

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 COLORADO REGULATIONS 723-3, AND RULES REGULATING GAS UTILITIES, 4 CODE OF COLORADO REGULATIONS 723-4, TO CLARIFY THE APPLICABILITY OF CERTAIN DISCONNECTION PRACTICES.

**RECOMMENDED DECISION
AMENDING RULES**

Issued Date: January 9, 2025

I. BY THE COMMISSION

A. Statement

1. On November 7, 2024, the Colorado Public Utilities Commission (“Commission”) issued the Notice of Proposed Rulemaking (“NOPR”) that commenced this proceeding to consider a minor clarification to the Commission’s Rules Regulating Electric Utilities, contained in 4 *Code of Colorado Regulations* (“CCR”) 723-3, and the Rules Regulating Gas Utilities, contained in 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. 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

3. 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).

4. The purpose of this rulemaking 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.

5. 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.

6. The proposed amendments are available for review as Attachment A and C (legislative or redline/strikeout) and Attachment B and D (clean) to this Decision, accessible through the Commission’s Electronic Filings website (by searching Proceeding No. 24R-0485EG) at:

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

7. Being fully advised in this matter and consistent with the discussion below, in accordance with § 40-6-109, C.R.S., the Administrative Law Judge now transmits to the Commission the record in this proceeding, along with a written recommended decision.

¹ § 40-3-103.6(3)(b)(I)(A), C.R.S.

B. Background

8. On November 7, 2024, the Commission issued the NOPR and Decision No. C24-0806, along with attachments A, B, C, and D to the Decision.

9. On November 7, 2024, the Commission filed the Confirmation of the E-filing of the NOPR with the Secretary of State for publication of hearing.

10. On November 7, 2024, the Commission filed the Confirmation of the E-filing of the NOPR with the office of the Regulatory Reform for review notice.

11. At the noticed time and place, a public comment hearing was convened on December 17, 2024. A representative of Public Service Company of Colorado (“Public Service”) appeared, solely to reiterate their written comments submitted on December 3, 2024. No other members of the public appeared to provide oral comment.

II. FINDINGS, DISCUSSION, AND CONCLUSIONS

A. Discussion

12. Public Service’s written comments indicate that they support the proposed revisions to the rules “because they will assist in protecting the safety of Public Service’s employees, contractors, and customers during emergency or safety events.”²

13. No other interested party provided written or oral comments in this proceeding.

14. The proposed amendments to the rules, as shown in Attachments A and C (redline/strikeout) and B and D (clean) to this Decision, reflect the rule changes discussed below.

² Public Service Company of Colorado’s Initial Comments filed December 3, 2024, at p. 1.

1. Rule 3407(e)(VII)(C). Discontinuance of Service.

15. Rule 3407(e)(VII)(C) is amended to remove the term “residential” from the rule to make clear this prohibition applies to all customer classes and to make the rule compliant with § 40-3-103.6(3)(b)(I)(A), C.R.S.

2. Rule 4407(e)(VII)(B). Discontinuance of Service.

16. Rule 4407(e)(VII)(B) is amended to remove the term “residential” from the rule to make clear this prohibition applies to all customer classes and to make the rule compliant with § 40-3-103.6(3)(b)(I)(A), C.R.S.

B. Conclusion

17. Attachments A and C to this Decision represent the rule amendments adopted by this Recommended Decision with modifications to the prior Rules 3407(e)(VII)(C) and 4407(e)(VII)(B) being indicated in redline and strikeout format.

18. Attachments B and D to this Decision represent the rules amendments adopted by this Decision to prior Rules 3407(e)(VII)(C) and 4407(e)(VII)(B) in final form.

19. The adopted rules in legislative format (*i.e.*, strikeout/underline Attachments A and C) and final format (Attachments B and D) are available through the Commission’s E-Filings in this proceeding (24R-0485EG) at:

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

20. It is found and concluded that the proposed rules as modified by this Recommended Decision are reasonable and should be adopted.

21. Pursuant to the provisions of § 40-6-109, C.R.S., it is recommended that the Commission adopt the attached rules.

III. ORDER

A. It Is Ordered That:

1. The Commission's Rules Regulating Electric Utilities ("Electric Rules"), 4 *Code of Colorado Regulations* ("CCR") 723-3, contained in red-lined and strikeout format, attached to this Recommended Decision as Attachment A, and in final format, attached as Attachment B, are adopted.

2. The Commission's Rules Regulating Gas Utilities ("Gas Rules"), 4 CCR 723-4, contained in red-lined and strikeout format, attached to this Recommended Decision as Attachment C, and in final format, attached as Attachment D, are adopted.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

- a. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.
- b. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

5. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

G. HARRIS ADAMS

Administrative Law Judge

ATTEST: A TRUE COPY

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

Rebecca E. White,
Director