

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

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

#### PART 4

#### RULES REGULATING GAS UTILITIES AND PIPELINE OPERATORS

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[indicates omission of unaffected rules]

#### 4001. Definitions.

The following definitions apply throughout this Part 4, 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 the combination of customer data of more than one customer or premises 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) "Basis Point" means one-hundredth of a percentage point (100 basis points = 1 percent).
- (e) "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.
- (f) "Commission" means the Colorado Public Utilities Commission.
- (g) "Contracted agent" means any person or entity that has contracted with a utility to assist in the provision of regulated utility services (e.g., an affiliate or vendor).

- (h) "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.
- (i) "Curtailement" means the inability of a transportation customer or a sales customer to receive gas due to a shortage of gas supply.
- (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" mean customer specific information excluding personal information enumerated in subparagraphs 1004(x)(I) through (IV) that is:
- (I) collected from the gas meter by the utility and stored in its data systems;
  - (II) received by the utility from the customer as part of the customer's participation in regulated utility programs, such as demand-side management or energy efficiency programs; or
  - (III) shown on bills issued to the customer for regulated utility service.
- (l) "Dekatherm" or "Dth" means a measurement of gas commodity heat content. One Dekatherm is the energy equivalent of 1,000,000 British Thermal Units (1 MMBtu).
- (m) "Distribution system" means that part of a utility pipeline system used to distribute gas to customers.
- (n) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.
- (o) "Gas" means natural gas; flammable gas; manufactured gas; petroleum or other hydrocarbon gases including propane; or any mixture of gases produced, transmitted, distributed, or furnished by any utility.
- (p) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure.

- (q) "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.
- (r) "Intrastate transmission pipeline" or "ITP" means 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. Transmission facilities may also be used to perform distribution functions.
- (s) "Local distribution company" or "LDC" means any person, other than an interstate pipeline or an intrastate transmission pipeline, engaged in local distribution of gas and the sale or transportation of gas for ultimate consumption. Distribution facilities may also be used to perform transmission functions.
- (t) "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 any 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.
- (u) "Main" means a distribution line that serves, or is designed to serve, as a common source of supply for more than one service lateral.
- (v) "Mcf" means 1,000 standard cubic feet.
- (w) "MMBtu" means 1,000,000 British Thermal Units, or one Dekatherm.
- (x) "Non-standard customer data" means all customer data that are not standard customer data.
- (y) "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.
- (z) "Pipeline system" means the piping and associated facilities used in the transmission and distribution of gas.
- (aa) "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.
- (bb) "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.
- (cc) "Sales customer" means a person who receives sales service from a utility.
- (dd) "Sales service" means a bundled gas utility service in which the utility both purchases gas commodity for resale to the customer and transports the gas for delivery to the customer.
- (ee) "Security" includes any stock, bond, note, or other evidences of indebtedness.
- (ff) "Service lateral" means that part of a pipeline system used, or designed to be used, to serve only one customer.

- (gg) "Staff" means Staff of the Public Utilities Commission.
- (hh) "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.
- (ii) "Standard customer data" means customer data maintained by a utility in its systems in its ordinary course of business. If maintained in its systems in the ordinary course of business, such data shall be sufficient to allow customers to understand their usage at a level of detail commensurate with the meter or network technology deployed by the utility to serve the customer's premise.
- (jj) "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.
- (kk) "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.
- (ll) "Third-party" means a person who is not the customer, a regulated entity, or a contracted agent.
- (mm) "Transportation" means the exchange, fronthaul, backhaul, flow reversal, or displacement of gas between a utility and a transportation customer through a pipeline system.
- (nn) "Transportation customer" means a person who, by signing a gas transportation agreement, elects to subscribe to the unbundled service option of gas transportation offered by a utility.
- (oo) "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.
- (pp) "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.
- (qq) "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.

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[indicates omission of unaffected rules]

**4011. – 4025. [Reserved].**

## **CUSTOMER DATA ACCESS AND PRIVACY**

### **4026. Privacy, Access, and Disclosure.**

- (a) A utility shall protect customer data to maintain the privacy of the customer while the customer data is in the utility's possession. 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. Unless the information is included as customer data, a utility shall not disclose personal information, except as provided by rule 1105.
- (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 shall provide the following:
  - (I) a description of standard customer data and non-standard customer 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) A utility shall provide access to the customer's standard customer data in electronic machine-readable form, without additional charge, to the customer or to any third-party recipient to whom the customer has authorized disclosure of the customer's customer data. Such access shall conform to nationally recognized open standards and best practices. The utility shall provide access in a manner that ensures adequate protections for the utility's system security and the continued privacy of the customer data during transmission.
- (e) Nothing in these rules shall limit a customer's right to provide his or her customer data to anyone.
- (f) 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.

**4027. Customer Notice.**

- (a) A utility shall provide written notice each year to its customers complying with this rule. The utility shall 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 advise customers that their customer data will not be disclosed to third-parties, except: as necessary to provide regulated utility services to the customers; as provided in paragraph 3026(b); or pursuant to the authorization given by the customer in accordance with these rules.
- (b) The notice shall advise customers that their customer data may reveal personal information.
- (c) The customer notice 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 a utility may not disclose customer data, with the exception of the data disclosures provided in paragraph 4026(b).
  - (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 4026(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 4031(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 ten percent who speak a specific language other than English and where the proficiency of English is listed as "Not well" or "Not at all" as determined by reference to 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.

**4028. 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 form for the disclosure of customer data. The consent form shall be provided and made available in paper and electronic form to any customer or third-party upon request.
- (b) To comply with the requirements in paragraph (a) of this rule, a utility may create a consent to disclose form that conforms to the requirements in paragraph (c) or use a Commission supplied form as described in paragraph (d).
- (c) The utility's consent form must:
  - (I) include the same information contained in the annual notice provided under subparagraphs 3027(c)(V), (VI) and (XI);
  - (II) provide spaces for the following information regarding the third-party recipient:
    - (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; and
    - (C) the name, mailing address, e-mail address, and telephone number of the third-party recipient's Colorado agent for service of process.
  - (III) State the uses of the data for which the customer is allowing disclosure;
  - (IV) state the date(s) for which data is being disclosed;
  - (V) describe the data disclosed;
  - (VI) state that the consent is valid until terminated;
  - (VII) state that the customer must notify the utility service provider in writing (electronically or non-electronically) to terminate the consent including appropriate utility contact information;

- (VIII) state any additional terms except an inducement for the customer's disclosure;
  - (IX) 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
  - (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 10 percent who speak a specific language other than English and where the proficiency of English is listed as "Not well" or "Not at all" as determined by reference to the latest U.S. Census information.
- (d) Utilities may use a consent form supplied by the Commission to comply with the requirements of paragraph (a). The Commission-supplied consent form will be available on the Commission's website.
  - (e) 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 (c) of this rule. Such process may not include an inducement for disclosure by the customer.
  - (f) 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.
  - (g) A consent form may be submitted to the utility through paper or electronic methods.

**4029. Contracted Agent Access to Customer Data from a Utility.**

- (a) A utility may disclose customer data to a contracted agent provided that the contract includes the following minimum requirements:
  - (I) implement and maintain data security procedures and practices to protect the customer data from unauthorized access, destruction, use, modification, or disclosure that are 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 prohibits 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) destroys any customer data that is no longer necessary for the purpose for which it was transferred; and
  - (IV) executes 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.

**4030. Third-Party Access to Customer Data from a Utility.**

- (a) Except as outlined in paragraph 3026(b), 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.

**4031. 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: at least fifteen customers or premises; and 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.

**4032. – 4099. [Reserved].**

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[indicates omission of unaffected rules]

**4976. Regulated Gas 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.

<b>Citation</b>	<b>Description</b>	<b>Maximum Penalty Per Violation</b>
	Articles 1-7 of Title 40, C.R.S.	\$2000
	Commission Order	\$2000
Rule 4005	Records and Record Retention	\$2000
Rule 4026(a)	Collection and Use of Customer Data	\$1000
Rule 4026(b),(d)	Disclosure of Customer Data	\$2000
Rule 4026(c)	Tariff	\$1000
Rule 4027(a)	Customer Notice	\$1000
Rule 4028(a),(c)	Consent Form	\$1000
Rule 4029(a)	Disclosure of Customer Data	\$2000
Rule 4029(b)	Records	\$1000
Rule 4030(a)	Disclosure of Customer Data	\$2000
Rules 4029(b) and 4030(d)	Consent and Records	\$1000
Rule 4031(a)	Disclosure of Aggregated Data	\$2000
Rule 4031(c)	Tariff	\$1000
Rule 4100(a)	Obtaining a Certificate of Public Convenience and Necessity for a Franchise	\$2000
Rule 4101(a)	Obtaining a Certificate of Public Convenience and Necessity or Letter of Registration to operate in a service territory	\$2000

Rule 4102(a)	Obtaining a Certificate of Public Convenience and Necessity for facilities	\$2000
Rule 4103(a), (c), (d)	Amending a Certificate of Public Necessity for changes in service territory or facilities	\$2000
Rule 4108(a), (c)	Keeping a Current Tariff on File with the Commission	\$2000
Rule 4109	Filing a New or Changed Tariff with the Commission	\$2000
Rule 4110(b),(c)	Filing an Advice Letter to Implement a Tariff Change	\$2000
Rule 4200	Construction, Installation, Maintenance and Operation of Facilities in Compliance with Accepted Engineering and Industry Standards	\$2000
Rule 4208	Anticompetitive Conduct and Unacceptable Practices	\$2000
Rule 4210	Line Extensions	\$2000
Rule 4303	Meter Testing	\$2000
Rule 4306	Record Retention of Tests and Meters	\$2000
Rule 4309	Provision of Written Documentation of Readings and Identification of When Meters Will be Read	\$2000
Rule 4401	Billing Information, Procedures, and Requirements	\$2000
Rule 4754(a)-(e)	Annual DSM Report and Application for Bonus and Bonus Calculation	\$2000
Rule 4803(c)	Master Meter Exemption Requirements	\$2000
Rule 4004(b)-(f)	Disputes and Informal Complaints	\$1000
Rule 4202	Maintaining Heating Value, Purity and Pressure Standards	\$1000
Rule 4203(a)-(f)	Trouble Report Response, Interruptions and Curtailments of Service	\$1000

Rule 4405	Provision of Service, Rate, and Usage Information to Customers	\$1000
Rule 4406	Provision of Gas Cost Component Information to Customers	\$1000
Rule 4603(a),(d)	Gas Cost Adjustments	\$1000
Rule 4605(a),(b),(e),(f)	Gas Purchase Plans	\$1000
Rule 4607(a)	Gas Purchase Reports and Prudence Reviews	\$1000
Rule 4403(a)-(q)	Applications for Service, Customer Deposits, and Third Party Guarantees	\$500
Rule 4006	Annual Reporting Requirements	\$100
Rule 4304	Scheduled Meter Testing	\$100
Rule 4305	Meter Testing Upon Request	\$100
Rule 4402(a),(c),(d)	Meter and Billing Error Adjustments	\$100
Rule 4404(a)-(f)	Availability of Installation Payments to Customers	\$100
Rule 4407	Discontinuance of Service	\$100
Rule 4408(a)-(g); (i)	Notice of Discontinuation of Service	\$100
Rule 4409	Restoration of Service	\$100
Rule 4411(c)(IV),(d)(I), d(II),(e)	Low-Income Energy Assistance Act	\$100

**4977. – 4999. [Reserved].**

**GLOSSARY OF ACRONYMS.**

CAAM –	Cost Allocation and Assignment Manual
CCR –	Colorado Code of Regulations
C.F.R. –	Code of Federal Regulations
CPCN -	Certificate of Public Convenience and Necessity
CRCP –	Colorado Rules of Civil Procedure
C.R.S. -	Colorado Revised Statutes
EAO –	Energy Assistance Organization
e-mail -	Electronic mail
FDC -	Fully Distributed Cost
FERC –	Federal Energy Regulatory Commission
GAAP -	Generally Accepted Accounting Principles
GCA –	Gas Cost Adjustment
GPP –	Gas Purchase Plan
GPR –	Gas Purchase Report
ITP –	Intrastate Transmission Pipeline
LDC –	Local Distribution Company
LNG –	Liquefied Natural Gas
MMO –	Master Meter Operator
NGA –	Natural Gas Act
OPS –	Office of Pipeline Safety (Federal DOT)
OCC -	Office of Consumer Counsel
PHMSA -	Pipeline and Hazardous Materials Safety Administration
P & P -	Practice and Procedure
SMYS –	Specified Minimum Yield Strength
UNCC –	Utility Notification Center of Colorado
U.S.C.-	United States Code
U.S. DOT –	United States Department of Transportation
USOA –	Uniform System of Accounts

**Glossary of Gas Measurement Units:**

Btu –	British Thermal Unit
MMBtu –	1,000,000 Btu (approximately one Mcf, depending on heat content of gas)
Dth –	Dekatherm or One MMBtu
Therm –	100,000 Btu (approximately one Ccf, depending on heat content of gas)
Scf -	Standard cubic feet
Ccf –	100 cubic feet (typically actual cf at meter, rather than Scf)
Mcf –	1,000 standard cubic feet
MMcf –	1,000,000 standard cubic feet
Bcf –	1,000,000,000 standard cubic feet
MMcfd –	One MMcf per day