

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE RULES OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO REGULATING THE SERVICE OF ELECTRIC UTILITIES WITHIN THE STATE OF COLORADO.))))))	CASE NO. 5320
IN THE MATTER OF THE RULES OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO REGULATING THE SERVICE OF GAS UTILITIES WITHIN THE STATE OF COLORADO.))))))	CASE NO. 5321
IN THE MATTER OF THE RULES OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO REGULATING THE SERVICE OF WATER UTILITIES WITHIN THE STATE OF COLORADO.))))))	CASE NO. 5322
IN THE MATTER OF THE RULES OF THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO REGULATING THE SERVICE OF TELEPHONE UTILITIES WITHIN THE STATE OF COLORADO.))))))	CASE NO. 5323

September 7, 1973

Appearances: CASE NO. 5320

Louis Johnson, Esq., Colorado Springs,
Colorado, for the City of Colorado Springs;

Harry Petersen, Esq., Pueblo, Colorado,
for Central Telephone & Utilities Corporation;

John R. Barry, Esq., Denver, Colorado,
Sidney Baucom, Esq., Salt Lake City, Utah,
Robert Gordon, Esq., Salt Lake City, Utah,
for Western Colorado Power Company;

George E. Diltz, Esq., Cortez, Colorado,
for Empire Electric Association, Inc.;

Donald D. Cawelti, Esq., Denver, Colorado,
for Home Light & Power Company and
Public Service Company of Colorado;

Richard L. Banta, Jr., Esq., Denver, Colorado,
for Intermountain Rural Electric Association;

John J. Conway, Esq., Denver, Colorado, for
Colorado Rural Electric Association;

00021

Robert T. James, Esq., Colorado Springs, Colorado,
for Mountain View Electric Association;

Walker Miller, Esq., Greeley, Colorado,
for Union Rural Electric Association;

Maurice Franks, Esq., Silver Cliff, Colorado,
for L. David Patterson;

Marshall Snider, Esq., Denver, Colorado,
Tucker Trautman, Esq., Denver, Colorado,
for Legal Aid Society of Metropolitan Denver;

John B. Kusic, Esq., Denver, Colorado,
for North Denver Legal Services;

Sheila H. Meer, Esq., Brighton, Colorado
for Adams County Legal Services;

David L. Roberts, Esq., Fort Morgan, Colorado,
for the City of Fort Morgan and Morgan County
Rural Electric Association;

Robert Richardson, Esq., Glenwood Springs, Colorado,
for Holy Cross Rural Electric Association;

John E. Archibald, Esq., Denver, Colorado, and
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

CASE NO. 5321

Louis Johnson, Esq., Colorado Springs, Colorado,
for the City of Colorado Springs;

Donald D. Caweltt, Esq., Denver, Colorado,
for Public Service Company of Colorado, and
Greeley Gas Company;

Maurice Franks Esq., Silver Cliff, Colorado,
for L. David Patterson;

Marshall Snider, Esq., Denver, Colorado,
Tucker Trautman, Esq., Denver, Colorado
for Legal Aid Society of Metropolitan Denver;

John B. Kusic, Esq., Denver, Colorado
for North Denver Legal Services;

Sheila H. Meer, Esq., Brighton, Colorado
for Adams County Legal Services;

John E. Archibald, Esq., Denver, Colorado, and
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

CASE NO. 5322

Donald D. Caweltt, Esq., Denver, Colorado,
for Public Service Company of Colorado;

Maurice Franks Esq., Silver Cliff, Colorado,
for L. David Patterson;

John E. Archibald, Esq., Denver, Colorado, and
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

CASE NO. 5323

Denis G. Stack, Esq., Denver, Colorado,
for Mountain States Telephone and Telegraph
Company;

Robert I. James, Esq., Colorado Springs, Colorado,
for Colorado Independent Telephone Association, Inc.;

Maurice Franks, Esq., Silver Cliff, Colorado,
for L. David Patterson;

Marshall Snider, Esq., Denver, Colorado,
Tucker Trautman, Esq., Denver, Colorado,
for Legal Aid Society of Metropolitan Denver;

John B. Kusic, Esq., Denver, Colorado,
for North Denver Legal Services;

Sheila H. Meer, Esq., Brighton, Colorado
for Adams County Legal Services;

John E. Archibald, Esq., Denver, Colorado, and
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

The above-captioned rule-making proceedings were instituted on the Commission's own motion on March 30, 1973, by Decision No. 82693 in Case No. 5320, by Decision No. 82694 in Case No. 5321, by Decision No. 82695 in Case No. 5322 and by Decision No. 82696 in Case No. 5323. By said Decisions, notice of proposed rule making and notice of hearing were given to all interested parties and the matters were set for hearing on May 31, 1973, at 10 a.m. in the Commission's hearing room at 1845 Sherman Street, Denver, Colorado. Said notice further provided that the following day, May 31, 1973, had been reserved for further hearing, if necessary.

Said notice further provided that any person desiring to file objection, intervene in, or participate as a party in the respective proceedings, shall file his objections or petition for leave to intervene within thirty (30) days after the date of the orders contained in the foregoing numbered decisions.

On April 26, 1973, L. David Patterson, by his attorney Maurice R. Franks, filed a Motion to make May 31, 1973, setting definite in Case No. 5323. On May 4, 1973, by Decision No. 82907, in Case No. 5323, the Commission entered an order setting the hearing on May 30 and May 31, 1973, thus making those dates certain.

On May 1, 1973, the Commission, by Decision No. 82874, in Case No. 5320; Decision No. 82876 in Case No. 5321; Decision No. 82877, in Case No. 5322; and Decision No. 82875 in Case No. 5323, issued orders in each of the said cases, respectively, requiring each intervenor in each respective proceeding to file with the Commission on or before May 15, 1973, in writing, any specific objections, suggestions and proposals that it desired the Commission to consider in the respective proceedings.

The Commission authorized intervention by the following persons, firms or corporations who moved to intervene in the respective cases, to-wit:

CASE NO. 5320

Central Telephone & Utilities Corporation (1)
City of Colorado Springs (1)
City of Fort Morgan (1)
Colorado Rural Electric Association, Inc. (2)
Denver Welfare Rights Organization, Capitol Hill
Tenants Union, Kathy Salazar, Carlos and Roberta
Espinoza (by their next friend, Elvina Tafoya) and
James and Ann Hattell (2)
Empire Electric Association, Inc. (1)
Holy Cross Electric Association, Inc. (1)
Home Light and Power Company (1)
Intermountain Rural Electric Association (1)
Moon Lake Electric Association (1)

Morgan County Rural Electric Association (2)
Mountain View Electric Association, Inc. (1)
L. David Patterson
Poudre Valley Rural Electric Association, Inc. (2)
Public Service Company of Colorado (2)
Sangre de Cristo Electric Association, Inc. (1)
Union Rural Electric Association, Inc. (2)
Western Colorado Power Company (2)

CASE NO. 5321

City of Colorado Springs (1)
Denver Welfare Rights Organization, Capitol Hill
Tenants Union, Kathy Salazar, Carlos and Roberta
Espinoza (by their next friend, Elvina Tafoya) and
James and Ann Hattell (2)
Greeley Gas Company (2)
L. David Patterson
Public Service Company of Colorado (2)
Salida Gas Service Company (1)

CASE NO. 5322

Denver Welfare Rights Organization, Capitol Hill
Tenants Union, Kathy Salazar, Carlos and Roberta
Espinoza (by their next friend, Elvina Tafoya) and
James and Ann Hattell (2)
L. David Patterson
Public Service Company of Colorado (2)

CASE NO. 5323

Central Telephone & Utilities Corporation (1)
Denver Welfare Rights Organization, Capitol Hill
Tenants Union, Kathy Salazar, Carlos and Roberta
Espinoza (by their next friend, Elvina Tafoya) and
James and Ann Hattell (2)
Mountain States Telephone and Telegraph Company (2)
L. David Patterson (2)
The Colorado Independent Telephone Association, Inc. (1)

A hearing was held on May 30 and May 31, 1973, in the above-captioned cases in the Commission's hearing room, 1845 Sherman Street, Denver, Colorado. All parties who filed entries of appearance and all persons who made their respective appearances were granted permission to intervene and appear.

Exhibits 1 through 4 were identified by Mr. Harry A. Galligan, Jr., who qualified as a witness on behalf of the Staff of the Commission.

Exhibit No. 1 is a copy of Decision No. 82693 in Case No. 5320, Notice of Proposed Rule-making and Notice of Hearing. Attached as Appendix A to Decision No. 82693 are Proposed Electric Rule 10, Proposed Electric Rule 11, and Proposed Electric Rule 13.

Exhibit No. 2 is Decision No. 82694 in Case No. 5321, Notice of Proposed Rule-making and Notice of Hearing. Attached as Appendix A to Decision No. 82694 are Proposed Gas Rule 10, Proposed Gas Rule 11 and Proposed Gas Rule 13.

Exhibit No. 3 is Decision No. 82695 in Case No. 5322, Notice of Proposed Rule-making and Notice of Hearing. Attached as Appendix A to Decision No. 82695 are Proposed Water Rule 10, Proposed Water Rule 11 and Proposed Water Rule 13.

Exhibit No. 4 is a copy of Decision No. 82696 in Case No. 5323, Notice of Proposed Rule-making and Notice of Hearing. Attached as Exhibit A to Decision No. 82696 are Proposed Telephone Rule 11 and Proposed Telephone Rule 13.

Exhibits No. 5 and 6 were identified by Mr. L. K. Christolear who testified as a witness on behalf of the Staff of the Commission. Exhibit No. 5 is a sample bill of the Western Colorado Power Company. Exhibit No. 6 is a typical customer billing and collecting cycle.

Exhibits No. 7 and 8 were identified by Mr. Francis P. Heller who testified as a witness on behalf of Central Telephone and Utilities Corporation. Exhibit No. 7 is a sample of Central Telephone and Utilities Corporation's bill. Exhibit No. 8 is a copy of the Central Telephone and Utilities Corporation's bill printout.

Exhibits No. 9 through 13 were identified by L. David Patterson, Intervenor in all four cases, who testified in his own behalf. Exhibit No. 9

is a copy of a Mountain Bell telephone bill rendered to L. David Patterson with billing date of January 7, 1973. Exhibit No. 10 is a copy of check No. 3854 dated January 4, 1973, drawn on the United Bank of Denver by L. David Patterson, payor, and payable to Mountain Bell in the amount of \$61.94. Exhibit No. 11 is a copy of a Mountain Bell telephone bill to L. David Patterson with a billing date of February 7, 1973. Exhibit No. 12 is a document entitled "Specific Objections and Proposals" in Case No. 5323 submitted by Intervenor L. David Patterson. Exhibit No. 13 is a copy of a "denial for non-payment" with a listed name of L. David Patterson, thereon, dated January 5, 1973, issued by Mountain Bell.

Exhibit No. 14 was identified by Margaret Long who testified as a witness on behalf of Intervenor Denver Welfare Rights Organization, et al. Exhibit No. 14 is a seventeen-page document entitled "Public Assistance Determination of Need, Standards of Assistance."

Exhibits No. 15 through No. 20 are affidavits introduced by counsel for Denver Welfare Rights Organization, et al., and not through a witness. Exhibit No. 15 is an affidavit of Paul M. Prentice, a public utilities engineer with the Department of Public Utilities for the Commonwealth of Massachusetts. Attached to said affidavit dated May 24, 1973, is a document purporting to be regulations of the Massachusetts Department of Public Utilities on billing and termination procedures of residential customers of gas and electric companies issued on December 14, 1970.

Exhibit No. 16 is an affidavit of James F. Hattell dated May 29, 1973.

Exhibit No. 17 is an affidavit of Beatrice Sanchez dated May 24, 1973.

Exhibit No. 18 is an affidavit of Larry Smith dated May 25, 1973.

Exhibit No. 19 is an affidavit of Henry Nelson dated May 29, 1973.

Exhibit No. 20 is an affidavit of Carolyn Walker dated May 17, 1973.

Exhibits No. 1 through No. 20 were admitted into evidence.

At the conclusion of the hearing it was announced from the bench that the parties would be permitted, on an optional basis, to file statements of position on or before June 11, 1973.

A Statement of Position was filed by the Staff of the Commission.

In the foregoing designation of intervenors in each respective case, those who filed objections or comments before the hearing, but who did not file a statement of position subsequent to the hearing, are designated by a "(1)". Those who filed objections or comments before the hearing and also a statement of position subsequent to the hearing are designated by a "(2)".

Public letters were received by the Commission from the following in Case No. 5323:

5/22/73 - J E D Enterprises, Inc.;
5/22/73 - Pine Drive Telephone Company;
5/22/73 - Simla Telephone Exchange;
5/24/73 - Eagle Valley Telephone Company.

DISCUSSION

The changes in the rules as proposed are designed to accomplish three objectives. First of all, certain rules are clarified and simplified and no substantive change in their import is intended. A second purpose of the proposed rules is to change the present policy with respect to customer deposits which allows a good deal of management discretion, and requires instead, that the utilities act in a non-discriminatory manner with respect to obtaining, or not obtaining, deposits. A third purpose of the rules is to require more complete information for the benefit of a utility consumer concerning his billing, and his rights in the event discontinuance of service is intended by the utility.

Electric Rule 10(a) is a clarification and simplification which does not involve any substantive change in its implementation.

Electric Rule 10(b) has been reworded, but no substantive change is involved. However, we believe that in order to make certain that a customer has a right to obtain a meter reading either at the time the meter is read, or thereafter, the first clause of the first sentence should be changed from the proposed rule to read "At such time a utility customer's meter is read or thereafter...".

Finally, there should be no difficulty in a utility placing the information required by Rule 10(c) on a metered customer's billing. Beginning and ending readings will be helpful in fully apprising the customer of the amount of service utilized and should also lessen the possibility of disputes with respect thereto.

Electric Rule 10(c) requires that a customer's bill indicate the rate or rate code identification. It is true that tariffs are available for a customer's inspection and a sophisticated person could determine the rate that he is paying. However, the practical burden of a customer taking the time and trouble to inspect a tariff is considerably greater than the slight and innocuous burden of a utility indicating the rate or rate code identification on its bill to the customer. Since there can be no dispute that the customer is entitled to know the rate, the only question is what is the fairest way for this to be accomplished, and it is our judgment that the requirement of Electric Rule 10(c) does this in a way which is both fair to the customer and to the utility.

If a bill is estimated, it should so state and Electric Rule 10(c) requires that this be done.

Electric Rule 10(c) also requires that the last date payable after which the bill becomes past due be stated on the bill. Cycle billing has become a modern commercial practice and many business firms specify the date when bills are due and payable. If customers do know when their bills are due, the customer is less likely to be delinquent in payment, thus the requirement of a last

date payable after which the bill becomes past due should be helpful both to the utility and to the customer. If a utility customer is aware of what he is paying for, and when he should pay, it can be anticipated possible friction between the customer and the utility can be significantly decreased and hopefully eliminated entirely.

Electric Rule 10(e) is designed to give an opportunity to a utility customer to pay off in installments an amount applicable to past billing periods due to meter error or billing error upon the part of the utility. If a customer is undercharged because of the error of the utility, it is necessary, of course, for the undercharged customer to make up the undercharges in order to avoid discriminatory treatment favorable to him vis-a-vis other customers who were charged properly. However, as a practical matter, it is often difficult for a utility customer to make up past undercharges all at one time. A reasonable way to make up the undercharges is to permit the customer to pay the accumulated undercharges by installment payments over a period of time equal in length to the period during which the errors were accumulated. Since the errors are those of the utility, the customer should not have to pay interest on the undercharges; otherwise the innocent customer would be in danger of being penalized for something not of his own doing.

Electric Rule 11(a), as it exists before this order, is abolished inasmuch as meter rentals are no longer used. The new Electric Rule 11(a) incorporates what is now Electric Rule 11(b) and provides that a utility may require, at any time, from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills, but only in accordance with Rule 11. Rule 11(a) clarifies that the deposit which may be collected pursuant to Rule 11, may be in addition to any advance, contribution, or guarantee in connection with construction of lines or facilities as provided for in the extension policy as stated in the utility's tariffs. Thus, Rule 11(a) now makes it explicitly clear that the utility may collect these extra funds in addition to obtaining the deposit.

Electric Rule 11(b) states that customers who previously received service from a utility are required to make a new or additional deposit only if previous payment record indicates recent or substantial delinquencies. With respect to customers who have not previously been served by the utility, Electric Rule 11(b) requires that they shall be treated uniformly within each rate classification so that either all or none of the new customers within such classification will be required to make a deposit. Some utilities alleged that Rule 11(b) would make it impossible or impractical to collect a deposit from any customer, whereas other utilities alleged that the rule would make it necessary to collect a deposit from everybody. It was stated by some that Rule 11(b) invalidated the province of management judgment and discretion. The evidence clearly indicated that, at least with some utilities, there is a variation in how much of a deposit is obtained and how long it is retained by the utility as between customers. These variations could not be explained on any objective criteria and apparently were due to subtle distinctions and variations of a subjective nature.

At the present time we are of the opinion that whether or not a utility elects to obtain deposits from its customers is properly one of management business judgment. However, it is clear that once that judgment has been made, it should be applied uniformly with respect to all of the utility's customers within each rate classification. This, of course, merely implements the long established regulatory policy of non-discriminatory treatment.

It should be pointed out that Rule 11(b) does not prohibit the obtaining of a deposit from a customer whose payment record includes recent or substantial delinquencies. We believe this part of Rule 11(b) is flexible enough as a common sense rule to enable a utility to obtain a deposit when a customer's payment record has not been kept current. We believe this is a better approach than to try to anticipate in rule form every circumstance or combination of circumstances which would justify the obtaining of a deposit because of a poor payment record, or delineating specific time period or dollar amounts. For example, a \$100 delinquency might be "substantial" for a small residential customer, but not for a large industrial customer.

00031

Electric Rule 11(e) is a mere clarification of the present rule and provides that no utility shall refuse to return a deposit or any balance to which a customer may be entitled solely upon the basis that the customer is unable to surrender his certificate of deposit.

Electric Rule 11(g) makes clear that a deposit shall not be applied by a utility to any indebtedness of the customer to the utility except to a bill for utility service due or past due after service is terminated. When a deposit is applied as partial or full payment against a non-utility service or commodity provided by the utility, or when a deposit is applied against monies owing for utility service while the customer is still receiving service, there is a seed for much confusion in the customer's account. By restricting the use of the deposit to indebtedness for utility services only after the service is terminated, this confusion can be eliminated.

Electric Rule 11(h) provides that only a cash deposit or third-party guarantee of payment shall be used as security as payment of utility services. This narrows the area of management discretion with respect to the type of security which may be obtained for payment of utility service. However, this will eliminate the possibility that a utility may discriminate among customers as to the nature and quality of the security required; and, of course, is in consequence with the philosophy adopted by this Commission that actual or potential discrimination, whether overt or subtle, must not be practiced by utilities subject to the jurisdiction of this Commission.

Electric Rule 13(a), as adopted, expands the notice requirement for proposed discontinuance of service from five days to seven days. It is possible, with today's level of mail service, for a customer to receive actual notice of discontinuance only twenty-four hours in advance, which period of time does not give a customer enough time to attempt to work out an arrangement with the utility prior to a service cutoff. Although the Staff proposed continuation of a five-day rule, but not to include Saturdays, Sundays, or holidays, we believe an extension of the notice requirement to an absolute seven days will make it easier to determine the actual day of the possible service cutoff.

00032

We have added a sentence to Rule 13(b) to provide that service shall not be discontinued or refused for failure to pay any indebtedness except as incurred for utility service rendered by the utility in the State of Colorado. Of course, this does not eliminate the possibility that if a customer who has been served by the utility in another state, is delinquent that utility may require a deposit from that customer in Colorado. However, with respect to service, there is no plausible reason why events which have taken place outside Colorado should have any bearing on whether or not a person can receive, or continue to receive, an essential utility service within the State of Colorado.

Electric Rule 13(c), as finally adopted by the decision herein, clarifies the original Staff proposal which was to provide a mechanism whereby the notice of discontinuance sent by a utility to a customer would contain such information as would enable the customer to know how to contact the utility and also this Commission. The rule is no more or less than a notice rule. By no stretch of the imagination does this rule state or intimate that the Commission will adjudicate either the utility's monetary claims against the customer, or, conversely, a customer's monetary claims against a utility. We do not agree with the contention that providing information in the notice of discontinuance that the customer has the right to make an informal complaint to the Commission Staff or the right to request a hearing before the Commission will engender an increase in customer disputes and invite litigation. On the contrary, adequate information on how to contact the utility or the Commission is more likely to do precisely the opposite, namely, reduce ill-will and the thought that perhaps the utility is trying to keep the customer less than fully informed.

Often a utility customer does not know where to turn when he has a legitimate disagreement with a utility. Obviously, it is more satisfactory for a utility customer to negotiate his differences with a utility directly rather than through intermediaries. This, of course, is impossible unless the utility customer knows with whom to communicate in the utility.

Rule 13(c) does not create a new right in a utility customer to come before this Commission with an inquiry or a complaint. He has that right now. However, as aptly and succinctly observed by Federal District Judge Harold R. Tyler, in the case of Bronson vs. Consolidated Edison Company of New York, 350 F. Supp. 443, 450 (1972), "The most carefully and fairly arranged machinery for dispute resolution is of little value to those who do not know of its existence."

Electric Rule 13(d) provides that in the event a customer requests a hearing on the proposed termination of service by a utility, the Commission shall set the matter for hearing at the earliest practicable time, which hearing shall be conducted in accordance with the Rules of Practice and Procedure of the Commission. Rule 13(d) also provides that upon motion of the utility, the Commission may order the applicant for a hearing to post an additional deposit with the utility in such amount as the Commission deems reasonable under the circumstances.

Although some of the intervenors alleged that the additional deposit option violates the constitutional rights of a consumer, we believe the requirement for an additional deposit properly is analogous to the posting of bond in those cases wherein the court grants a temporary restraining order or a temporary injunction upon proper showing, and, accordingly, is not constitutionally infirm.

We believe this is a fair provision to protect the utility from losses in those circumstances wherein a customer may use the request for a hearing as a ruse to delay or avoid payment on just charges while still receiving service.

Rule 13(e) as adopted provides that service should not be discontinued for the non-payment of a utility bill more than 30 days overdue as long as all current bills are paid when due and all past due amounts are being amortized by reasonable installment payments. The rule as adopted also provides that the words "current bill" mean that portion of the bill which is

not 30 days past due. The clear purpose of Rule 13(e) is to encourage responsibility in payment practices on the part of the customer and responsible collection procedures on the part of the utility. The rule does not prohibit a utility from "carrying" a customer. It merely provides that in the event the utility chooses to do so, it cannot abruptly change its mind and demand full payment of a customer's past due obligations in a single instant. Though some concern was raised about the so-called "bad check" customer, we do not believe the problem is as serious as it was made out. First of all, it should be recognized that a so-called payment by a bad check is not payment at all, and can be treated as non-payment by a utility. In any event, inasmuch as the usual practice is that a utility bill is due on the 50th day, and will not be past due until the 80th day, the utility has 30 days in which to run the check through for payment and to determine whether the payment was good.

We believe that the foregoing comments which we have made with respect to the proposed electric rules are equally applicable to the gas, water and telephone rules which have the same basic wording.

This Commission does not believe it should intrude into the area of management which properly belongs to those hired by the stockholders of a utility enterprise for that purpose. However, it has become increasingly clear that utility action, to some extent, is state action, as is illustrated by the case of Hattell vs. Public Service Company of Colorado, 350 F. Supp. 240 (1972). To date no Colorado case, or federal case interpreting the Federal Constitution and Colorado law, has spelled out the detailed requirements that must be followed with respect to deposits, discontinuances, and hearings. We should hope that it will not be necessary for any court to so do.

We believe the rules which we herein adopt are reasonable in protecting the legitimate interests of both the utilities and the consumers and will go a long way toward resolving legitimate disputes between utilities and consumers and if not resolving them, at least providing a procedure whereby disputes can be resolved without resorting to extended litigation in federal and state courts.

00035

CONCLUSIONS

After careful consideration of the rules proposed by the Staff of the Commission (which are set forth in the left-hand column of Appendices 1 through 4 attached hereto) and all suggestions, comments, discussions, statements of position, and consideration of the record herein, the Commission concludes pursuant to CRS 115-2-9, as amended, that it should adopt the proposed revisions as set forth in the respective appendices in Exhibits 1, 2, 3 and 4, except that certain modifications therein should be made. These modifications are as follows:

(1) Electric Rule 10(b) as proposed and as set forth in Appendix A to Decision No. 82693 (and also set forth in Appendix 1 attached hereto) should be changed to read:

AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN KILOWATT HOURS OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING.

(2) Electric Rule 10(e) as proposed and as set forth in Appendix A to Decision No. 82693 (and also set forth in Appendix 1 attached hereto) should be changed to read:

ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

(3) Electric Rule 13(a) as proposed and as set forth in Appendix A to Decision No. 82693 (and also set forth in Appendix 1 attached hereto) should be changed to read:

"No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or short circuit on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative."

(4) Electric Rule 13(c) as proposed and as set forth in Appendix A to Decision No. 82693 (and also set forth in Appendix 1 attached hereto) should be changed to read:

"IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER."

(5) Electric Rule 13(e) as proposed and as set forth in Appendix A to Decision No. 82693 (and also set forth in Appendix 1 attached hereto) should be changed to read:

"SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE."

(6) Gas Rule 10(b) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN CUBIC FEET OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING."

(7) Gas Rule 10(d) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST."

(8) Gas Rule 11(h) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT."

(9) Gas Rule 13(a) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative."

(10) Gas Rule 13(c) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN IN-

FORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER."

(11) Gas Rule 13(e) as proposed and as set forth in Appendix A to Decision No. 82694 (and also set forth in Appendix 2 attached hereto) should be changed to read:

"SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE."

(12) Water Rule 10(b) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN GALLONS OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING."

(13) Water Rule 10(d) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST."

(14) Water Rule 11(h) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT."

(15) Water Rule 13(a) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing the service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative."

(16) Water Rule 13(c) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE

THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER."

(17) Water Rule 13(e) as proposed and as set forth in Appendix A to Decision No. 82695 (and also set forth in Appendix 3 attached hereto) should be changed to read:

"SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE."

(18) Telephone Rule 13(a) as proposed and as set forth in Appendix A to Decision No. 82696 (and also set forth in Appendix 4 attached hereto) should be changed to read:

"No telephone utility shall discontinue service to any subscriber for the non-payment of any sum for exchange, toll or other service except upon written notice of at least SEVEN days, advising the subscriber of the amount due and the date by which the same shall be paid. In the event the subscriber fails to pay, or make arrangement for payment by said date, the telephone utility may suspend the service or discontinue the service without suspension or, following suspension of service, sever the connection and remove any of its equipment from the subscriber's premises. Service may be denied to any applicant for failure to comply with applicable requirements of these rules, or the telephone utility's rules, or the requirements of municipal ordinances, or law pertaining to telephone service."

(19) Telephone Rule 13(c) as proposed and as set forth in Appendix A to Decision No. 82696 (and also set forth in Appendix 4 attached hereto) should be changed to read:

"IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE SUBSCRIBER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR

WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE SUBSCRIBER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE SUBSCRIBER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE SUBSCRIBER."

(20) Telephone Rule 13(e) as proposed and as set forth in Appendix A to Decision No. 82696 (and also set forth in Appendix 4 attached hereto) should be changed to read:

"SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE."

Although it is not required, the opinion of the Attorney General of the State of Colorado should be sought as to the constitutionality and legality of the revisions of the above rules, and a copy of the above rules, as revised, should be kept on file in the office of the Secretary of State; and, the following Order should be entered

O R D E R

THE COMMISSION ORDERS THAT:

1. Rules 10, 11 and 13 of the Rules Governing Electric Utilities shall be revised to read as indicated in Appendix 1 to this Order, as incorporated herein.
2. Rules 10, 11 and 13 of the Rules Governing Gas Utilities shall be revised to read as indicated in Appendix 2 of this Order, as incorporated herein.
3. Rules 10, 11 and 13 of the Rules Governing Water Utilities shall be revised to read as indicated in Appendix 3 to this Order, as incorporated herein.

4. Rules 11 and 13 of the Rules Governing Telephone Utilities shall be revised to read as indicated in Appendix 4 to this Order, as incorporated herein.

5. The Commission will concurrently with this Order seek the opinion of the Attorney General of the State of Colorado regarding the constitutionality and the legality of the revised rules adopted herein. Duplicate copies of the opinion of the Attorney General and a copy of the revised rules set forth in Appendices 1 through 4, attached hereto, will be placed on file with the Secretary of State.

6. This Order shall be effective forthwith

DONE IN OPEN MEETING the 7th day of September, 1973.

(S E A L)

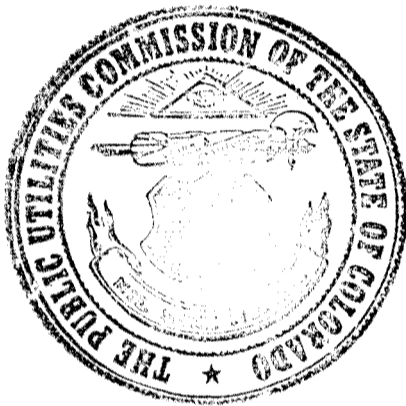
THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

EDWIN R. LUNDBORG

HENRY E. ZARLENGO

HOWARD S. BJELLAND

Commissioners
did



ATTEST: A TRUE COPY

Harry A. Galligan, Jr.

Harry A. Galligan, Jr., Secretary

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 10

P R O P O S E D

Meter Readings and Bill Forms.--(a) Each service meter shall indicate clearly the kilowatt hours or other units of service for which charge is made to the customer,-- In cases where the dial reading of a meter must be multiplied by a factor, factors or a constant to obtain the units consumed, the proper factor, factors or constant to be applied shall be clearly marked on the face or dial of the meter AND UNITS OF DEMAND WHERE APPLICABLE FOR WHICH SERVICE THE CHARGE IS MADE TO THE CUSTOMER. IN CASES WHERE THE REGISTER AND/OR CHART READING MUST BE MULTIPLIED BY A CONSTANT OR FACTOR TO OBTAIN THE UNITS CONSUMED, THE FACTOR, FACTORS OR CONSTANT SHALL BE CLEARLY MARKED ON THE REGISTER OR FACE OF THE METER.

(b)--Each utility shall, upon written request of any customer, cause the meter reader reading the meter installed upon the premises of such customer, to leave upon such meter the first time such customer's meter is read after receipt of such request a card or slip showing the date and time such reading was taken, and either the total usage expressed in kilowatt hours, or other unit of service recorded by the meter read, or showing the position of the hands upon the dial of such meter at the time the reading was taken.

(B) WHEN A UTILITY'S CUSTOMER METER IS READ, THE CUSTOMER MAY REQUEST THE UTILITY TO PROVIDE SUCH CUSTOMER WITH A CARD OR SLIP INDICATING THE DATE THE CUSTOMER METER WAS READ, EITHER THE TOTAL USAGE EXPRESSED IN KILOWATT HOURS, OR OTHER UNIT OF SERVICE RECORDED BY THE METER READ, OR SHOWING THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME THE READING WAS TAKEN.

A D O P T E D

Electric Rule 10 (a) - adopted as proposed.

Electric Rule 10 (b):

AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN KILOWATT HOURS OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 10

P R O P O S E D

A D O P T E D

~~(c) All bills rendered periodically to customers for metered service furnished shall show, in addition to the net amount due, the date on which the current reading was taken, and meter readings at the beginning and end of the period for which the bill is rendered.~~

(C) ALL BILLS RENDERED TO CUSTOMERS FOR METERED SERVICE FURNISHED SHALL SHOW:

Electric Rule 10 (c) - adopted as proposed.

- (1) NET AMOUNT DUE;
- (2) DATES AND METER READINGS BEGINNING AND ENDING THE PERIOD DURING WHICH SERVICE WAS RENDERED;
- (3) A DISTINCT MARKING TO IDENTIFY AN ESTIMATED BILL;
- (4) AN APPROPRIATE RATE OR RATE CODE IDENTIFICATION;
- (5) LAST DATE PAYABLE AFTER WHICH THE BILL BECOMES PAST DUE; AND
- (6) ALL OTHER ESSENTIAL FACTS UPON WHICH THE BILL IS BASED, INCLUDING FACTORS AND/OR CONSTANTS WHERE PRACTICAL AS IN (a) ABOVE.

(d) Where a utility has the customer read the meter and submit the data to the utility, the tariff of the utility shall clearly state what areas provide for customer meter reading and what areas are to be read by the utility. The tariff shall also state whether all meters in a particular area are to be read by the customer or if special conditions apply to certain classes of service, such as residential, commercial, industrial or seasonal. The tariff shall also specify in detail the procedure to be followed for customer meter reading.

Electric Rule 10 (d) - no change.

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RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 10

P R O P O S E D

(E) ANY CUSTOMER SHALL BE GIVEN THE OPPORTUNITY TO MAKE INSTALLMENT PAYMENTS IN THE EVENT A CURRENT BILL INCLUDES AMOUNTS APPLICABLE TO PAST BILLING PERIODS SOLELY DUE TO EVENTS UNDER THE CONTROL OF THE UTILITY SUCH AS METER ERROR, BILLING ERRORS, OR, IN CASES WHERE METERS ARE READ BY THE UTILITY, FAILURE TO READ THE METER CORRECTLY, OR AT ALL, PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY IN SITUATIONS WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

A D O P T E D

Electric Rule 10 (e):

ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

-27-

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Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 11

P R O P O S E D

A D O P T E D

~~Meter-Rentals, and Customer Deposits. (a) No meter rental, as distinguished from a minimum charge for service, shall be charged by any utility for any service meter installed by it for measurements upon which bills are rendered.~~

~~(b) (A) Any utility may require at any time from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills ONLY IN ACCORDANCE WITH THIS RULE. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such customer, or in the case of a customer whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such customer, except that in the event an extension of lines and facilities is required to furnish such prospective customer with service, the deposit may be the amount of the estimated bill for a longer period if so specified in the provisions of the extension policy of the utility. THE DEPOSIT PURSUANT TO THIS RULE MAY BE IN ADDITION TO ANY ADVANCE, CONTRIBUTION, OR GUARANTEE IN CONNECTION WITH CONSTRUCTION OF LINES OR FACILITIES AS PROVIDED FOR IN THE EXTENSION POLICY AS STATED IN THE UTILITY'S TARIFFS. Simple interest shall be paid by the utility upon such deposits at the rate of seven percent per annum, payable upon the return of the deposit, or annually upon request of the customer, for the time such deposit was held by the utility and the customer was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash, or by a credit to the customer's account. In computing interest, no consideration need be given to fractional parts of months.~~

(B) CUSTOMERS WHO HAVE PREVIOUSLY RECEIVED SERVICE FROM THE UTILITY SHALL BE REQUIRED TO MAKE A NEW OR ADDITIONAL DEPOSIT ONLY IF PREVIOUS PAYMENT RECORD INCLUDES RECENT OR SUBSTANTIAL DELINQUENCIES. CUSTOMERS WHO HAVE NOT PREVIOUSLY BEEN SERVED BY THE UTILITY SHALL BE TREATED UNIFORMLY WITHIN EACH RATE CLASSIFICATION SO THAT EITHER ALL OR NONE OF THE NEW CUSTOMERS WITHIN SUCH CLASSIFICATION WILL BE REQUIRED TO MAKE A DEPOSIT.

Electric Rule 11 (a) - adopted as proposed.

Electric Rule 11 (b) - adopted as proposed.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 11

P R O P O S E D

A D O P T E D

(c) Each utility having on hand such deposits from customers, or hereafter receiving such deposits from customers, shall keep records to show:

Electric Rule 11 (c) - no change.

- (1) The name of each customer making a deposit;
- (2) The premises occupied by the customer when making the deposit and each successive premises occupied while the deposit is retained by the utility;
- (3) The amount and date of making the deposit; and
- (4) A record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(d) Each utility shall issue to every customer from whom such deposit is received a certificate of deposit.

Electric Rule 11 (d) - no change.

~~(e) -- Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled, but is unable to procure the original certificate of deposit, may not upon reasonable proof be deprived of his deposit or balance.~~

(E) NO UTILITY SHALL REFUSE TO RETURN A DEPOSIT OR ANY BALANCE TO WHICH A CUSTOMER MAY BE ENTITLED SOLELY UPON THE BASIS THAT THE CUSTOMER IS UNABLE TO SURRENDER HIS CERTIFICATE OF DEPOSIT.

Electric Rule 11 (e) - adopted as proposed.

(f) Each utility shall file as a part of its tariffs a brief statement setting forth its deposit requirement policy, explaining under what circumstances a deposit shall be required and when such deposit shall be returned.

Electric Rule 11 (f) - no change.

(G) THE MAKING OF A DEPOSIT SHALL NOT RELIEVE ANY CUSTOMER FROM PAYMENT OF CURRENT BILLS AS THEY BECOME DUE AND NO DEPOSIT SHALL BE APPLIED BY THE UTILITY TO ANY INDEBTEDNESS OF THE CUSTOMER TO THE UTILITY EXCEPT TO A BILL FOR UTILITY SERVICES DUE OR PAST DUE AFTER SERVICE IS TERMINATED.

Electric Rule 11 (g) - adopted as proposed.

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RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

RULE 11

PROPOSED

(H) NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

ADOPTED

Electric Rule 11 (h) - adopted as proposed.

-30-

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

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CASE NO. 5320
Appendix No. 1 to
DECISION NO. 83551
Page 6 of 9 Pages

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 13

P R O P O S E D

Discontinuance of Service.--(a) No utility shall discontinue the service of any customer for violation of any rule of such utility OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least five days, NOT INCLUDING SATURDAYS, SUNDAYS OR HOLIDAYS, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or short circuit on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

(b) Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective customer shall not constitute a sufficient cause for refusal of service to a present or prospective customer; provided, however, the utility may decline to furnish service at the same premises for the use of a delinquent customer by subterfuge in any manner. Subterfuge includes, but is not restricted to an application for service at a given location in the name of another party by an applicant whose account is delinquent and who continues to reside at the premises. SERVICE SHALL NOT BE DISCONTINUED OR REFUSED FOR FAILURE TO PAY ANY INDEBTEDNESS EXCEPT AS INCURRED FOR UTILITY SERVICE RENDERED BY THE UTILITY IN THE STATE OF COLORADO.

A D O P T E D

Electric Rule 13 (a):

No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or short circuit on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

Electric Rule 13 (b) - adopted as proposed.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 13

P R O P O S E D

(C) IN THE EVENT THAT A DISPUTE EXISTS BETWEEN THE CUSTOMER AND THE UTILITY WITH RESPECT TO THE AMOUNT OR DATE DUE, OR ANY CHARGES FOR UTILITY SERVICE FOR THE NON-PAYMENT OF WHICH THE UTILITY HAS GIVEN A NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SUCH NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE THE DISPUTE, AND, IN CASE THE DISPUTE CANNOT BE RESOLVED, OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS:

(1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON:

(2) THE RIGHT TO REQUEST A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

A D O P T E D

Electric Rule 13 (c):

IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

RULES REGULATING THE SERVICE OF ELECTRIC UTILITIES

R U L E 13

P R O P O S E D

(D) IN THE EVENT A CUSTOMER REQUESTS A HEARING ON THE PROPOSED TERMINATION OF SERVICE BY THE UTILITY, THE COMMISSION SHALL SET THE MATTER FOR HEARING AT THE EARLIEST PRACTICABLE TIME, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE OF THE COMMISSION. UPON MOTION BY THE UTILITY, THE COMMISSION MAY ORDER THE APPLICANT FOR A HEARING TO POST AN ADDITIONAL DEPOSIT WITH THE UTILITY IN SUCH AMOUNT AS THE COMMISSION DEEMS REASONABLE UNDER THE CIRCUMSTANCES.

(E) SERVICE SHALL NOT BE DISCONTINUED FOR THE NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY DAYS OVERDUE, IF THE UTILITY HAS NOTICE THAT THE REQUIREMENT OF SUCH PAYMENT WOULD CAUSE UNDUE HARDSHIP, AS LONG AS ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS.

A D O P T E D

Electric Rule 13 (d) - adopted as proposed.

Electric Rule 13 (e):

SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE.

-33-

00053

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

CASE NO. 5320
Appendix 1 to
DECISION NO. 83551
Page 9 of 9 Pages

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 10

P R O P O S E D

A D O P T E D

Meter Readings and Bill Forms.--(a) Each service meter shall indicate clearly the cubic feet or other units of service for which charge is made to the customer. In cases where the dial reading of a meter (other than an orifice or other chart-type gas meter) must be multiplied by a factor, factors or a constant to obtain the units consumed, the proper factor, factors or constant to be applied shall be clearly marked on the face or dial of the meter, if practical. The factor, factors or constant shall be clearly marked on the customer's bill, if practical.

Gas Rule 10 (a) - no change.

(b) Each utility shall, upon written request of any customer, cause the meter reader reading the meter installed upon the premises of such customer, to leave upon such meter the first time such customer's meter is read after receipt of such request a card or slip showing the date and time such reading was taken, and either the total reading expressed in cubic feet or other unit of service recorded by the meter read, or showing the position of the hands upon the dial of such meter at the time the reading was taken.

Gas Rule 10 (b):

(B) WHEN A UTILITY'S CUSTOMER METER IS READ, THE CUSTOMER MAY REQUEST THE UTILITY TO PROVIDE SUCH CUSTOMER WITH A CARD OR SLIP INDICATING THE DATE THE CUSTOMER METER WAS READ, EITHER THE TOTAL USAGE EXPRESSED IN CUBIC FEET OR OTHER UNIT OF SERVICE RECORDED BY THE METER READ, OR SHOWING THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME THE READING WAS TAKEN.

AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN CUBIC FEET OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 10

P R O P O S E D

A D O P T E D

~~{e}--All bills rendered periodically to customers for metered service furnished shall show, in addition to the net amount due, the date on which the current reading was taken, the meter readings at the beginning and end of the period for which the bill is rendered, when requested by the customer or deemed necessary by the utility, and all other essential facts upon which the bill is based, including factors and/or constants, if practical, as in (a) above.~~

(C) ALL BILLS RENDERED TO CUSTOMERS FOR METERED SERVICE FURNISHED SHALL SHOW:

Gas Rule 10 (c) - adopted as proposed.

- (1) NET AMOUNT DUE;
- (2) DATES AND METER READINGS BEGINNING AND ENDING THE PERIOD DURING WHICH SERVICE WAS RENDERED;
- (3) A DISTINCT MARKING TO IDENTIFY AN ESTIMATED BILL;
- (4) AN APPROPRIATE RATE OR RATE CODE IDENTIFICATION;
- (5) LAST DATE PAYABLE AFTER WHICH THE BILL BECOMES PAST DUE;
AND
- (6) ALL OTHER ESSENTIAL FACTS UPON WHICH THE BILL IS BASED, INCLUDING FACTORS AND/OR CONSTANTS WHERE PRACTICAL AS IN (a) ABOVE.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 10

P R O P O S E D

(D) ANY CUSTOMER SHALL BE GIVEN THE OPPORTUNITY TO MAKE INSTALLMENT PAYMENTS IN THE EVENT A CURRENT BILL INCLUDES AMOUNTS APPLICABLE TO PAST BILLING PERIODS SOLELY DUE TO EVENTS UNDER THE CONTROL OF THE UTILITY SUCH AS METER ERROR, BILLING ERRORS, OR, IN CASES WHERE METERS ARE READ BY THE UTILITY, FAILURE TO READ THE METER CORRECTLY, OR AT ALL, PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY IN SITUATIONS WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

A D O P T E D

Gas Rule 10 (d):

ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

-35-

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

00056

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 11

P R O P O S E D

A D O P T E D

~~Meter-Rentals, and Customer Deposits. (a) No meter rental, as distinguished from a minimum charge for service, shall be charged by any utility for any service meter installed by it for measurements upon which bills are rendered.~~

~~(b) (A) Any utility may require at any time from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills ONLY IN ACCORDANCE WITH THIS RULE. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such customer, or in the case of a customer whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such customer, except that in the event an extension of lines and facilities is required to furnish such prospective customer with service, the deposit may be the amount of the estimated bill for a longer period if so specified in the provisions of the extension policy of the utility. THE DEPOSIT PURSUANT TO THIS RULE MAY BE IN ADDITION TO ANY ADVANCE, CONTRIBUTION, OR GUARANTEE IN CONNECTION WITH CONSTRUCTION OF LINES OR FACILITIES AS PROVIDED FOR IN THE EXTENSION POLICY AS STATED IN THE UTILITY'S TARIFFS. Simple interest shall be paid by the utility upon such deposits at the rate of seven per cent per annum, payable upon the return of the deposit, or annually upon request of the customer, for the time such deposit was held by the utility and the customer was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash or by a credit to the customer's account. In computing interest, no consideration need be given to fractional parts of months.~~

(B) CUSTOMERS WHO HAVE PREVIOUSLY RECEIVED SERVICE FROM THE UTILITY SHALL BE REQUIRED TO MAKE A NEW OR ADDITIONAL DEPOSIT ONLY IF PREVIOUS PAYMENT RECORD INCLUDES RECENT OR SUBSTANTIAL DELINQUENCIES. CUSTOMERS WHO HAVE NOT PREVIOUSLY BEEN SERVED BY THE UTILITY SHALL BE TREATED UNIFORMLY WITHIN EACH RATE CLASSIFICATION SO THAT EITHER ALL OR NONE OF THE NEW CUSTOMERS WITHIN SUCH CLASSIFICATION WILL BE REQUIRED TO MAKE A DEPOSIT.

Gas Rule 11 (a) - adopted as proposed.

Gas Rule 11 (b) - adopted as proposed.

- 27 -

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 11

P R O P O S E D

(c) Each utility having on hand such deposits from customers, or hereafter receiving such deposits from customers, shall keep records to show:

- (1) The name of each customer making a deposit;
- (2) The premises occupied by the customer when making the deposit and each successive premises occupied while the deposit is retained by the utility;
- (3) The amount and date of making the deposit; and
- (4) A record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(d) Each utility shall issue to every customer from whom such deposit is received a certificate of deposit.

~~(e) -- Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled, but is unable to procure the original certificate of deposit, may not upon reasonable proof be deprived of his deposit or balance.~~

(E) NO UTILITY SHALL REFUSE TO RETURN A DEPOSIT OR ANY BALANCE TO WHICH A CUSTOMER MAY BE ENTITLED SOLELY UPON THE BASIS THAT THE CUSTOMER IS UNABLE TO SURRENDER HIS CERTIFICATE OF DEPOSIT.

(f) Each utility shall file as part of its tariffs a brief statement setting forth its deposit requirement policy, explaining under what circumstances a deposit shall be required and when such deposit shall be returned.

A D O P T E D

Gas Rule 11 (c) - no change.

Gas Rule 11 (d) - no change.

Gas Rule 11 (e) - adopted as proposed.

Gas Rule 11 (f) - no change.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 11

P R O P O S E D

(G) THE MAKING OF A DEPOSIT SHALL NOT RELIEVE ANY CUSTOMER FROM PAYMENT OF CURRENT BILLS AS THEY BECOME DUE AND NO DEPOSIT SHALL BE APPLIED BY THE UTILITY TO ANY INDEBTEDNESS OF THE CUSTOMER TO THE UTILITY EXCEPT TO A BILL FOR UTILITY SERVICES DUE OR PAST DUE AFTER SERVICE IS TERMINATED.

(H) NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT, SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

A D O P T E D

Gas Rule 11 (g) - adopted as proposed.

Gas Rule 11 (h):

NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

00059

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 13

P R O P O S E D

Discontinuance of Service.--(a) No utility shall discontinue the service of any customer for violation of any rule of such utility OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least five days, NOT INCLUDING SATURDAYS, SUNDAYS OR HOLIDAYS, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

(b) Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective customer shall not constitute a sufficient cause for refusal of service to a present or prospective customer; provided, however, the utility may decline to furnish service at the same premises for the use of a delinquent customer by subterfuge in any manner. Subterfuge includes, but is not restricted to an application for service at a given location in the name of another party by an applicant whose account is delinquent and who continues to reside at the premises. SERVICE SHALL NOT BE DISCONTINUED OR REFUSED FOR FAILURE TO PAY ANY INDEBTEDNESS EXCEPT AS INCURRED FOR UTILITY SERVICE RENDERED BY THE UTILITY IN THE STATE OF COLORADO.

A D O P T E D

Gas Rule 13 (a):

No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

Gas Rule 13 (b) - adopted as proposed.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 13

P R O P O S E D

A D O P T E D

(C) IN THE EVENT THAT A DISPUTE EXISTS BETWEEN THE CUSTOMER AND THE UTILITY WITH RESPECT TO THE AMOUNT OR DATE DUE, OR ANY CHARGES FOR UTILITY SERVICE FOR THE NON-PAYMENT OF WHICH THE UTILITY HAS GIVEN A NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SUCH NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE THE DISPUTE, AND, IN CASE THE DISPUTE CANNOT BE RESOLVED, OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS:

(1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON;

(2) THE RIGHT TO REQUEST A HEARING BEFORE THE COMMISSION THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND THE STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

(D) IN THE EVENT A CUSTOMER REQUESTS A HEARING ON THE PROPOSED TERMINATION OF SERVICE BY THE UTILITY, THE COMMISSION SHALL SET THE MATTER FOR HEARING AT THE EARLIEST PRACTICABLE TIME, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE OF THE COMMISSION. UPON MOTION BY THE UTILITY, THE COMMISSION MAY ORDER THE APPLICANT FOR A HEARING TO POST AN ADDITIONAL DEPOSIT WITH THE UTILITY IN SUCH AMOUNT AS THE COMMISSION DEEMS REASONABLE UNDER THE CIRCUMSTANCES

Gas Rule 13 (c):

IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

Gas Rule 13 (d) - Adopted as proposed.

RULES REGULATING THE SERVICE OF GAS UTILITIES

R U L E 13

P R O P O S E D

(E) SERVICE SHALL NOT BE DISCONTINUED FOR THE NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY DAYS OVERDUE, IF THE UTILITY HAS NOTICE THAT THE REQUIREMENT OF SUCH PAYMENT WOULD CAUSE UNDUE HARDSHIP, AS LONG AS ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS.

A D O P T E D

Gas Rule 13 (e):

SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE.

-42-

00062

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 10

P R O P O S E D

Meter Readings and Bill Forms.--(a) Each service meter shall indicate clearly the units of service in cubic feet or gallons for which charge is made to the customer. In cases where the dial REGISTER reading of a meter must be multiplied by a constant to obtain the units consumed, the proper constant to be applied shall be clearly marked on the face on dial REGISTER of the meter.

~~(b)-Each-utility-shall,-upon-written-request-of-any-customer, cause-the-meter-reader-reading-the-meter-installed-upon-the-premises-of such-customer,-to-leave-upon-such-meter-a-card-or-slip-showing-the-date and-time-such-reading-was-taken-and-either-the-total-reading-expressed in-the-units-of-service,-cubic-feet-or-gallons,-recorded-by-the-meter read,-or-showing-the-position-of-the-hands-upon-the-dial-of-such-meter at-the-time-the-reading-was-taken-~~

(B) WHEN A UTILITY'S CUSTOMER METER IS READ, THE CUSTOMER MAY REQUEST THE UTILITY TO PROVIDE SUCH CUSTOMER WITH A CARD OR SLIP INDICATING THE DATE THE CUSTOMER METER WAS READ, THE TOTAL USAGE EXPRESSED IN UNITS OF SERVICE, CUBIC FEET OR GALLONS, RECORDED BY THE METER READ, OR SHOWING THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME THE READING WAS TAKEN.

00063

-43-

A D O P T E D

Water Rule 10(a) - adopted as proposed.

Water Rule 10(b):

AT THE TIME OF THE READING OF THE CUSTOMER'S METER OR THEREAFTER, UPON THE CUSTOMER'S REQUEST, THE UTILITY WILL PROVIDE A CARD OR SLIP SHOWING THE DATE OF THE READING, AND EITHER THE TOTAL USAGE EXPRESSED IN GALLONS OR OTHER UNIT OF SERVICE RECORDED, OR THE POSITION OF THE HANDS UPON THE DIAL OF SUCH METER AT THE TIME OF THE READING.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 10

P R O P O S E D

A D O P T E D

~~(c) -- All bills rendered periodically to customers for metered service furnished shall show, in addition to the net amount due, the dates on which the readings were taken, the meter readings at the beginning and end of the period for which the bill is rendered, when requested by the customer or deemed necessary by the utility, and all other essential facts upon which the bills are based.~~

(C) ALL BILLS RENDERED TO CUSTOMERS FOR METERED SERVICE FURNISHED SHALL SHOW:

Water Rule 10(c) - adopted as proposed.

- (1) NET AMOUNT DUE;
- (2) DATES AND METER READINGS BEGINNING AND ENDING THE PERIOD WHICH SERVICE WAS RENDERED;
- (3) A DISTINCT MARKING TO IDENTIFY AN ESTIMATED BILL;
- (4) AN APPROPRIATE RATE OR RATE CODE IDENTIFICATION;
- (5) LAST DATE PAYABLE AFTER WHICH THE BILL BECOMES PAST DUE;
AND
- (6) ALL OTHER ESSENTIAL FACTS UPON WHICH THE BILL IS BASED, INCLUDING FACTORS AND/OR CONSTANTS WHERE PRACTICAL AS IN (A) ABOVE.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 10

P R O P O S E D

(D) ANY CUSTOMER SHALL BE GIVEN THE OPPORTUNITY TO MAKE INSTALLMENT PAYMENTS IN THE EVENT A CURRENT BILL INCLUDES AMOUNTS APPLICABLE TO PAST BILLING PERIODS SOLELY DUE TO EVENTS UNDER THE CONTROL OF THE UTILITY SUCH AS METER ERROR, BILLING ERRORS, OR, IN CASES WHERE METERS ARE READ BY THE UTILITY, FAILURE TO READ THE METER CORRECTLY, OR AT ALL, PROVIDED, HOWEVER, THAT THIS POSITION SHALL NOT APPLY IN SITUATIONS WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

A D O P T E D

Water Rule 10(d):

ANY CUSTOMER SHALL BE PERMITTED TO MAKE INSTALLMENT PAYMENTS IF A BILL INCLUDES AMOUNTS FROM PAST BILLING PERIODS, ARISING SOLELY FROM EVENTS UNDER CONTROL OF THE UTILITY SUCH AS METER MALFUNCTIONS, BILLING ERRORS, UTILITY METER READING ERRORS OR FAILURE TO READ THE METER, WHICH FAILURE SHALL NOT APPLY WHERE THE METER IS NOT READILY ACCESSIBLE TO THE UTILITY AND THE CUSTOMER REFUSES TO READ HIS OWN METER. ANY INSTALLMENT PAYMENTS UNDER THE PROVISIONS OF THIS RULE MAY EXTEND OVER A PERIOD EQUAL IN LENGTH TO THE PERIOD DURING WHICH THE ERRORS WERE ACCUMULATED AND SHALL BEAR NO INTEREST.

-45-

00065

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 11

P R O P O S E D

A D O P T E D

~~Meter-Rentals, and Customers' Deposits. -- (a) -- No meter rental as distinguished from a minimum charge for service, shall be charged by any utility for any service meter installed by it for measurements upon which bills are rendered; provided, however, that in cases where service meters are used as sub-meters to a main meter, a rental charge for such sub-meter may be established with the approval of this Commission. -- The utility shall keep such sub-meters in good operating condition, but will not be required to keep a record of the monthly readings of these meters. Sub-metering for resale by a customer, other than another utility or a cooperative, is prohibited.~~

(b) (A) Any utility may require at any time from any customer or prospective customer, a cash deposit intended to guarantee payment of current bills ONLY IN ACCORDANCE WITH THIS RULE. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such customer, or, in the case of a customer whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such customer, ~~except that in the event an extension of lines and facilities is required to furnish such prospective customer with service, the deposit may be the amount of the estimated bill for a longer period if so specified in the provisions of the extension policy of the utility.~~ THE DEPOSIT PURSUANT TO THIS RULE MAY BE IN ADDITION TO ANY ADVANCE, CONTRIBUTION, OR GUARANTEE IN CONNECTION WITH CONSTRUCTION OF LINES OR FACILITIES AS PROVIDED FOR IN THE EXTENSION POLICY AS STATED IN THE UTILITY'S TARIFFS. SIMPLE interest shall be paid by the utility upon such deposits at the rate of seven per cent per annum, payable upon the return of the deposit, or annually upon request of the customer, for the time such deposit was held by the utility and the customer was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash or by a credit to the customer's account. In computing interest, no consideration need be given to fractional parts of months.

Water Rule 11(a) - adopted as proposed.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 11

P R O P O S E D

A D O P T E D

(B) CUSTOMERS WHO HAVE PREVIOUSLY RECEIVED SERVICE FROM THE UTILITY SHALL BE REQUIRED TO MAKE A NEW OR ADDITIONAL DEPOSIT ONLY IF PREVIOUS PAYMENT RECORD INCLUDES RECENT OR SUBSTANTIAL DELINQUENCIES. CUSTOMERS WHO HAVE NOT PREVIOUSLY BEEN SERVED BY THE UTILITY SHALL BE TREATED UNIFORMLY WITHIN EACH RATE CLASSIFICATION SO THAT EITHER ALL OR NONE OF THE NEW CUSTOMERS WITHIN SUCH CLASSIFICATION WILL BE REQUIRED TO MAKE A DEPOSIT.

Water Rule 11(b) - adopted as proposed.

(c) Each utility having on hand such deposits from customers, or hereafter receiving such deposits from customers, shall keep records to show:

Water Rule 11(c) - no change.

- (1) The name of each customer making a deposit;
- (2) The premises occupied by the customer when making the deposit, and each successive premises occupied while the deposit is retained by the utility;
- (3) The amount and date of making the deposit; and
- (4) A record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(d) Each utility shall issue to every customer from whom such deposit is received a certificate of deposit.

Water Rule 11(d) - no change.

~~(e) -- Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled, but is unable to procure the original certificate of deposit, may not, upon reasonable proof, be deprived of his deposit or balance.~~

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 11

P R O P O S E D

(E) NO UTILITY SHALL REFUSE TO RETURN A DEPOSIT OR ANY BALANCE TO WHICH A CUSTOMER MAY BE ENTITLED SOLELY UPON THE BASIS THAT THE CUSTOMER IS UNABLE TO SURRENDER HIS CERTIFICATE OF DEPOSIT.

(f) Each utility shall file as part of its tariffs a brief statement setting forth its deposit requirement policy, explaining under what circumstances a deposit shall be required and when such deposit shall be returned.

(G) THE MAKING OF A DEPOSIT SHALL NOT RELIEVE ANY CUSTOMER FROM PAYMENT OF CURRENT BILLS AS THEY BECOME DUE AND NO DEPOSIT SHALL BE APPLIED BY THE UTILITY TO ANY INDEBTEDNESS OF THE CUSTOMER TO THE UTILITY EXCEPT TO A BILL FOR UTILITY SERVICES DUE OR PAST DUE AFTER SERVICE IS TERMINATED.

(H) NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT, SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

00068

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

A D O P T E D

Water Rule 11(e) - adopted as proposed.

Water Rule 11(f) - no change.

Water Rule 11(g) - adopted as proposed.

Water Rule 11(h):

NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OF PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE CUSTOMER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 13

P R O P O S E D

Discontinuance of Service.--(a) No utility shall discontinue the service of any customer for violation of any rule of such utility OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least five days, NOT INCLUDING SATURDAYS, SUNDAYS OR HOLIDAYS, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing the service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

(b) Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective customer shall not constitute a sufficient cause for refusal of service to a present or prospective customer, provided, however, the utility may decline to furnish service at the same premises for the use of a delinquent customer by subterfuge in any manner. Subterfuge includes, but is not restricted to an application for service at a given location in the name of another party by an applicant whose account is delinquent and who continues to reside at the premises. SERVICE SHALL NOT BE DISCONTINUED OR REFUSED FOR FAILURE TO PAY ANY INDEBTEDNESS EXCEPT AS INCURRED FOR UTILITY SERVICE RENDERED BY THE UTILITY IN THE STATE OF COLORADO.

(c) IN THE EVENT THAT A DISPUTE EXISTS BETWEEN THE CUSTOMER AND THE UTILITY WITH RESPECT TO THE AMOUNT OR DATE DUE, OR ANY CHARGES FOR UTILITY SERVICE FOR THE NON-PAYMENT OF WHICH THE UTILITY HAS GIVEN A NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SUCH NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE THE DISPUTE, AND, IN CASE THE DISPUTE CANNOT BE RESOLVED, OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS:

A D O P T E D

Water Rule 13(a):

No utility shall discontinue the service of any customer for violation of any rule of such utility AND/OR FOR NON-PAYMENT OF ANY SUM DUE FOR UTILITY SERVICE except upon written notice of at least SEVEN days, advising the customer in what particular such rule has been violated for which service will be discontinued, AND/OR THE AMOUNT DUE AND THE DATE BY WHICH THE SAME SHALL BE PAID. This rule shall not apply where a by-pass is discovered on a customer's service meter, or in the event of the discovery of dangerous leakage on a customer's premises, or in the case of a customer utilizing the service in such a manner as to make it dangerous for occupants of the premises, thus making an immediate discontinuance of service to the premises imperative.

Water Rule 13(b) - adopted as proposed.

Water Rule 13(c): (see page following)

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 13

P R O P O S E D

(1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON;

(2) THE RIGHT TO REQUEST A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND THE STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

(D) IN THE EVENT A CUSTOMER REQUESTS A HEARING ON THE PROPOSED TERMINATION OF SERVICE BY THE UTILITY, THE COMMISSION SHALL SET THE MATTER FOR HEARING AT THE EARLIEST PRACTICABLE TIME, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE OF THE COMMISSION. UPON MOTION BY THE UTILITY, THE COMMISSION MAY ORDER THE APPLICANT FOR A HEARING TO POST AN ADDITIONAL DEPOSIT WITH THE UTILITY IN SUCH AMOUNT AS THE COMMISSION DEEMS REASONABLE UNDER THE CIRCUMSTANCES.

A D O P T E D

Water Rule 13(c):

IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE CUSTOMER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE CUSTOMER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE CUSTOMER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE CUSTOMER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

Water Rule 13(d) - adopted as proposed.

RULES REGULATING THE SERVICE OF WATER UTILITIES

R U L E 13

P R O P O S E D

(E) SERVICE SHALL NOT BE DISCONTINUED FOR THE NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY DAYS OVERDUE, IF THE UTILITY HAS NOTICE THAT THE REQUIREMENT OF SUCH PAYMENT WOULD CAUSE UNDUE HARDSHIP, AS LONG AS ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS.

A D O P T E D

Water Rule 13(e):

SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE.

-51-

00071

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 11

P R O P O S E D

A D O P T E D

Subscriber Deposit.--(a) Any utility may require at any time from any subscriber or prospective subscriber, a cash deposit intended to guarantee payment of current bills ONLY IN ACCORDANCE WITH THIS RULE. Such required deposit shall not exceed the amount of an estimated ninety days' bill of such subscriber, or in the case of a subscriber whose bills are payable in advance, it shall not exceed an estimated sixty days' bill for such subscriber, ~~except in the event an extension of lines and facilities is required to furnish such prospective subscriber with service, the deposit may be the amount of the estimated bill for a longer period, if so specified in the provisions of the extension policy.~~ THE DEPOSIT PURSUANT TO THIS RULE MAY BE IN ADDITION TO ANY ADVANCE, CONTRIBUTION, OR GUARANTEE IN CONNECTION WITH CONSTRUCTION OF LINES OR FACILITIES AS PROVIDED FOR IN THE EXTENSION POLICY AS STATED IN THE UTILITY'S TARIFFS. An estimated charge for toll calls may also be included in the total amount of deposit required. Simple interest shall be paid by the utility upon such deposits at the rate of seven percent per annum, payable upon the return of the deposit, or annually upon request of the subscriber, for the time such deposit was held by the utility and the subscriber was served by the utility, unless such period be less than six months. Interest payments may, at the option of the utility, be made either in cash, or by a credit to the subscriber's account. In computing interest, no consideration need be given to fractional parts of months.

(B) CUSTOMERS WHO HAVE PREVIOUSLY RECEIVED SERVICE FROM THE UTILITY SHALL BE REQUIRED TO MAKE A NEW OR ADDITIONAL DEPOSIT ONLY IF PREVIOUS PAYMENT RECORD INCLUDES RECENT OR SUBSTANTIAL DELINQUENCIES. CUSTOMERS WHO HAVE NOT PREVIOUSLY BEEN SERVED BY THE UTILITY SHALL BE TREATED UNIFORMLY WITHIN EACH RATE CLASSIFICATION SO THAT EITHER ALL OR NONE OF THE NEW CUSTOMERS WITHIN SUCH CLASSIFICATION WILL BE REQUIRED TO MAKE A DEPOSIT.

Telephone Rule 11(a) - adopted as proposed.

Telephone Rule 11(b) - adopted as proposed.

-52-

000072

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 11

P R O P O S E D

A D O P T E D

(C) Each utility having on hand such deposits from subscribers, or hereafter receiving such deposits from subscribers, shall keep records to show:

Telephone Rule 11(c) - no change.

- (1) The name of each subscriber making a deposit;
- (2) The premises occupied by the subscriber when making the deposit and each successive premises occupied while the deposit is retained by the utility;
- (3) The amount and date of making the deposit; and
- (4) A record of each transaction, such as the payment of interest, interest credited, etc., concerning such deposit.

(e) (D) Each utility shall issue to every subscriber from whom such deposit is received a certificate of deposit.

Telephone Rule 11(d) - no change.

~~(d) -- Each utility shall provide ways and means whereby a depositor who makes application for the return of his deposit or any balance to which he is entitled but is unable to procure the original certificate of deposit, may not upon reasonable proof be deprived of his deposit or balance.~~

(E) NO UTILITY SHALL REFUSE TO RETURN A DEPOSIT OR ANY BALANCE TO WHICH A SUBSCRIBER MAY BE ENTITLED SOLELY UPON THE BASIS THAT THE SUBSCRIBER IS UNABLE TO SURRENDER HIS CERTIFICATE OF DEPOSIT.

Telephone Rule 11(e) - adopted as proposed.

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 11

P R O P O S E D

{e} (F) Each utility shall file as part of its tariffs a brief statement setting forth its deposit requirement policy, explaining under what circumstances a deposit shall be required and when such deposit shall be returned.

(G) THE MAKING OF A DEPOSIT SHALL NOT RELIEVE ANY SUBSCRIBER FROM PAYMENT OF CURRENT BILLS AS THEY BECOME DUE AND NO DEPOSIT SHALL BE APPLIED BY THE UTILITY TO ANY INDEBTEDNESS OF THE SUBSCRIBER TO THE UTILITY EXCEPT TO A BILL FOR UTILITY SERVICES DUE OR PAST DUE AFTER SERVICE IS TERMINATED.

(H) NO UTILITY SHALL REQUIRE ANY SECURITY OTHER THAN A CASH DEPOSIT TO SECURE PAYMENT FOR UTILITY SERVICES EXCEPT THAT A UTILITY MAY PROVIDE FOR AN ACCEPTABLE THIRD PARTY GUARANTEE OR PAYMENT INSTEAD OF A CASH DEPOSIT REQUIREMENT UNDER THIS RULE. IN NO EVENT SHALL THE FURNISHING OF UTILITY SERVICES OR EXTENSION OF UTILITY FACILITIES OR ANY INDEBTEDNESS IN CONNECTION THEREWITH RESULT IN A LIEN, MORTGAGE OR OTHER SECURITY INTEREST IN ANY REAL OR PERSONAL PROPERTY OF THE SUBSCRIBER, UNLESS SUCH INDEBTEDNESS HAS BEEN REDUCED TO JUDGMENT.

A D O P T E D

Telephone Rule 11(f) - no change.

Telephone Rule 11(g) - adopted as proposed.

Telephone Rule 11(h) - adopted as proposed.

-54-

000728

Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.

CASE NO. 5323
Appendix No. 4 to
DECISION NO. 83551
Page 3 of 6 Pages

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 13

P R O P O S E D

Discontinuance, Suspension or Refusal of Service.--(A) No telephone utility shall discontinue service to any subscriber for the non-payment of any sum for exchange, toll or other service except upon written notice of at least five days, NOT INCLUDING SATURDAYS, SUNDAYS OR HOLIDAYS, advising the subscriber of the amount due and the date by which the same shall be paid. In the event the subscriber fails to pay, or make arrangement for payment by said date, the telephone utility may suspend the service or discontinue the service without suspension or, following suspension of service, sever the connection and remove any of its equipment from the subscriber's premises. ~~In the event there is disagreement or dispute concerning a bill for telephone service, the subscriber shall have the right to deposit a sum of money equal to the amount of the bill with the telephone utility pending settlement and thereby avoid discontinuance of service for non-payment of such disputed bill.~~ Service may be denied to any applicant for failure to comply with applicable requirements of these rules, or the telephone utility's rules, or the requirements of municipal ordinances, or law pertaining to telephone service.

(B) Delinquency in payment for service rendered to a previous occupant of the premises to be served and unpaid charges for services or facilities not ordered by the present or prospective subscriber, or failure to pay directory advertising charges, OR ANY OTHER INDEBTEDNESS EXCEPT AS INCURRED FOR UTILITY SERVICE RENDERED BY THE UTILITY IN THE STATE OF COLORADO shall not constitute a sufficient cause for refusal of service to a present or prospective subscriber; PROVIDED, HOWEVER, THE UTILITY MAY DECLINE TO FURNISH SERVICE AT THE SAME PREMISES FOR THE USE OF A DELINQUENT SUBSCRIBER BY SUBTERFUGE IN ANY MANNER. SUBTERFUGE INCLUDES, BUT IT NOT RESTRICTED TO AN APPLICATION FOR SERVICE AT A GIVEN LOCATION IN THE NAME OF ANOTHER PARTY BY AN APPLICANT WHOSE ACCOUNT IS DELINQUENT AND WHO CONTINUES TO RESIDE AT THE PREMISES. SERVICE SHALL NOT BE DISCONTINUED OR REFUSED FOR FAILURE TO PAY ANY INDEBTEDNESS EXCEPT AS INCURRED FOR UTILITY SERVICE RENDERED BY THE UTILITY IN THE STATE OF COLORADO.

A D O P T E D

Telephone Rule 13(a):

No telephone utility shall discontinue service to any subscriber for the non-payment of any sum for exchange, toll or other service except upon written notice of at least SEVEN days, advising the subscriber of the amount due and the date by which the same shall be paid. In the event the subscriber fails to pay, or make arrangement for payment by said date, the telephone utility may suspend the service or discontinue the service without suspension or, following suspension of service, sever the connection and remove any of its equipment from the subscriber's premises. Service may be denied to any applicant for failure to comply with applicable requirements of these rules, or the telephone utility's rules, or the requirements of municipal ordinances, or law pertaining to telephone service.

Telephone Rule No. 13(b) - adopted as proposed.

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 13

P R O P O S E D

(C) IN THE EVENT THAT A DISPUTE EXISTS BETWEEN THE SUBSCRIBER AND THE UTILITY WITH RESPECT TO THE AMOUNT OR DATE DUE, OR ANY CHARGES FOR UTILITY SERVICE FOR THE NON-PAYMENT OF WHICH THE UTILITY HAS GIVEN A NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SUCH NOTICE SHALL ADVISE THE SUBSCRIBER HOW TO CONTACT THE UTILITY TO RESOLVE THE DISPUTE, AND, IN CASE THE DISPUTE CANNOT BE RESOLVED, OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS:

(1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON;

(2) THE RIGHT TO REQUEST A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE SUBSCRIBER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE SUBSCRIBER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND THE STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE CUSTOMER.

A D O P T E D

Telephone Rule 13(c):

IN THE EVENT A UTILITY GIVES NOTICE OF DISCONTINUANCE OF SERVICE IN ACCORDANCE WITH SECTION (a) OF THIS RULE, SAID NOTICE SHALL ADVISE THE SUBSCRIBER HOW TO CONTACT THE UTILITY TO RESOLVE ANY DISPUTE, WITH RESPECT TO AMOUNT OR DATE DUE, AND/OR WITH RESPECT TO VIOLATION OF ANY RULE, AND, IN ADDITION, SAID NOTICE SHALL ADVISE THE SUBSCRIBER OF HIS RIGHTS UNDER THIS RULE AS FOLLOWS: (1) THE RIGHT TO MAKE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF BY LETTER, TELEPHONE OR IN PERSON; AND/OR (2) THE RIGHT TO REQUEST, IN WRITING, A HEARING BEFORE THE COMMISSION. THE COMMISSION MAY ORDER THE UTILITY NOT TO TERMINATE SERVICE PENDING A HEARING AT THE DISCRETION OF THE COMMISSION. ORDINARILY, SUCH AN ORDER NOT TO TERMINATE SERVICE WILL BE ISSUED ONLY IF (A) THE SUBSCRIBER HAS POSTED A DEPOSIT WITH THE UTILITY EQUAL TO THE AMOUNT IN DISPUTE; OR (B) THE SUBSCRIBER HAS PREVIOUSLY MADE AN INFORMAL COMPLAINT TO THE COMMISSION STAFF AND STAFF INVESTIGATION OF SUCH COMPLAINT INDICATES PROBABLE SUCCESS OF THE SUBSCRIBER.

RULES REGULATING THE SERVICE OF TELEPHONE UTILITIES

R U L E 13

P R O P O S E D

(D) IN THE EVENT A SUBSCRIBER REQUESTS A HEARING ON THE PROPOSED TERMINATION OF SERVICE BY THE UTILITY, THE COMMISSION SHALL SET THE MATTER FOR HEARING AT THE EARLIEST PRACTICABLE TIME, WHICH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH THE RULES OF PRACTICE AND PROCEDURE OF THE COMMISSION. UPON MOTION BY THE UTILITY, THE COMMISSION MAY ORDER THE APPLICANT FOR A HEARING TO POST AN ADDITIONAL DEPOSIT WITH THE UTILITY IN SUCH AMOUNT AS THE COMMISSION DEEMS REASONABLE UNDER THE CIRCUMSTANCES.

(E) SERVICE SHALL NOT BE DISCONTINUED FOR THE NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY DAYS OVERDUE, IF THE UTILITY HAS NOTICE THAT THE REQUIREMENT OF SUCH PAYMENT WOULD CAUSE UNDUE HARDSHIP, AS LONG AS ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS.

A D O P T E D

Telephone Rule 13(d) - adopted as proposed.

Telephone Rule 13(e):

SERVICE SHALL NOT BE DISCONTINUED FOR NON-PAYMENT OF ANY UTILITY BILL MORE THAN THIRTY (30) DAYS OVERDUE IF ALL CURRENT BILLS ARE PAID WHEN DUE AND ALL PAST DUE AMOUNTS ARE BEING AMORTIZED BY REASONABLE INSTALLMENT PAYMENTS. CURRENT BILL MEANS THAT PORTION OF THE BILL WHICH IS NOT THIRTY (30) DAYS PAST DUE.

-57-

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Note: Changes and additions are shown in upper case letters.
Deletions are shown as lined out.