COLORADO DEPARTMENT OF REGULATORY AGENCIES
Public Utilities Commission

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

PART 3
RULES REGULATING ELECTRIC UTILITIES

3662. Annual RES Compliance Report.

(a)   Each investor owned and cooperative electric association QRU shall file an annual RES compliance report no later than June 1 to report on the status of the QRU's compliance with the RES for the most recently completed compliance year. Unless expressly noted otherwise, the annual RES compliance report of each investor owned and cooperative electric association QRU shall provide the following information for the most recently completed compliance year.

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[indicates omission of unaffected rules]

(XIX)   A summary of program participation by master meter operators as defined in paragraph 3801(c).

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[indicates omission of unaffected rules]

MASTER METERS

3800.   Scope and Applicability.

These rules are applicable to any person who purchases electric service from a utility for the purpose of delivery of that service to end-users whose aggregate usage is to be measured by a master meter or other composite measurement device.

3801.   Definitions.

The following definitions apply to rules 3800 through 3805, unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

(a)   "Check-meter" means a meter or other composite measurement device which is used by a master meter operator, and which is used to determine electric consumption by end-users served by the master meter operator.

(b)   "Master meter" means a meter or other composite measurement device which a serving utility uses to bill a master meter operator.

(c)   "Master meter operator" or "MMO" means a person who purchases electric service from a serving utility for the purpose of delivering that service to end-users whose aggregate usage is measured by a master meter.

(d)   "Refund" means a refund, rebate, rate reduction, or similar adjustment.

(e)   "Serving utility" means the utility from which the master meter operator receives the electric service which the master meter operator then delivers to end-users.

3802.   Exemption from Rate Regulation.

(a)   Pursuant to § 40-1-103.5, C.R.S., and by this rule, the Commission exempts from rate regulation under Articles 1 to 7 of Title 40, C.R.S., a master meter operator which is in compliance with rules 3803 and 3804.

(b)   A master meter operator which is not in compliance with rules 3803 and 3804 is subject to rate regulation under Articles 1 to 7 of Title 40, C.R.S., and shall comply with the applicable rules.

3803.   Exemption Requirements.

(a)   In order to retain its exemption from rate regulation, a MMO shall do the following.

  (I)   As part of its billing for utility service, the MMO shall charge its end-users only the actual cost billed to the MMO by the serving utility. The MMO shall not charge end-users for any other costs (such as, without limitation, the costs of construction, maintenance, financing, administration, metering, or billing for the equipment and facilities owned by the MMO) in addition to the actual costs billed to the MMO by the serving utility; except for refunds, rebates, rate reductions, net metering credits, or similar adjustments attributable to the use of electricity generated from retail distributed generation that is located on property owned or leased by the MMO or by a customer served by the MMO. After applying these adjustments, end users shall not be charged more than the actual cost billed to the MMO by the serving utility.

  (II)   If the MMO bills its end-users separately for service, the sum of such billings shall not exceed the amount billed to the MMO by the serving utility before accounting for the value of refunds, rebates, rate reductions, net metering credits, or similar adjustments attributable to the use of electricity generated from retail renewable distributed generation that is located on property owned or leased by the MMO or by a customer served by the MMO. After applying these adjustments, end users shall not be charged more than the actual cost billed to the MMO by the serving utility.

  (III)   If the MMO bills its end-users separately for service, the MMO shall pass on to its end-users all refunds the MMO receives from the serving utility or otherwise, except that the MMO is not required to pass on to end-users the value of refunds, rebates, rate reductions, net metering credits, or similar adjustments attributable to the use of electricity generated from retail renewable distributed generation that is located on property owned or leased by the MMO or by a customer served by the MMO. After applying these adjustments, end users shall not be charged more than the actual cost billed to the MMO by the serving utility.

  (IV)   The MMO shall establish procedures for giving notice of a refund to those who are not current end-users but who were end-users during the period for which the refund is paid.

  (V)   A master meter operator shall retain, for a period of not less than three years, all records of original utility billings made to the master meter operator and all records of billings made by the master meter operator to its end-users.

(b)   In order to retain its exemption from rate regulation, a MMO shall not resell electricity provided by the serving utility for profit, but may retain all or a portion of utility billing reductions attributable to the generation of electricity from retail renewable distributed generation that is located on property

owned or leased by the MMO or by a customer served by the MMO. Resale for profit of electricity provided by the serving utility is a basis for revocation of an exemption from rate regulation.

(c)   A MMO may check-meter tenants, lessees, or other persons to whom the electricity ultimately is distributed but may do so only if the following conditions are met:

(I)   the check-meter is used solely for the purpose of reimbursing the MMO by means of an appropriate allocation procedure; and

(II)   the MMO does not receive more than the actual amount billed to the MMO by the serving utility before accounting for the value of refunds, rebates, rate reductions, net metering credits, or similar adjustments attributable of the use of electricity generated from retail renewable distributed generation that is located on property owned or leased by the MMO or by a customer served by the MMO. After applying these adjustments, end users shall not be charged more than the actual cost billed to the MMO by the serving utility.

3804. Refunds.

(a)   When a serving utility notifies a MMO of a refund or when a refund is otherwise made, a MMO shall notify its end-users of the refund and shall inform the end-users that they may claim the refunds within 90 days after receipt of the notice. The notification shall be made either by first-class mail with a certificate of mailing or by inclusion in any monthly or more frequent regular written communication. The MMO shall also notify former customers who were end-users during the period for which the refund is made. The MMO shall give the notice required by this paragraph within 30 days of notification about the refund or, if there is no prior notification, within 30 days of receipt of the refund. No notification pursuant to this rule is required for a refund, benefit, or rate reduction attributable to retail renewable distribution generation.

(b)   A MMO may retain any portion of a refund which rightfully belongs to the MMO.

(c)   If the aggregate amount of a refund which remains unclaimed after 90 days exceeds $100, the MMO shall contribute that unclaimed amount to the energy assistance organization in accordance with rules paragraphs 3410(d), (f), and (g). If the aggregate amount which remains unclaimed after 90 days does not exceed $100, the MMO may retain the aggregate amount.

(d)   A MMO shall pay interest on undistributed refunds in accordance with paragraph 3410(d).