

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

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

##### **PART 4**

##### **RULES REGULATING GAS UTILITIES AND PIPELINE OPERATORS**

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[indicates omission of unaffected rules]

#### **BASIS, PURPOSE, AND STATUTORY AUTHORITY.**

##### **4001. Definitions.**

The following definitions apply throughout this Part 4, except where a specific rule or statute provides otherwise. In addition to the definitions 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 utility means a subsidiary of a utility, a parent corporation of a utility, a joint venture organized as a separate corporation or partnership to the extent of the individual utility's involvement with the joint venture, a subsidiary of a parent corporation of a utility or where the utility or the parent corporation has a controlling interest over an entity.
- (b) "Aggregated data" means customer data, alone or in combination with non-customer data, resulting from processing (e.g., average of a group of customers) and/or a compilation of customer data of one or more customers from which all customer-identifying information (e.g., name or account number) 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) "Basis Point" means one-hundredth of a percentage point (100 basis points = 1 percent).
- (e) "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.
- (f) "Commission" means the Colorado Public Utilities Commission.

- (g) "Contracted agent" means any person that has contracted with a utility in compliance with rule 4030 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (h) "Cubic foot" means, as the context requires:
  - (I) At Local Pressure Conditions. For the purpose of measuring gas to a customer at local pressure conditions, a cubic foot is that amount of gas which occupies a volume of one cubic foot under the conditions existing in the customer's meter as and where installed. When gas is metered at a pressure in excess of eight inches of water column gauge pressure, a suitable correction factor shall be applied to provide for measurement of gas as if delivered and metered at a pressure of six inches of water column gauge pressure. A utility may also apply appropriate factors to correct local pressure measurement to standard conditions.
  - (II) At Standard Conditions. For all other purposes, including testing gas, a standard cubic foot is that amount of gas at standard conditions which occupies a volume of one cubic foot.
- (i) "Curtailement" means the inability of a transportation customer or a sales customer to receive gas due to a shortage of gas supply.
- (j) "Customer" means any person that is currently receiving utility service. Any person that 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.
- (k) "Customer data" means customer specific information, excluding personal information as defined in paragraph 1004(x), that is:
  - (I) collected from the gas meter by the utility and stored in its data systems; or
  - (II) combined with customer-specific energy usage information on bills issued to the customer for regulated utility service when not publicly or lawfully available to the general public; or
  - (III) about the customer's participation in regulated utility programs, such as renewable energy, demand-side management, load management, or energy efficiency programs.
- (l) "Dekatherm" or "Dth" means a measurement of gas commodity heat content. One Dekatherm is the energy equivalent of 1,000,000 British Thermal Units (1 MMBtu).
- (m) "Distribution system" means that part of a utility pipeline system used to distribute gas to customers.
- (n) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.

- (o) "Gas" means natural gas; flammable gas; manufactured gas; petroleum or other hydrocarbon gases including propane; or any mixture of gases produced, transmitted, distributed, or furnished by any utility.
- (p) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure.
- (q) "Interruption" means a utility's inability to provide transportation to a transportation customer, or its inability to serve a sales customer, due to constraints on the utility's pipeline system.
- (r) "Intrastate transmission pipeline" or "ITP" means any person that provides gas transportation service for compensation to or for another person in the State of Colorado using transmission facilities rather than distribution facilities. Transmission facilities may also be used to perform distribution functions.
- (s) "Local distribution company" or "LDC" means any person, other than an interstate pipeline or an intrastate transmission pipeline, engaged in local distribution of gas and the sale or transportation of gas for ultimate consumption. Distribution facilities may also be used to perform transmission functions.
- (t) "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.
- (u) "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.
- (v) "Main" means a distribution line that serves, or is designed to serve, as a common source of supply for more than one service lateral.
- (w) "Mcf" means 1,000 standard cubic feet.
- (x) "MMBtu" means 1,000,000 British Thermal Units, or one Dekatherm.
- (y) "Non-standard customer data" means all customer data that are not standard customer data.
- (z) "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.
- (aa) "Pipeline system" means the piping and associated facilities used in the transmission and distribution of gas.
- (bb) "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.

- (cc) "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 real property is located to determine ownership of government record.
- (dd) "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.
- (ee) "Sales customer" means a person who receives sales service from a utility.
- (ff) "Sales service" means a bundled gas utility service in which the utility both purchases gas commodity for resale to the customer and transports the gas for delivery to the customer.
- (gg) "Security" includes any stock, bond, note, or other evidence of indebtedness.
- (hh) "Service lateral" means that part of a pipeline system used, or designed to be used, to serve only one customer.
- (ii) "Staff" means Staff of the Public Utilities Commission.
- (jj) "Standard conditions" means gas at a temperature of 60 degrees Fahrenheit and subject to an absolute pressure equal to 14.73 pounds per square inch absolute.
- (kk) "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- (ll) "Standby capacity" means the maximum daily volumetric amount of capacity reserved in the utility's system for use by a transportation customer, if the customer purchased optional standby service.
- (mm) "Standby supply" means the daily volumetric amount of gas reserved by a utility for the use by a transportation customer should that customer's supply fail, if the customer purchased optional standby service.
- (nn) "Third party" means a person who is not the customer, 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 the customer, or a contracted agent of the utility.
- (oo) "Transportation" means the exchange, fronthaul, backhaul, flow reversal, or displacement of gas between a utility and a transportation customer through a pipeline system.
- (pp) "Transportation customer" means a person who, by signing a gas transportation agreement, elects to subscribe to the unbundled service option of gas transportation offered by a utility.
- (qq) "Unique identifier" means customer identifying information that is displayed on a bill including name, mailing address, telephone number, or email address. A unique identifier is not information that would be defined as personal information under paragraph 1004(x).

- (rr) "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, and are for service or merchandise not required as a condition of receiving regulated utility service.
- (ss) "Utility" means a public utility as defined in § 40-1-103, C.R.S., providing sales service or transportation service (or both) in Colorado. This term includes both an ITP and a LDC.
- (tt) "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.
- (uu) "Whole building data" means the sum of the monthly gas use for all service connections 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]

**4011. – 4024. [Reserved].**

## **CUSTOMER DATA ACCESS AND PRIVACY**

### **4025. Scope and Applicability.**

- (a) The basis and purpose of these rules is to describe the protection of and limited access to customer data for gas utilities over which the Commission has jurisdiction. These rules are applicable to all utilities except for certain provisions as defined in the rule.
- (b) For the purpose of the Customer Data Access and Privacy Rules, gas utilities are classed into three tiers: a Tier I utility serves more than 150,000 gas customers; a Tier II utility serves between 50,000 and 150,000 gas customers. A Tier III utility serves fewer than 50,000 gas customers.
- (c) No Tier III utility is required to:
  - (I) 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 (see paragraph 4027(c));
  - (II) provide customer notice each year regarding customer data (see rule 4028);
  - (III) make customer consent forms for the disclosure of customer data available to customers or third parties (see rule 4029);
  - (IV) disclose aggregated data (see rule 4033); or
  - (V) provide a community energy report (see rule 4035).

However, a Tier III utility may include 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 in its tariffs (in accordance with paragraph 4027(c)). Commencing upon the effective date of such description, the Tier III utility shall be deemed to be a Tier II utility for purposes of these Customer Data Access and Privacy Rules for so long as such tariff provisions remain in effect.

**4026. Customer Data.**

- (a) A utility shall maintain standard customer data sufficient to allow a customer to understand their energy usage at a level of detail commensurate with the metering technology used to serve the customer.

**4027. 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 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 must provide the following:
  - (I) a description of standard customer data and non-standard customer data and the frequency of customer data updates that will be available (annual, monthly, daily, etc.);
  - (II) 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 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 access to the customer's standard customer data in electronic machine-readable form, 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.
- (e) Nothing in these rules shall limit a customer's right to provide his or her customer data to anyone.

- (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.

**4028. Customer Notice.**

- (a) A utility shall provide each year to its customers a written notice complying with this rule. 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:
- (I) explain what is available to customers, as standard and/or non-standard customer data (e.g., daily 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 may provide insight into their activities within the premises receiving service;
  - (IV) inform customers that the privacy and security of their customer data will be protected by the utility while in its possession;
  - (V) explain that customers can access their standard customer data, as identified by the utility's tariff, without additional charge;
  - (VI) advise customers 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 the utility's policies regarding how a customer can authorize access and disclosure of their customer data to third-parties. With regard to such third party data disclosure, the notice shall:
    - (A) 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 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.

- (VIII) explain that aggregated data does not contain customer identifying information and inform customers that customer data may be used to create aggregated data 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 4033(a);
- (X) be viewable on-line and printed in ten point or larger font;
- (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;
- (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 shall charge the requestor for such cost and may include a reasonable administrative fee in addition to the translation cost; and,
- (XIII) 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.

**4029. 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 form for the disclosure of customer data that is maintained by the Commission and available from the Commission's website. The form shall be available electronically from the utility. The consent form shall be provided in a non-electronic format by a utility upon request from a customer or third party.
- (b) In addition to the Commission supplied form a utility may create and make available a consent form that:
  - (I) includes the same information contained in the annual notice provided under subparagraphs 4028(a)(V), (VI), (VII), and (XIII);
  - (II) provides spaces for the following required information regarding the third party recipient of the customer data:



- (A) the name, including trade name if applicable, physical address, mailing address, e-mail address, and telephone number;
  - (B) the uses of the data for which the customer is allowing disclosure;
  - (C) the time period (e.g., months, years) for which data are being requested; and
  - (D) the description of the data that are being requested;
- (III) states that the consent is valid until terminated;
- (IV) states that the customer must notify the utility service provider in writing (electronically or non-electronically) to terminate the consent including appropriate utility contact information;
- (V) 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) 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.
- (c) 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. No utility is required to provide an electronic consent process in a language other than English.
- (d) A utility may make available an in-person consent process for disclosure of customer data.
- (e) A consent form may be submitted to the utility through 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 a new form 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 to 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 available from the Commission's website shall be presumed to comply with these rules.

**4030. Access to Customer Data for the Provision of Regulated Utility Service.**

- (a) A utility may disclose customer data to a contracted agent provided that the contract requires the agent to:
  - (I) implement and maintain data security procedures and practices to protect the customer data from unauthorized access, destruction, use, modification, or disclosure 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 customer data solely for the purpose of the contract and prohibits 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) 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 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.

**4031. 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 of 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 customer data disclosures 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.

**4032. Third Party Access to Customer Data from a Utility.**

- (a) Except as provided in this rule, paragraph 4027(b), rule 4030, or rule 4031, 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 receiving a paper or electronic request from the customer, or at such greater time as is mutually agreed between the utility and the customer.

**4033. Requests for Aggregated Data Reports from a Utility.**

- (a) A utility shall not disclose aggregated data unless the recipient is authorized to receive all customer data within the aggregated data, that disclosure otherwise conforms to this rule, rule 4031, 4034, or 4035. In aggregating customer data to create an aggregated data report, a utility must ensure that the data does not include any personal information or a unique identifier.
- (b) At a minimum, a particular aggregation must contain: at least fifteen customers; and 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").
- (c) If an aggregated data report cannot be generated in compliance with paragraph 4033(b), the utility 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 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 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 frequency of data collection (annual, monthly, daily, etc.);
  - (III) the method of transmittal available (electronic, paper, etc.) and the security protections or requirements for such transmittal;
  - (IV) the charge for providing a standard aggregated data report or the hourly charge for compiling a non-standard aggregated data report;
  - (V) the timeframe for processing requests; and
  - (VI) 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 a 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 a 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.

**4034. Property Owner Request for Whole Building Energy Use Data from a Utility.**

- (a) If requested by a property owner, a Tier I utility shall provide whole building energy use data to the property owner so long as:
  - (I) the whole building energy use data contains at least 4 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 data only 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 data and not to use the information to contact the subject of the information;
    - (D) agree to not use of the whole building 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 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 building owner, 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 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 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.

**4035. 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 and aggregated data for the utility and its customers and specific to the local government for the prior calendar year, so long as the data meet the aggregation standards in paragraph (d) of this rule:
  - (I) the annual dekatherms consumed by customers, provided by residential, commercial, and industrial classes;

- (II) the average number of customers in the residential, commercial, and industrial class; and,
  - (III) the total annual energy saved (in dekatherms) from energy efficiency measures installed.
- (d) For all non-residential customer classes reported as described in paragraph (c), the aggregated data must contain at least 15 customers and no single customer's customer data comprises more than 15 percent of the total customer data aggregated in that customer class. For residential customer classes reported as described in paragraph (c), the aggregated data must meet the 15/15 rule aggregation standard in rule 4033:
- (e) A local government may submit, or have another local government submit on its behalf, a GIS data to define its jurisdictional boundaries prior to the issuance of the community energy report.
- (f) 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.
- (g) Availability of the community energy report pursuant to this rule does not preclude a local government from requesting other data reports.

**4036. – 4099. [Reserved].**

\* \* \* \* \*

[indicates omission of unaffected rules]

**4976. Regulated Gas 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 4005                 | Records and Record Retention  | \$2000 |
| Rule 4027(a)              | Collection and Use of Customer Data   | \$1000 |
| Rule 4027(b),             | Disclosure of Customer Data   | \$2000 |
| Rule 4027(c)              | Tariff  | \$1000 |
| Rule 4028(a)              | Customer Notice   | \$1000 |
| Rule 4029(a),(b)          | Consent Form  | \$1000 |
| Rule 4030(a)              | Disclosure of Customer Data   | \$2000 |
| Rule 4030(b)              | Records   | \$1000 |
| Rule 4031(a)              | Disclosure of Customer Data   | \$2000 |
| Rule 4031(b)              | Records   | \$1000 |
| Rule 4032(a)              | Disclosure of Customer Data   | \$2000 |
| Rules 4032(c) and 4032(d) | Records   | \$1000 |
| Rule 4033(a)              | Disclosure of Aggregated Data   | \$2000 |
| Rule 4033(d)              | Tariff  | \$1000 |
| Rule 4100(a)              | Obtaining a Certificate of Public Convenience and Necessity for a Franchise   | \$2000 |
| Rule 4101(a)              | Obtaining a Certificate of Public Convenience and Necessity or Letter of Registration to operate in a service territory | \$2000 |
| Rule 4102(a)              | Obtaining a Certificate of Public Convenience and Necessity for facilities  | \$2000 |
| Rule 4103(a), (c), (d)    | Amending a Certificate of Public Necessity for changes in service territory or facilities                               | \$2000 |
| Rule 4108(a), (c)         | Keeping a Current Tariff on File with the Commission  | \$2000 |
| Rule 4109                 | Filing a New or Changed Tariff with the Commission  | \$2000 |



|                          |  |        |
|--------------------------|--|--------|
| Rule 4110(b),(c)         | Filing an Advice Letter to Implement a Tariff Change   | \$2000 |
| Rule 4200                | Construction, Installation, Maintenance and Operation of Facilities in Compliance with Accepted Engineering and Industry Standards | \$2000 |
| Rule 4208                | Anticompetitive Conduct and Unacceptable Practices   | \$2000 |
| Rule 4210                | Line Extensions  | \$2000 |
| Rule 4303                | Meter Testing  | \$2000 |
| Rule 4306                | Record Retention of Tests and Meters   | \$2000 |
| Rule 4309                | Provision of Written Documentation of Readings and Identification of When Meters Will be Read                                      | \$2000 |
| Rule 4401                | Billing Information, Procedures, and Requirements  | \$2000 |
| Rule 4754(a)-(e)         | Annual DSM Report and Application for Bonus and Bonus Calculation  | \$2000 |
| Rule 4803(c)             | Master Meter Exemption Requirements  | \$2000 |
| Rule 4004(b)-(f)         | Disputes and Informal Complaints   | \$1000 |
| Rule 4202                | Maintaining Heating Value, Purity and Pressure Standards   | \$1000 |
| Rule 4203(a)-(f)         | Trouble Report Response, Interruptions and Curtailments of Service   | \$1000 |
| Rule 4405                | Provision of Service, Rate, and Usage Information to Customers   | \$1000 |
| Rule 4406                | Provision of Gas Cost Component Information to Customers   | \$1000 |
| Rule 4603(a),(d)         | Gas Cost Adjustments   | \$1000 |
| Rule 4605(a),(b),(e),(f) | Gas Purchase Plans   | \$1000 |

|                                    |   |        |
|------------------------------------|---|--------|
| Rule 4607(a)                       | Gas Purchase Reports and Prudence Reviews                               | \$1000 |
| Rule 4403(a)-(q)                   | Applications for Service, Customer Deposits, and Third Party Guarantees | \$500  |
| Rule 4006                          | Annual Reporting Requirements   | \$100  |
| Rule 4304                          | Scheduled Meter Testing   | \$100  |
| Rule 4305                          | Meter Testing Upon Request  | \$100  |
| Rule 4402(a),(c),(d)               | Meter and Billing Error Adjustments                                     | \$100  |
| Rule 4404(a)-(f)                   | Availability of Installation Payments to Customers                      | \$100  |
| Rule 4407                          | Discontinuance of Service   | \$100  |
| Rule 4408(a)-(g); (i)              | Notice of Discontinuation of Service                                    | \$100  |
| Rule 4409                          | Restoration of Service  | \$100  |
| Rule 4411(c)(IV),(d)(I), d(II),(e) | Low-Income Energy Assistance Act  | \$100  |

**4977. – 4999. [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  |
| FDC -      | Fully Distributed Cost                                 |
| FERC –     | Federal Energy Regulatory Commission                   |
| GAAP -     | Generally Accepted Accounting Principles               |
| GCA –      | Gas Cost Adjustment                                    |
| GPP –      | Gas Purchase Plan                                      |
| GPR –      | Gas Purchase Report                                    |
| ITP –      | Intrastate Transmission Pipeline                       |
| LDC –      | Local Distribution Company                             |
| LNG –      | Liquefied Natural Gas                                  |
| MMO –      | Master Meter Operator                                  |
| NGA –      | Natural Gas Act  |
| OPS –      | Office of Pipeline Safety (Federal DOT)                |
| OCC -      | Office of Consumer Counsel                             |
| PHMSA -    | Pipeline and Hazardous Materials Safety Administration |
| P & P -    | Practice and Procedure                                 |
| SMYS –     | Specified Minimum Yield Strength                       |
| UNCC –     | Utility Notification Center of Colorado                |
| U.S.C.-    | United States Code                                     |
| U.S. DOT – | United States Department of Transportation             |
| USOA –     | Uniform System of Accounts                             |

**Glossary of Gas Measurement Units:**

|         |   |
|---------|---|
| Btu –   | British Thermal Unit  |
| MMBtu – | 1,000,000 Btu (approximately one Mcf, depending on heat content of gas) |
| Dth –   | Dekatherm or One MMBtu  |
| Therm – | 100,000 Btu (approximately one Ccf, depending on heat content of gas)   |
| Scf -   | Standard cubic feet   |
| Ccf –   | 100 cubic feet (typically actual cf at meter, rather than Scf)          |
| Mcf –   | 1,000 standard cubic feet   |
| MMcf –  | 1,000,000 standard cubic feet   |
| Bcf –   | 1,000,000,000 standard cubic feet                                       |
| MMcfd – | One MMcf per day  |