

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

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

#### **PART 3 RULES REGULATING ELECTRIC UTILITIES**

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

The basis and purpose of these rules is to describe the electric service to be provided by jurisdictional utilities and master meter operators to their customers; to designate the manner of regulation over such utilities and master meter operators; and to describe the services these utilities and master meter operators shall provide. In addition, these rules identify the specific provisions applicable to public utilities or other persons over which the Commission has limited jurisdiction. These rules address a wide variety of subject areas including, but not limited to, service interruption, meter testing and accuracy, safety, customer information, customer deposits, rate schedules and tariffs, discontinuance of service, master meter operations, flexible regulation, procedures for administering the Low-Income Energy Assistance Act, electric service low-income program, cost allocation between regulated and unregulated operations, recovery of costs, the acquisition of renewable energy, small power producers and cogeneration facilities, and appeals regarding local government land use decisions. The statutory authority for these rules can be found at §§ 29-20-108, 40-1-103.5, 40-2-108, 40-2-124(2), 40-2-202, 40-2-203, 40-3-102, 40-3-102.5, 40-3-103, 40-3-104.3, 40-3-106, 40-3-111, 40-3-114, 40-4-101, 40-4-106, 40-4-108, 40-4-109, 40-5-103, 40-7-113.5, 40-7-116.5, 40-8.7-105(5), and 40-9.5-107(5), C.R.S.

##### **GENERAL PROVISIONS**

\* \* \* \*

[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 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) "Advanced metering infrastructure" means an integrated system of smart electric utility meters and communication networks that enables two-way communication between an electric utility's data systems and the meter's internet protocol address and allows the electric utility to measure electricity usage and/or connect or disconnect service remotely.

- (b) "Affiliate" of a utility means a subsidiary of a utility, a parent corporation of a public 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.
- (c) "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 the compilation of customer data of one or more customers from which all unique identifiers and personal information has been removed.
- (d) "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.
- (e) "Base rate" means charges used to recover costs of utility infrastructure and operations, including a return on capital investment, not otherwise recovered through a utility rate adjustment mechanism.
- (f) "Basis point" means one-hundredth of a percentage point (100 basis points = one percent).
- (g) "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.
- (h) "Commission" means the Colorado Public Utilities Commission.
- (i) "Contracted agent" means any person that has contracted with a utility in compliance with rule 3030 to assist in the provision of regulated utility services (e.g., an affiliate or vendor).
- (j) "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.
- (k) "Customer data" means customer-specific data or information, excluding personal information as defined in paragraph 1004(x), that 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);
  - (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) "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.

- (m) "Emergency or safety event or circumstance" means a manmade or natural emergency event or safety circumstance:
  - (I) that prevents utility staff from being able to safely travel to or work at a customer's residence or place of business for purposes of reconnecting or making necessary repairs prior to reconnecting utility service; or
  - (II) for which a utility has dispatched utility staff members to help respond to the emergency or safety event or circumstance and, due to the timing or number of utility staff dispatched, the utility lacks sufficient trained staff to reconnect or make necessary repairs prior to reconnecting utility service at a customer's residence or place of business; and
  - (III) includes a severe weather event that one or more reputable weather forecasting sources forecasts to occur in the following twenty-four hours and that is more likely than not to result in dangerous travel or on-site outdoor or indoor work conditions for individuals in the path of the weather event.
- (n) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.
- (o) "Energy storage system" means a commercially available technology that is capable of retaining energy, storing the energy for a period of time, and delivering the energy as electricity after storage by chemical, thermal, mechanical, or other means.
- (p) "Financial security" includes any stock, bond, note, or other evidence of indebtedness.
- (q) "Generation facility" means a power plant that converts a primary energy resource into electricity. Primary energy resources include, but are not limited to: nuclear resources, coal, natural gas, hydro, wind, solar, biomass, and geothermal.
- (r) "Heavy load" means not less than 60 percent, but not more than 100 percent, of the nameplate-rated capacity of a meter.
- (s) "Income qualified utility customer" or "low income customer" is a customer meeting the requirements of § 40-3-106(1)(d)(II), C.R.S.
- (t) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure.
- (u) "Light load" means approximately five to ten percent of the nameplate-rated capacity of a meter.
- (v) "Load" means the power consumed by an electric utility customer over time (measured in terms of either demand or energy or both).
- (w) "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.

- (x) "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.
- (y) "Main service terminal" means the point at which the utility's metering connections terminate.
- (z) "Major event" means an event as defined in and consistent with IEEE Standard Number 1366-2003, Guide for Electric Power Distribution Reliability Indices.
- (aa) "MVA" means mega-volt amperes and is the vector sum of the real power and the reactive power.
- (bb) "Non-standard customer data" means all customer data that are not standard customer data.
- (cc) "Output" means the energy and power produced by a generation system.
- (dd) "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.
- (ee) "Powerline trail" means a multimodal trail that is: eight feet in width or wider; made of hard surface such as concrete or compacted gravel; used for recreational purposes or commuting in a manner that does not involve a motor vehicle; and located in an existing transmission or future transmission corridor.
- (ff) "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.
- (gg) "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.
- (hh) "Qualifying communication" means one of the following methods of communicating with a utility customer about a possible upcoming disconnection of service:
  - (I) a physical visit to the customer's premises during which a utility representative speaks with the customer and provides the customer utility assistance information or, if the customer is not available to speak, leaves notice of proposed disconnection and utility assistance information for the customer's review; or
  - (II) a telephone call, text, or e-mail to the customer's last-known telephone number or email address in which:
    - (A) the utility representative provides the customer with notice of proposed disconnection and utility assistance information; and
    - (B) the utility representative either speaks directly with the customer over the telephone or the customer receives the utility representative's text or email.

- (ii) "Rate adjustment mechanism" or "rate rider" means a charge added to a utility bill to recover a specific cost that is not part of the base rate.
- (jj) "Reference standard" means suitable indicating electrical equipment permanently mounted in a utility's laboratory and used for no purpose other than testing rotating standards.
- (kk) "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.
- (ll) "RFP" means request for proposals.
- (mm) "Rotating standard" means a portable meter used for testing service meters.
- (nn) "RUS" means the Rural Utilities Service of the United States Department of Agriculture, or its successor agencies.
- (oo) "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.
- (pp) "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- (qq) "Test year" means a twelve-month period that is examined to determine a utility's costs of service in a rate case.
- (rr) "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 of the customer's behalf, a regulated utility serving the customer, or a contracted agent, of the utility.
- (ss) "Transmission corridor" means a tract of land owned, occupied, or leased by a transmission provider as defined in § 33-45-102(11), C.R.S., or covered by an easement or right-of-way held by a transmission provider, where an electric transmission line is constructed, operated, or maintained at a voltage of 69 kilovolts or above.
- (tt) "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.
- (uu) "Unique identifier" means a customer's name, mailing address, telephone number, or email address that is displayed on a bill.
- (vv) "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.

- (ww) "Utility assistance information" means information that a utility representative provides a customer informing the customer that the customer may contact 1-866-HEAT-HELP (1-866-432-8435) to determine if the customer qualifies for utility bill payment assistance.
- (xx) "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.
- (yy) "Utility service" or "service" means a service offering of a utility, which service offering is regulated by the Commission.
- (zz) "Whole building data" means the sum of the monthly electric use for either all meters at a building on a parcel or real property or all buildings on a parcel of real property.

**3002. Applications.**

- (a) Any person may seek Commission action regarding any of the following matters through the filing of an appropriate application to request a(n):
  - (I) issuance or extension of a certificate of public convenience and necessity for a franchise, as provided in rule 3100;
  - (II) issuance or extension of a certificate of public convenience and necessity for service territory, as provided in rule 3101;
  - (III) issuance of a certificate of public convenience and necessity for construction of facilities, as provided in rule 3102;
  - (IV) amendment of a certificate of public convenience and necessity in order to change, extend, curtail, abandon, or discontinue any service or facility, as provided in rule 3103;
  - (V) transfer of a certificate of public convenience and necessity, to obtain a controlling interest in any utility, to transfer assets within the jurisdiction of the Commission or stock, or to merge a utility with another entity, as provided in rule 3104;
  - (VI) issuance, or assumption of any financial security or to create a lien pursuant to § 40-1-104, as provided in rule 3105;
  - (VII) flexible regulatory treatment to provide service without reference to tariffs, as provided in rule 3106;
  - (VIII) approval of an air quality improvement program, as provided for in rule 3107;
  - (IX) approval of a new tariff or an amendment of a tariff for a rate adjustment mechanism on less than statutory notice, as provided in rule 3109;
  - (X) variance of voltage standards, as provided in rule 3202;
  - (XI) approval of meter and equipment testing practices, as provided in rule 3303;

- (XII) approval of a meter sampling program, as provided in rule 3304;
- (XIII) approval of a refund plan, as provided in rule 3410;
- (XIV) approval of a Low-Income Energy Assistance Plan, as provided in rule 3411;
- (XV) approval of a cost assignment and allocation manual, as provided in rule 3503;
- (XVI) approval of or for amendment to a least-cost resource plan, as provided in rules 3603, 3618, and 3619;
- (XVII) approval of a compliance plan, as provided in rule 3657;
- (XVIII) appeal of local government land use decision, as provided in rule 3703; or
- (XIX) matter not specifically described in this rule, unless such matter is required to be submitted as a petition under rule 1304, as a motion, or as some other specific type of submittal.

\* \* \* \*

[indicates omission of unaffected rules]

**OPERATING AUTHORITY**

\* \* \* \*

[indicates omission of unaffected rules]

**3108. Tariffs.**

- (a) A utility shall keep on file with the Commission the following documents pertaining to retail electric service: its current Colorado tariffs, forms of contracts and electric service agreements. These documents, unless filed under seal shall be available for public inspection at the Commission and at the principal place of business of the utility.
- (b) All tariffs shall comply with rule 1210 of the Commission's Rules of Practice and Procedure.
- (c) Filing and contents of tariff.
  - (I) In addition to the requirements and contents in rule 1210, the following shall be included in a utility's tariff, as applicable:
    - (A) information regarding the utility's voltages, pursuant to rule 3202;
    - (B) information regarding the utility's meter testing equipment and facilities, scheduled meter testing, meter testing records, fees for meter testing upon request, and meter reading, pursuant to rules 3303, 3304, 3305, 3306, and 3309;

- (C) information regarding the utility's benefit of service transfer policies, pursuant to paragraph 3401(c);
- (D) information regarding the utility's installment payment plans and other plans, pursuant to rule 3404;
- (E) information regarding the utility's collection fees or miscellaneous service charges, pursuant to subparagraphs 3404(c)(VI) and (VIII);
- (F) information regarding the utility's after-hour restoration fees, pursuant to paragraph 3409(b);
- (G) information regarding the utility's renewable energy program pursuant to subparagraphs 3657(a)(III), (V), (VI) and (VII);
- (H) information regarding the utility's avoided costs, pursuant to paragraph 3902(b); and
- (I) rules, regulations, and policies covering the relations between the customer and the utility.

**3109. New or Changed Tariffs.**

- (a) A utility shall file with the Commission any new or changed tariffs. No new or changed tariff shall be effective unless it is filed with the Commission and either is allowed to go into effect by operation of law or is approved by the Commission.
- (b) A utility shall use one of the following filing processes to seek to add a new tariff other than a tariff setting forth a base rate. If the new tariff represents an increase in the utility's rates, charges, fees, fares, tolls, rentals, or classifications, the utility shall include a rate trend report with the elements in subparagraphs 3109(e)(I) through (IV).
  - (I) The utility may file the proposed new tariff, including the proposed effective date, accompanied by an advice letter pursuant to rule 1210. The utility shall provide notice in accordance with rule 1207. If the Commission does not suspend the proposed tariff in accordance with rule 1305 prior to the tariff's proposed effective date, the proposed tariff shall take effect on the proposed effective date.
  - (II) The utility may file an application to implement a new tariff. The application shall include the information required in paragraphs 3002(b) and 3002(c); shall explain the details of the proposed tariff, including financial data if applicable; and shall note any prior Commission action, in any proceeding, pertaining to the present or proposed tariff. If the application is approved by the Commission, the utility shall file a compliance advice letter and tariff which tariff shall be the same in substance as was approved by decision. The advice letter and tariff shall be filed in a new proceeding with the prescribed notice period either in the decision or pursuant to paragraph 1207(g). In order to be eligible to make a compliance advice letter filing on less than 30 days' notice if the application is approved by the Commission, the utility shall provide notice in accordance with rule 1207 at the time of the application filing for any rate, fare, toll, rental, charge, classification, or in any

rule, regulation, or contract relating to or affecting any rate, fare, toll, rental, charge, classification, or service or in any privilege or facility.

- (c) A utility shall use the following filing process to change an existing tariff for a rate adjustment mechanism. A filing to increase a rate, charge, fee, fare, toll, rental, or classification pursuant to a tariff for an existing rate adjustment mechanism also shall include a rate trend report in accordance with paragraph 3109(e).
- (I) The utility may file the proposed change to the tariff, including the proposed effective date, accompanied by an advice letter pursuant to rule 1210. The utility shall provide notice in accordance with rule 1207. If the Commission does not suspend the proposed tariff in accordance with rule 1305 prior to the tariff's proposed effective date, the proposed tariff shall take effect on the proposed effective date.
  - (II) The utility may file an application to implement the change to the tariff on less than 30-days' notice, accompanied by the proposed tariff, including the proposed effective date. The utility shall provide notice in accordance with rule 1207. The application shall include the information required in paragraphs 3002(b) and 3002(c); shall explain the details of the proposed tariff, including financial data if applicable; shall state the facts which are the basis for the request that the proposed tariff become effective on less than 30-days' notice; and shall note any prior Commission action, in any proceeding, pertaining to the present or proposed tariff.
- (d) A utility shall use the following filing process to change a tariff setting forth a base rate. A filing to increase a base rate also shall include a rate trend report in accordance with paragraph 3109(e).
- (I) The utility shall file the proposed new tariff, including the proposed effective date, accompanied by an advice letter pursuant to rule 1210. The utility shall provide notice in accordance with rule 1207.
  - (II) The Commission shall certify the advice letter filing for completeness in accordance with paragraph 3109(f).
- (e) A utility filing that introduces or increases any rate, charge, fee, fare, toll, rental, or classification shall include a rate trend report. Unless not required by another rule, the rate trend report shall include:
- (I) the amount of increase in the rate, charge, fee, fare, toll, rental, or classification relative to the amount in effect on the date of the utility's filing;
  - (II) the amount in change in annual revenues collected by the utility as a result of the utility's filing;
  - (III) a chart, graph, or other pictographic demonstration of each of the utility's rates, charges, fees, fares, tolls, rentals, or classifications, including the total of all utility bill line items such as base rates and rate adjustment mechanisms, for the ten years prior to the date of the utility filing; and

- (IV) for the same rate, charge, fee, fare, toll, rental, or classification as the utility's filing over the ten years prior to the date of the utility's filing:
  - (A) the dates when a previous increase or decrease went into effect;
  - (B) the amount of the rate, charge, fee, fare, toll, rental, or classification before a previous increase or decrease went into effect;
  - (C) the amount of increase or decrease relative to the amount before the previous increase or decrease went into effect;
  - (D) the change in annual revenues collected by the utility as a result of the utility's filing; and
  - (E) the proceeding number for the tariff filing where the rate, charge, fee, fare, toll, rental, or classification either was allowed to go into effect by operation of law or was approved by the Commission.
  
- (f) The Commission shall certify by written decision that a utility base rate tariff filing made in accordance with paragraph 3109(d) includes sufficient information to compare test years and to satisfy other purposes as determined by the Commission.
  - (I) The utility shall include in its base rate tariff filing:
    - (A) a cost of service study that calculates the utility's base rate revenue requirement for a twelve-month period concluding no later than six months prior to the date of the utility's base rate tariff filing;
    - (B) detailed explanations of all adjustments made to the auditable historical data used in all of the cost of service studies presented in the utility's filing;
    - (C) an executable copy of each of the cost of service studies presented in the utility's filing, with links and formulas intact;
    - (D) workpapers, in executable format, to which the executable copies of the cost of service study are linked; and
    - (E) any other information or documentation, as determined by the Commission.
  
  - (II) To prevent delay in a base rate tariff proceeding and the potential for a Commission decision deeming the base rate tariff filing incomplete, the utility may confer with Commission staff and the Office of Utility Consumer Advocate and file in the advice letter proceeding an unopposed motion for an order certifying the base rate tariff filing to be complete.
  
  - (III) The process for certifying a utility base rate tariff filing as complete shall be implemented as follows.

- (A) The utility shall serve a copy of the utility base rate tariff filing on all parties to its previous base rate proceeding within three business days of the utility's base rate tariff filing with the Commission.
- (B) Any person affected by the base rate tariff filing may submit a written protest addressing the certification of the filing. Such protest must be filed sufficiently in advance of the effective date of the base rate tariffs.
- (C) The Commission will address the certification of utility's base rate tariff filing at a regular weekly meeting prior to the effective date of the base rate tariffs. The Commission may suspend the proposed tariff's effective date by ordering that a hearing be held on the certification of the utility base rate tariff filing in accordance with § 40-6-111(1), C.R.S.
- (D) The Commission shall provide the utility an opportunity to cure any deficiencies of its base rate tariff filing. The Commission may condition the certification of the remedied utility base rate tariff filing on the utility's filing of an amended advice letter extending the proposed effective date of the base rate tariffs.
- (IV) The Commission shall not issue a decision approving a base rate whose base rate tariff filing has been determined to be incomplete until any deficiencies are cured.
- (V) The Commission may permanently suspend the effective date of the proposed base rate tariffs and the proposed tariffs shall not go into effect if the Commission deems the utility's base rate tariff filing incomplete.

**3110. Advice Letters.**

- (a) All advice letter filings shall comply with rule 1210 of the Commission's Rules of Practice and Procedure.
- (b) In addition to the requirements and contents in rule 1210, the advice letter shall include the estimated amounts, if any, by which the utility's revenues will be affected, calculated on an annual basis.
- (c) Customer notice of advice letter. If the utility is required by statute, Commission rule, or order to provide notice to its customers of the advice letter, such notice shall include the requirements of subparagraph 3002(d)(I) – (XII).

**3111. – 3199. [Reserved].**

\* \* \* \*

[indicates omission of unaffected rules]

**METERS**

\* \* \* \*

[indicates omission of unaffected rules]

**3310. – 3349. [Reserved].**

**BASE RATE PROCEEDINGS**

**3350. Annual Reporting on Costs Prohibited from Rates.**

On or before April 30th of each year, each investor-owned utility shall file with the Commission a report that demonstrates compliance with prohibitions of costs recoverable through the utility's rates in accordance with § 40-3-114, C.R.S. The report must include the purpose, payee, and amount of any expenses associated with the costs and activities that are not permitted to be recovered from customers. The report shall be filed concurrently with and in the same proceeding as the investor-owned utility's annual report filed in accordance with rule 3006.

**3351. – 3399. [Reserved].**