

Decision No. C23-0361

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

PROCEEDING NO. 23M-0042EG

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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).

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**COMMISSION DECISION  
SETTING A NEW DEADLINE FOR ANNUAL  
DISCONNECTION REPORTS AND DIRECTING  
RESPONSES TO ADDITIONAL QUESTIONS**

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Mailed Date: May 30, 2023  
Adopted Date: May 24, 2023

**I. BY THE COMMISSION**

**A. Statement**

1. The Commission opened this Proceeding on January 20, 2023, to serve as a repository for the annual reports pursuant to Rule 4 *Code of Colorado Regulations* (CCR) 723-3-3407(g) of the Commission's Rules Regulating Electric Utilities and 4 CCR 723-4-4407(g), of the Commission's Rules Regulating Gas Utilities, which are to be filed by regulated electric and gas utilities by no later than March 1 of each year and cover the prior calendar year. Decision No. C23-0096, issued February 9, 2023 in this Proceeding, addressed these annual reports and also directed utilities to begin filing monthly reports including actual and forecast data every tenth day of the month to enable the Commission to better understand the risk of high arrears and disconnections due to high winter heating bills.

2. By this Decision, we set a June 1, 2023, deadline for the annual disconnection reports; authorize utilities to submit them in a form other than the standard template; and take other related actions. We also direct the filing of an additional narrative with the upcoming monthly report to be filed on June 10, 2023.

### **B. Annual Reports**

3. Electric Rule 3407(g)(I) and Gas Rule 4407(g)(I) require regulated electric and gas utilities to file annual reports on arrearages, disconnections, and other metrics every March 1. Pursuant to Recommended Decision No. R21-0537, issued September 10, 2021, in Proceeding No. 20R-0349EG, Staff is to work with utilities on a standard reporting template that utilities will use to submit data.<sup>1</sup>

4. By Decision No. C23-0096, the Commission recognized that Staff were in the process of updating the standard template for annual reports and affirmatively provided a temporary variance to extend the deadline for such reports from March 1 to April 1, 2023. Reports were expected on April 1, 2023, from Atmos Energy (Atmos), Black Hills Energy including Black Hills Colorado Gas and Black Hills Electric (Black Hills), Colorado Natural Gas (CNG), and Public Service Company of Colorado (Public Service).

5. On March 13, 2023, CNG filed a Notice of Delayed Filing of Annual Disconnection Report stating that due to unforeseen circumstances, the Company is not able to file its annual report by April 1, 2023, and plans to file it by April 7, 2023.

6. On March 31, 2023, Public Service filed a Motion for a One-Time Variance from Decision No. C23-0096 to Extend Filing Date of the 2022 Disconnection Annual Reports for

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<sup>1</sup> See ¶ 165.

Electric and Gas Utilities Pursuant to Rules 4 CCR 723-3-3407(g)(I) and 723-4-4407(g)(I), and Request for Waiver of Response Time (Motion for Variance). Public Service states that the process of responding to the amended annual report template is difficult and time-consuming given it provides service in over 300 zip codes, and cannot be completed by the current filing deadline. It requests a one-time variance for good cause shown from the deadline of April 1, 2023, that was set by Decision No. C23-0096, to extend the deadline to May 1, 2023.

7. By Decision No. C23-0240, issued April 7, 2023, we waived the annual report deadline for 2023 and directed Staff to engage with utilities to refine the reporting requirements and clarify how metrics are being produced, in the interests of consistency and accuracy. We set the intention to reestablish an appropriate deadline for the annual report after Staff worked with utilities on the submission format.

8. Staff presented on this work at the March 24, 2023, Commissioners' Weekly Meeting, and discussed that progress has been made to develop a more consistent rubric for how utilities should calculate data based on the metrics required for annual and monthly reports. Staff also discussed that some utilities have requested that they be able to provide data in executable spreadsheets that are different from the standard template developed by Staff. Because the annual reports require presentation of highly granular data at the zip code level addressing residential customers and income-qualified customers, Black Hills, CNG, and Public Service requested to submit their annual reports using alternative spreadsheets. Staff has reviewed these proposed spreadsheets and confirmed that they remain useful for geospatial analysis.

9. Accordingly, pursuant to § 40-6-112(1), C.R.S., we find good cause, on the Commission's own motion, to amend Paragraph No. 165 of Recommended Decision R21-0537, which set forth the requirement that Staff develop a standard template, by authorizing utilities to

submit alternative report formats based on consultation with Staff prior to filing.<sup>2</sup> We further provide a one-time waiver of Rules 3407(g)(I) and 4407(g)(I) as to the March 1 deadline, and direct utilities to file annual reports by June 1, 2023. In so doing, we deny as moot Public Service's Motion for Variance.

### C. Monthly Reports

10. By Decision No. C23-0096, we directed utilities to begin filing monthly reports on arrears and disconnections. Utilities began filing reports on March 10, 2023, including actual and forecast data. Finding some irregularities in the data that was being reported, we directed Staff by Decision No. C23-0240, to engage with utilities to more deeply understand the data being reported and to take steps to promote consistency and accuracy. As we discussed previously, Staff has been developing a rubric to support data interpretation. Subsequently, we received corrected monthly report filings from Black Hills<sup>3</sup> and Public Service.<sup>4</sup> We appreciate the work of Staff and utilities to develop a more robust approach to reporting to ensure that information is generally understood.

11. Staff presented at the March 24, 2023, Commissioners' Weekly Meeting that disconnections are beginning to increase month over month as of April and that utilities are generally reporting higher arrears on a per-customer basis than in prior years. In recent months, we have held sessions on income-qualified bill assistance to begin the conversation as to how income-qualified programs were affected by winter heating costs<sup>5</sup> and we have subsequently seen filings by regulated utilities to increase funding for the Percentage of Income Payment Plan (PIPP)

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<sup>2</sup> Consistent with Rules 3407(g)(I) and 4407(g)(I), Rules 3033(b) and 4033(b) do not apply to the release of data in annual reports.

<sup>3</sup> Black Hills Amended Monthly Disconnection Report for February 2023 (April 28, 2023).

<sup>4</sup> Public Service Company of Colorado Notice of Corrected March and April 2023 Monthly Report (May 10, 2023).

<sup>5</sup> Proceeding No. 23M-0013EG, Commissioners' Information Meeting (February 22, 2023).

program.<sup>6</sup> At the same time, the application period for the most recent heating season for the Low-Income Energy Assistance Program (LEAP) has come to an end. We find that more information is necessary to help build a more robust picture of whether the energy assistance is sufficient when customers may have higher arrears than in prior years, and what actions are being taken by utilities to help customers manage winter bills and avoid disconnection.

12. Accordingly, we direct utilities to include a narrative with their June 10, 2023, monthly reports that answers the following questions:

- Describe how utilities prioritize which residential customers are disconnected among those who are eligible for disconnection, for example, based on a past history of late payments or arrears.
- To what extent have utilities analyzed residential customers who are in arrears to determine if any could be proactively referred to assistance given past enrollment in LEAP, PIPP, or other assistance programs?
- What is the timeline for each utility to begin enrolling customers in the PIPP program based on income qualification and referral from Energy Outreach Colorado and/or the Colorado Energy Office, pursuant to Rules 3412 and 4412(c)? Given that timeline, are utilities taking any steps such as delaying disconnection processes to enable potentially higher levels of income-qualified customers to enroll in PIPP programs?
- When customers call utilities to raise concerns about their ability to pay bills, which solutions (bill assistance, payment plans, budget billing) do utility staff recommend and in what order?
- Please enumerate any and all shareholder contributions that have been made to offset residential customer and income-qualified customer arrearages.

13. We encourage utilities to provide any information that helps us understand how utilities are supporting customers to receive bill assistance for which they may be eligible.

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<sup>6</sup> Proceeding Nos. 23AL-0176E and 23AL-0177G.

## II. ORDER

### A. The Commission Orders That:

1. Pursuant to § 40-6-112(1), C.R.S., the Commission finds good cause, on its own motion to amend Paragraph No. 165 of Recommended Decision No. R21-0537 in Proceeding No. 20R-0349EG, to authorize regulated electric and gas utilities to submit annual reports on disconnections and arrears under Rule 4 *Code of Colorado Regulations* (CCR) 723-3-3407(g)(I) of the Commission's Rules Regulating Electric Utilities, and Rule 4 CCR 723-4-4407(g)(I) of the Commission's Rules Regulating Gas Utilities in alternative formats instead of a standard report template developed by Commission Staff, subject to consultation with Staff in advance of filing.

2. The Commission grants a one-time waiver of Rules 3407(g)(I) and 4407(g)(I) as to the March 1 deadline, and direct utilities to file annual reports by June 1, 2023.

3. The Commission denies as moot Public Service's Motion for a One-Time Variance from Decision No. C23-0096 to Extend Filing Date of the 2022 Disconnection Annual Reports for Electric and Gas Utilities Pursuant to Rules 4 CCR 723-3-3407(g)(I) and 723-4-4407(g)(I), and Request for Waiver of Response Time, filed on March 31, 2023.

4. The Commission directs regulated electric and gas utilities to submit an additional narrative regarding income-qualified bill assistance and other activities as part of the monthly report on arrears and disconnections due June 10, 2023, consistent with the discussion above.

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
May 24, 2023.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Commissioners