

Decision No. C23-0096

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23M-0042EG

IN THE MATTER OF A REPOSITORY PROCEEDING FOR THE FILING OF THE 2022
DISCONNECTION ANNUAL REPORTS FOR GAS AND ELECTRIC UTILITIES
PURSUANT TO RULES 4 CCR 723-3-3407(G)(I) AND 723-4-4407(G)(I).

**COMMISSION DECISION REGARDING MONTHLY AND
ANNUAL REPORTS ON DISCONNECTIONS FOR
NONPAYMENT**

Mailed Date: February 9, 2023
Adopted Date: February 8, 2023

I. BY THE COMMISSION

A. Statement

1. By this Decision, the Colorado Public Utilities Commission (Commission) sets direction for regulated gas and electric utilities regarding annual and monthly reports on disconnections for nonpayment. The Commission has received and read heartbreaking comments from residential customers who are concerned about energy bills, many of whom express concerns about their ability to pay as bills increase alongside other household expenses. As part of our renewed focus on bill affordability, this Decision establishes reporting requirements to provide us a clearer view of the potential risk to utility customers in the form of arrearages that could lead to disconnections.

B. Background, Findings, and Conclusions

2. The Billing and Service sections of Commission Rules 4 *Code of Colorado Regulations* (CCR) 723-3 Rules Regulating Electric Utilities and 4 CCR 723-4 Rules Regulating

Gas Utilities, set forth requirements and consumer protections for the process by which electric and gas utilities may disconnect residential customers who have not paid energy bills (commonly known as disconnection for nonpayment).

3. The Commission previously modified the rules regarding disconnection at the direction of Senate Bill 20-030, through Proceeding No. 20R-0349EG.¹ The decision opening that proceeding recognized that disconnections can have significant impacts to people's daily lives, resulting in spoiled food or medicine, unsafe indoor air quality, and otherwise impacting their safety, health, and comfort.²

4. During the COVID-19 process, utilities voluntarily suspended disconnections in response to the Governor's Executive Order.³ However, the Commission has also heard concerns that without processes like notices of disconnection that provide customers with information about how to reach assistance providers, arrearages can grow to levels that are impossible for households to repay. Accordingly, the Commission instituted ongoing monthly reporting requirements in Proceeding No. 20M-0267EG, and carefully reviewed data filed by electric and gas utilities, making adjustments to requirements through subsequent decisions where necessary.⁴

5. Finding no further need for the detailed reporting being provided as trends generally appeared to have stabilized, the Commission sunset that reporting requirement and closed Proceeding No. 20M-0267EG by minute entry on February 2, 2022. Concurrent with that decision, new and granular annual reporting requirements for disconnections came into effect after the

¹ Currently, the Commission is considering aspects of rules related to disconnection in response to House Bill 22-1018, through Proceeding No. 22R-0557EG.

² Decision No. C20-0622, issued August 27, 2020, at ¶¶ 71, 80.

³ See, e.g., discussion in Proceeding No. 20M-0267EG, Decision No. C20-0636-I, issued September 1, 2020.

⁴ See Decision Nos. R20-0664-I, issued September 16, 2020; R20-0916-I, issued December 28, 2020; C21-0048-I, issued January 28, 2021; C21-0080-I, issued February 12, 2021.

Commission approved modifications to Rules 3407(g) and 4407(g), among others, by Decision No. C21-0675, issued October 29, 2021, in Proceeding No. 20R-0349EG. The utilities filed the first annual reports for the calendar year 2021 on March 1, 2022, in Proceeding No. 08M-305EG.⁵

6. Proceeding No. 23M-0042EG was opened administratively on January 3, 2023, to serve as a repository for the annual reports pursuant to Rules 3407(g) and 4407(g), which are to be filed by electric and gas utilities by no later than March 1 of each year and cover the prior calendar year.⁶

7. The Commission has received an unprecedented number of messages from individuals who are concerned about high energy bills. Many messages have expressed concerns about people's ability to pay energy bills and many have requested assistance with paying bills. At the January 25, 2023, Commissioners' Weekly Meeting, we heard a presentation from Staff that discussed factors that have been contributing to higher energy bills, including gas commodity prices and cold weather.⁷ The COVID-19 pandemic raised concerns about the risk of disconnection for nonpayment because individuals lost income as businesses closed or laid off employees due to the emergency. In this instance, we are concerned about the risk of disconnection because of increasing costs for heating that are coming at a challenging time given inflation and other cost-of-living increases.

8. By this Decision, we take steps to better understand whether there is a growing risk to residential customers from higher arrearages that could lead to disconnections for nonpayment.

⁵ Proceeding 08M-305EG has historically been used as a repository for quarterly reports on arrearages and disconnections that are filed by electric and gas utilities using a template created by the National Association of Regulatory Utility Commissioners.

⁶ Going forward, the Commission intends to administratively open miscellaneous proceedings to serve as repositories for annual reports pursuant to Rules 3407(g) and 4407(g).

⁷ This presentation can be viewed at <https://puc.colorado.gov/faqs>.

We establish monthly reporting requirements as well as clarify expectations for existing annual reporting requirements.

9. First, we establish a new requirement for monthly reports, building on the lessons learned from COVID-19 reporting and related proceedings. Beginning on March 10, 2023, and every 10th day of the month thereafter, we direct regulated electric and gas distribution utilities to file reports in executable format using the template provided as Attachment A to this Decision and in executable format on our website. Separate reports should be filed for all electric customers, for all gas customers, and for all combined customers if relevant.

10. Each report should include actual data for the preceding month as well as forecast data for the following two months. For the first report due March 10, 2023, we direct utilities to provide data for the months of January and February 2023. This reporting requirement will continue until lifted or adjusted by subsequent decision.

11. Second, we recognize that electric and gas utilities will be filing detailed annual reports by March 1, 2023, pursuant to Rules 3407(g) and 4407(g). We also understand that Staff are in the process of modifying the standard reporting template. Given our prioritization of monthly data for 2023 and to provide additional time for accurate and useful reports on 2022, we affirmatively provide a temporary variance from Rule 3407(g)(I) and 4407(g)(I) and extend the filing date for annual reports to April 1, 2023.

II. ORDER

A. It Is Ordered That:

1. We opened this Proceeding as an administrative proceeding under 4 *Code of Colorado Regulations* (CCR) 723-1-1004(b), with one function being as a repository for annual

and monthly reports from electric and gas distribution utilities regarding disconnections for nonpayment. The reports required by this Decision shall be filed by the utilities subject to 4 CCR 723-3-3407(g) Rules Regulating Electric Utilities and 4 CCR 723-4-4407(g) Rules Regulating Gas Utilities.

2. Beginning on March 10, 2023, and every 10th day of the month thereafter, we direct utilities to file electric, gas, and combined reports as relevant using the template provided as Attachment A to this Decision. Each report should include actual data for the preceding month as well as forecast data for the following two months. For the first report due March 10, 2023, we direct utilities to provide data for the months of January and February 2023.

3. On our own motion, we provide a temporary variance from Electric Rule 3407(g)(I) and Gas Rule 4407(g)(I) and extend the filing deadline for annual reports covering 2022 from March 1, 2023, to April 1, 2023.

4. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
February 8, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners