

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]

BILLING AND SERVICE

3400. Applicability.

Rules 3400 through 3413 apply to residential customers, small commercial customers and agricultural customers served pursuant to a utility's rates or tariffs. In its tariffs, a utility shall define "residential," "small commercial" and "agricultural" customers to which these rules apply. The utility may elect to apply the same or different terms and conditions of service to other customers.

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[indicates omission of unaffected rules]

3413. Medical Exemption from Tiered Rate Plans.

- (a) Scope and Applicability.
 - (I) Any electric utility that has a Commission approved tiered rate plan, also known as inverted block rates, shall file an advice letter and tariff, consistent with 4 CCR 723-1-1210, for a rate plan for residential customers who elect an alternate rate plan due to a qualifying medical condition and/or use of an essential life support device and whose household income is less than or equal to two hundred and fifty percent of federal poverty guidelines. The effect of such an exemption shall be neutral with respect to the utility's revenue requirement. If a customer qualifies for the alternate rate plan, that customer shall not be precluded from participating in any low-income program offered by the utility.
 - (II) If the electric utility has a Commission approved tiered rate plan as of July 1, 2013, the tariff filing of non-preferential rates for qualifying customers shall be made by February 1, 2014. If an electric utility requests Commission approval of a tiered rate plan after July 1, 2013, the utility shall include in its tiered rate plan request, a rate plan for customers with a qualifying medical condition and/or use of qualifying life support equipment.
 - (III) Rule 3413 is applicable to investor-owned electric utilities subject to rate regulation by the Commission.

- (b) Definitions.
 - (I) “Essential life support device” means any medical device used in the home to sustain life or which is relied upon for mobility, as determined by a physician currently licensed and in good standing in the state of Colorado.
 - (II) “Federal poverty guidelines” means the poverty measures published annually by the U.S. Department of Health and Human Services.
 - (III) “Non-participant” means a utility customer who is billed according to the utility’s tiered rate plan.
 - (IV) “Participant” means a residential utility customer who is billed according to the utility’s alternative rate plan.
 - (V) “Qualifying medical condition” includes heat-sensitive medical conditions including, but not limited to, multiple sclerosis, epilepsy, quadriplegia, and paraplegia, or the need for the use of an essential life support device, as determined by a physician licensed in the state of Colorado.
- (c) Certification of a qualifying medical condition and/or use of essential life support equipment shall be valid for one year. Certification of a qualifying medical condition and/or use of essential life support equipment shall:
 - (I) be in writing;
 - (II) be sent from the office of a currently licensed physician in good standing in the state of Colorado to either the utility or a Commission approved third party with whom the utility contracts pursuant to rule 3209;
 - (III) clearly state the name of the customer or individual whose medical condition and/or use of life support equipment is at issue; and
 - (IV) clearly state the Colorado medical identification number, phone number, name, and signature of the physician or health care practitioner acting under a physician’s authority certifying the existence of a qualifying medical condition and/or use of essential life support equipment.
- (d) Such certification shall be incontestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certification.
- (e) Verification of the authenticity of the certification of a qualifying medical condition or use of essential life support equipment shall be done by the utility or a Commission approved third party with which the utility contracts the medical verification activities.
- (f) If the utility or Commission approved third party deems it reasonably necessary, verification of household income may be done by the utility or Commission approved third party with which the utility contracts the income verification activities.
- (g) The Commission may, with cause, conduct an audit of the income verification process employed by the utility or an entity with which the utility contracts for that purpose.
- (h) Cost recovery.

- (I) Each utility shall address in its filing how costs of the alternative rate plan will be recovered.
- (II) Each utility shall provide information regarding impacts on the various participant classes and on participants within a class.
- (III) The following costs are eligible for recovery by a utility as alternative rate plan costs:
 - (A) lost revenues based on the difference between the expected monthly revenues and revenues under the alternate rate plan for the months during which a tiered rate plan is in place; and
 - (B) alternative rate plan administrative costs.
- (i) Annual Report.
 - (I) No later than December 15 each year, each utility shall file an annual report, based on the previous summer cooling period during which tiered rates were in effect, containing the following information:
 - (A) monthly information including number of participants, individual household electricity usage, and individual household incomes;
 - (B) the total number of applicants for the alternative rate plan;
 - (C) the number of applicants who qualified for the rate plan; and
 - (D) total cost of the program and the average rate impact of non-participants by rate class.
 - (II) To the extent that the annual report may disclose individual customer information, the utility is authorized to file that portion of the annual report as confidential pursuant to 4 CCR 723-1-1102, Procedures Relating to Confidential Information Submitted to the Commission Outside of a Formal Proceeding.

3414. - 3499. [Reserved].

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[indicates omission of unaffected rules]