrearages, the amount of remaining pre-existing arrearages shall become due in accordance with the utility's tariff filed under rules 4401, 4407, and 4408.

- (E) Pre-existing arrears under this subparagraph shall not serve as the basis for the termination of service for nonpayment or as the basis for any other utility collection activity while the customer is participating in the program.
 - (F) A participant may receive arrearage credits under this section even if that participant does not receive a credit toward current bills.
 - (VIII) Portability of benefits. A participant may continue to participate without reapplication should the participant change service addresses but remain within the service territory of the utility providing the benefit, provided that the utility may make necessary adjustments in the billing amount to reflect the changed circumstances. A participant who changes service addresses and does not remain within the service territory of the utility providing the benefit must reapply to become a participant at the participant's new service address.
 - (IX) Payment default provisions. Failure of a participant to make his or her monthly bill payments may result in a utility placing the participant in its regular collection cycle. Partial or late payments shall not result in the removal of a participant from the program.
- (f) Program implementation.

Each utility shall maintain effective terms and conditions in its tariffs on file with the Commission describing its low-income program.

- (g) Cost recovery.
- (I) Each utility shall include in its ~~low~~-income qualified tariff terms and conditions how costs of the program will be recovered.
 - (II) Program cost recovery.
 - (A) Program cost recovery shall be based on a fixed monthly fee.
 - (B) The maximum impact on residential rates shall be no more than \$1.00 per month.
 - (C) In order to determine monthly rates applicable to rate classes other than residential, program costs shall be allocated to each retail rate based on each rate class's share of the test year revenue requirement established in the utility's last Phase II rate case, or under another reasonable methodology supported by quantifiable information. The monthly rate per this subparagraph to be charged each rate schedule customer shall be clearly stated on a tariff sheet.
 - (D) Utilities shall separately account for the program year's program cost recovery and program and administrative costs to determine if the net of program cost recovery and program and administrative cost are in balance during the program year.
 - (i) No later than December 31 of each year, the utility shall file a report with the Commission in the most recent miscellaneous proceeding for annual

low-income filings detailing the net difference between program cost recovery and program costs as of October 31 of each year.

- (1) Should the net difference of program cost recovery over program and administrative costs be greater than 50 percent derived in D) above, either positive or negative, and the utility is not currently at the maximum impact for non-participants, the utility shall file with the Commission an advice letter and tariff pages seeking approval for the rates determined in subparagraph 4412(g)(II)(D) in order to bring the projected recovery in balance for the ensuing 12 month period. The revised Residential charge shall not exceed the maximum impact for non-participants in subparagraph 4412(g)(II)(C).
- (III) The following costs are eligible for recovery by a utility as program costs:
 - (A) program credits or discounts applied against bills for current usage;
 - (B) program credits applied against pre-existing arrearages;
 - (C) program administrative costs; and
 - (D) Commission-sponsored program evaluation costs required under paragraph 4412(k).
 - (IV) The utility shall apply, as an offset to cost recovery, all program expenses attributable to the program. Program expenses include utility operating costs; changes in the return requirement on cash working capital for carrying arrearages; changes in the cost of credit and collection activities directly related to low-income qualified participants; and changes in uncollectable account costs for these participants.
 - (V) LEAP grants.
 - (A) The utility may apply energy assistance grants provided to the participant by the LEAP program to the dollar value of credits granted to individual program participants.
 - (B) If applying LEAP grants first, a utility shall apply any energy assistance benefit granted to the participant by LEAP to that portion of the program participant's full annual bill that exceeds the participant's affordable percentage of income payment.
 - (C) If the dollar value of the energy assistance grant is greater than the dollar value of the difference between the program participant's full annual bill and the participant's affordable percentage of income payment, the dollar amount by which the energy assistance grant exceeds the difference will be applied:
 - (i) first, to any pre-existing arrearages that at the time of the energy assistance grant continues to be outstanding; and

- (ii) second, to the account of the program participant as a benefit to the participant.
 - (D) No portion of an energy assistance or LEAP grant provided to a program participant may be applied to the account of a participant other than the participant to whom the energy assistance grant was rendered.
- (h) Other programs. In addition to the utility's low-income program, with Commission approval, a utility may offer other rate relief options to eligible households.
 - (I) Other programs offered by the utility under rule 4412 must be intended to reach ~~low-income~~ **qualified** households that do not substantially benefit from the provisions of the low-income program. Such programs may take the form of discount rates, tiered discount rates or other direct bill relief methods where the ~~low-income~~ **qualified** household benefitting from the program is granted a reasonable preference in tariffed rates assessed to all residential utility customers.
 - (II) Cost recovery for other programs combined with the Percentage of Income Payment Plan shall not exceed the maximum impact on residential rates described in subparagraph 4412(g)(II)(C).
- (i) Energy efficiency and weatherization.
 - (I) The utility shall provide all program participants with information on energy efficiency programs offered by the utility or other entities and existing weatherization programs offered by the state of Colorado or other entities.
 - (II) The utility shall provide the Colorado Energy Office with the name and service address of participant households for which annual natural gas usage exceeds 600 therms annually.
- (j) Stakeholder engagement. A utility shall conduct annual meetings with ~~low-income~~ **qualified** stakeholders for the purpose of seeking solutions to issues of mutual concern and aligning program practices with the needs of customers and other stakeholders.
- (k) Program evaluation. A triennial evaluation of the program provisions under rule 4412 beginning in 2019 shall be undertaken in order to review best practices in similar low-income assistance programs in existence in other regulatory jurisdictions, as well as evaluate operation of each utility's program for effectiveness in achieving optimum support being provided to ~~low-income~~ **qualified** participants. The evaluation shall also recommend modifications if available that improve the delivery of benefits to participants and increase the efficiency and effectiveness of each program as they exist at the point of evaluation. The program evaluation shall include a customer needs assessment provided that adequate funds are available.
 - (I) Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders including, but not limited to, Commission staff, all Commission regulated electric and gas utilities, LEAP, the Office of Consumer Counsel, and Energy Outreach Colorado in the design of the requirements regarding study focus and final reporting.

- (II) Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days.
 - (III) \$00.0013 per customer per month shall be set aside by the utility in order to cover the cost of the program evaluation described in paragraph 4412(k).
 - (IV) The dollars resulting from the \$00.0013 charge shall be recovered as a program cost under subparagraph 4412(g)(III).
 - (V) The evaluation will be filed by Commission staff in the most recent miscellaneous proceeding for annual low-income filings.
 - (VI) Staff and the CEO will assess the individual utilities' deferred balances set aside for the program evaluation starting in 2019 at the conclusion of the third program year and each three years thereafter and will determine the amounts each utility is to remit to the third party evaluator based on the contractual terms approved by the Commission for the evaluation.
- (I) Annual report. No later than December 31 of each year, each utility shall file a report in the most recent miscellaneous proceeding established by the Commission to receive annual low-income filings using the form available on the Commission's website, based on the 12-month period ending October 31 and containing the following information below:
- (I) monthly information on the program including number of participants, amount of benefit disbursement, type of benefit disbursement, LEAP benefits applied to the unaffordable portion of participant's bills, administrative costs, and revenue collection;
 - (II) the number of applicants for the program;
 - (III) the number of applicants qualified for the program;
 - (IV) the number of participants;
 - (V) the average assistance provided, both mean and median;
 - (VI) the maximum assistance provided to an individual participant;
 - (VII) the minimum assistance provided to an individual participant;
 - (VIII) total cost of the program and the average rate impact on non-participants by rate class, including impact based on typical monthly consumption of both its residential and small business customers;
 - (IX) the number of participants that had service discontinued as a result of late payment or non-payment, and the amount of uncollectable revenue from participants;

- (X) an estimate of utility savings as a result of the implementation of the program (e.g., reduction in trips related to discontinuance of service, reduction in uncollectable revenue, etc.);
 - (XI) the average monthly and annual total natural gas consumption in PIPP participants' homes;
 - (XII) the average monthly and annual total natural gas consumption in the utility's residential customer's homes;
 - (XIII) the number of program participants referred to the weatherization program;
 - (XIV) the total dollar value of participant arrearages forgiven, the number of customers who had arrearage balances forgiven, and the maximum and minimum dollar value of arrears forgiven;
 - (XV) a description of the ways in which the program is being integrated with existing energy efficiency, DSM, or behavioral programs offered by the utility;
 - (XVI) a description of the ways in which the program is being integrated with existing weatherization programs offered by the state of Colorado;
 - (XVII) a description of program outreach strategies and metrics that illustrate the effectiveness of each outreach strategy;
 - (XVIII) a description of participant outreach, education, and engagement efforts, including descriptions of communications and materials, and key findings from those efforts;
 - (XIX) the number of participants at the start of the program year that the utility removed for any reason, the number of participants who opted out of the program after enrollment, the number of potential participants rejected because of the existence of a cap on the program, the period of arrearage time from date participants became eligible and were granted arrearage forgiveness, and the number of participants who came back as eligible participants in the program year after being eligible in a prior program year and were provided arrearage credits in the program year;
 - (XX) a narrative summary of the utility's recommended program modifications based on report findings; and
 - (XXI) a statement regarding whether the utility is accommodating PIPP participants' requests to opt out of levelized budget billing pursuant to subparagraph 4412(e)(VI) and, if not, an explanation of why the utility believes it is not reasonable and prudent to modify its automated billing system to accommodate such requests. If the utility plans to accommodate such requests at any point in the upcoming year, a description of the plan, including the anticipated cost of the plan and the date that the functionality in its automated billing system will go online, must be included.
- (m) Energy Assistance System Benefit Charge. Beginning October 1, 2021, each utility shall include on its monthly bills a flat energy assistance system benefit charge of 50 cents, with this amount

rising to 75 cents on October 1, 2022, and being adjusted for inflation in accordance with changes in the United States Department of Labor’s Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood beginning on October 1, 2023. The disposition of money collected by the Energy Assistance System Benefit Charge is determined by § 40-8.7-108, C.R.S.

- (I) Prior to October 1, 2023, and each year following, Commission staff shall compute the charge adjusted by the index and shall send a letter to each utility stating the charge to be paid by customers during the next calendar year.

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[indicates omission of unaffected rules]

4553. Contents of a Gas Infrastructure Plan.

(a) General.

- (I) The utility shall describe in each gas infrastructure plan the methodology, criteria, and assumptions used to develop the gas infrastructure plan. The utility shall specifically describe its system planning and infrastructure modeling process including the assumptions and variables that are inputs into the process.
- (II) The utility shall describe its budget planning processes and the expected level of accuracy in its cost projections.
- (III) The utility shall categorize planned projects, or explain any deviation of project categorization, based on the categories set forth below. A planned project may be included in more than one category or subcategory. The utility shall also explain the inter-relationship of planned projects, to the extent applicable.
 - (A) “System safety and integrity projects” shall include but are not limited to pipeline and storage integrity management programs; exposed pipe inspection and remediation; pipe or compressor station upgrades; projects undertaken to meet U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration requirements; and Supervisory Control and Data Acquisition (SCADA) upgrades.
 - (B) “New business projects” shall include utility investment and spending needed to provide gas service to new customers or customers requiring new gas service.
 - (C) “Capacity expansion projects” shall include both individual projects and sets of inter-related facilities needed to maintain system reliability and meet a specified capacity expansion need. Within the category of capacity expansion projects, the utility shall further separate appropriate projects into the following sub-categories:
 - (i) capacity expansion projects needed for reliability or growth in sales by existing customers, structures, and facilities; and

- (ii) capacity expansion projects needed for growth in sales due to new customers, structures, and facilities, that are not otherwise new business planned projects.

- (D) “Mandatory relocation projects” as defined in paragraph 4001(~~ggdd~~).

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[indicates omission of unaffected rules]

- (c) Planned project information.

- (I) The utility shall present the following project-specific information for all planned projects in the gas infrastructure plan total period, with information provided to the extent practicable for projects in the gas infrastructure plan informational period:

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[indicates omission of unaffected rules]

- (P) for a quantity of new business and capacity expansion projects, given the criteria established by the Commission in accordance with subparagraph 4552(b)(l)(A) through (C), the utility shall present an analysis of alternatives, including non-pipeline alternatives, costs for those alternatives, and criteria used to rank or eliminate such alternatives.

- (i) An analysis of alternatives shall consider, at a minimum:

- (1) one or more applicable clean heat resources consistent with the utility’s most recently approved clean heat plan, pursuant to rule 4732, demand side management plan, pursuant to rule 4753, or beneficial electrification plan, as applicable;
- (2) a cost-benefit analysis including the costs of direct investment and the social costs of carbon and methane for emissions due to or avoided by the alternative, and other costs determined appropriate by the Commission; and
- (3) available best value employment metrics associated with each alternative, as defined in paragraph 4001(~~jh~~), including a projection of gas distribution jobs affected by the alternative and jobs made available through the alternative, opportunities to transition any affected gas distribution jobs to the alternative, pay and benefit levels of the affected gas distribution jobs and the jobs available through a transition opportunity, and how employment impacts associated with each alternative could affect disproportionately impacted communities.

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[indicates omission of unaffected rules]

4731. Clean Heat Plan Application Requirements.

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[indicates omission of unaffected rules]

(f) Project-based information.

- (l) It is the Commission’s policy that utilities should acquire clean heat resources in the most cost-effective manner. To this end, the utility shall use competitive solicitations to the maximum extent practical.
 - (A) If a utility’s clean heat plan includes the purchase or development of green hydrogen, the utility must include the gross quantity of green hydrogen transported by a common carrier or dedicated pipeline on an annual basis and the corresponding Btu content.
 - (B) With the exception of a green hydrogen project proposed in coordination with the State of Colorado, to secure benefits under a federal law, or as part of a State of Colorado application for a hydrogen hub, a proposal for a green hydrogen project shall include a competitive solicitation proposal, which shall include, at minimum, the following information:
 - (1) a copy of the request for proposals to be offered in the competitive solicitation;
 - (2) an explanation of required milestones and development-related penalties;
 - (3) the timing of the competitive solicitation and review and negotiation processes;
 - (4) a copy of the proposed contract to be signed by the utility and any third-party entity;
 - (5) the utility’s standards for interconnection, including purity standards and metering methods; and
 - (6) an explanation of how best value employment metrics, as defined in paragraph 4001(jh), will be evaluated in the utility’s review of bids.

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[indicates omission of unaffected rules]

4732. Approval of a Clean Heat Plan.

- (b) In evaluating whether the clean heat plan is in the public interest, the Commission shall consider, at a minimum, the following factors:

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[indicates omission of unaffected rules]

- (VI) whether the plan provides long-term impacts on Colorado’s utility workforce as part of a just transition including consideration of the labor metrics and benefits as specified in § 40-3.2-108(8), C.R.S., and defined in ~~rule-paragraph~~ 4001(jh); and

* * * *

[indicates omission of unaffected rules]

4733. Interim Clean Heat Plan Reporting.

- (a) By March 31 in all calendar years that a clean heat plan application is not submitted, each utility shall submit to the Commission an annual clean heat plan report that shows, pursuant to its approved clean heat plans:

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[indicates omission of unaffected rules]

- (VII) detailed information obtained from contractors about their use of Colorado-based labor, use of contractors participating in apprenticeship programs meeting the criteria in § 40-3.2-105.5(3), C.R.S., use of out-of-state labor to construct and deliver clean heat resources, and other labor metrics and information as specified in § 40-3.2-108(8), C.R.S., and defined in paragraph 4001(jh);

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[indicates omission of unaffected rules]

4753. Periodic DSM Plan Filing.

Each utility shall periodically file, in accordance with paragraph 4752(e), a prospective natural gas DSM plan that covers a DSM period of three years, unless otherwise ordered by the Commission. The plan shall include the following information:

- (a) the utility’s proposed expenditures by year for each DSM program, by budget category; the sum of these expenditures represents the utility’s proposed expenditure target as required by § 40-3.2-103(2)(a), C.R.S.;

- (b) the utility's estimated natural gas energy savings over the lifetimes of the measures implemented in a given annual DSM program period, expressed in dekatherms per dollar of expenditure, and presented for each DSM program proposed for Commission approval; this represents the utility's proposed savings target required by § 40-3.2-103(2)(b), C.R.S.;
- (c) the anticipated units of energy to be saved annually by a given annual DSM program, which equals the product of the proposed expenditure target and proposed savings target; this product is referred to herein as the energy target;
- (d) the estimated dollar per therm value that represents the utility's annual fixed costs that are recovered through commodity sales on a per therm basis;
- (e) the utility shall include in its DSM plan application data and information sufficient to describe the design, implementation, oversight and cost effectiveness of the DSM programs. Such data and information shall include, at a minimum, program budgets delineated by year, estimated participation rates and program savings (in therms);
- (f) in the information and data provided in a proposed DSM plan, the utility shall reflect consideration of the factors set forth in the Overview and Purpose, rule 4750. At a minimum the utility shall provide the following information detailing how it developed its proposed DSM program:
 - (I) descriptions of identifiable market segments, with respect to gas usage and unique characteristics;
 - (II) a comprehensive list of DSM measures that the utility is proposing for inclusion in its DSM plan;
 - (III) a detailed analysis of proposed DSM programs for a utility's service territory in terms of markets, customer classes, anticipated participation rates (as a number and a percent of the market), estimated energy savings and cost effectiveness;
 - (IV) a ranking of proposed DSM programs, from greatest value and potential to least, based upon the data required in subparagraph (f)(III);
 - (V) proposed marketing strategies to promote participation based on industry best practices;
 - (VI) calculation of cost effectiveness of the proposed DSM programs using a modified TRC test. Each proposed DSM program is to have a projected value greater than or equal to 1.0 using a modified TRC test, except as provided for in paragraph 4753 (g); and
 - (VII) an analysis of the impact of the proposed DSM program expenditures on utility rates, assuming a 12-month cost recovery period.
- (g) In its DSM plan, the utility shall address how it proposes to target DSM services to ~~low-income~~ qualified customers. The utility shall also address whether it proposes to provide DSM services directly or indirectly through financial support of conservation programs for ~~low-income~~ qualified households administered by the State of Colorado, as authorized by § 40-3.2-103(3)(a), C.R.S. The utility may propose one or more ~~low-income~~ DSM programs for income qualified customers

or customers in disproportionately impacted communities that yield a modified TRC test value below 1.0.

- (h) In proposing an expenditure target for Commission approval, pursuant to § 40-3.2-103 (2)(a), C.R.S., the utility shall comply with the following:
 - (I) the utility's annual expenditure target for DSM programs shall be, at a minimum, two percent of a natural gas utility's base rate revenues, (exclusive of commodity costs), from its sales customers in the 12-month calendar period prior to setting the targets, or one-half of one percent of total revenues from its sales customers in the 12-month calendar period prior to setting the targets, whichever is greater;
 - (II) the utility may propose an expenditure target in excess of two percent of base rate revenues; and
 - (III) funds spent for education programs, market transformation programs and impact and process evaluations and program planning related to natural gas DSM programs may be recovered without having to show that such expenditures, on an independent basis, are cost-effective; such costs shall be included in the overall benefit/cost ratio analysis.
- (i) The utility shall propose a budget to achieve the expenditure target proposed in paragraph 4753 (a). The budget shall be detailed for the overall DSM plan and for each program for each year and shall be categorized into:
 - (I) planning and design costs;
 - (II) administrative and DSM program delivery costs;
 - (III) advertising and promotional costs, including DSM education;
 - (IV) customer incentive costs;
 - (V) equipment and installation costs;
 - (VI) measurement and verification costs; and
 - (VII) miscellaneous costs.
- (j) The budget shall explain anticipated increases/decreases in financial resources and human resources from year to year.
- (k) A utility may spend more than the annual expenditure target established by the Commission up to 25 percent over the target, without being required to submit a proposed DSM plan amendment. A utility may submit a proposed DSM plan amendment for approval when expenditures are in excess of 25 percent over the expenditure target.
- (l) As a part of its DSM plan, each utility shall propose a DSM plan with a benefit/cost value of unity (1) or greater, using a modified TRC test.

- (m) For the purposes of calculating a modified TRC, the non-energy benefits of avoided emissions and societal impacts shall be incorporated as follows.
 - (l) The initial TRC ratio, which excludes consideration of avoided emissions and other societal benefits, shall be multiplied by 1.05 to reflect the value of the avoided emissions and other societal benefits. The result shall be the modified TRC. A utility may propose for approval a different factor for avoided emissions and societal impacts, but must submit documentation substantiating the proposed value.
- (n) Measurement and verification (M & V) plan. The utility shall describe in complete detail how it proposes to monitor and evaluate the implementation of its proposed programs. The utility shall explain how it will accumulate and validate the information needed to measure the plan's performance against the standards, pursuant to rule 4755. The utility shall propose measurement and verification reporting sufficient to communicate results to the commission in a detailed, accurate and timely basis.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-4

PART 4 RULES REGULATING GAS UTILITIES

4001. Definitions.

The following definitions apply throughout this Part 4, except where a specific rule or statute provides otherwise. In addition to the definitions here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

- (a) "Advanced metering infrastructure" means an integrated system of smart electric or gas utility meters and communication networks that enables two-way communication between an electric or gas utility's data systems and the meter's internet protocol address and allows the utility to measure usage and/or connect or disconnect service remotely.
- (b) "Affiliate" of a utility means a subsidiary of a utility, a parent corporation of a utility, a joint venture organized as a separate corporation or partnership to the extent of the individual utility's involvement with the joint venture, a subsidiary of a parent corporation of a utility or where the utility or the parent corporation has a controlling interest over an entity.
- (c) "Aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) or a compilation of customer data of one or more customers from which and personal information has been removed.
- (d) "Applicant for service" means a person who applies for utility service and who either has taken no previous utility service from that utility or has not taken utility service from that utility within the most recent 30 days.
- (e) "Air Pollution Control Division" means the Air Pollution Control Division of the Colorado Department of Public Health and Environment established by § 25-1-102(2)(a), C.R.S.
- (f) "Air Quality Control Commission" means the decision-making body within the Colorado Department of Public Health and Environment established by § 25-7-104, C.R.S., to oversee and promulgate the rules to administer Colorado's air quality programs.
- (g) "Base rate" means charges used to recover costs of utility infrastructure and operations, including a return on capital investment, not otherwise recovered through a utility rate adjustment mechanism.

- (h) "Basis Point" means one-hundredth of a percentage point (100 basis points = 1 percent).
- (i) "Benefit of service" means the use of utility service by each person of legal age who resides at a premises to which service is delivered and who is not registered with the utility as the customer of record.
- (j) "Best value employment metrics" means additional labor metrics required to be obtained by a utility from bidders and contractors for a utility construction contract, specifically, the length and type of training and apprenticeship programs available to the workforce, the percentage of labor estimated to be Colorado residents as compared to out-of-state workers, the number and type of long-term careers supported by the project, whether the workforce will be covered by a labor agreement, and the wage rates and health care and pension benefits, including employer pension contribution rates, provided to protect labor.
- (k) "Biomethane" means:
 - (I) a mixture of carbon dioxide and hydrocarbons released from the biological decomposition of organic materials that is primarily methane and provides a net reduction in greenhouse gas emissions; and
 - (II) includes biomethane recovered from manure management systems or anaerobic digesters that has been processed to meet pipeline quality gas standards.
- (l) "Commission" means the Colorado Public Utilities Commission.
- (m) "Contracted agent" means any person that has contracted with a utility in compliance with rule 4030 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (n) "Cubic foot" means, as the context requires.
 - (I) At Local Pressure Conditions. For the purpose of measuring gas to a customer at local pressure conditions, a cubic foot is that amount of gas which occupies a volume of one cubic foot under the conditions existing in the customer's meter as and where installed. When gas is metered at a pressure in excess of eight inches of water column gauge pressure, a suitable correction factor shall be applied to provide for measurement of gas as if delivered and metered at a pressure of six inches of water column gauge pressure. A utility may also apply appropriate factors to correct local pressure measurement to standard conditions.
 - (II) At Standard Conditions. For all other purposes, including testing gas, a standard cubic foot is that amount of gas at standard conditions which occupies a volume of one cubic foot.
- (o) "Curtailement" means the inability of a transportation customer or a sales customer to receive gas due to a shortage of gas supply.
- (p) "Customer" means any person who is currently receiving utility service. Any person who moves within a utility's service territory and obtains utility service at a new location within 30 days shall

be considered a "customer." Unless stated in a particular rule, "customer" applies to any class of customer as defined by the Commission or by utility tariff.

- (q) "Customer data" means customer specific information, excluding personal information as defined in paragraph 1004(x), that is:
 - (I) collected from the gas meter by the utility and stored in its data systems;
 - (II) combined with customer-specific energy usage information on bills issued to the customer for regulated utility service when not publicly or lawfully available to the general public; or
 - (III) about the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs.
- (r) "Dekatherm" (Dth) means a measurement of gas commodity heat content. One Dekatherm is the energy equivalent of 1,000,000 British Thermal Units (1 MMBtu).
- (s) "Dedicated recovered methane pipeline" means a conveyance of recovered methane that is not a part of a common carrier pipeline system, and which conveys recovered methane from where it is generated to a common carrier pipeline or to the end user in Colorado for which the recovered methane was produced so long as the recovered methane replaces geologic gas supplied by a gas distribution utility or small gas distribution utility.
- (t) "Design peak demand" refers to the maximum gas flow rate projected for a utility system, or a portion thereof, which is utilized by a utility for gas infrastructure capacity planning.
- (u) "Disproportionately impacted community" means a geographic area defined pursuant to § 40-2-108(3)(d), C.R.S., and as may be further modified by Commission rule or order. Mapping of such geographic areas shall be conducted in accordance with the best available mapping tool developed by the Colorado Department of Public Health and Environment, until such time as a different practice is adopted by Commission rule or order.
- (v) "Distribution system" means the utility-owned piping and associated facilities used to deliver gas to customers, excluding facilities owned by a utility that are classified on the books and records of the utility as production, storage, or transmission facilities.
- (w) "Emergency or safety event or circumstance" means a manmade or natural emergency event or safety circumstance:
 - (I) that prevents utility staff from being able to safely travel to or work at a customer's residence or place of business for purposes of reconnecting or making necessary repairs prior to reconnecting utility service; or
 - (II) for which a utility has dispatched utility staff members to help respond to the emergency or safety event or circumstance and, due to the timing or number of utility staff dispatched, the utility lacks sufficient trained staff to reconnect or make necessary repairs prior to reconnecting utility service at a customer's residence or place of business; and

- (III) includes a severe weather event that one or more reputable weather forecasting sources forecasts to occur in the following twenty-four hours and that is more likely than not to result in dangerous travel or on-site outdoor or indoor work conditions for individuals in the path of the weather event.
- (x) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.
- (y) "Gas" means natural or geological gas; hydrogen, or recovered methane, or any mixture thereof transported by a common carrier or dedicated pipeline; flammable gas; manufactured gas; petroleum or other hydrocarbon gases including propane; or any mixture of gases injected into a pipeline and transmitted, distributed, or furnished by any utility.
- (z) "Income-qualified utility customer" or "low-income customer" is a customer meeting the requirements of § 40-3-106(1)(d)(II), C.R.S.
- (aa) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure, 4 CCR 723-1.
- (bb) "Interruption" means a utility's inability to provide transportation to a transportation customer, or its inability to serve a sales customer, due to constraints on the utility's pipeline system.
- (cc) "Intrastate transmission pipeline" or "ITP" means generally any person that provides gas transportation service for compensation to or for another person in the State of Colorado using transmission facilities rather than distribution facilities and is exempt from FERC jurisdiction.
- (dd) "Local distribution company" (LDC) means any person, other than an interstate pipeline or an intrastate transmission pipeline, engaged in the sale and distribution of gas for end-user consumption. A LDC may also perform transportation services for its end-use customers, for another LDC or its end-use customers, as authorized under its effective Colorado jurisdictional tariffs.
- (ee) "Local government" means any Colorado county, municipality, city and county, home rule city or town, home rule city and county, or city or town operating under a territorial charter.
- (ff) "Local office" means any Colorado office operated by a utility at which persons may make requests to establish or to discontinue utility service. If the utility does not operate an office in Colorado, "local office" means any office operated by a utility at which persons may make requests to establish or to discontinue utility service in Colorado.
- (gg) "Mandatory relocation" means a project to relocate the utility's gas infrastructure as required by a federal, tribal, state, county, or local governmental body.
- (hh) "Main" means a distribution line that serves, or is designed to serve, as a common source of supply for more than one service lateral.
- (ii) "Mcf" means 1,000 standard cubic feet.
- (jj) "MMBtu" means 1,000,000 British Thermal Units, or one Dekatherm.

- (kk) “Natural gas” or “geological gas” means methane or other hydrocarbons that occur underground without human intervention and may be used as fuel.
- (ll) “Non-pipeline alternative” means programs, equipment, or actions that avoid, reduce, or delay the need for investment in certain types of new gas infrastructure and may include energy efficiency, demand response, and beneficial electrification.
- (mm) “Non-standard customer data” means all customer data that are not standard customer data.
- (nn) “Past due” means the point at which a utility can affect a customer’s account for regulated service due to non-payment of charges for regulated service.
- (oo) “Pipeline system” means the utility-owned piping and associated facilities used in the transmission or distribution of gas.
- (pp) “Principal place of business” means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility’s operations in Colorado are located.
- (qq) “Pressure district” means a localized area within a utility’s service territory whereby an established minimum and maximum pressure range is intended to be maintained and is distinct from neighboring regions.
- (rr) “Property owner” means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of real property is located to determine ownership of government record.
- (ss) “Pyrolysis” means the thermochemical decomposition of material at elevated temperatures without the participation of oxygen.
- (tt) “Qualifying communication” means one of the following methods of communicating with a utility customer about a possible upcoming disconnection of service:
 - (I) a physical visit to the customer’s premises during which a utility representative speaks with the customer and provides the customer utility assistance information or, if the customer is not available to speak, leaves notice of proposed disconnection and utility assistance information for the customer’s review; or
 - (II) a telephone call, text, or e-mail to the customer’s last-known telephone number or email address in which:
 - (A) the utility representative provides the customer with notice of the proposed disconnection and utility assistance information; and
 - (B) the utility representative either speaks directly with the customer over the telephone or the customer receives the utility representative’s text or email.
- (uu) “Rate adjustment mechanism” or “rate rider” means a charge added to a utility bill to recover a specific cost that is not part of the base rate.

- (vv) "Recovered methane" means any of the following that are located in the State of Colorado and meet the recovered methane protocol approved by the Air Quality Control Commission: biomethane; methane derived from municipal solid waste, the pyrolysis of municipal solid waste, biomass pyrolysis or enzymatic biomass, or wastewater treatment; coal mine methane as defined in § 40-2-124(1)(a)(II), C.R.S, the capture of which is not otherwise required by law; or methane that would have leaked without repairs of the gas distribution or service pipelines from the city gate to customer end use.
- (ww) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission, presented on a tariff sheet, or contained in a tariff of the utility.
- (xx) "Sales customer" or "full service customer" means a customer who receives sales service from a utility and is not served under a utility's gas transportation service at that same meter.
- (yy) "Sales service" means a bundled gas utility service in which the utility both purchases gas commodity for resale to the customer and delivers the gas to the customer.
- (zz) "Security" includes any stock, bond, note, or other evidence of indebtedness.
- (aaa) "Service lateral" means that part of a distribution system from the utility's main to the entrance to a customer's physical location.
- (bbb) "Standard conditions" means gas at a temperature of 60 degrees Fahrenheit and subject to an absolute pressure equal to 14.73 pounds per square inch absolute.
- (ccc) "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- (ddd) "Standby capacity" means the maximum daily volumetric amount of capacity reserved in the utility's system for use by a transportation customer, if the customer purchased optional standby service.
- (eee) "Standby supply" means the daily volumetric amount of gas reserved by a utility for the use by a transportation customer should that customer's supply fail, if the customer purchased optional standby service.
- (fff) "Test year" means a twelve-month period that is examined to determine a utility's costs of service in a rate case.
- (ggg) "Third party" means a person who is not the customer, an agent of the customer who has been designated by the customer with the utility and is acting on the customer's behalf, a regulated utility serving the customer, or a contracted agent of the utility.
- (hhh) "Transportation" means the exchange, forward-haul, backhaul, flow reversal, or displacement of gas between a utility and a transportation customer through a pipeline system.
- (iii) "Transportation customer" means a person who, by signing a gas transportation agreement, elects to subscribe to gas transportation service offered by a utility.

- (jjj) "Unique identifier" means customer's name, mailing address, telephone number, or email address that is displayed on a bill.
- (kkk) "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff, and are for service or merchandise not required as a condition of receiving regulated utility service.
- (lll) "Utility" means a public utility as defined in § 40-1-103, C.R.S., providing sales service or transportation service (or both) in Colorado. This term includes both an ITP and a LDC.
- (mmm) "Utility assistance information" means information that a utility representative provides a customer informing the customer that the customer may contact 1-866-HEAT-HELP (1-866-432-8435) to determine if the customer qualifies for utility bill payment assistance.
- (nnn) "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.
- (ooo) "Whole building data" means the sum of the monthly gas use for either all service connections at a building on a parcel of real property or all buildings on a parcel of real property.

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[indicates omission of unaffected rules]

4102. Certificate of Public Convenience and Necessity for Facilities.

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[indicates omission of unaffected rules]

- (XVI) for proposed facilities meeting the definition of a new business project or a capacity expansion project, as defined in subparagraphs 4553(a)(III)(B) and (C), the utility shall also present an analysis of alternatives including non-pipeline alternatives, costs for those alternatives, and criteria used to rank or eliminate such alternatives.
 - (A) An analysis of alternatives shall consider, at a minimum:
 - (i) one or more applicable clean heat resources consistent with the utility's most recently approved clean heat plan, pursuant to rule 4732, demand side management plan, pursuant to rule 4753, or beneficial electrification plan, as applicable;
 - (ii) a cost-benefit analysis including the costs of direct investment and the social costs of carbon and methane for emissions due to or avoided by the alternative, and other costs determined appropriate by the Commission; and
 - (iii) available best value employment metrics associated with each alternative, as defined in paragraph 4001(j), including a projection of gas

distribution jobs affected by the alternative and jobs made available through the alternative, opportunities to transition any affected gas distribution jobs to the alternative, pay and benefit levels of the affected gas distribution jobs and the jobs available through a transition opportunity, and how employment impacts associated with each alternative could affect disproportionately impacted communities.

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[indicates omission of unaffected rules]

4403. Applications for Service, Customer Deposits, and Third-Party Guarantee Arrangements.

- (a) A utility shall process an application for utility service that is made either orally or in writing and shall apply nondiscriminatory criteria with respect to the requirement of a deposit prior to commencement of service. Nondiscriminatory criteria means that no deposit or guarantee, or additional deposit or guarantee, shall be required by a utility because of race, sex, creed, national origin, marital status, age, number of dependents, source of income, disability, or geographical area of residence.
- (b) All utilities requiring deposits shall offer customers at least one payment alternative that does not require the use of the customer's social security number.
- (c) If billing records are available for a customer who has received past service from the utility, the utility shall not require that person to make new or additional deposits to guarantee payment of current bills unless the records indicate recent or substantial delinquencies.
- (d) A utility shall not require a deposit from an applicant for service who provides written documentation of a 12 consecutive month good payment history from the utility from which that person received similar service. For purposes of this paragraph, the 12 consecutive months must have ended no earlier than 60 days prior to the date of the application for service.
- (e) A utility shall not require a deposit from an applicant for service or restoration of service who is or was within the last 12 months, a participant in the Low-Income Energy Assistance Program or in an income qualified program consistent with rule 4412, or who received energy bill assistance from Energy Outreach Colorado within the last 12 months.
- (f) If a utility uses credit scoring to determine whether to require a deposit from an applicant for service or a customer, the utility shall have a tariff that describes, for each scoring model that it uses, the credit scoring evaluation criteria and the credit score limit that triggers a deposit requirement.
- (g) If a utility uses credit scoring, prior payment history with the utility, or customer-provided prior payment history with a like utility as a criterion for establishing the need for a deposit, the utility shall include in its tariff the specific evaluation criteria that trigger the need for a deposit.
- (h) If a utility denies an application for service or requires a deposit as a condition of providing service, the utility immediately shall inform the applicant for service of the decision and shall

provide, within three business days, a written explanation to the applicant for service stating the specific reasons why the application for service has been denied or a deposit is required.

- (i) No utility shall require any surety other than either a deposit to secure payment for utility services or a third-party guarantee of payment in lieu of a deposit. In no event shall the furnishing of utility services or extension of utility facilities, or any indebtedness in connection therewith, result in a lien, mortgage, or other interest in any real or personal property of the customer unless such indebtedness has been reduced to a judgment. Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.
- (j) The total deposit a utility may require or hold at any one time shall not exceed an amount equal to an estimated 90 days' bill of the customer, except in the case of a customer whose bills are payable in advance of service, in which case the deposit shall not exceed an estimated 60 days' bill of the customer. The deposit may be in addition to any advance, contribution in aid of construction or guarantee required by the utility tariff in connection with construction of lines or facilities, as provided in the extension policy in the utility's tariffs. A deposit may be paid in installments.
- (k) A utility receiving deposits shall maintain records showing:
 - (I) the name of each customer making a deposit;
 - (II) the amount and date of the deposit;
 - (III) each transaction, such as the payment of interest or interest credited, concerning the deposit;
 - (IV) each premise where the customer receives service from the utility while the deposit is retained by the utility;
 - (V) if the deposit was returned to the customer, the date on which the deposit was returned to the customer; and
 - (VI) if the unclaimed deposit was paid to the energy assistance organization, the date on which the deposit was paid to the energy assistance organization.
- (l) Each utility shall state in its tariff its customer deposit policy for establishing or maintaining service. The tariff shall state the circumstances under which a deposit will be required and the circumstances under which it will be returned. A utility shall return any deposit paid by a customer who has made no more than two late payments in 12 consecutive months.
- (m) Each utility shall issue a receipt to every customer from whom a deposit is received. No utility shall refuse to return a deposit or any balance to which a customer may be entitled solely on the basis that the customer is unable to produce a receipt.

- (n) The payment of a deposit shall not relieve any customer from the obligation to pay current bills as they become due. A utility is not required to apply any deposit to any indebtedness of the customer to the utility, except for utility services due or past due after service is terminated.
- (o) A utility shall pay simple interest on a deposit at the percentage rate per annum as calculated by the Commission staff and in the manner provided in this paragraph.
 - (I) At the request of the customer, the interest shall be paid to the customer either on the return of the deposit or annually. The simple interest on a deposit shall be earned from the date the deposit is received by the utility to the date the customer is paid. At the option of the utility, interest payments may be paid directly to the customer or credited to the customer's account.
 - (II) The simple interest to be paid on a deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately preceding year) of the 12 monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, the Commission staff shall compute the interest rate to be paid. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on deposits during the next calendar year. Annually following receipt of Commission staff's letter, if necessary, a utility shall file by advice letter or application, as appropriate, a revised tariff, effective the first day of January of the following year, or on an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' deposits, except when there is no change in the rate of interest to be paid on such deposits.
- (p) A utility shall have tariffs concerning third-party guarantee arrangements and, pursuant to those tariffs, shall offer the option of a third party guarantee arrangement for use in lieu of a deposit. The following shall apply to third-party guarantee arrangements:
 - (I) an applicant for service or a customer may elect to use a third-party guarantor in lieu of paying a deposit;
 - (II) the third-party guarantee form, signed by both the third-party guarantor and the applicant for service or the customer, shall be provided to the utility;
 - (III) the utility may refuse to accept a third-party guarantee if the guarantor is not a customer in good standing at the time of the presentation of the guarantee to the utility;
 - (IV) the amount guaranteed shall not exceed the amount which the applicant for service or the customer would have been required to provide as a deposit;
 - (V) the guarantee shall remain in effect until the earlier of the following occurs:

- (A) the guarantee is terminated in writing by the guarantor;
 - (B) if the guarantor was a customer at the time of undertaking the guarantee, the guarantor ceases to be a customer of the utility; or
 - (C) the customer has established a satisfactory payment record, as defined in the utility's tariffs, for 12 consecutive months.
- (VI) Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.
- (q) A utility shall pay all unclaimed monies, as defined in § 40-8.5-103(5), C.R.S., that remain unclaimed for more than two years to the energy assistance organization. "Unclaimed monies" shall not include: undistributed refunds for overcharges subject to other statutory provisions and rules and credits to existing customers from cost adjustment mechanisms.
- (I) Monies shall be deemed unclaimed and presumed abandoned when left with the utility for more than two years after termination of the services for which the deposit or the construction advance was made or when left with the utility for more than two years after the deposit or the construction advance becomes payable to the customer pursuant to a final Commission order establishing the terms and conditions for the return of such deposit or advance and the utility has made reasonable efforts to locate the customer.
 - (II) Interest on a deposit shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the utility receives the deposit and ending on the date on which the deposit is paid to the energy assistance organization. If the utility does not pay the unclaimed deposit to the energy assistance organization within four months of the date on which the unclaimed deposition is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed deposit at the rate established pursuant to paragraph (o) of this rule plus six percent.
 - (III) If payable under the utility's line extension tariff provisions, interest on a construction advance shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the construction advance is deemed to be owed to the customer pursuant to the utility's extension policy and ending on the date on which the construction advance is paid to the energy assistance organization. If the utility does not pay the unclaimed construction advance to the energy assistance organization within four months of the date on which the unclaimed construction advance is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed construction advance at the rate established pursuant to paragraph (o) of this rule plus six percent.
- (r) A utility shall resolve all inquiries regarding a customer's unclaimed monies and shall not refer such inquiries to the energy assistance organization.

- (s) If a utility has paid unclaimed monies to the energy assistance organization, a customer later makes an inquiry claiming those monies, and the utility resolves the inquiry by paying those monies to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.

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[indicates omission of unaffected rules]

4407. Discontinuance of Service.

- (a) A utility shall not discontinue the service of a customer for any reason other than the following:
 - (I) nonpayment of regulated charges;
 - (II) fraud or subterfuge;
 - (III) service diversion;
 - (IV) equipment tampering;
 - (V) safety concerns;
 - (VI) exigent circumstances;
 - (VII) discontinuance ordered by any appropriate governmental authority; or
 - (VIII) properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.
- (b) A utility shall apply nondiscriminatory criteria when determining whether to discontinue service for nonpayment. A utility shall not discontinue service for nonpayment of any of the following:
 - (I) any amount which has not appeared on a regular monthly bill or which is not past due. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the 31st day following the due date of current charges;
 - (II) any past due amount that is less than \$50;
 - (III) any amount due on another account now or previously held or guaranteed by the customer, or with respect to which the customer received service, unless the amount has first been transferred either to an account which is for the same class of service or to an account which the customer has agreed will secure the other account. Any amount so transferred shall be considered due on the regular due date of the bill on which it first appears and shall be subject to notice of discontinuance as if it had been billed for the first time;

- (IV) any amount due on an account on which the customer is or was neither the customer of record nor a guarantor, or any amount due from a previous occupant of the premises. This subparagraph does not apply if the customer is or was obtaining service through fraud or subterfuge or if paragraph 4401(c) applies;
 - (V) any amount due on an account for which the present customer is or was the customer of record, if another person established the account through fraud or subterfuge and without the customer's knowledge or consent;
 - (VI) any delinquent amount, unless the utility can supply billing records from the time the delinquency occurred;
 - (VII) any debt except that incurred for service rendered by the utility in Colorado;
 - (VIII) any unregulated charge; or
 - (IX) any amount which is the subject of a pending dispute or informal complaint under rule 4004.
- (c) If the utility discovers any connection or device installed on the customer's premises, including any energy-consuming device in the proximity of the utility's meter, which would prevent the meter from registering the actual amount of energy used, the utility shall do one of the following.
- (I) Remove or correct such devices or connections. If the utility takes this action, it shall leave at the premises a written notice which advises the customer of the violation, of the steps taken by the utility to correct it, and of the utility's ability to bill the customer for any estimated energy consumption not properly registered. This notice shall be left at the time the removal or correction occurs.
 - (II) Provide the customer with written notice that the device or connection must be removed or corrected within 15 days and that the customer may be billed for any estimated energy consumption not properly registered. If the utility elects to take this action and the device or connection is not removed or corrected within the 15 days permitted, then within seven calendar days from the expiration of the 15 days, the utility shall remove or correct the device or connection pursuant to subparagraph (c)(I) of this rule.
- (d) If a utility discovers evidence that any utility-owned equipment has been tampered with or that service has been diverted, the utility shall provide the customer with written notice of the discovery. The written notice shall inform the customer of the steps the utility will take to determine whether non-registration of energy consumption has or will occur and shall inform the customer that the customer may be billed for any estimated energy consumption not properly registered. The utility shall mail or hand-deliver the written notice within three calendar days of making the discovery of tampering or service diversion.
- (e) A utility shall not discontinue service, other than to address safety concerns or in exigent circumstances, if one of the following is met.

- (I) A customer at any time tenders full payment in accordance with the terms and conditions of the notice of discontinuance to a utility employee authorized to receive payment. Payment of a charge for a service call shall not be required to avoid discontinuance.
- (II) If a customer pays, on or before the expiration date of the notice of discontinuance, at least one-tenth of the amount shown on the notice and enters into an installment payment plan with the utility, as provided in rule 4404.
- (III) Outside the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday
- (IV) Between the hours of 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday or day during which the utility's local office is closed.
- (V) To the greatest extent practicable, a utility shall not disconnect a customer after 11:59 a.m. on a Monday through Thursday.
- (VI) Medical emergencies.
 - (A) A utility shall postpone service discontinuance to a residential customer for 90 days from the date of a medical certificate issued by a Colorado-licensed physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients which evidences that service discontinuance will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. A customer may invoke this subparagraph only once in any twelve consecutive months.
 - (B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who has already entered into a payment arrangement, but broke the arrangement prior to seeking a medical certificate, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.
 - (C) The medical certificate must be in writing (which includes electronic certificates and signatures and those provided electronically), sent to the utility from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, and clearly show the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients certifying the medical emergency. Such certificate is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.
 - (D) A utility may accept notification by telephone from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, but a written medical certificate must be sent to the utility within ten days.

- (VII) Weather provisions.
 - (A) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 32 degrees Fahrenheit (32°F) or lower at any time during the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 4409. Nothing prohibits a utility from postponing service discontinuance when temperatures are warmer than these criteria.
 - (B) A utility shall postpone service discontinuance to a residential customer during an emergency or safety event or circumstance impacting the local area.
- (f) In addition to its tariffs, a utility shall publish information related to its practices around delinquency, disconnection for nonpayment, and reconnection on its website. This information should be written in a manner that promotes customer understanding and must be produced in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information. A utility must include at least the following information:
 - (I) the customer's rights related to service disconnection, including medical and weather-based protections, timing restrictions on service disconnection, and options and hours to contact the utility for support relating to service disconnection;
 - (II) a summary of a customer's options to prevent service disconnection for nonpayment, including installment payment plan options, utility energy assistance and affordability programs, and eligibility requirements for such programs;
 - (III) referrals to organizations that provide energy payment assistance, including energy efficiency services, such as Energy Outreach Colorado, charities, nonprofits, and governmental entities that provide or administer funds for such assistance;
 - (IV) the customer's rights related to service restoration, including restoration timelines, actions customers may take to restore service, and options and hours to contact the utility for support relating to service restoration;
 - (V) a summary of charges, fees, and deposits to which a customer may be subject under paragraphs 4403(j) and 4404(a), with a description of how those amounts are calculated, explained in a way that enables a customer to estimate the full costs they may be assessed;
 - (VI) a description of the customer's options in the event of a dispute regarding billing or disconnection practices;
 - (VII) a description of the options available to an occupant of a service address who is not a customer of record and who has a court-ordered protection order against a customer of record for the service address, relating to past-due balances, service disconnection, restoration, and continuance at the service address, including initiating new service,

transferring service, and the utility's practices, policies, and criteria for determining benefit of service for purposes of transferring a customer of record's balance to an occupant; and

- (VIII) a description of the utility's Demand-Side Management programs, including requirements to participate, the benefits of participating, and utility contact information relating to such programs.
- (g) Reporting requirements.
- (I) Annual Report. No later than March 1 of each calendar year, each utility shall file a report covering the prior calendar year in the miscellaneous proceeding for utility disconnection filings, using the form available on the Commission's website. The report shall provide data on residential customers by class and zip code and must also break down such data by income qualified customers, defined as customers participating in income qualified programs authorized by rule 4412 and the Low-Income Energy Assistance Program. For data provided in this report, paragraph 4033(b) shall not apply. The report shall contain the following information, displayed by quarter:
 - (A) total number of unique customers;
 - (B) total dollar amount billed;
 - (C) total number of unique customers charged a late payment charge;
 - (D) total dollar amount of late payment charges collected;
 - (E) number of unique customers with an arrearage balance by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (F) dollar amount of arrearages by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (G) total number of disconnection notices sent;
 - (H) total number of disconnections for nonpayment;
 - (I) total number of service restorations after disconnections for nonpayment;
 - (J) average duration of disconnection for nonpayment in hours, measured from when the customer completes an action in paragraph 4409(b) to when service is restored;
 - (K) total dollar amount of deposits collected for restoring service that was disconnected for nonpayment;
 - (L) total number of deposits collected for restoring service that was disconnected for nonpayment;
 - (M) total number of new installment payment plans entered into;

- (N) average repayment term of new installment payment plans entered into;
 - (O) total dollar amount of fees collected for disconnecting service for nonpayment;
 - (P) total dollar amount of fees collected for restoring service that was disconnected for nonpayment;
 - (Q) total dollar amount of collection fees collected from customers whose service was disconnected for nonpayment; and
 - (R) total dollar amount of any other tariff-authorized charges or fees collected resulting from past due amounts, service disconnection for nonpayment, and restoring service that was disconnected for nonpayment.
- (II) Along with the items in subparagraph (g)(I), each utility shall file the following additional items.
- (A) A narrative containing the utility’s analysis of any trends or inconsistencies revealed by the reported data for the prior year including, at minimum, an analysis of:
 - (i) the total number of residential customers who were disconnected for nonpayment in the prior calendar year and percent of those customers who were disconnected for nonpayment multiple times; and
 - (ii) the total number of residential installment payment plans entered into in the prior calendar year, the average length of those installment payment plans, the number of residential installment payment plans completed, and the number of residential installment payment plans that were broken.
 - (B) Information about how the utility is working to reduce delinquencies and disconnections, including any actions the utility is taking specific to residential customers experiencing multiple disconnections in a calendar year, and a description of the efforts to identify and refer energy efficiency and bill assistance resources.
- (h) Receipt of a qualifying communication. For purposes of compliance with § 40-3-103.6(3)(c)(II) and subparagraph 4001(tt)(II)(B), a customer “receives” the text or e-mail if:
- (I) the utility sends the text or email with customer assistance information to the text address or e-mail address previously provided by the customer to the utility; and
 - (II) the utility does not subsequently receive a “bounce back” or other message indicating the text address is invalid or the e-mail address is invalid.
- (i) Customer education and outreach strategy: A utility shall conduct at least one meeting with stakeholders and interested customers for the purpose of seeking input on its customer education and outreach strategy for conducting disconnections and reconnections during its multi-year

strategy reporting period under paragraph 4407(j). The results of these meetings and a detailed summary of the customer education and outreach conducted will be reported as part of its first annual report due no later than March 1, 2024, and each subsequent reporting year. Such education and outreach meetings may be held in conjunction with the income qualified meetings under paragraph 4412(j).

- (j) Customer education and outreach multi-year strategy reporting: As part of its annual report due no later than March 1, 2024, a utility shall file a customer education and outreach strategy on residential and small commercial customer disconnections and reconnections covering a span of the next five years. As part of this filing, a utility shall provide an overview of its education and outreach efforts, including qualifying communications, disconnection and reconnection data and trends, and the tariffed rates for disconnection and reconnections. Upon filing of an initial multi-year strategy report, each utility shall file an update to its report every five years on March 1 of the relevant year. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.
- (k) Tariff: A utility shall file language to include in its tariff as cited below a requirement to report on its five-year customer education and outreach strategy, and if applicable, qualifying communications for reconnections. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.

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[indicates omission of unaffected rules]

4409. Restoration of Service.

- (a) Unless prevented from doing so by safety concerns, a utility shall restore, without additional fee or charge, any discontinued service which was not properly discontinued or restored as provided in rules 4407, 4408, and 4409.
- (b) A utility shall restore service if the customer does any of the following:
 - (I) pays in full the amount for regulated charges shown on the notice and any deposit and/or fees as may be specifically required by the utility's tariff in the event of discontinuance of service;
 - (II) pays any reconnection and collection charges specifically required by the utility's tariff, enters into an installment payment plan, and makes the first installment payment, unless the cause for discontinuance was the customer's breach of such an arrangement;
 - (III) presents a medical certificate, as provided in subparagraph 4407(e)(IV);
 - (IV) demonstrates to the utility that the cause for discontinuance, if other than non-payment, has been cured.

- (c) A utility shall reconnect a customer's service on the same day as the customer requests reconnection, if the customer makes a payment or payment arrangement in accordance with the utility's policies, requesting reconnection of service on a Monday through Friday that is not a holiday and one of the following circumstances is met:
 - (I) the customer has advanced metering infrastructure and has requested reconnection of service at least one hour before the close of business for the utility's customer service division; except that the utility may reconnect service on the day following a disconnection of service if there are internet connectivity, technical, or mechanical problems or emergency conditions that reasonably prevent the utility from remotely reconnecting the customer's service; or,
 - (II) the customer is without advanced metering infrastructure or a gas utility customer and has requested reconnection of service on or before 12:59 p.m.; except that, an electric utility or gas utility may reconnect the customer's service on the day following a disconnection if:
 - (A) prior to disconnection of the customer's service, the utility has made a qualifying communication with the customer; or
 - (B) an emergency or safety event or circumstance arises after disconnection of service that renders the utility's staff temporarily unavailable to safely reconnect service. If next-day reconnection of service is not possible due to the continuation of the emergency or safety event or circumstance, the utility shall reconnect the customer's service as soon as possible.
- (d) Unless prevented by an emergency or safety event or circumstance, a utility shall restore service to a customer who has completed an action in paragraph (b) within 24 hours (excluding weekends and holidays) of the time that the customer completes an action in paragraph (b), or within 12 hours of the time that the customer completes an action in paragraph (b) if the customer pays applicable after-hours charges and fees established in tariffs.
- (e) The utility must resolve doubts as to whether a customer has met the requirements for service restoration under paragraph (b) in favor of restoration.

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[indicates omission of unaffected rules]

4411. Low-Income Energy Assistance Act.

- (a) Scope and applicability.
 - (I) Rule 4411 is applicable to gas and combined gas and electric utility providers except those exempted under (II) or (III). Pursuant to §§ 40-8.7-101 through 111, C.R.S., utilities are required to provide an opportunity for their customers to contribute an optional amount through the customers' monthly billing statement.
 - (II) Municipally owned gas or gas and electric utilities are exempt if:

- (A) the utility operates an alternative energy assistance program to support its income qualified customers with their energy needs and self-certifies to the Organization through written statement that its program meets the following criteria:
 - (i) the amount and method for funding of the program has been determined by the governing body; and
 - (ii) the program monies will be collected and distributed in a manner and under eligibility criteria determined by the governing body for the purpose of residential energy assistance to customers who are challenged with paying energy bills for financial reasons, including seniors on fixed incomes, individuals with disabilities, and income qualified individuals, or,
 - (B) the governing body of the utility determines its service area has a limited number of people who qualify for energy assistance and self-certifies to the Organization via written statement such determination.
- (III) A municipally owned gas or gas and electric utility not exempt under subparagraph (a)(II) of this rule, is exempt if:
- (A) the utility designs and implements a procedure to notify all customers at least twice each year of the option to conveniently contribute to the Organization by means of a monthly energy assistance charge. Such procedure shall be approved by the governing utility. The governing body of such utility shall determine the disposition and delivery of the optional energy assistance charge that it collects on the following basis:
 - (i) delivering the collections to the organization for distribution; or
 - (ii) distributing the moneys under criteria developed by the governing body for the purpose set forth in subparagraph (a)(II)(A)(ii) of this rule;
 - (B) alternatively, the utility provides funding for energy assistance to the Organization by using a source of funding other than the optional customer contribution on each customer bill that approximates the amount reasonably expected to be collected from an optional charge on customer's bills.
- (IV) A municipally gas or gas and electric utility that is exempt under subparagraph (a)(III) of this rule shall be entitled to participate in the Organization's low-income assistance program.
- (V) Gas or gas and electric utilities that desire a change in status must inform the Organization and file a notice to the Commission within 30 days prior to expected changes.
- (b) Definitions. The following definitions apply only in the context of rule 4411. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (I) “Alternative energy assistance program” means a program operated by a municipally owned electric and gas utility or rural electric cooperative that is not part of the energy assistance program established pursuant to this statute.
 - (II) “Customer” means the named holder of an individually metered account upon which charges for electricity or gas are paid to a utility. “Customer” shall not include a customer who receives electricity or gas for the sole purpose of reselling the electricity or gas to others.
 - (III) “Energy assistance program” or “Program” means the Low Income Energy Assistance Program created by § 40-8.7-104, C.R.S., and designed to provide financial assistance, residential energy efficiency, and energy conservation assistance.
 - (IV) “Organization” means Energy Outreach Colorado, a Colorado nonprofit corporation.
 - (V) “Remittance device” means the section of a customer’s utility bill statement that is returned to the utility company for payment. This includes but is not limited to paper payment stubs, web page files used to electronically collect payments, and electronic fund transfers.
 - (VI) “Utility” means a corporation, association, partnership, cooperative electric association, or municipally owned entity that provides retail electric service or retail gas service to customers in Colorado. “Utility” does not mean a propane company.
- (c) Plan implementation and maintenance.
- (I) Except as provided in paragraph 4411(a), each utility shall implement and maintain a customer opt-in contribution mechanism. The utility’s opt-in mechanism shall include, at minimum, the following provisions.
 - (A) A description of the procedures the utility will use to notify its customers, including those customers that make payments electronically, about the opt-in provision. Utilities may combine their efforts to notify customers into a single state-wide or region-wide effort consistent with the participating utilities communication programs. Each participating utility shall clearly identify its support of the combined communications program, with its corporate name and/or logo visible to the intended audience.
 - (B) A description of the additional efforts the utility will use to inform its customers about the program to ensure that adequate notice of the opt-in provision is given to all customers. Notification shall include communication to all customers that the donation and related information will be passed through to the Organization.
 - (C) A description of the check-off mechanism that will be displayed on the monthly remittance device to solicit voluntary donations. The remittance device shall include, at minimum, check-off categories of five dollars, ten dollars, twenty dollars, and “other amount”. The remittance device must also note the name of the program as the “voluntary energy assistance program,” or if the utility is

unable to identify the name of the program individually, the utility shall use a general energy assistance identifier approved by the Commission.

- (D) A description or an example of how the utility will display the voluntary contribution as a separate line item on the customer's monthly billing statement and how the voluntary contribution will be included in the total amount due. The line item must identify the contribution as "voluntary".
- (E) A description of the notification process that the utility will use to ensure that once a utility customer opts into the program, the energy assistance contribution will be assessed on a monthly basis until the customer notifies the utility of the customer's desire to stop contributing. The utility shall describe how it will manage participation in the program when customers miss one or more voluntary payment, or pay less than the pre-selected donation amount.
- (F) Identification of the procedures the utility will use to notify customers of their ability to cancel or discontinue voluntary contributions along with a description of the mechanism the utility will use to allow customers who make electronic payments to discontinue their participation in the opt-in program.
- (G) A description of the procedures the utility will use, where feasible, to notify customers participating in the program about the customer's ability to continue to contribute when the customer changes their address within the utility's service territory.
- (H) A description of the method the utility will use to provide clear, periodic, and cost-effective notice of the opt-in provision to its customers at least twice per year. Acceptable methods include, but are not limited to, bill inserts, statements on the bill or envelope, and other utility communication pieces.
- (I) A description of the start-up costs that the utility incurred in connection with the program along with supporting detailed justification for such costs. The description should include the utility's initial costs of setting up the collection mechanism and reformatting its billing systems to solicit the optional contribution but shall not include the cost of any notification efforts by the utility. Utilities may elect to recover all start-up costs before the remaining moneys generated by the program are distributed to the Organization or over a period of time from the funds generated by the program, subject to Commission review and approval.
- (J) An estimate of the on-going costs that the utility expects to incur in connection with the program along with supporting detailed justification for such costs. This estimate shall not include the cost of any notification efforts by the utility.
- (K) A detailed justification for the costs identified in subparagraphs (I) and (J). As stated in § 40-8.7-104(3), C.R.S., the costs incurred must be reasonable in connection with the program.

- (L) Utilities shall recover the start up cost and on-going cost of administration associated with the program from funds generated from the program. Insert and notification costs shall be considered in the utility's cost of service.
 - (M) A description of the procedures the utility will use to account for and process program donations separately from customer payments for utility services.
 - (II) Each utility shall participate in the energy assistance program consistent with its plan approved by the Commission and shall provide the opportunity for its customers to make an optional energy assistance contribution on the monthly remittance device on their utility bill.
 - (III) The utility may submit an application to the Commission no later than April 1 of each year for approval of reimbursement costs the utility incurred for the program during the previous calendar year. Such application shall include a proposed schedule for the reimbursement of these costs to the utility. The applications shall include detailed supporting justification for approval of these costs. Such detailed justification includes, but is not limited to, copies of invoices and time sheets. Such applications shall not seek reimbursement of costs related to notification efforts. Participating utilities may request reimbursement costs for such notification efforts in base rate filings, subject to Commission review and approval.
 - (IV) A utility may seek modification of its initial plan or subsequent plans by filing an application with the Commission.
- (d) Fund administration.
- (I) At a minimum, each utility shall transfer the funds collected from its customers under the energy assistance program to the organization under the following schedule:
 - (A) for the funds collected during the period of January 1 to March 31 of each year, the utility shall transfer the collected funds to the Organization before May 1 of such year;
 - (B) for the funds collected during the period of April 1 to June 30 of each year, the utility shall transfer the collected funds to the Organization before August 1 of such year;
 - (C) for the funds collected during the period of July 1 to September 30 of each year, the utility shall transfer the collected funds to the Organization before November 1 of such year;
 - (D) for the funds collected during the period of October 1 to December 31 of each year, the utility shall transfer the collected funds to the Organization before February 1 of the next year; and
 - (E) each utility shall maintain a separate accounting for all energy assistance program funds received by customers.

- (II) Each utility shall provide the organization with the following information.
 - (A) How the funds collected for the previous calendar year were generated, including the number of customers participating in the program. Such report shall include a summary of the number of program participants and funds collected by month, and shall be provided by February 1 of each year.
 - (B) At each time funds are remitted, a listing of all program participants including the donor's name, billing address, and monthly donation amount. The participant information provided to the organization shall be used exclusively for complying with the requirements of § 40-8.7-101, C.R.S., et seq. and state and federal laws.
- (III) The Public Utilities Commission shall submit, as necessary, a bill for payment to the Organization for any administrative costs incurred pursuant to the program.
- (IV) The organization shall provide the Office of Utility Consumer Advocate and the Public Utilities Commission with a copy of the written report that is described in § 40-8.7-110, C.R.S. This report shall not contain individual participant information.
- (e) Prohibition of disconnection. Utilities shall not disconnect a customer's gas service for non-payment of optional contribution amounts.

4412. Gas Service Affordability Program.

- (a) Scope and applicability.
 - (I) Gas utilities with Colorado retail customers shall provide income qualified energy assistance by offering rates, charges, and services that grant a reasonable preference or advantage to residential income qualified customers, as permitted by § 40-3-106, C.R.S.
 - (II) Rule 4412 is applicable to investor-owned gas utilities subject to rate regulation by the Commission.
- (b) Definitions. The following definitions apply only in the context of rule 4412. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.
 - (I) "Administrative cost" means the utility's direct cost for labor (to include the cost of benefit loadings), materials, and other verifiable expenditures directly related to the administration and operation of the program not to exceed ten percent of the total cost of program credits applied against bills for current usage and pre-existing arrearages or \$10,000, whichever amount is greater.
 - (II) "Affordable percentage of income payment" means the amount of the participant's annual bill deemed affordable under subparagraph 4412(e)(I).
 - (III) "Arrearage" means the past-due amount appearing, as of the date on which a participant newly enters the program, on the then most recent prior bill rendered to a participant for which they received the benefit of service.

- (IV) “Colorado Energy Office” (CEO) means the Colorado Energy Office created in § 24-38.5-101, C.R.S.
- (V) “Eligible income qualified customer” means a residential utility customer who meets the household income thresholds pursuant to paragraph 4412(c).
- (VI) “Fixed credit” means an annual bill credit established at the beginning of a participant’s participation in a program each year delivered as a monthly credit on each participant’s bill. The fixed credit is the participant’s full annual bill minus the participant’s affordable percentage of income payment obligation on the full annual bill.
- (VII) “Full annual bill” means the current consumption of a participant billed at standard residential rates. The full annual bill of a participant is comprised of two parts: (1) that portion of the bill that is equal to the affordable percentage of income payment; and (2) that portion of the bill that exceeds the affordable percentage of income payment.
- (VIII) “LEAP” means Low-Income Energy Assistance Program, a county-run, federally-funded, program supervised by the Colorado Department of Human Services, Division of Low-Income Energy Assistance.
- (IX) “LEAP participant” means a utility customer who at the time of applying to participate in a program has been determined to be eligible for LEAP benefits by the Department during either the Department’s current LEAP application period, if that period is open at the time the customer applies for program participation; or (the Department’s most recently closed LEAP application period, if that period is closed at the time the customer applies to participate in the program and the Department’s next LEAP application period has not yet opened, provided, however, that in order to retain status as a LEAP participant under this definition, the utility customer must apply to the Department during the Department’s next LEAP benefit application period and be determined eligible for such benefits.
- (X) “Non-participant” means a utility customer who is not receiving income qualified assistance under rule 4412.
- (XI) “Participant” means an eligible income qualified residential utility customer who is granted the reasonable preference or advantage through participation in a gas service low-income program.
- (XII) “Percentage of Income Payment Plan” (PIPP) means a payment plan for participants that does not exceed an affordable percentage of their household income as set forth in subparagraph 4412(e)(l).
- (XIII) “Program” means a gas service low-income program approved under rule 4412.
- (XIV) “Program credits” means the amount of benefits provided to participants to offset the unaffordable portion of a participant’s utility bill and /or dollar amounts credited to participants for arrearage forgiveness.
- (XV) “Unaffordable portion” means the amount of the estimated full annual bill that exceeds the affordable percentage of income payment.

- (c) Participant eligibility.
 - (I) Eligible participants are limited to those who meet one or more of the following criteria:
 - (A) household income less than or equal to 200 percent of the federal poverty guideline;
 - (B) household income less than or equal to 80 percent of the area median income, as published annually by the United States Department of Housing and Urban Development; or
 - (C) qualification under income guidelines adopted by the Department of Human Services pursuant to § 40-8.5-105, C.R.S.
 - (II) The utility shall obtain the determination of a participant's eligibility from the Department of Human Services, Energy Outreach Colorado, or the Colorado Energy Office.
 - (III) If a participant's household income is \$0, the utility may establish a process that verifies income on a more frequent basis.
 - (IV) Program participants shall not be required to make payment on their utility account as a condition of entering into the program.
- (d) Enrollment. Utilities shall be responsible for the methods by which participant enrollment in their approved low-income program is obtained and sustained, however the utility should engage in enrollment processes that are efficient and attempt to maximize the potential benefits of participation in the low-income program by low-income customers.
- (e) Payment plan.
 - (I) Participant payments for natural gas bills rendered to participants shall not exceed an affordable percentage of income payment. For accounts for which natural gas is the primary heating fuel, participant payments shall be no lower than two percent and not greater than three percent of the participant's household income. For accounts for which electricity is the primary heating fuel but the participant also has natural gas service, utility participant payments for gas service shall not be greater than one percent of the participant's household income.
 - (II) In the event that a primary heating fuel for any particular participant has been identified by LEAP, that determination shall be final.
 - (III) Notwithstanding the percentage of income limits established in subparagraph 4412(e)(I), a utility may establish minimum monthly payment amounts for participants with household income of \$0, provided that the participant's minimum payment for a natural gas account shall be no more than \$10.00 a month.
 - (IV) Full annual bill calculation. The utility shall be responsible for estimating a participant's full annual bill for the purpose of determining the unaffordable portion of the participant's full annual bill delivered as a fixed credit on the participant's monthly billing statement.

- (V) Fixed credit benefit. The fixed credit shall be adjusted during a program year in the event that standard residential rates, including commodity or fuel charges change to the extent that the full annual bill at the new rates would differ from the full annual bill upon which the fixed credits are currently based by 25 percent or more.
- (VI) Levelized budget billing participation. A utility may enroll participants in its levelized budget billing program as a condition of participation in the program, though the utility shall also allow participants the option to opt out of levelized budget billing if they so choose without losing PIPP benefits, which option shall be available to the participants where the utility's automated billing system is capable. Utilities without automated billing systems capable of permitting opt out of levelized budget billing shall reasonably and prudently modify their systems to facilitate opt out of levelized budget billing. Should a participant fail to meet monthly bill obligations and be placed by a utility in its regular delinquent collection cycle, the utility may remove the participant from levelized budget billing in accordance with the utility's levelized budget billing tariff.
- (VII) Arrearage credits.
 - (A) Arrearage credits shall be applied to pre-existing arrearages.
 - (B) Arrearage credits shall be sufficient to reduce, when combined with participant copayments, if any, the pre-existing arrearages to \$0.00 over a period not less than one month and not more than twenty-four months.
 - (C) Application of an arrearage credit to a participant account may be conditioned by the utility on one or more of the following:
 - (i) the receipt of regular participant payments toward bills for current usage; or
 - (ii) the payment of a participant copayment toward the arrearages so long as the participant's copayment total dollar amount does not exceed one percent of gross household income.
 - (D) Should the participant exit the program prior to the full forgiveness of all pre-existing arrearages, the amount of remaining pre-existing arrearages shall become due in accordance with the utility's tariff filed under rules 4401, 4407, and 4408.
 - (E) Pre-existing arrears under this subparagraph shall not serve as the basis for the termination of service for nonpayment or as the basis for any other utility collection activity while the customer is participating in the program.
 - (F) A participant may receive arrearage credits under this section even if that participant does not receive a credit toward current bills.
- (VIII) Portability of benefits. A participant may continue to participate without reapplication should the participant change service addresses but remain within the service territory of the utility providing the benefit, provided that the utility may make necessary adjustments

in the billing amount to reflect the changed circumstances. A participant who changes service addresses and does not remain within the service territory of the utility providing the benefit must reapply to become a participant at the participant's new service address.

- (IX) Payment default provisions. Failure of a participant to make his or her monthly bill payments may result in a utility placing the participant in its regular collection cycle. Partial or late payments shall not result in the removal of a participant from the program.

- (f) Program implementation.

Each utility shall maintain effective terms and conditions in its tariffs on file with the Commission describing its low-income program.

- (g) Cost recovery.

- (I) Each utility shall include in its income qualified tariff terms and conditions how costs of the program will be recovered.

- (II) Program cost recovery.

- (A) Program cost recovery shall be based on a fixed monthly fee.

- (B) The maximum impact on residential rates shall be no more than \$1.00 per month.

- (C) In order to determine monthly rates applicable to rate classes other than residential, program costs shall be allocated to each retail rate based on each rate class's share of the test year revenue requirement established in the utility's last Phase II rate case, or under another reasonable methodology supported by quantifiable information. The monthly rate per this subparagraph to be charged each rate schedule customer shall be clearly stated on a tariff sheet.

- (D) Utilities shall separately account for the program year's program cost recovery and program and administrative costs to determine if the net of program cost recovery and program and administrative cost are in balance during the program year.

- (i) No later than December 31 of each year, the utility shall file a report with the Commission in the most recent miscellaneous proceeding for annual low-income filings detailing the net difference between program cost recovery and program costs as of October 31 of each year.

- (1) Should the net difference of program cost recovery over program and administrative costs be greater than 50 percent derived in D) above, either positive or negative, and the utility is not currently at the maximum impact for non-participants, the utility shall file with the Commission an advice letter and tariff pages seeking approval for the rates determined in subparagraph 4412(g)(II)(D) in order to bring the projected recovery in balance for the ensuing 12 month period. The revised Residential charge shall not exceed the maximum impact for non-participants in subparagraph 4412(g)(II)(C).
- (III) The following costs are eligible for recovery by a utility as program costs:
- (A) program credits or discounts applied against bills for current usage;
 - (B) program credits applied against pre-existing arrearages;
 - (C) program administrative costs; and
 - (D) Commission-sponsored program evaluation costs required under paragraph 4412(k).
- (IV) The utility shall apply, as an offset to cost recovery, all program expenses attributable to the program. Program expenses include utility operating costs; changes in the return requirement on cash working capital for carrying arrearages; changes in the cost of credit and collection activities directly related to income qualified participants; and changes in uncollectable account costs for these participants.
- (V) LEAP grants.
- (A) The utility may apply energy assistance grants provided to the participant by the LEAP program to the dollar value of credits granted to individual program participants.
 - (B) If applying LEAP grants first, a utility shall apply any energy assistance benefit granted to the participant by LEAP to that portion of the program participant's full annual bill that exceeds the participant's affordable percentage of income payment.
 - (C) If the dollar value of the energy assistance grant is greater than the dollar value of the difference between the program participant's full annual bill and the participant's affordable percentage of income payment, the dollar amount by which the energy assistance grant exceeds the difference will be applied:
 - (i) first, to any pre-existing arrearages that at the time of the energy assistance grant continues to be outstanding; and
 - (ii) second, to the account of the program participant as a benefit to the participant.

- (D) No portion of an energy assistance or LEAP grant provided to a program participant may be applied to the account of a participant other than the participant to whom the energy assistance grant was rendered.
- (h) Other programs. In addition to the utility's low-income program, with Commission approval, a utility may offer other rate relief options to eligible households.
 - (I) Other programs offered by the utility under rule 4412 must be intended to reach income qualified households that do not substantially benefit from the provisions of the low-income program. Such programs may take the form of discount rates, tiered discount rates or other direct bill relief methods where the income qualified household benefitting from the program is granted a reasonable preference in tariffed rates assessed to all residential utility customers.
 - (II) Cost recovery for other programs combined with the Percentage of Income Payment Plan shall not exceed the maximum impact on residential rates described in subparagraph 4412(g)(II)(C).
- (i) Energy efficiency and weatherization.
 - (I) The utility shall provide all program participants with information on energy efficiency programs offered by the utility or other entities and existing weatherization programs offered by the state of Colorado or other entities.
 - (II) The utility shall provide the Colorado Energy Office with the name and service address of participant households for which annual natural gas usage exceeds 600 therms annually.
- (j) Stakeholder engagement. A utility shall conduct annual meetings with income qualified stakeholders for the purpose of seeking solutions to issues of mutual concern and aligning program practices with the needs of customers and other stakeholders.
- (k) Program evaluation. A triennial evaluation of the program provisions under rule 4412 beginning in 2019 shall be undertaken in order to review best practices in similar low-income assistance programs in existence in other regulatory jurisdictions, as well as evaluate operation of each utility's program for effectiveness in achieving optimum support being provided to income qualified participants. The evaluation shall also recommend modifications if available that improve the delivery of benefits to participants and increase the efficiency and effectiveness of each program as they exist at the point of evaluation. The program evaluation shall include a customer needs assessment provided that adequate funds are available.
 - (I) Procurement of the third-party vendor that will perform the evaluation will be undertaken by the Colorado Energy Office. The CEO shall seek the involvement of interested stakeholders including, but not limited to, Commission staff, all Commission regulated electric and gas utilities, LEAP, the Office of Consumer Counsel, and Energy Outreach Colorado in the design of the requirements regarding study focus and final reporting.

- (II) Approval of the third-party vendor shall be the responsibility of the Commission. The CEO shall file with the Commission in the most recent annual report proceeding, a request for approval of the contract of the vendor selected. The Commission shall review and act on the request within 30 days.
 - (III) \$00.0013 per customer per month shall be set aside by the utility in order to cover the cost of the program evaluation described in paragraph 4412(k).
 - (IV) The dollars resulting from the \$00.0013 charge shall be recovered as a program cost under subparagraph 4412(g)(III).
 - (V) The evaluation will be filed by Commission staff in the most recent miscellaneous proceeding for annual low-income filings.
 - (VI) Staff and the CEO will assess the individual utilities' deferred balances set aside for the program evaluation starting in 2019 at the conclusion of the third program year and each three years thereafter and will determine the amounts each utility is to remit to the third party evaluator based on the contractual terms approved by the Commission for the evaluation.
- (I) Annual report. No later than December 31 of each year, each utility shall file a report in the most recent miscellaneous proceeding established by the Commission to receive annual low-income filings using the form available on the Commission's website, based on the 12-month period ending October 31 and containing the following information below:
- (I) monthly information on the program including number of participants, amount of benefit disbursement, type of benefit disbursement, LEAP benefits applied to the unaffordable portion of participant's bills, administrative costs, and revenue collection;
 - (II) the number of applicants for the program;
 - (III) the number of applicants qualified for the program;
 - (IV) the number of participants;
 - (V) the average assistance provided, both mean and median;
 - (VI) the maximum assistance provided to an individual participant;
 - (VII) the minimum assistance provided to an individual participant;
 - (VIII) total cost of the program and the average rate impact on non-participants by rate class, including impact based on typical monthly consumption of both its residential and small business customers;
 - (IX) the number of participants that had service discontinued as a result of late payment or non-payment, and the amount of uncollectable revenue from participants;

- (X) an estimate of utility savings as a result of the implementation of the program (e.g., reduction in trips related to discontinuance of service, reduction in uncollectable revenue, etc.);
 - (XI) the average monthly and annual total natural gas consumption in PIPP participants' homes;
 - (XII) the average monthly and annual total natural gas consumption in the utility's residential customer's homes;
 - (XIII) the number of program participants referred to the weatherization program;
 - (XIV) the total dollar value of participant arrearages forgiven, the number of customers who had arrearage balances forgiven, and the maximum and minimum dollar value of arrears forgiven;
 - (XV) a description of the ways in which the program is being integrated with existing energy efficiency, DSM, or behavioral programs offered by the utility;
 - (XVI) a description of the ways in which the program is being integrated with existing weatherization programs offered by the state of Colorado;
 - (XVII) a description of program outreach strategies and metrics that illustrate the effectiveness of each outreach strategy;
 - (XVIII) a description of participant outreach, education, and engagement efforts, including descriptions of communications and materials, and key findings from those efforts;
 - (XIX) the number of participants at the start of the program year that the utility removed for any reason, the number of participants who opted out of the program after enrollment, the number of potential participants rejected because of the existence of a cap on the program, the period of arrearage time from date participants became eligible and were granted arrearage forgiveness, and the number of participants who came back as eligible participants in the program year after being eligible in a prior program year and were provided arrearage credits in the program year;
 - (XX) a narrative summary of the utility's recommended program modifications based on report findings; and
 - (XXI) a statement regarding whether the utility is accommodating PIPP participants' requests to opt out of levelized budget billing pursuant to subparagraph 4412(e)(VI) and, if not, an explanation of why the utility believes it is not reasonable and prudent to modify its automated billing system to accommodate such requests. If the utility plans to accommodate such requests at any point in the upcoming year, a description of the plan, including the anticipated cost of the plan and the date that the functionality in its automated billing system will go online, must be included.
- (m) Energy Assistance System Benefit Charge. Beginning October 1, 2021, each utility shall include on its monthly bills a flat energy assistance system benefit charge of 50 cents, with this amount

rising to 75 cents on October 1, 2022, and being adjusted for inflation in accordance with changes in the United States Department of Labor’s Bureau of Labor Statistics Consumer Price Index for Denver-Aurora-Lakewood beginning on October 1, 2023. The disposition of money collected by the Energy Assistance System Benefit Charge is determined by § 40-8.7-108, C.R.S.

- (I) Prior to October 1, 2023, and each year following, Commission staff shall compute the charge adjusted by the index and shall send a letter to each utility stating the charge to be paid by customers during the next calendar year.

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[indicates omission of unaffected rules]

4553. Contents of a Gas Infrastructure Plan.

(a) General.

- (I) The utility shall describe in each gas infrastructure plan the methodology, criteria, and assumptions used to develop the gas infrastructure plan. The utility shall specifically describe its system planning and infrastructure modeling process including the assumptions and variables that are inputs into the process.
- (II) The utility shall describe its budget planning processes and the expected level of accuracy in its cost projections.
- (III) The utility shall categorize planned projects, or explain any deviation of project categorization, based on the categories set forth below. A planned project may be included in more than one category or subcategory. The utility shall also explain the inter-relationship of planned projects, to the extent applicable.
 - (A) “System safety and integrity projects” shall include but are not limited to pipeline and storage integrity management programs; exposed pipe inspection and remediation; pipe or compressor station upgrades; projects undertaken to meet U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration requirements; and Supervisory Control and Data Acquisition (SCADA) upgrades.
 - (B) “New business projects” shall include utility investment and spending needed to provide gas service to new customers or customers requiring new gas service.
 - (C) “Capacity expansion projects” shall include both individual projects and sets of inter-related facilities needed to maintain system reliability and meet a specified capacity expansion need. Within the category of capacity expansion projects, the utility shall further separate appropriate projects into the following sub-categories:
 - (i) capacity expansion projects needed for reliability or growth in sales by existing customers, structures, and facilities; and

(ii) capacity expansion projects needed for growth in sales due to new customers, structures, and facilities, that are not otherwise new business planned projects.

(D) “Mandatory relocation projects” as defined in paragraph 4001(gg).

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[indicates omission of unaffected rules]

(c) Planned project information.

(l) The utility shall present the following project-specific information for all planned projects in the gas infrastructure plan total period, with information provided to the extent practicable for projects in the gas infrastructure plan informational period:

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[indicates omission of unaffected rules]

(P) for a quantity of new business and capacity expansion projects, given the criteria established by the Commission in accordance with subparagraph 4552(b)(l)(A) through (C), the utility shall present an analysis of alternatives, including non-pipeline alternatives, costs for those alternatives, and criteria used to rank or eliminate such alternatives.

(i) An analysis of alternatives shall consider, at a minimum:

- (1) one or more applicable clean heat resources consistent with the utility’s most recently approved clean heat plan, pursuant to rule 4732, demand side management plan, pursuant to rule 4753, or beneficial electrification plan, as applicable;
- (2) a cost-benefit analysis including the costs of direct investment and the social costs of carbon and methane for emissions due to or avoided by the alternative, and other costs determined appropriate by the Commission; and
- (3) available best value employment metrics associated with each alternative, as defined in paragraph 4001(j), including a projection of gas distribution jobs affected by the alternative and jobs made available through the alternative, opportunities to transition any affected gas distribution jobs to the alternative, pay and benefit levels of the affected gas distribution jobs and the jobs available through a transition opportunity, and how employment impacts associated with each alternative could affect disproportionately impacted communities.

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[indicates omission of unaffected rules]

4731. Clean Heat Plan Application Requirements.

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[indicates omission of unaffected rules]

(f) Project-based information.

- (l) It is the Commission’s policy that utilities should acquire clean heat resources in the most cost-effective manner. To this end, the utility shall use competitive solicitations to the maximum extent practical.
 - (A) If a utility’s clean heat plan includes the purchase or development of green hydrogen, the utility must include the gross quantity of green hydrogen transported by a common carrier or dedicated pipeline on an annual basis and the corresponding Btu content.
 - (B) With the exception of a green hydrogen project proposed in coordination with the State of Colorado, to secure benefits under a federal law, or as part of a State of Colorado application for a hydrogen hub, a proposal for a green hydrogen project shall include a competitive solicitation proposal, which shall include, at minimum, the following information:
 - (1) a copy of the request for proposals to be offered in the competitive solicitation;
 - (2) an explanation of required milestones and development-related penalties;
 - (3) the timing of the competitive solicitation and review and negotiation processes;
 - (4) a copy of the proposed contract to be signed by the utility and any third-party entity;
 - (5) the utility’s standards for interconnection, including purity standards and metering methods; and
 - (6) an explanation of how best value employment metrics, as defined in paragraph 4001(j), will be evaluated in the utility’s review of bids.

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[indicates omission of unaffected rules]

4732. Approval of a Clean Heat Plan.

- (b) In evaluating whether the clean heat plan is in the public interest, the Commission shall consider, at a minimum, the following factors:

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[indicates omission of unaffected rules]

- (VI) whether the plan provides long-term impacts on Colorado’s utility workforce as part of a just transition including consideration of the labor metrics and benefits as specified in § 40-3.2-108(8), C.R.S., and defined in paragraph 4001(j); and

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[indicates omission of unaffected rules]

4733. Interim Clean Heat Plan Reporting.

- (a) By March 31 in all calendar years that a clean heat plan application is not submitted, each utility shall submit to the Commission an annual clean heat plan report that shows, pursuant to its approved clean heat plans:

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[indicates omission of unaffected rules]

- (VII) detailed information obtained from contractors about their use of Colorado-based labor, use of contractors participating in apprenticeship programs meeting the criteria in § 40-3.2-105.5(3), C.R.S., use of out-of-state labor to construct and deliver clean heat resources, and other labor metrics and information as specified in § 40-3.2-108(8), C.R.S., and defined in paragraph 4001(j);

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[indicates omission of unaffected rules]

4753. Periodic DSM Plan Filing.

Each utility shall periodically file, in accordance with paragraph 4752(e), a prospective natural gas DSM plan that covers a DSM period of three years, unless otherwise ordered by the Commission. The plan shall include the following information:

- (a) the utility’s proposed expenditures by year for each DSM program, by budget category; the sum of these expenditures represents the utility’s proposed expenditure target as required by § 40-3.2-103(2)(a), C.R.S.;

- (b) the utility's estimated natural gas energy savings over the lifetimes of the measures implemented in a given annual DSM program period, expressed in dekatherms per dollar of expenditure, and presented for each DSM program proposed for Commission approval; this represents the utility's proposed savings target required by § 40-3.2-103(2)(b), C.R.S.;
- (c) the anticipated units of energy to be saved annually by a given annual DSM program, which equals the product of the proposed expenditure target and proposed savings target; this product is referred to herein as the energy target;
- (d) the estimated dollar per therm value that represents the utility's annual fixed costs that are recovered through commodity sales on a per therm basis;
- (e) the utility shall include in its DSM plan application data and information sufficient to describe the design, implementation, oversight and cost effectiveness of the DSM programs. Such data and information shall include, at a minimum, program budgets delineated by year, estimated participation rates and program savings (in therms);
- (f) in the information and data provided in a proposed DSM plan, the utility shall reflect consideration of the factors set forth in the Overview and Purpose, rule 4750. At a minimum the utility shall provide the following information detailing how it developed its proposed DSM program:
 - (I) descriptions of identifiable market segments, with respect to gas usage and unique characteristics;
 - (II) a comprehensive list of DSM measures that the utility is proposing for inclusion in its DSM plan;
 - (III) a detailed analysis of proposed DSM programs for a utility's service territory in terms of markets, customer classes, anticipated participation rates (as a number and a percent of the market), estimated energy savings and cost effectiveness;
 - (IV) a ranking of proposed DSM programs, from greatest value and potential to least, based upon the data required in subparagraph (f)(III);
 - (V) proposed marketing strategies to promote participation based on industry best practices;
 - (VI) calculation of cost effectiveness of the proposed DSM programs using a modified TRC test. Each proposed DSM program is to have a projected value greater than or equal to 1.0 using a modified TRC test, except as provided for in paragraph 4753 (g); and
 - (VII) an analysis of the impact of the proposed DSM program expenditures on utility rates, assuming a 12-month cost recovery period.
- (g) In its DSM plan, the utility shall address how it proposes to target DSM services to income qualified customers. The utility shall also address whether it proposes to provide DSM services directly or indirectly through financial support of conservation programs for income qualified households administered by the State of Colorado, as authorized by § 40-3.2-103(3)(a), C.R.S. The utility may propose one or more DSM programs for income qualified customers or customers in disproportionately impacted communities that yield a modified TRC test value below 1.0.

- (h) In proposing an expenditure target for Commission approval, pursuant to § 40-3.2-103 (2)(a), C.R.S., the utility shall comply with the following:
 - (I) the utility's annual expenditure target for DSM programs shall be, at a minimum, two percent of a natural gas utility's base rate revenues, (exclusive of commodity costs), from its sales customers in the 12-month calendar period prior to setting the targets, or one-half of one percent of total revenues from its sales customers in the 12-month calendar period prior to setting the targets, whichever is greater;
 - (II) the utility may propose an expenditure target in excess of two percent of base rate revenues; and
 - (III) funds spent for education programs, market transformation programs and impact and process evaluations and program planning related to natural gas DSM programs may be recovered without having to show that such expenditures, on an independent basis, are cost-effective; such costs shall be included in the overall benefit/cost ratio analysis.
- (i) The utility shall propose a budget to achieve the expenditure target proposed in paragraph 4753 (a). The budget shall be detailed for the overall DSM plan and for each program for each year and shall be categorized into:
 - (I) planning and design costs;
 - (II) administrative and DSM program delivery costs;
 - (III) advertising and promotional costs, including DSM education;
 - (IV) customer incentive costs;
 - (V) equipment and installation costs;
 - (VI) measurement and verification costs; and
 - (VII) miscellaneous costs.
- (j) The budget shall explain anticipated increases/decreases in financial resources and human resources from year to year.
- (k) A utility may spend more than the annual expenditure target established by the Commission up to 25 percent over the target, without being required to submit a proposed DSM plan amendment. A utility may submit a proposed DSM plan amendment for approval when expenditures are in excess of 25 percent over the expenditure target.
- (l) As a part of its DSM plan, each utility shall propose a DSM plan with a benefit/cost value of unity (1) or greater, using a modified TRC test.
- (m) For the purposes of calculating a modified TRC, the non-energy benefits of avoided emissions and societal impacts shall be incorporated as follows.

- (l) The initial TRC ratio, which excludes consideration of avoided emissions and other societal benefits, shall be multiplied by 1.05 to reflect the value of the avoided emissions and other societal benefits. The result shall be the modified TRC. A utility may propose for approval a different factor for avoided emissions and societal impacts, but must submit documentation substantiating the proposed value.

- (n) Measurement and verification (M & V) plan. The utility shall describe in complete detail how it proposes to monitor and evaluate the implementation of its proposed programs. The utility shall explain how it will accumulate and validate the information needed to measure the plan's performance against the standards, pursuant to rule 4755. The utility shall propose measurement and verification reporting sufficient to communicate results to the commission in a detailed, accurate and timely basis.