

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

#### 4 CODE OF COLORADO REGULATIONS (CCR) 723-3

#### PART 3

#### RULES REGULATING ELECTRIC UTILITIES

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[indicates omission of unaffected rules]

##### 3001. Definitions.

The following definitions apply throughout this Part 3, except where a specific rule or statute provides otherwise. In addition to the definitions ~~stated~~ here, the definitions found in the Public Utilities Law and Part 1 apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply. In the event of a conflict between these definitions and a definition in Part 1, these definitions shall apply.

- (a) "Affiliate" of a ~~public~~-utility means a subsidiary of a ~~public~~-utility, a parent corporation of a ~~public~~ utility, a joint venture organized as a separate corporation or partnership to the extent of the individual ~~public~~-utility's involvement with the joint venture, a subsidiary of a parent corporation of a ~~public~~-utility or where the ~~public~~ utility or the parent corporation has a controlling interest over an entity.
- (b) "Aggregated data" means ~~reports aggregating~~ customer data, alone or in combination with ~~other non-customer~~ data, resulting from processing (e.g., average of a group of customers) and/or the compilation of customer data of one or more customers from which all unique identifiers and personal information has been removed.
- (c) "Applicant for service" means a person who applies for utility service and who either has taken no previous utility service from that utility or has not taken utility service from that utility within the most recent 30 days.
- (d) "Average error" means the arithmetic average of the percent registration at light load and at heavy load, giving the heavy load registration a weight of four and the light load registration a weight of one.
- (e) "Basis point" means one-hundredth of a percentage point (100 basis points = 1 percent).
- (f) "Benefit of service" means the use of utility service by each person of legal age who resides at a premises to which service is delivered and who is not registered with the utility as the customer of record.

- (g) "Commission" means the Colorado Public Utilities Commission.
- (h) "Contracted agent" means any ~~third party entity~~ person that has contracted with a utility in compliance with rule ~~30293030~~ to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (i) "Customer" means any person who is currently receiving utility service. Any person who moves within a utility's service territory and obtains utility service at a new location within 30 days shall be considered a "customer." Unless stated in a particular rule, "customer" applies to any class of customer as defined by the Commission or by utility tariff.
- (j) "Customer data" means customer-specific ~~data or~~ information, excluding personal information as defined in paragraph 1004(x), that: ~~(1) is:~~
  - (I) collected from the ~~electric meter~~ by the utility and stored in its data systems (e.g., kWh, kW, voltage, VARs and power factor); ~~(2) is received by~~
  - (II) combined with customer-specific energy usage information on bills issued to the utility from customer for regulated utility service when not publicly or lawfully available to the customer identifying whether they participate ~~general public; or~~
  - (III) about the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, and/or energy efficiency; ~~and (3) information other than personal information that is shown on bills issued to customers for metered service furnished programs.~~
- (k) "Creep" means that, with all load wires disconnected, a meter's moving element makes one complete revolution in ten minutes or less.
- (l) "Distribution extension" is any construction of distribution facilities, including primary and secondary distribution lines, transformers, service laterals, and appurtenant facilities (except meters and meter installation facilities), necessary to supply service to one or more additional customers.
- (m) "Distribution facilities" are those lines designed to operate at the utility's distribution voltages in the area as defined in the utility's tariffs including substation transformers that transform electricity to a distribution voltage and also includes other equipment within a transforming substation which is not integral to the circuitry of the utility's transmission system.
- (n) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.
- (o) "Heavy load" means not less than 60 percent, but not more than 100 percent, of the nameplate-rated capacity of a meter.
- (p) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure.
- (q) "Light load" means approximately five to ten percent of the nameplate-rated capacity of a meter.

- (r) "Load" means the power consumed by an electric utility customer over time (measured in terms of either demand or energy or both).
- ~~(s)~~ "Local government" means any Colorado county, municipality, city and county, home rule city or town, home rule city and county, or city or town operating under a territorial charter.
- ~~(st)~~ "Local office" means any Colorado office operated by a utility at which persons may make requests to establish or to discontinue utility service. If the utility does not operate an office in Colorado, "local office" means any office operated by a utility at which persons may make requests to establish or to discontinue utility service in Colorado.
- ~~(tu)~~ "Main service terminal" means the point at which the utility's metering connections terminate. Main service terminals are accessed by removing the meter dial face from the meter housing.
- ~~(uv)~~ "MVA" means mega-volt amperes and is the vector sum of the real power and the reactive power.
- ~~(w)~~ "Non-standard customer data" means all customer data that are not standard customer data.
- ~~(vx)~~ "Output" means the energy and power produced by a generation system.
- ~~(wy)~~ "Past due" means the point at which a utility can affect a customer's account for regulated service due to non-payment of charges for regulated service.
- ~~(xz)~~ "Principal place of business" means the place, in or out of the State of Colorado, where the executive or managing principals who directly oversee the utility's operations in Colorado are located.
- ~~(aa)~~ "Property owner" means the legal owner of government record for a parcel of real property within the service territory of a utility. A utility may rely upon the records of a county clerk for the county within which a parcel of property is located to determine ownership of government record.
- ~~(ybb)~~ "Reference standard" means suitable indicating electrical equipment permanently mounted in a utility's laboratory and used for no purpose other than testing rotating standards.
- ~~(zcc)~~ "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission or contained in a tariff of the utility.
- ~~(aadd)~~ "Rotating standard" means a portable meter used for testing service meters.
- ~~(bbee)~~ "RUS" means the Rural Utilities Service of the United States Department of Agriculture, or its successor agencies.
- ~~(ceff)~~ "Security" includes any stock, bond, note, or other evidence of indebtedness.
- ~~(dedgg)~~ "Service connection" is the location on the customer's premises/facilities at which a point of delivery of power between the utility and the customer is established. For example, in the case of a typical residential customer served from overhead secondary supply, this is the location at which the utility's electric service drop conductors are physically connected to the customer's electric service entrance conductors.

(~~ee~~hh) "Staff" means Staff of the Public Utilities Commission.

(~~ff~~ii) "Standard customer data" means customer data ~~actively maintained in its systems~~ by a utility in its ~~ordinary course of business. If actively maintained in its~~ systems in the ordinary course of business, ~~such data shall be sufficient to allow customers to understand their usage at level of detail commensurate with the meter or network technology deployed by the utility to serve the customer's premise.~~

(~~gg~~jj) "Third-party" means ~~any entity other than a person who is not the customer of record, the, an agent of the customer who has been designated by the customer with the utility and is acting on the customer's behalf, a regulated utility serving such the customer, or a contracted agent, that requests authorization from the customer for access to customer data from of~~ the utility.

(~~hh~~kk) "Transmission extension" is any construction of transmission facilities and appurtenant facilities, including meter installation facilities (except meters), which is connected to and enlarges the utility's transmission system and which is necessary to supply transmission service to one or more additional customers.

(~~ii~~ll) "Transmission facilities" are those lines and related substations designed and operating at voltage levels above the utility's voltages for distribution facilities , including but not limited to related substation facilities such as transformers, capacitor banks, or breakers that are integral to the circuitry of the utility's transmission system.

(~~mm~~) "Unique identifier" means a customer's name, mailing address, telephone number, or email address that is displayed on a bill.

(~~nn~~jj) "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff filed with the Commission, and are for service or merchandise not required as a condition of receiving regulated utility service.

(~~kk~~oo) "Utility" means any public utility as defined in § 40-1-103, C.R.S., providing electric, steam, or associated services in the state of Colorado.

(~~pp~~) "Utility service" or "service" means a service offering of a ~~public~~ utility, which service offering is regulated by the Commission.

(~~qq~~) "Whole building data" means the sum of the monthly electric use for either all meters at a building on a parcel of real property or all buildings on a parcel of real property.

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[indicates omission of unaffected rules]

3011. – ~~3025~~3024. [Reserved].

## **CUSTOMER DATA ACCESS AND PRIVACY**

### **3025. Scope and Applicability.**

The basis and purpose of these rules is to describe the protection of and limited access to customer data for electric utilities over which the Commission has jurisdiction. These rules are applicable to all utilities except for certain provisions as defined in the rule. For the purpose of the Customer Data Access and Privacy Rules, electric utilities are classed into two tiers: a Tier I electric utility serves more than 150,000 electric customers; a Tier II electric utility serves 150,000 or fewer electric customers.

### **3026. Disclosure of Customer Data by a Utility.**

A utility shall maintain standard customer data sufficient to allow a customer to understand his or her energy usage at a level of detail commensurate with the meter or network technology used to serve the customer.

### **3027. Privacy, Access, and Disclosure.**

- (a) A utility shall protect customer data in the utility's possession or control to maintain the privacy of customers, while providing reasonable access to that data. A utility is only authorized to use customer data to provide regulated utility service in the ordinary course of business.
- (b) A utility shall not disclose customer data unless such disclosure conforms to these rules, except as required by law or to comply with Commission rule. Illustratively, this includes responses to requests of the Commission, warrants, subpoenas, court orders, or as authorized by § 16-15.5-102, C.R.S.
- (c) A utility shall include in its tariffs a description of ~~standard and non-standard~~ customer data that the utility is able to provide to the customer or to any third-party recipient to whom the customer has authorized disclosure of the customer's data within the utility's technological and data capabilities. -At a minimum, the utility's tariff ~~will~~must provide the following:
- (I) A description of standard customer data and non-standard customer data ~~(billing determinants or other collected data)~~ and the frequency of customer data updates that will be available (annual, monthly, daily, etc.);
  - (II) ~~The~~the method and frequency of customer data transmittal and access available (electronic, paper, etc.) as well as the security protections or requirements for such transmittal;
  - (III) A timeframe for processing ~~the request~~requests;
  - (IV) Any rate associated with processing a request for non-standard customer data; and
  - (V) Any charges associated with obtaining non-standard customer data.

- (d) As part of basic utility service, a utility shall provide ~~to a customer the customer's standard customer data,~~ access to the customer's standard customer data in electronic machine-readable form, ~~in conformity with~~ without additional charge, to the customer or to any third party recipient to whom the customer has authorized disclosure of the customer's customer data. Such access shall conform to nationally recognized open standards and best practices. The utility shall provide access in a manner that ensures adequate protections for the utility's system security and the continued privacy of the customer data during transmission. ~~Such access shall be provided without additional charge.~~
- ~~(e) A utility shall provide to any third party recipient to whom the customer has authorized disclosure of the customer's customer data, access to the customer's standard customer data in electronic machine-readable form, in conformity with nationally recognized open standards and best practices, in a manner that ensures adequate protections for the utility's system security and the continued privacy of the customer during transmission. Such access shall be provided without additional charge to the customer or the third party recipient.~~
- ~~(f)~~ (e) Nothing in these rules shall limit a customer's right to provide his or her customer data to anyone.
- ~~(g)~~ (f) A utility and each of its directors, officers and employees that discloses customer data pursuant to a customer's authorization in accordance with these data privacy rules shall not be liable or responsible for any claims for loss or damages resulting from the utility's disclosure of customer data.

**30273028. Customer Notice.**

- (a) A utility shall ~~annually~~ provide ~~written notice each year~~ to its customers a written notice complying with this rule ~~and. The utility shall~~ conspicuously post on its website notice of its privacy and security policies governing access to and disclosure of customer data and aggregated data to third parties. ~~This notice shall clearly advise customers that their customer data will not be disclosed to third parties, except: (1) as necessary to provide regulated utility services to the customers, (2) as provided in paragraph 3026(b), or (3) pursuant to the authorization given by the customer in accordance with these rules. This notice shall:~~
- ~~(b) The notice shall (I) explain what is available to customers, as standard and/or non-standard customer data (e.g., 15 minute versus hourly data);~~
- ~~(II) describe the frequency that the utility can provide customer data based on a request for standard data (e.g., on a weekly or monthly basis);~~
- ~~(III) advise customers that their customer data can be used to obtain may provide insight into their activities within the premises receiving service. The notice shall also explain how the customer data collected may reveal information about the way customers use energy at their premises. The notice shall advise the customers to consider the proposed scope, purpose, and use of customer data prior to authorizing the disclosure of customer data to third parties.~~
- (c) ~~The contents of the notice required by this rule shall:~~
- ~~(I) Include a description of customer data;~~

- ~~(II) Explain the frequency with which the utility collects and stores customer data and the frequency that the customer can obtain customer data;~~
- ~~(III) Inform~~(IV) inform customers that the privacy and security of their customer data will be protected by the utility while in its possession;
- ~~(IV) Explain~~(V) explain that customers can access their standard customer data, as identified by the utility's tariff, without additional charge;
- ~~(V) Explain that, with the exception of the data disclosures provided in rule 3026(b),~~(VI) advise customers ~~have an expectation of privacy for~~that their customer data- will not be disclosed to third parties, except:
- ~~(A) as necessary to provide regulated utility services to the customers;~~
- ~~(B) as otherwise permitted or required by law or Commission rule; or~~
- ~~(C) pursuant to the authorization given by the customer in accordance with these rules.~~
- ~~(VII) Describe~~(VI) describe the utility's policies regarding how ~~customers~~a customer can authorize access and disclosure of ~~their his or her~~ customer data to third ~~parties not falling within the exceptions outlined in paragraph 3026(b).~~ parties. With regard to such third party data disclosure, the notice shall:
- (A) ~~Inform~~inform customers that declining a request for disclosure of customer data to a third-~~party~~ will not affect the provision of utility service that the customer receives from the utility; and
- (B) ~~Explain~~explain that any customer consent for access to, disclosure of, or use of a customer's customer data by a third-~~party~~ may be terminated or limited by the customer of record at any time and inform the customers of the process for doing so.
- ~~(VII) Inform~~(VIII) explain that aggregated data does not contain customer identifying information and inform customers that customer data may be used to create aggregated data, ~~and that will not contain customer identifying information;~~
- ~~(IX) explain~~ that the utility may provide aggregated data to third-~~parties~~, subject to its obligation under paragraph ~~3034~~3033(~~ba~~);
- ~~(VIII) Be~~(X) be viewable on-line and printed in ~~12~~ten point or larger font;
- ~~(IX) Be~~(XI) be sent either separately or included as an insert in a regular monthly bill, or, for those customers who have consented to receive e-bills, such notice may be sent electronically separately from an e-bill, conspicuously marked and stating clearly that important information on the utility's privacy practices is contained therein;

~~(X) Be printed in English and any specific language or languages other than English where the utility's service territory contains a population of at least 30 percent who speak a specific language other than English as their primary language as determined by the Commission using the latest U.S. Census information; and~~

~~(XII) be available in English and Spanish. The customer notice may also be translated to a language other than English or Spanish by a third party or the utility. Forms translated to other languages in accordance with this rule must be accepted by utilities, and may be relied upon, after the English version of the form, the translated version of the form, and an affidavit attesting to the accurate and complete translation from the English version of the form, have been provided to the Commission and the utility possessing the data. Such affidavit must be executed by an interpreter on the active roster of interpreters maintained by the Office of Language Access of the Colorado Judicial Branch. If the utility incurs a cost for translation made at the request of a third party, it may charge the requestor for such cost and may include a reasonable administrative fee in addition to the translation cost; and~~

~~(XIII) (XI) Provide~~ provide a customer service phone number and web address where customers can direct additional questions or obtain additional information regarding their customer data, the disclosure of customer data or aggregated data, or the utility's privacy policies and procedures with respect to customer data or aggregated data.

**30283029. Customer Consent Form for the Disclosure of their Customer Data to Third-Party Recipients by a Utility.**

(a) A utility shall make available ~~to any third party~~ a consent ~~to disclose form for the disclosure of~~ customer data ~~form, prescribed and supplied that is maintained by the Commission, to any customer or third party upon request, and available from the Commission's website.~~ The form shall be ~~available electronically from the utility. The consent form shall be provided and made available in paper and a non-electronic form for use in obtaining format by a utility upon request from a customer consentor third party.~~

~~(b) In addition to disclose customer data. The contents of the Commission supplied form, a utility may create and make available a consent to disclose customer data form must that:~~

~~(I) Describe the customer's rights includes the same information contained in the annual notice provided under pursuant to subparagraphs 3027(e)3028(a)(V), (VI), (VII), and (XIII);~~

~~(II) Provide provides spaces for the following required information regarding the third-party recipient to be populated by that third party recipient on of the consent to disclose customer data form:~~

~~(A) The the name, including trade name if applicable, physical address, mailing address, e-mail address, and telephone number;~~

~~(B) The name, mailing address, e-mail address, and telephone number of the third-party recipient's data custodian;~~



- (C) ~~The name, mailing address, e-mail address, and telephone number of the third-party recipient's Colorado agent for service of process; and~~
- (D) ~~A statement describing the third-party recipient's business structure (corporation, limited liability company, partnership, sole proprietorship, etc).~~
- (i) ~~If the third-party recipient is a corporation: the name of the state in which it is incorporated; the location of its principal office, if any, in Colorado; the names of its directors and officers; and a certificate of good standing issued by the Secretary of State authorizing it to do business in Colorado, certified within six months prior to the submission of the consent to disclose customer data form.~~
- (ii) ~~If the third-party recipient is a limited liability company: the name of the state in which it is organized; the complete mailing address and physical address of its principal office; the name of its managers; and a certificate of good standing issued by the Secretary of State authorizing it to do business in Colorado, certified within six months prior to the submission of the consent to disclose customer data form.~~
- (iii) ~~If the third-party recipient is a partnership: the names, titles, and addresses of all general and limited partners and a copy of the partnership agreement establishing the partnership and all subsequent amendments.~~
- (III) ~~State (B)~~ the uses of the data for which the customer is allowing disclosure;
- (IV) ~~State (C)~~ the ~~purposes of the~~time period (e.g., months, years) for which data ~~collection are being requested~~;
- (V) ~~State~~ the date(s) of disclosure;
- (VI) ~~State (D)~~ the description of the data ~~disclosed~~that are being requested;
- (III) ~~VII~~ ~~State~~states that the consent is valid until terminated;
- (IV) ~~VIII~~ ~~State~~states that the customer must notify the utility service provider in writing (electronically or ~~nonelectronically~~non-electronically) to terminate the consent including appropriate utility contact information;
- (V) ~~IX~~ ~~State~~states any additional terms except an inducement for the customer's disclosure;
- (VI) ~~be viewable on-line and printed in ten point or larger font; and~~

- ~~(VII)~~ ~~(X)~~ ~~Provide~~ provides notice to the customer that the utility shall not be responsible for monitoring or taking any steps to ensure that the third-party to whom the data is disclosed is maintaining the confidentiality of the data or using the data as intended by the customer; ~~and.~~
- ~~(bc)~~ A utility may make available an electronic customer consent process for disclosure of customer data to a third-party (e.g., a utility controlled web portal) that authenticates the customer identity. The contents of the electronic consent process must generally follow the format of the model consent to disclose customer data form, be clear, and include the elements to be provided pursuant to paragraph (a) of this rule. ~~Such process may not include an inducement for disclosure by the customer. No utility is required to provide an electronic consent process in a language other than English.~~
- ~~(ed)~~ A utility may make available an in-person consent process for disclosure of customer data ~~to a third party that authenticates the customer identity. A customer of a utility shall complete a Customer Consent Form at an office of the utility and the customer shall provide adequate identification, including but not limited to, a valid picture identification and customer account information.~~
- ~~(d)(e)~~ ~~The A~~ consent ~~to disclose customer data~~ form may be submitted to the utility through ~~paper~~electronic or non-electronic methods.
- ~~(f)~~ ~~The scope of consent given shall be defined by the terms of the consent form, except that changes of contact names for an organization, trade name, or utility over time do not invalidate consent as to the respective organization, trade name, or utility. Because the contact named for an organization, trade name, or utility is a representative of the respective organization, trade name, or utility, consent terminates as to such contact when the relationship with the organization, trade name, or utility terminates. Modifications to the consent form over time do not invalidate previous consent. Consent need not be provided on new forms so long as the data provided remains within the scope of consent.~~
- ~~(g)~~ Customer consent forms shall be available in English and Spanish. Customer consent forms may be translated into languages other than English or Spanish by a third party or the utility. Forms translated to other languages in accordance with this rule must be accepted by utilities, and may be relied upon, after the English version of the form, the translated version of the form, and an affidavit attesting to the accurate and complete translation from the English version of the form, have been provided to the Commission and the utility possessing the data. Such affidavit must be signed by an interpreter on the active roster of interpreters maintained by the Office of Language Access of the Colorado Judicial Branch. If a utility incurs a cost for a translation at the request of a third party, it may charge the requestor for such cost and may include a reasonable administrative fee in addition to the translation cost.
- ~~(h)~~ Any customer consent forms made available from the Commission's website shall be presumed to comply with these rules.

**3030. 3029. Contracted Agent Access to Customer Data from a for the Provision of Regulated Utility Service.**

- (a) A utility may disclose customer data to a contracted agent, provided that the contract ~~meets the following minimum requirements~~requires the agent to:
- (I) ~~Implement~~implement and maintain ~~reasonable~~ data security procedures and practices ~~appropriate to the private nature of the information~~ to protect the customer data from unauthorized access, destruction, use, modification, or disclosure. ~~These data security procedures and practices shall be~~ that are equal to or greater than the data privacy and security policies and procedures used by the utility internally to protect customer data;
  - (II) ~~Use~~use customer data solely for the purpose of the contract, and prohibit the use of customer data for a secondary commercial purpose not related to the purpose of the contract without first obtaining the customer's consent as provided for in these rules;
  - (III) ~~Destroy~~return to the utility or destroy any customer data that is no longer necessary for the purpose for which it was transferred; and
  - (IV) ~~Execute~~execute a non-disclosure agreement with the utility.
- (b) The utility shall maintain records of the disclosure of customer data to contracted agents for a minimum of three years. Such records shall include all contracts with the contracted agent and executed non-disclosure agreements.

**3031. Local Government Access to Customer Data from a Utility for Audit.**

- (a) A utility may disclose customer data to a local government either with an audit required to be provided pursuant to a final Commission decision (e.g., a decision approving a franchise agreement) or as reasonably necessary for an audit conducted by a governmental entity of franchise fees paid to them by the utility, provided that:
- (I) disclosure is not otherwise prohibited by a final Commission decision (e.g., Commission-approved franchise between the utility and the local government);
  - (II) disclosure is made to a designated auditor or auditor's office, who is either an employee or agent of the local government;
  - (III) the auditor collects and uses the customer data solely for the purpose of reviewing or conducting the audit and is prohibited from disclosing or using the customer data for a purpose not related to the audit;
  - (IV) the local government implements and maintains data security procedures and practices to protect the customer data from unauthorized access, destruction, use, or modification;
  - (V) the local government destroys or returns to the utility any customer data no longer necessary for the purpose for which it was transferred unless state law or the municipality's state-mandated retention schedule requires otherwise;

(VI) the local government agrees not to permit access to the data by anyone that has not agreed to abide by the terms pursuant to which the data was provided by the utility. This includes, but is not limited to, all interns, subcontractors, staff, other workforce members, and consultants;

(VII) the local government agrees that any recipient of the data pursuant to this rule does not obtain any right, title or interest in any of the data provided by the utility;

(VIII) governing law or a non-disclosure agreement executed with the utility requires that the local government, at a minimum, comply with the requirements of this rule; and

(IX) the data requested is for utility customers served in the boundaries of the local government.

(b) The utility shall maintain records of all disclosures of customer data to local government requestors for a minimum of three years.

(c) Availability of customer data pursuant to this rule does not preclude a local government from requesting other data reports.

**3030.—3032. Third Party Access to Customer Data from a Utility.**

(a) Except as outlined in paragraphs 3026(b) and 3029(a), provided in this rule, paragraph 3027(b), rule 3030, and rule 3031, a utility shall not disclose customer data to any third-party unless the customer or a third-party acting on behalf of a customer submits a paper or electronic signed consent to disclose customer data form that has been executed by the customer of record.

(b) Incomplete or non-compliant consent to disclose customer data forms are not valid and shall be rejected by the utility.

(c) The utility shall maintain records of all of the disclosures of customer data to third-party requestors. Such records shall include a copy of the customer's signed consent to disclose customer data form, all identifying documentation produced by the third-party requestor, the customer's agreed upon terms of use, the date(s) and frequency of disclosure, and a description of the customer data disclosed.

(d) The utility shall maintain records of customer data disclosures for a minimum of three years and shall make the records of the disclosure of a customer's customer data available for review by the customer within five business days of ~~receipt~~receiving a paper or electronic request from the customer, or at such greater time as is mutually agreed between the utility and the customer.

**30343033. Requests for Aggregated Data Reports from a Utility.**

(a) A utility shall not disclose aggregated data unless such the recipient is authorized to receive all customer data within the aggregated data, that the disclosure otherwise conforms to ~~these rules.~~

- ~~(b) — this rule and rules 3031, 3034, and 3035. In aggregating customer data to create an aggregated data report, a utility must take steps to ensure the report is sufficiently anonymous in its aggregated form so that data does not include any individual customer data or reasonable approximation thereof cannot be determined from the aggregated amount. personal information or a unique identifier.~~
- ~~(b) — At a minimum, a particular aggregation must contain:—(1) at least fifteen customers or premises; and, (2) within any customer class, no single customer's customer data or premise associated with a single customer's customer data may comprise 15 percent or more of the total customer data aggregated per customer class to generate the aggregated data report (the "15/15 Rule"). Notwithstanding, the 15/15 Rule, the utility shall not be required to disclose aggregated data if such disclosure would compromise the individual customer's privacy or the security of the utility's system.~~
- (c) If ~~a single customer's customer data or premise associated with a single customer's customer data is 15 percent or more of the total aggregated customer data per customer class used to generate the~~an aggregated data report ~~requested, cannot be generated in compliance with paragraph 3033(b),~~ the utility ~~will~~shall notify the requestor that the aggregated data, as requested, cannot be disclosed and identify the reason(s) the request was denied. The requestor shall be given an opportunity to revise its aggregated data request in order to address the identified ~~concerns.~~reason(s). An aggregated data request may be revised by expanding the number of customers or premise accounts in the request, expanding the geographic area included in the request, combining different customer classes or rate categories, or other applicable means of aggregating.
- (d) A utility shall include in its tariffs a description of standard and non-standard aggregated data reports available from the utility to any requestor. At a minimum, the utility's tariff shall provide the following:
- (I) ~~A~~A description of standard and non-standard aggregated data reports available from the utility including all available selection parameters (customer data or other data);
  - (II) ~~The~~the frequency of data collection (annual, monthly, daily, etc.);
  - (III) ~~The~~the method of transmittal available (electronic, paper, etc.) and the security protections or requirements for such transmittal;
  - (IV) ~~The~~the charge for providing a standard aggregated data report or the hourly charge for compiling a non-standard aggregated data report;
  - (V) ~~The~~the timeframe for processing ~~the~~requests; and
  - (VI) ~~A~~A request form for submitting a data request for aggregated data reports to the utility identifying any information necessary from the requestor in order for the utility to process the request.

- (e) If a utility is unable to fulfill ~~ana non-standard~~ aggregated data report request because it does not have and/or does not elect to or cannot obtain all of the data the requestor wishes to include in the aggregated data report, then the utility may contract with a contracted agent to include the additional data, ~~and process it~~ along with the customer data in the utility's possession, to generate ~~ana non-standard~~ aggregated data report.
- (f) A utility and each of its directors, officers and employees that discloses aggregated data as provided in these data privacy rules shall not be liable or responsible for any claims for loss or damages resulting from the utility's disclosure of aggregated data.

(g) A utility shall not provide aggregated customer data in response to multiple overlapping requests from or on behalf of the same requestor that have the potential to identify customer data.

**3034. Property Owner Request for Whole Building Energy Use Data from a Utility.**

- (a) If requested by a property owner or its authorized agent, a Tier I utility shall provide whole building energy use data to the property owner or its authorized agent so long as:
  - (I) the whole building energy use data contains at least four customers or tenants, which may include the property owner's own account; and no single customer's customer data, unless it is the property owner's, comprises more than 50 percent of the whole building energy use data used to generate the whole building energy use data report;
  - (II) the property owner agrees to not disclose the whole building energy use data except for the purposes of building benchmarking, identifying energy efficiency projects, and energy management; and
  - (III) the property owner signs a non-disclosure agreement with the utility requiring the property owner, at a minimum to:
    - (A) take appropriate administrative, technical, and physical safeguards to protect the whole building data from any unauthorized use or disclosure to protect the data from unauthorized access, destruction, use, modification, or disclosure;
    - (B) only use the whole building energy use data for the purposes of building benchmarking, identifying energy efficiency projects, energy management, and complying with laws or ordinances;
    - (C) agree to not attempt to determine an individual utility customer's energy use from the whole building energy use data and not to use the information to contact the subject of the information;
    - (D) agree to not use the whole building energy use data for a secondary commercial purpose not related to the authorized purpose without first obtaining the customer's consent as provided for in these rules;
    - (E) destroy any whole building energy use data that is no longer necessary for the purpose for which it was transferred;

- (F) agree not to permit access to the whole building data by anyone that has not agreed to abide by the terms pursuant to which the data was provided by the utility. This includes, but is not limited to, all interns, subcontractors, staff, other workforce members, and consultants; and
- (G) agree that any recipient of the whole building data pursuant to this rule does not obtain any right, title or interest in any of the data provided by the utility.
- (b) Upon request by a property owner or its authorized agent, a Tier II utility shall provide whole building energy use data upon the same conditions to the extent of, and based upon, information available in the ordinary course of business.
- (c) A utility shall provide a requested whole building energy use data report in electronic, machine readable format that conforms to nationally recognized open standards and best practices.
- (d) A utility may charge a property owner or its authorized agent for the development of a whole building energy use data report. Such rate shall be determined in a utility tariff as a non-standard aggregated data report. Alternatively, the utility need not charge the customer if the cost to charge a property owner or its authorized agent is greater than the cost to develop a whole building energy use data report.
- (e) Availability of whole building energy use data pursuant to this rule does not preclude a property owner from requesting other data reports.

### **3035. Community Energy Reports**

- (a) A Tier I utility shall generate a community energy report for each local government, other than a Colorado county, included in its service territory with 50,000 or more residents. A Tier I utility shall generate a community energy report for each Colorado county included in its service territory with 100,000 or more residents. Any local government with fewer than 50,000 residents and Colorado county with fewer than 100,000 residents or a minority of whom are served by a Tier I utility shall be treated as if it had 50,000 or more residents served by the Tier I upon request from the local government or county. Such requests shall be made by January 31 of the calendar year following the reporting year and shall continue in effect until such time as the request is withdrawn or cancelled by the local government. All population thresholds shall be based on the most recent population estimate from the Colorado State Demography Office and where the utility serves the majority of the population.
- (b) On or before June 1 of every year, a Tier I utility shall make publicly available for download all community energy reports generated for the prior year. Reports shall be available in an electronic machine-readable form that conforms to nationally recognized open standards and best practices.
- (c) The community energy report shall include the following information or aggregated data for the utility and its customers and specific to the local government for the prior calendar year:

  - (I) the annual kilowatt hours consumed by customers, provided by residential, commercial, and industrial classes, and street lighting;

- (II) the average number of customers in the residential, commercial, industrial class, and street lighting;
  - (III) the utility's emissions factor;
  - (IV) the utility's electric generation resource mix;
  - (V) the total capacity of retail renewable distributed generation (as defined at paragraph 3652(ff)) installed in the local government's jurisdiction and the total annual kilowatt hours produced from that generation; and
  - (VI) the total annual energy saved (in kilowatt hours) from energy efficiency measures installed.
- (d) A local government may submit, or have another local government submit on its behalf, GIS data to define its jurisdictional boundaries prior to the issuance of the community energy report.
- (e) Upon request by a local government, a Tier II utility shall generate a community energy report, in accordance with this rule, consistent with the utility's meter, network, or data capabilities. Such requests shall be made by January 31 of the calendar year following the reporting year and shall continue in effect until such time as the request is withdrawn or cancelled by the local government. On or before June 1 of every year, the utility shall make publicly available for download all community energy reports generated for the prior year. Reports shall be available in an electronic machine-readable form that conforms to nationally recognized open standards and best practices.
- (f) Availability of the community energy report pursuant to this rule does not preclude a local government from requesting other data reports.

~~3032~~3036. – 3099. [Reserved].

\* \* \* \* \*

[indicates omission of unaffected rules]

### **3976. Regulated Electric Utility Rule Violations, Civil Enforcement, and Civil Penalties.**

An admission to or Commission adjudication for liability for an intentional violation of the following may result in the assessment of a civil penalty of up to \$2,000.00 per offense. Fines shall accumulate up to, but shall not exceed, the applicable statutory limits set in § 40-7-113.5, C.R.S.



Citation	Description	Maximum Penalty Per Violation
	Articles 1-7 of Title 40, C.R.S.	\$2000
	Commission Order	\$2000
Rule 3005(a)-(c);(f)	Records and Record Retention	\$2000
Rule 302 <del>67</del> (a)	Collection and Use of Customer Data	\$1000
Rule 302 <del>67</del> (b); <del>(e)</del>	Disclosure of Customer Data	\$2000
Rule 302 <del>67</del> (c)	Tariff	\$1000
Rule 302 <del>67</del> (d)	Disclosure of Customer Data	\$1000
Rule 302 <del>78</del> (a)	Customer Notice	\$1000
Rule 302 <del>89</del> (a); <del>(b)</del>	Consent Form	\$1000
Rule 30 <del>29</del> 30(a)	Disclosure of Customer Data	\$2000
Rule 30 <del>29</del> 30(b)	Records	\$1000
<del>Rule 3030(a)</del>	<del>Disclosure of Customer Data</del>	<del>\$2000</del>
<del>Rule 3029(b)-(d)</del>	<del>Consent and Records</del>	<del>\$1000</del>
Rule 3031(a)	Disclosure of <del>Aggregated-Customer</del> Data	\$2000
Rule 3031( <del>eb</del> )	<del>Tariff</del> Records	\$1000
<del>Rule 3032(a)</del>	<del>Disclosure of Customer Data</del>	<del>\$2000</del>
<del>Rule 3032(c) and (d)</del>	<del>Consent and Records</del>	<del>\$1000</del>
<del>Rule 3033(a)</del>	<del>Disclosure of Aggregated Data</del>	<del>\$2000</del>
<del>Rule 3033(d)</del>	<del>Tariff</del>	<del>\$1000</del>
Rule 3100(a)	Obtaining a Certificate of Public Convenience and Necessity for a Franchise	\$2000

Rule 3101(a)	Obtaining a Certificate of Public Convenience and Necessity or Letter of Registration to Operate in a Service Territory	\$2000
Rule 3102(a)	Obtaining a Certificate of Public Convenience and Necessity for Facilities	\$2000
Rule 3103(a),(c),(d)	Amending a Certificate of Public Necessity for Changes in Service Territory or Facilities	\$2000
Rule 3108(a),(c)	Keeping a Current Tariff on File with the Commission	\$2000
Rule 3109	Filing a New or Changed Tariff with the Commission	\$2000
Rule 3110(b),(c)	Filing an Advice Letter to Implement a Tariff Change	\$2000
Rule 3200(a),(b)	Construction, Installation, Maintenance and Operation of Facilities in Compliance with Accepted Engineering and Industry Standards	\$2000
Rule 3204	Reporting Incidents Resulting in Death, Serious Injury, or Significant Property Damage	\$2000
Rule 3210	Line Extensions	\$2000
Rule 3251	Reporting Major Events	\$2000
Rule 3252	Filing a Report on a Major Event with the Commission	\$2000
Rule 3303(a)-(j)	Meter Testing	\$2000
Rule 3306	Record Retention of Tests and Meters	\$2000
Rule 3309	Provision of Written Documentation of Readings and Identification of When Meters Will be Read	\$2000
Rule 3401	Billing Information, Procedures, and Requirements	\$2000
Rule 3603	Resource Plan Filing Requirements	\$2000
Rule 3654(a),(d)	Renewable Energy Standards	\$2000
<del>Rule 3655(a)</del>	<del>Renewable Energy Standards</del>	<del>\$2000</del>

Rule 3657(a)	QRU Compliance Plans	\$2000
Rule 3662	Annual Compliance Reports	\$2000
Rule 3803(c)	Master Meter Exemption Requirements	\$2000
<b>Citation</b>	<b>Description</b>	<b>Maximum Penalty Per Violation</b>
Rule 3004(b)-(f)	Disputes and Informal Complaints	\$1000
Rule 3202(a),(b),(f),(g)	Maintaining a Standard Voltage and Frequency	\$1000
Rule 3203(a),(b)	Trouble Report Response, Interruptions and Curtailments of Service	\$1000
Rule 3405	Provision of Service, Rate, and Usage Information to Customers	\$1000
Rule 3406	Provision of Source Information to Customers	\$1000
Rule 3253	Filing a Supplemental Report on a Major Event with the Commission	\$1000

<b>Citation</b>	<b>Description</b>	<b>Maximum Penalty Per Violation</b>
Rule 3208(a)-(c)	Poles	\$500
Rule 3403(a)-(q);(s)	Applications for Service, Customer Deposits, and Third Party Guarantees	\$500
Rule 3658	Standard Rebate Offer	\$500

<b>Citation</b>	<b>Description</b>	<b>Maximum Penalty Per Violation</b>
Rule 3006(a),(b),(e)-(m)	Annual Reporting Requirements	\$100
Rule 3304	Scheduled Meter Testing	\$100
Rule 3305	Meter Testing Upon Request	\$100

Rule 3402(a),(c),(d)	Meter and Billing Error Adjustments	\$100
Rule 3404(a)-(f)	Availability of Installation Payments to Customers	\$100
Rule 3407	Discontinuance of Service	\$100
Rule 3408(a)-(g);(i)	Notice of Discontinuance of Service	\$100
Rule 3409	Restoration of Service	\$100
Rule 3411(c)(IV),(d)(I), (d)(II),(e)	Low-Income Energy Assistance Act	\$100
Rule 3614	Filing of Annual Reports	\$100

**3977. – 3999. [Reserved].**

#### **GLOSSARY OF ACRONYMS**

CAAM –	Cost Allocation and Assignment Manual
CCR –	Colorado Code of Regulations
C.F.R. –	Code of Federal Regulations
CPCN -	Certificate of Public Convenience and Necessity
CRCP –	Colorado Rules of Civil Procedure
C.R.S. -	Colorado Revised Statutes
EAO –	Energy Assistance Organization
e-mail -	Electronic mail
FERC –	Federal Energy Regulatory Commission
FDC -	Fully Distributed Cost
GAAP -	Generally Accepted Accounting Principles
HZ –	Hertz (cycles per second)
IEEE –	the Institute of Electrical and Electronics Engineers
IPP –	Independent Power Producer
KW –	KiloWatt (1 KW = 1,000 Watts)
kWh –	Kilowatt-hour
MMO –	Master Meter Operator
MW –	MegaWatt (1 MW = 1,000 KiloWatts)
MWH –	MegaWatt-hour
OCC –	Colorado Office of Consumer Counsel
RUS –	Rural Utilities Service of the United States Department of Agriculture
USOA –	Uniform System of Accounts