

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 4

RULES REGULATING GAS UTILITIES AND PIPELINE OPERATORS

[THIS DOCUMENT SHOWS PROPOSED CHANGES TO MASTER METER OPERATOR RULES 4800-4805. CHANGES FROM THE RULES ISSUED AS A PART OF THE NOTICE OF PROPOSED RULEMAKING IN DECISION NO. C03-1371, DOCKET NO. 03R-520E, ISSUED DECEMBER 15, 2003, ARE SHOWN IN REDLINE FORMAT.]

MASTER METER OPERATORS.

4800. Applicability.

These rules are applicable to any person who purchases gas service from a utility for the purpose of delivery of ~~such that~~ service to end-users whose aggregate usage is to be measured by a master meter or other composite measurement device. Gas Pipeline Safety Rules, rules 4900 to 4999 (including incident reporting and safety standards), ~~including Incident Reporting Rule 4911 and Safety Standards Rule 4940~~, also apply to master meter operators.

4801. Definitions.

The following definitions apply ~~only in the context of Rto rules 4900-4800 - 4903-4805~~, unless a specific statute or rule provides otherwise. In addition to these definitions, the definitions in rule 4001 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 gas consumption by end-users served by the master meter operator., ~~used by a master meter operator who is exempt from rate regulation, to determine usage of those served.~~
- (b) "Master meter" means ~~the~~ a meter or other composite measurement device which a serving utility uses to bill a master meter operator. ~~used to bill the MMO by the regulated utility.~~
- (c) "Master meter operator" or "MMO" means ~~any~~ any person who purchases gas service from a ~~regulated~~ serving utility for the purpose of ~~delivering~~ of ~~such that~~ service to end-users, whose aggregate usage is ~~to be~~ measured by a master meter.
- (d) "Refunds" means ~~any~~ any refunds, rebates, rate reductions, or similar adjustments.

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

4802. 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 4803 and 4804.

(b) A master meter operator which is not in compliance with rules 4803 and 4804 is subject to rate regulation under Articles 1 to 7 of Title 40, C.R.S., and shall comply with the applicable rules.

~~Either upon its own motion or upon the application of any master meter operator (MMO), tmay exempt a MMO if the Commission finds that the MMO has adopted adequate policies and procedures. In its application requesting an exemption from rate regulation, the MMO must show that it complies with the~~

4803. following MMO Exemption Requirements.

(a) In order to retain its exemption from rate regulation, a MMO must have policies and procedures in place which ensure that shall do the following:

(I) As part of its billing for utility service, the ~~each~~ MMO shall charge ~~theits~~ end-users only the actual cost billed to the MMO by the serving utility. ~~The Each~~ The MMO shall not charge ~~end-users~~ for any ~~other~~ costs, (including without limitation such as 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.

(II) If the MMO bills ~~theits~~ end-users separately for service, the sum of such billings shall not exceed the amount billed to the MMO by the serving utility. ~~The Each~~ MMO shall pass on to the end-users any refunds it receives from 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.

~~(III)~~ (IV) The Each MMO shall establish procedures for giving notice of a ~~refunds~~ to those who are not current end-users, but who were end-users during the subject time 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 gas for profit. Resale of gas for profit by a MMO exempt from rate regulation is strictly prohibited. A MMO may check meter tenants, lessees, or other persons to whom ultimately the gas is distributed, for the purpose of reimbursing the MMO by an appropriate allocation procedure, provided the MMO does not receive more than the actual cost billed to the MMO by the serving utility. Resale activity is a basis for revocation of an exemption order 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.
- (II) The MMO does not receive more than the actual amount billed to the MMO by the serving utility.

4803.4804. MMO Refunds.

- (a) In passing on refunds to end users, When a serving utility notifies a MMO of a refund or when a refund is otherwise made, a ~~each~~ MMO shall notify its end-users of ~~any~~the refunds and shall inform ~~the~~its 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~~ Each MMO shall also notify former customers who were end-users during the ~~subject time period for which the refund is paid.~~ The MMO shall give the notice required by this section within 30 days of notification about the refund or, if there is no prior notification, within 30 days of receipt of the refund.
- (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-dollars, the MMO shall contribute that unclaimed amount to the energy assistance organization in accordance with rules 4410(d), (f), and (g)-----. If the aggregate amount which remains unclaimed after 90 days does not exceed \$100-dollars, the MMO may retain the aggregate amount.

~~(b) If the aggregate amount of refunds remaining unclaimed after 90 days exceeds 100 dollars, the MMO shall contribute such unclaimed amount to the energy assistance organization. If the aggregate amount does not exceed 100 dollars, the MMO may retain such aggregate amount. A Each~~

~~MMO may retain any portion of such refunds that rightfully belongs to the MMO.~~

~~(e)(d) A ~~Each~~ MMO shall pay interest on undistributed refunds in accordance with rule 4410(d) ~~_____~~. ~~the Commission's Customer Deposit Interest Rate Rule 4409(b)(I).~~~~

4805. Complaints, and Penalties, and Revocation of Exemption.

~~(a) Pursuant to rules 1301 and 1302, a person (including without limitation anyone subject to a master meter) may make an informal complaint to the External Affairs section of the Commission or may file a formal complaint with the Commission with the respect to an alleged violation of rules 4803 and 4804. ~~Any customer subject to a master meter may file a complaint with the respect to alleged violations of the requirements set forth in rules 4803 and 4804 above. This complaint shall be filed with the Commission, formally or informally Pursuant to Rules 1301 and 1302.~~~~

~~(b) As a result of a complaint or on its own motion, the Commission will investigate complaints concerning MMOs. If the Commission determines after investigation that an MMO has violated any of the requirements of rules 4803 and 4804, the MMO may have its exempt status revoked or may be subject to penalties as set forth in § 40-7-107, C.R.S., or both. ~~The Commission shall investigate complaints concerning MMOs, and if after investigation, the Commission finds that an MMO has violated any of the requirements set forth in rules 4803 and 4804 above, the MMO may have its exempt status revoked, and/or may be subject to penalties as set forth in § 40-7-107, C.R.S.~~~~

~~**3805.4806. -4899 [Reserved].**~~