

Decision No. C24-0806

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24R-0485EG

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION’S RULES REGULATING ELECTRIC UTILITIES, 4 CODE OF COLOADO REGULATIONS 723-3, AND RULES REGULATING GAS UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-4, TO CLARIFY THE APPLICABILITY OF CERTAIN DISCONNECTION PRACTICES.

NOTICE OF PROPOSED RULEMAKING

Issued Date: November 7, 2024

Adopted Date: November 6, 2024

I. BY THE COMMISSION

A. Statement

1. The Colorado Public Utilities Commission (“Commission”) issues this Notice of Proposed Rulemaking (“NOPR”) to consider a minor clarification to the Commission’s Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (“CCR”) 723-3, and the Rules Regulating Gas Utilities, 4 CCR 723-4 (collectively “Electric and Gas Rules”).

2. Pursuant to House Bill (“HB”) 22-1018, codified at § 40-3-103.6(1), C.R.S., the Commission commenced Proceeding No. 22R-0557EG to adopt standard practices for gas and electric utilities to follow when disconnecting services due to nonpayment.

3. Through Decision No. R23-0844, issued December 20, 2023, the Commission adopted rules that, among other things, established a prohibition on disconnection of service during an “emergency or safety event or circumstance.” An “emergency or safety event or circumstance” is defined by statute, in part, as “a manmade or natural emergency event or safety

circumstance...[t]hat prevents utility staff from being able to safely travel to or work at a customer's residence or place of business for purposes of reconnecting utility service.”¹

4. Specifically, Commission Rules 3407(e)(VII)(C), 4 CCR 723-3, and 4407(e)(VII)(B), 4 CCR 723-4 currently read: “A utility shall postpone service discontinuance to a *residential* customer during an emergency or safety event or circumstance impacting the local area” (emphasis added).

5. Because it appears that the term “residential” was inadvertently included in the affected rules, the Commission issues this NOPR to remove the term “residential” from the Electric and Gas Rules and make clear this prohibition applies to all customer classes. While there was a general focus on the welfare of residential customers throughout Proceeding No. 22R-0557EG, there was no intention to create such a limitation. The purpose of this NOPR is limited to making the *de minimis* amendment to Rules 3407(e)(VII)(C) and 4407(e)(VII)(B) by removing the single word “residential” from each rule so they are compliant with § 40-3-103.6(3)(b)(I)(A), C.R.S.

6. The statutory authority for adoption of these rules is found at § 40-3-103.6 and § 40-2-108, C.R.S., as well as HB 22-1018, codified at § 40-3-106, C.R.S.

7. The proposed amendments to the Electric and Gas Rules are available for review as Attachment A and C (redline/strikethrough) and Attachment B and D (legislative) to this Decision, and through the Commission’s Electronic Filings website (Proceeding No. 24R- 0485EG) at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=24R-0485EG.

¹ § 40-3-103.6(3)(b)(I)(A), C.R.S.

8. Interested parties may provide comments regarding the narrow amendments proposed in this NOPR.

9. Due to the narrow scope of this proposed rulemaking, this proceeding will be conducted in an expedited manner within the confines allowable pursuant to the Colorado Administrative Procedure Act, codified at § 24-4-101 *et seq.*

II. **ORDER**

A. **The Commission Orders That:**

1. This Notice of Proposed Rulemaking, including attachments, shall be filed with the Colorado Secretary of State for publication in the November 25, 2024 edition of *The Colorado Register*.

2. The Commission invites comments from interested persons on the proposed amendments to the Commission’s Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (“CCR”), 723-3, and Rules Regulating Gas Utilities, 4 CCR 723-4, as described in this Decision and its attachments. The Commission prefers and encourages interested persons to file comments through the Commission’s Electronic Filings website (Proceeding No. 24R-0485EG) at: <https://www.dora.state.co.us/pls/efi/EFI.homepage>.

3. This matter is referred to an Administrative Law Judge (“ALJ”) for the issuance of a recommended decision in an expedited manner consistent with the discussion above.

4. The rulemaking hearing on the proposed rules and related matters shall be held before an ALJ, as follows:

DATE: December 17, 2024

TIME: 11:30 a.m.

PLACE: By video conference using zoom at a link in the calendar of events on the commission's website, available at:
<https://puc.colorado.gov/>.

5. The ALJ will set procedures for a remote hearing, if necessary, by a separate decision issued in this Proceeding.

6. The ALJ may set additional hearings, if necessary.

7. Written comments may be filed at any time in this Proceeding. Initial written comments are requested to be filed no later than December 4, 2024, and any comments responsive to the initial comments are requested to be filed no later than December 11, 2024, so that the initial comments and responsive comments may be considered at the hearing.

8. At the time set for hearing, interested persons may submit written comments and may present these orally, unless the ALJ deems oral comments unnecessary. The Commission will consider all comments, whether written or oral.

9. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 6, 2024.**

(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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MEGAN M. GILMAN

TOM PLANT

Commissioners