

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

#### 4 CODE OF COLORADO REGULATIONS (CCR) 723-3

#### PART 3 RULES REGULATING ELECTRIC UTILITIES

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[indicates omission of unaffected rules]

#### **3001. Definitions.**

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

- (a) "Affiliate" of a public utility means a subsidiary of a public utility, a parent corporation of a public utility, a joint venture organized as a separate corporation or partnership to the extent of the individual public utility's involvement with the joint venture, a subsidiary of a parent corporation of a public utility or where the public utility or the parent corporation has a controlling interest over an entity.
- (b) "Aggregated data" means reports aggregating customer data, alone or in combination with other data.
- (c) "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.
- (d) "Average error" means the arithmetic average of the percent registration at light load and at heavy load, giving the heavy load registration a weight of four and the light load registration a weight of one.
- (e) "Basis point" means one-hundredth of a percentage point (100 basis points = 1 percent).
- (f) "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.
- (g) "Commission" means the Colorado Public Utilities Commission.

- (h) "Contracted agent" means any third-party entity that has contracted with a utility in compliance with rule 3029 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (i) "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.
- (j) "Customer data" means customer-specific data or information that: (1) is collected from the electric meter by the utility and stored in its systems (e.g., kWh, kW, voltage, VARs and power factor); (2) is received by the utility from the customer identifying whether they participate in regulated utility programs, such as renewable energy, demand-side management, load management, and energy efficiency; and (3) information other than personal information that is shown on bills issued to customers for metered service furnished.
- (k) "Creep" means that, with all load wires disconnected, a meter's moving element makes one complete revolution in ten minutes or less.
- (l) "Distribution extension" is any construction of distribution facilities, including primary and secondary distribution lines, transformers, service laterals, and appurtenant facilities (except meters and meter installation facilities), necessary to supply service to one or more additional customers.
- (m) "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.
- (n) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.
- (o) "Heavy load" means not less than 60 percent, but not more than 100 percent, of the nameplate-rated capacity of a meter.
- (p) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure.
- (q) "Light load" means approximately five to ten percent of the nameplate-rated capacity of a meter.
- (r) "Load" means the power consumed by an electric utility customer over time (measured in terms of either demand or energy or both).
- (s) "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.
- (t) "Main service terminal" means the point at which the utility's metering connections terminate. Main service terminals are accessed by removing the meter dial face from the meter housing.

- (u) "MVA" means mega-volt amperes and is the vector sum of the real power and the reactive power.
- (v) "Output" means the energy and power produced by a generation system.
- (w) "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.
- (x) "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.
- (y) "Reference standard" means suitable indicating electrical equipment permanently mounted in a utility's laboratory and used for no purpose other than testing rotating standards.
- (z) "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.
- (aa) "Rotating standard" means a portable meter used for testing service meters.
- (bb) "RUS" means the Rural Utilities Service of the United States Department of Agriculture, or its successor agencies.
- (cc) "Security" includes any stock, bond, note, or other evidence of indebtedness.
- (dd) "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.
- (ee) "Staff" means Staff of the Public Utilities Commission.
- (ff) "Standard customer data" means customer data actively maintained in its systems by a utility in its ordinary course of business. If actively maintained in its systems in the ordinary course of business, such data shall be sufficient to allow customers to understand their usage at level of detail commensurate with the meter or network technology deployed by the utility to serve the customer's premise.
- (gg) "Third-party" means any entity other than the customer of record, the utility serving such customer, or a contracted agent, that requests authorization from the customer for access to customer data from the utility.
- (hh) "Transmission extension" is any construction of transmission facilities and appurtenant facilities, including meter installation facilities (except meters), which is connected to and enlarges the utility's transmission system and which is necessary to supply transmission service to one or more additional customers.

- (ii) "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.
- (jj) "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.
- (kk) "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.
- (ll) "Utility service" or "service" means a service offering of a public utility, which service offering is regulated by the Commission.

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[indicates omission of unaffected rules]

**3011. – 3025. [Reserved].**

[new rules]

**DATA PRIVACY**

**3026. Disclosure of Customer Data by a Utility.**

- (a) A utility is only authorized to use customer data to provide regulated utility service in the ordinary course of business.
- (b) A utility shall not disclose customer data unless such disclosure conforms to these rules, except as required by law or to comply with Commission rule. Illustratively, this includes responses to requests of the Commission, warrants, subpoenas, court orders, or as authorized by § 16-15.5-102, C.R.S.
- (c) A utility shall include in its tariffs a description of standard and non-standard customer data that the utility is able to provide to the customer or to any third-party recipient to whom the customer has authorized disclosure of the customer's data within the utility's technological and data capabilities. At a minimum, the utility's tariff will provide the following:
  - (I) A description of standard customer data and non-standard customer data (billing determinants or other collected data) and the frequency of customer data updates that will be available (annual, monthly, daily, etc.);
  - (II) The method and frequency of customer data transmittal and access available (electronic, paper, etc.) as well as the security protections or requirements for such transmittal;
  - (III) A timeframe for processing the request;

- (IV) Any rate associated with processing a request for non-standard customer data; and
  - (V) Any charges associated with obtaining non-standard customer data.
- (d) As part of basic utility service, a utility shall provide to a customer the customer's standard customer data, access to the customer's standard customer data in electronic machine-readable form, in conformity with nationally recognized open standards and best practices, in a manner that ensures adequate protections for the utility's system security and the continued privacy of the customer data during transmission. Such access shall be provided without additional charge.
- (e) A utility shall provide to any third-party recipient to whom the customer has authorized disclosure of the customer's customer data, access to the customer's standard customer data in electronic machine-readable form, in conformity with nationally recognized open standards and best practices, in a manner that ensures adequate protections for the utility's system security and the continued privacy of the customer during transmission. Such access shall be provided without additional charge to the customer or the third-party recipient.
- (f) Nothing in these rules shall limit a customer's right to provide his or her customer data to anyone.
- (g) A utility and each of its directors, officers and employees that discloses customer data pursuant to a customer's authorization in accordance with these data privacy rules shall not be liable or responsible for any claims for loss or damages resulting from the utility's disclosure of customer data.

**3027. Customer Notice.**

- (a) A utility shall annually provide written notice to its customers complying with this rule and conspicuously post on its website notice of its privacy and security policies governing access to and disclosure of customer data and aggregated data to third-parties. This notice shall clearly advise customers that their customer data will not be disclosed to third-parties, except: (1) as necessary to provide regulated utility services to the customers, (2) as provided in paragraph 3026(b), or (3) pursuant to the authorization given by the customer in accordance with these rules.
- (b) The notice shall advise customers that their customer data can be used to obtain insight into their activities within the premises receiving service. The notice shall also explain how the customer data collected may reveal information about the way customers use energy at their premises. The notice shall advise the customers to consider the proposed scope, purpose, and use of customer data prior to authorizing the disclosure of customer data to third-parties.
- (c) The contents of the notice required by this rule shall:
- (I) Include a description of customer data;
  - (II) Explain the frequency with which the utility collects and stores customer data and the frequency that the customer can obtain customer data;
  - (III) Inform customers that the privacy and security of their customer data will be protected by the utility while in its possession;

- (IV) Explain that customers can access their standard customer data, as identified by the utility's tariff, without additional charge;
- (V) Explain that, with the exception of the data disclosures provided in rule 3026(b), customers have an expectation of privacy for their customer data.
- (VI) Describe the utility's policies regarding how customers can authorize access and disclosure of their customer data to third-parties not falling within the exceptions outlined in paragraph 3026(b). With regard to such third party data disclosure, the notice shall:
  - (A) Inform customers that declining a request for disclosure of customer data to a third-party will not affect the provision of utility service that the customer receives from the utility; and
  - (B) Explain that any customer consent for access to, disclosure of, or use of a customer's customer data by a third-party may be terminated or limited by the customer of record at any time and inform the customers of the process for doing so.
- (VII) Inform customers that customer data may be used to create aggregated data, and that the utility may provide aggregated data to third-parties, subject to its obligation under paragraph 3031(b);
- (VIII) Be viewable on-line and printed in 12 point or larger font;
- (IX) Be sent either separately or included as an insert in a regular monthly bill conspicuously marked and stating clearly that important information on the utility's privacy practices is contained therein;
- (X) Be printed in English and any specific language or languages other than English where the utility's service territory contains a population of at least 30 percent who speak a specific language other than English as their primary language as determined by the Commission using the latest U.S. Census information; and
- (XI) Provide a customer service phone number and web address where customers can direct additional questions or obtain additional information regarding their customer data, the disclosure of customer data or aggregated data, or the utility's privacy policies and procedures with respect to customer data or aggregated data.

**3028. Customer Consent Form for the Disclosure of their Customer Data to Third-Party Recipients by a Utility.**

- (a) A utility shall make available a consent to disclose customer data form, prescribed and supplied by the Commission, to any customer or third-party upon request. The form shall be provided and made available in paper and electronic form for use in obtaining customer consent to disclose customer data. The contents of the consent to disclose customer data form must:
  - (I) Describe the customer's rights under subparagraph 3027(c)(V); and

- (II) Provide spaces for the following information regarding the third-party recipient to be populated by that third-party recipient on the consent to disclose customer data form:
  - (A) The name, including trade name if applicable, physical address, mailing address, e-mail address, and telephone number;
  - (B) The name, mailing address, e-mail address, and telephone number of the third-party recipient's data custodian;
  - (C) The name, mailing address, e-mail address, and telephone number of the third-party recipient's Colorado agent for service of process; and
  - (D) A statement describing the third-party recipient's business structure (corporation, limited liability company, partnership, sole proprietorship, etc).
    - (i) If the third-party recipient is a corporation: the name of the state in which it is incorporated; the location of its principal office, if any, in Colorado; the names of its directors and officers; and a certificate of good standing issued by the Secretary of State authorizing it to do business in Colorado, certified within six months prior to the submission of the consent to disclose customer data form.
    - (ii) If the third-party recipient is a limited liability company: the name of the state in which it is organized; the complete mailing address and physical address of its principal office; the name of its managers; and a certificate of good standing issued by the Secretary of State authorizing it to do business in Colorado, certified within six months prior to the submission of the consent to disclose customer data form.
    - (iii) If the third-party recipient is a partnership: the names, titles, and addresses of all general and limited partners and a copy of the partnership agreement establishing the partnership and all subsequent amendments.
- (III) State the uses of the data for which the customer is allowing disclosure;
- (IV) State the purposes of the data collection;
- (V) State the date(s) of disclosure;
- (VI) State the description of the data disclosed;
- (VII) State that the consent is valid until terminated;
- (VIII) State that the customer must notify the utility service provider in writing (electronically or nonelectronically) to terminate the consent including appropriate utility contact information;
- (IX) State any additional terms except an inducement for the customer's disclosure;

- (X) Provide notice to the customer that the utility shall not be responsible for monitoring or taking any steps to ensure that the third-party to whom the data is disclosed is maintaining the confidentiality of the data or using the data as intended by the customer; and
- (b) A utility may make available an electronic customer consent process for disclosure of customer data to a third-party (e.g. a utility controlled web portal) that authenticates the customer identity. The contents of the electronic consent process must generally follow the format of the model consent to disclose customer data form, be clear, and include the elements to be provided pursuant to paragraph (a) of this rule. Such process may not include an inducement for disclosure by the customer.
- (c) A utility may make available an in-person consent process for disclosure of customer data to a third party that authenticates the customer identity. A customer of a utility shall complete a Customer Consent Form at an office of the utility and the customer shall provide adequate identification, including but not limited to, a valid picture identification and customer account information.
- (d) The consent to disclose customer data form may be submitted to the utility through paper or electronic methods.

**3029. Contracted Agent Access to Customer Data from a Utility.**

- (a) A utility may disclose customer data to a contracted agent provided that the contract meets the following minimum requirements:
  - (I) Implement and maintain reasonable data security procedures and practices appropriate to the private nature of the information to protect the customer data from unauthorized access, destruction, use, modification, or disclosure. These data security procedures and practices shall be equal to or greater than the data privacy and security policies and procedures used by the utility internally to protect customer data;
  - (II) Use customer data solely for the purpose of the contract, and prohibit the use of customer data for a secondary commercial purpose not related to the purpose of the contract without first obtaining the customer's consent as provided for in these rules;
  - (III) Destroy any customer data that is no longer necessary for the purpose for which it was transferred; and
  - (IV) Execute a non-disclosure agreement with the utility.
- (b) The utility shall maintain records of the disclosure of customer data to contracted agents for a minimum of three years. Such records shall include all contracts with the contracted agent and executed non-disclosure agreements.



**3030. Third-Party Access to Customer Data from a Utility.**

- (a) Except as outlined in paragraphs 3026(b) and 3029(a), a utility shall not disclose customer data to any third-party unless the customer or a third-party acting on behalf of a customer submits a paper or electronic signed consent to disclose customer data form that has been executed by the customer of record.
- (b) Incomplete or non-compliant consent to disclose customer data forms are not valid and shall be rejected by the utility.
- (c) The utility shall maintain records of all of the disclosures of customer data to third-party requestors. Such records shall include a copy of the customer's signed consent to disclose customer data form, all identifying documentation produced by the third-party requestor, the customer's agreed upon terms of use, the date(s) and frequency of disclosure, and a description of the customer data disclosed.
- (d) The utility shall maintain records of customer data disclosures for a minimum of three years and shall make the records of the disclosure of a customer's customer data available for review by the customer within five business days of receipt a paper or electronic request from the customer, or at such greater time as is mutually agreed between the utility and the customer.

**3031. Requests for Aggregated Data Reports from a Utility**

- (a) A utility shall not disclose aggregated data unless such disclosure conforms to these rules.
- (b) In aggregating customer data to create an aggregated data report, a utility must take steps to ensure the report is sufficiently anonymous in its aggregated form so that any individual customer data or reasonable approximation thereof cannot be determined from the aggregated amount. At a minimum, a particular aggregation must contain: (1) at least fifteen customers or premises, and (2) within any customer class, no single customer's customer data or premise associated with a single customer's customer data may comprise 15 percent or more of the total customer data aggregated per customer class to generate the aggregated data report (the "15/15 Rule"). Notwithstanding, the 15/15 Rule, the utility shall not be required to disclose aggregated data if such disclosure would compromise the individual customer's privacy or the security of the utility's system.
- (c) If a single customer's customer data or premise associated with a single customer's customer data is 15 percent or more of the total aggregated customer data per customer class used to generate the aggregated data report requested, the utility will notify the requestor that the aggregated data, as requested, cannot be disclosed and identify the reason(s) the request was denied. The requestor shall be given an opportunity to revise its aggregated data request in order to address the identified concerns. An aggregated data request may be revised by expanding the number of customers or premise accounts in the request, expanding the geographic area included in the request, combining different customer classes or rate categories, or other applicable means of aggregating.
- (d) A utility shall include in its tariffs a description of standard and non-standard aggregated data reports available from the utility to any requestor. At a minimum, the utility's tariff shall provide the following:

- (I) A description of standard and non-standard aggregated data reports available from the utility including all available selection parameters (customer data or other data);
  - (II) The frequency of data collection (annual, monthly, daily, etc.);
  - (III) The method of transmittal available (electronic, paper, etc.) and the security protections or requirements for such transmittal;
  - (IV) The charge for providing a standard aggregated data report or the hourly charge for compiling a non-standard aggregated data report;
  - (V) The timeframe for processing the request; and
  - (VI) A request form for submitting a data request for aggregated data reports to the utility identifying any information necessary from the requestor in order for the utility to process the request.
- (e) If a utility is unable to fulfill an aggregated data report request because it does not have and/or does not elect to or cannot obtain all of the data the requestor wishes to include in the aggregated data report, then the utility may contract with a contracted agent to include the additional data, along with the customer data in the utility's possession, to generate an aggregated data report.
- (f) A utility and each of its directors, officers and employees that discloses aggregated data as provided in these data privacy rules shall not be liable or responsible for any claims for loss or damages resulting from the utility's disclosure of aggregated data.

**3032. – 3099. [Reserved].**

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[indicates omission of unaffected rules]

**3976. Regulated Electric Utility Rule Violations, Civil Enforcement, and Civil Penalties.**

An admission to or Commission adjudication for liability for an intentional violation of the following may result in the assessment of a civil penalty of up to \$2,000.00 per offense. Fines shall accumulate up to, but shall not exceed, the applicable statutory limits set in § 40-7-113.5, C.R.S.

Citation	Description	Maximum Penalty Per Violation
	Articles 1-7 of Title 40, C.R.S.	\$2000
	Commission Order	\$2000

Rule 3005(a)-(c);(f)	Records and Record Retention	\$2000
Rule 3026(a)	Collection and Use of Customer Data	\$1000
Rule 3026(b);(e)	Disclosure of Customer Data	\$2000
Rule 3026(c)	Tariff	\$1000
Rule 3026(d)	Disclosure of Customer Data	\$1000
Rule 3027(a)	Customer Notice	\$1000
Rule 3028(a);(b)	Consent Form	\$1000
Rule 3029(a)	Disclosure of Customer Data	\$2000
Rule 3029(b)	Records	\$1000
Rule 3030(a)	Disclosure of Customer Data	\$2000
Rule 3029(b)-(d)	Consent and Records	\$1000
Rule 3031(a)	Disclosure of Aggregated Data	\$2000
Rule 3031(c)	Tariff	\$1000
Rule 3100(a)	Obtaining a Certificate of Public Convenience and Necessity for a Franchise	\$2000
Rule 3101(a)	Obtaining a Certificate of Public Convenience and Necessity or Letter of Registration to Operate in a Service Territory	\$2000
Rule 3102(a)	Obtaining a Certificate of Public Convenience and Necessity for Facilities	\$2000
Rule 3103(a),(c),(d)	Amending a Certificate of Public Necessity for Changes in Service Territory or Facilities	\$2000
Rule 3108(a),(c)	Keeping a Current Tariff on File with the Commission	\$2000
Rule 3109	Filing a New or Changed Tariff with the Commission	\$2000
Rule 3110(b),(c)	Filing an Advice Letter to Implement a Tariff Change	\$2000

Rule 3200(a),(b)	Construction, Installation, Maintenance and Operation of Facilities in Compliance with Accepted Engineering and Industry Standards	\$2000
Rule 3204	Reporting Incidents Resulting in Death, Serious Injury, or Significant Property Damage	\$2000
Rule 3210	Line Extensions	\$2000
Rule 3251	Reporting Major Events	\$2000
Rule 3252	Filing a Report on a Major Event with the Commission	\$2000
Rule 3303(a)-(j)	Meter Testing	\$2000
Rule 3306	Record Retention of Tests and Meters	\$2000
Rule 3309	Provision of Written Documentation of Readings and Identification of When Meters Will be Read	\$2000
Rule 3401	Billing Information, Procedures, and Requirements	\$2000
Rule 3603	Resource Plan Filing Requirements	\$2000
Rule 3654(a),(d)	Renewable Energy Standards	\$2000
Rule 3657(a)	QRU Compliance Plans	\$2000
Rule 3662	Annual Compliance Reports	\$2000
Rule 3803(c)	Master Meter Exemption Requirements	\$2000

<b>Citation</b>	<b>Description</b>	<b>Maximum Penalty Per Violation</b>
Rule 3004(b)-(f)	Disputes and Informal Complaints	\$1000
Rule 3202(a),(b),(f),(g)	Maintaining a Standard Voltage and Frequency	\$1000
Rule 3203(a),(b)	Trouble Report Response, Interruptions and Curtailments of Service	\$1000

Rule 3405	Provision of Service, Rate, and Usage Information to Customers	\$1000
Rule 3406	Provision of Source Information to Customers	\$1000
Rule 3253	Filing a Supplemental Report on a Major Event with the Commission	\$1000

<b>Citation</b>	<b>Description</b>	<b>Maximum Penalty Per Violation</b>
Rule 3208(a)-(c)	Poles	\$500
Rule 3403(a)-(q);(s)	Applications for Service, Customer Deposits, and Third Party Guarantees	\$500
Rule 3658	Standard Rebate Offer	\$500

<b>Citation</b>	<b>Description</b>	<b>Maximum Penalty Per Violation</b>
Rule 3006(a),(b),(e)-(m)	Annual Reporting Requirements	\$100
Rule 3304	Scheduled Meter Testing	\$100
Rule 3305	Meter Testing Upon Request	\$100
Rule 3402(a),(c),(d)	Meter and Billing Error Adjustments	\$100
Rule 3404(a)-(f)	Availability of Installation Payments to Customers	\$100
Rule 3407	Discontinuance of Service	\$100
Rule 3408(a)-(g);(i)	Notice of Discontinuation of Service	\$100
Rule 3409	Restoration of Service	\$100
Rule 3411(c)(IV),(d)(I),(d)(II),(e)	Low-Income Energy Assistance Act	\$100

Rule 3614	Filing of Annual Reports	\$100
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**3977. – 3999. [Reserved].**

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[indicates omission of unaffected rules]