

Decision No. C22-0749-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22V-0517EG

IN THE MATTER OF THE JOINT PETITION FOR PARTIAL VARIANCE FROM RULE 1105 REGARDING THE DISCLOSURE OF PERSONAL INFORMATION TO SUPPORT IMPLEMENTATION OF THE LOW-INCOME ENERGY ASSISTANCE PROGRAM.

**INTERIM COMMISSION DECISION GRANTING, IN
PART, REQUEST FOR SHORTENED NOTICE
AND INTERVENTION PERIOD**

Mailed Date: November 23, 2022

Adopted Date: November 23, 2022

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement

1. This Decision establishes a shortened notice and intervention period for the petition filed November 17, 2022, jointly by Atmos Energy Corporation (Atmos Energy), Black Hills Colorado Electric, LLC and Black Hills Colorado Gas, Inc. (collectively, Black Hills), Colorado Natural Gas, Inc (CNG), Energy Outreach Colorado (EOC), and Public Service Company of Colorado (Public Service or the Company) jointly filed on November 17, 2022, a petition for variance from Rule 1105, 4 *Code of Colorado Regulations* (CCR) 723-1 (Joint Petition), to allow the disclosure of certain customer account numbers to EOC to support EOC's administration of Colorado's Low-Income Energy Assistance Program (Program).

2. We grant, in part, the request for shortened notice as discussed below. Requests for intervention, including a notice of intervention by right of Staff of the Colorado Public Utilities Commission (Staff), shall be filed by **December 8, 2022**.

B. Discussion

3. Petitioners include in their filing that EOC administers the Program created by § 40-8.7-104, C.R.S., that is “designed to provide financial assistance, residential energy efficiency, and energy conservation assistance.” Commission Rules 3411 and 4411 concern administration of the Program for electric and gas utilities, respectively.

4. As part of administration of donated funds contemplated in the rules implementing the Program, a utility must provide EOC with “a listing of all program participants including the donor’s name, billing address and monthly donation amount.”¹

5. The Joint Petition explains that EOC uses customer account numbers to track donations to the Program, using “highly secure financial database called Raisers Edge,” which Petitioners represent is the largest nonprofit donor database platform in the United States, to store and maintain accurate donor and gift recordings in compliance with Internal Revenue Service guidelines to ensure compliance as a 501(c)3 nonprofit organization. Without customer account numbers, the Petitioners claim that EOC would not be able to match the specific utility customer’s gift on their donor record with complete certainty as required by federal tax laws.

6. Petitioners state that utilities have inconsistently determined whether they can provide EOC with the account numbers for donating customers. Petitioners are concerned that customer account numbers, when combined with other customer information provided under Rules

¹ Rules 3411(d)(II)(B) and 4411(d)(II)(B)

3411(d)(II)(B) and 4411(d)(II)(B) could be interpreted as “Personal Information” under Rule 1004(w) as “[o]ther individually identifiable information in the regulated entity’s possession or control.” Petitioners claim that the rules could be interpreted to include account numbers as information used to track donations, or that the omission of “customer account numbers” is an oversight, especially considering the other protected information the rules require EOC be provided. Petitioners therefore seek a variance from Rule 1105 that relates to disclosure of personal information to allow the regulated gas and electric utilities filing the Joint Petition to provide customer account numbers to EOC for those customers that make voluntary donations to the Program. Petitioners seek waiver “until the low-income rules can be amended.”

7. Petitioners seek an expedited decision by December 18, 2022,² and that the petition be granted without a hearing if it is unopposed, and no party requests a hearing.

C. Findings and Conclusions

8. We find good cause to grant Petitioners’ request for shortened notice and intervention period. However, given the Thanksgiving holiday and need for timely considerations from potential parties, including Staff, we find two weeks’ notice to be more appropriate in this instance. Requests for intervention, including a notice of intervention by right of Staff, shall be filed no later than **December 8, 2022**.

9. The Petition is available for public inspection by accessing the Commission’s E-filing system at [Colorado.gov/dora/puc](https://colorado.gov/dora/puc). **This Decision is the Commission’s notice that the Petition has been filed.**

² While it is implicit that a determination sooner than later would benefit any uncertainty, Petitioners do not include explicitly their reasoning for a decision by December 18, 2022.

II. ORDER

A. The Commission Orders That:

1. The request of jointly by Atmos Energy Corporation (Atmos Energy), Black Hills Colorado Electric, LLC and Black Hills Colorado Gas, Inc. (collectively, Black Hills), Colorado Natural Gas, Inc (CNG), Energy Outreach Colorado (EOC), and Public Service Company of Colorado (Public Service or the Company) for a shortened notice and intervention period for the Joint Petition for Variance filed November 17, 2022, is granted, in part, consistent with the discussion above.

2. The notice and intervention period shall expire at 5:00 p.m. on **December 8, 2022**.

3. Any person desiring to intervene or participate as a party in this proceeding, including Staff of the Colorado Public Utilities Commission, shall file a petition for leave to intervene, or under the Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party, no later than **December 8, 2022**.

4. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

5. This Decision is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 23, 2022.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ERIC BLANK

JOHN GAVAN

MEGAN M. GILMAN

Commissioners