

## **COLORADO DEPARTMENT OF REGULATORY AGENCIES**

### **Public Utilities Commission**

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

#### **PART 4 RULES REGULATING GAS UTILITIES**

##### **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) "Advanced metering infrastructure" means an integrated system of smart electric or gas utility meters and communication networks that enables two-way communication between an electric or gas utility's data systems and the meter's internet protocol address and allows the utility to measure usage and/or connect or disconnect services remotely.
- (b) "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.
- (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) or a compilation of customer data of one or more customers from which ~~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) "Air Pollution Control Division" means the Air Pollution Control Division of the Colorado Department of Public Health and Environment established by § 25-1-102(2)(a), C.R.S.
- (f) "Air Quality Control Commission" means the decision-making body within the Colorado Department of Public Health and Environment established by § 25-7-104, C.R.S., to oversee and promulgate the rules to administer Colorado's air quality programs.
- (g) "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.

- (h) "Basis Point" means one-hundredth of a percentage point (100 basis points = 1 percent).
- (i) "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.
- ~~(j) "Best value employment metrics" means additional labor metrics required to be obtained by a utility from bidders and contractors for a utility construction contract, specifically, the length and type of training and apprenticeship programs available to the workforce, the percentage of labor estimated to be Colorado residents as compared to out of state workers, the number and type of long term careers supported by the project, whether the workforce will be covered by a labor agreement, and the wage rates and health care and pension benefits, including employer pension contribution rates, provided to protect labor.~~
- (~~j~~k) "Biomethane" means:
  - (I) a mixture of carbon dioxide and hydrocarbons released from the biological decomposition of organic materials that is primarily methane and provides a net reduction in greenhouse gas emissions; and
  - (II) includes biomethane recovered from manure management systems or anaerobic digesters that has been processed to meet pipeline quality gas standards.
- (~~k~~l) "Commission" means the Colorado Public Utilities Commission.
- (~~l~~m) "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).
- ~~(m) "Craft labor certification" means all documentation and certification of payroll required for an Energy Sector Public Works project.~~
- (n) "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.
- (o) "Curtailement" means the inability of a transportation customer or a sales customer to receive gas

due to a shortage of gas supply.

- (p) "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.
- (q) "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;
  - (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.
- (r) "Dekatherm" (Dth) means a measurement of gas commodity heat content. One Dekatherm is the energy equivalent of 1,000,000 British Thermal Units (1 MMBtu).
- (s) "Dedicated recovered methane pipeline" means a conveyance of recovered methane that is not a part of a common carrier pipeline system, and which conveys recovered methane from where it is generated to a common carrier pipeline or to the end user in Colorado for which the recovered methane was produced so long as the recovered methane replaces geologic gas supplied by a gas distribution utility or small gas distribution utility.
- (t) "Design peak demand" refers to the maximum gas flow rate projected for a utility system, or a portion thereof, which is utilized by a utility for gas infrastructure capacity planning.
- (u) "Disproportionately impacted community" means a geographic area defined pursuant to § 40-2-108(3)(d), C.R.S., and as may be further modified by Commission rule or order. Mapping of such geographic areas shall be conducted in accordance with the best available mapping tool developed by the Colorado Department of Public Health and Environment, until such time as a different practice is adopted by Commission rule or order.
- (v) "Distribution system" means the utility-owned piping and associated facilities used to deliver gas to customers, excluding facilities owned by a utility that are classified on the books and records of the utility as production, storage, or transmission facilities.
- (w) "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.
- (x) "Energy assistance organization" means the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.
- (y) "Energy Sector Public Works (ESPW) project" is a project pursuant to § 24-92-301, C.R.S., et seq., that for purposes of these rules:
  - (I) has the purpose of transmitting or distributing natural gas to provide energy to Colorado individual consumers and businesses;
  - (II) is built by or for a utility;
  - (III) has a total project cost of \$1,000,000 or greater, of which the utility will request Commission approval for ratepayers to pay at least \$500,000;
  - (IV) is included for approval through any proceeding conducted by the Commission as part of a request for a certificate of public convenience and necessity pursuant to § 40-5-101, C.R.S., et seq. and the cost thresholds set forth in rule 4102; and
  - (V) includes utility gas transmission and distribution, geothermal systems or thermal networks, and hydrogen-related infrastructure construction projects.
- (~~zy~~) "Gas" means natural or geological gas; hydrogen, or recovered methane, or any mixture thereof transported by a common carrier or dedicated pipeline; flammable gas; manufactured gas; petroleum or other hydrocarbon gases including propane; or any mixture of gases injected into a pipeline and transmitted, distributed, or furnished by any utility.
- (~~aa~~) "Income-qualified utility customer" or "low-income customer" is a customer meeting the requirements of § 40-3-106(1)(d)(II), C.R.S.
- (~~baa~~) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure, 4 CCR 723-1.
- (~~cbb~~) "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.
- (~~dee~~) "Intrastate transmission pipeline" or "ITP" means generally 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 and is exempt from FERC jurisdiction.
- (~~eed~~) "Local distribution company" (LDC) means any person, other than an interstate pipeline or an

intrastate transmission pipeline, engaged in the sale and distribution of gas for end-user consumption. A LDC may also perform transportation services for its end-use customers, for another LDC or its end-use customers, as authorized under its effective Colorado jurisdictional tariffs.

- (~~fee~~) "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.
- (~~ggf~~) "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.
- (~~hgg~~) "Mandatory relocation" means a project to relocate the utility's gas infrastructure as required by a federal, tribal, state, county, or local governmental body.
- (~~ijh~~) "Main" means a distribution line that serves, or is designed to serve, as a common source of supply for more than one service lateral.
- (~~jii~~) "Mcf" means 1,000 standard cubic feet.
- (~~kkj~~) "MMBtu" means 1,000,000 British Thermal Units, or one Dekatherm.
- (~~llk~~) "Natural gas" or "geological gas" means methane or other hydrocarbons that occur underground without human intervention and may be used as fuel.
- (~~mmll~~) "Non-pipeline alternative" means programs, equipment, or actions that avoid, reduce, or delay the need for investment in certain types of new gas infrastructure and may include energy efficiency, demand response, and beneficial electrification.
- (~~nnmm~~) "Non-standard customer data" means all customer data that are not standard customer data.
- (~~ooan~~) "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.
- (~~ppee~~) "Pipeline system" means the utility-owned piping and associated facilities used in the transmission or distribution of gas.
- (~~qqpp~~) "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.
- (~~rrqq~~) "Pressure district" means a localized area within a utility's service territory whereby an established minimum and maximum pressure range is intended to be maintained and is distinct from neighboring regions.
- (ss) "Project labor agreement," pursuant to § 24-92-303(9), C.R.S., means a pre-hire collective bargaining agreement between a lead contractor and construction labor organization(s) covering the affected trades necessary to perform work on a project that establishes the terms and

conditions of employment of the construction workforce and includes provisions that:

- (I) set forth effective, immediate, and mutually binding procedures for resolving jurisdictional labor disputes and grievances arising before the completion of work;
- (II) contain guarantees against strikes, lockouts, or similar actions;
- (III) ensure a reliable source of trained, skilled, and experienced construction craft labor;
- (IV) further public policy objectives regarding improved employment opportunities for minorities, women, or other economically disadvantaged populations in the construction industry, including persons from disproportionately impacted communities, to the extent permitted by state and federal law;
- (V) permit the selection of the lowest qualified responsible bidder or lowest qualified responsible offeror without regard to union or non-union status at other construction sites; and
- (VI) include other terms as the parties deem appropriate.

~~(ttr)~~ "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.

~~(uuss)~~ "Pyrolysis" means the thermochemical decomposition of material at elevated temperatures without the participation of oxygen.

~~(vvtt)~~ "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 the 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.

~~(wwwu)~~ "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.

~~(xxvv)~~ "Recovered methane" means any of the following that are located in the State of Colorado and meet the recovered methane protocol approved by the Air Quality Control Commission:

biomethane; methane derived from municipal solid waste, the pyrolysis of municipal solid waste, biomass pyrolysis or enzymatic biomass, or wastewater treatment; coal mine methane as defined in § 40-2-124(1)(a)(II), C.R.S, the capture of which is not otherwise required by law; or methane that would have leaked without repairs of the gas distribution or service pipelines from the city gate to customer end use.

- (~~yyww~~) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission, presented on a tariff sheet, or contained in a tariff of the utility.
- (~~zzxx~~) "Sales customer" or "full service customer" means a customer who receives sales service from a utility and is not served under a utility's gas transportation service at that same meter.
- (~~aaayy~~) "Sales service" means a bundled gas utility service in which the utility both purchases gas commodity for resale to the customer and delivers the gas to the customer.
- (~~bbbzz~~) "Security" includes any stock, bond, note, or other evidence of indebtedness.
- (~~cccaaa~~) "Service lateral" means that part of a distribution system from the utility's main to the entrance to a customer's physical location.
- (~~dddbbb~~) "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.
- (~~eeeeee~~) "Standard customer data" means customer data maintained by a utility in its systems in the ordinary course of business.
- (~~fffdde~~) "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.
- (~~gggeee~~) "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.
- (~~hhhfff~~) "Test year" means a twelve-month period that is examined to determine a utility's costs of service in a rate case.
- (~~iiiggg~~) "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.
- (~~jjjhha~~) "Transportation" means the exchange, forward-haul, backhaul, flow reversal, or displacement of gas between a utility and a transportation customer through a pipeline system.
- (~~kkkiii~~) "Transportation customer" means a person who, by signing a gas transportation agreement, elects to subscribe to gas transportation service offered by a utility.
- (~~lljjjj~~) "Unique identifier" means customer's name, mailing address, telephone number, or email address that is displayed on a bill.

(~~mmmmkkk~~) "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.

(~~nnnlll~~) "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.

(~~ooooomm~~) "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.

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

(~~qqqqeee~~) "Whole building data" means the sum of the monthly gas use for either 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]

#### **4102. Certificate of Public Convenience and Necessity for Facilities.**

- (a) A utility seeking authority to construct and to operate a facility, or an extension or expansion of a facility, pursuant to § 40-5-101, C.R.S., shall file an application in accordance with this rule. The utility shall apply to the Commission for issuance of a certificate of public convenience and necessity for approval of construction and operation of a facility, or an extension or expansion of a facility, which is not in the ordinary course of business.
- (b) For a utility with 500,000 full-service customers or more, the utility shall apply to the Commission for issuance of a certificate of public convenience and necessity for construction and operation of a facility, or an extension or expansion of a facility, where the total utility capital investment value is greater than \$12 million in 2020 dollars, unless the utility has already received approval by the Commission pursuant to paragraph 4555(c).
- (c) For a utility with more than 50,000 full-service customers but less than 500,000 customers, the utility shall apply to the Commission for issuance of a certificate of public convenience and necessity for construction and operation of a facility, or an extension or expansion of a facility where the total utility capital investment value is greater than \$10 million in 2020 dollars, unless the utility has already received approval by the Commission pursuant to paragraph 4555(c).
- (d) For any utility with less than 50,000 full-service customers, the utility shall apply to the Commission for issuance of a certificate of public convenience and necessity for construction and operation of a facility, or an extension or expansion of a facility where the total utility capital investment value is greater than \$5 million in 2020 dollars, unless the utility has already received approval by the Commission pursuant to paragraph 4555(c).
- (e) The cost thresholds set forth in paragraphs (b) through (d) above shall be adjusted for inflation annually on March 1 of each year, based upon the annual percentage change in the United



States Bureau of Labor Statistics Consumer Price Index – Denver-Aurora-Lakewood as published by the Colorado Department of Local Affairs for the immediately preceding calendar year. These adjustments shall be compounded annually. For reference, the Commission will post a notice on its website, <https://puc.colorado.gov/>, by March 15 of each year reporting the annual inflation adjustments applicable pursuant to this paragraph.

- (f) An application for issuance of a certificate of public convenience and necessity to construct and to operate facilities, or an extension or expansion of a facility, pursuant to § 40-5-101, C.R.S., shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attachments:
- (I) the information required in rule 4002;
  - (II) a statement of the facts (not conclusory statements) relied upon by the applying utility to show that the public convenience and necessity require the granting of the application or citation to any Commission decision that is relevant to the proposed facilities;
  - (III) the project category, consistent with the categories defined in subparagraph 4553(a)(III), or otherwise identified and justified by the utility;
  - (IV) a description of the general scope of work and an explanation of the need for the proposed facilities, including any applicable U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration code requirements for the facilities;
  - (V) the projected life of the proposed facilities;
  - (VI) the anticipated construction start date, construction period, with any phases indicated, and the expected in-service date for the proposed facilities;
  - (VII) relevant technical details, such as physical equipment characteristics of the proposed facilities, pipeline length, pipeline diameter, project material(s), and maximum allowable operating pressure;
  - (VIII) the estimated total cost and annual incremental revenue requirements of the proposed facilities, assuming both conventional depreciation and accelerated depreciation as applicable;
  - (IX) a cost estimate classification using the utility's or an industry-accepted cost estimate classification index, and explanation and support of methodology;
  - (X) the project location and an illustrative map of the proposed facilities (subject to necessary and appropriate confidentiality provisions), which includes:
    - (A) the pressure district or geographic area that requires the proposed facilities;
    - (B) the existing and proposed regulator stations and existing and proposed distribution piping and higher capacity pipelines served by or representing the proposed facilities;

- (C) whether the facilities will be located in any disproportionately impacted community;
  - (D) identification of the electric utility service provider(s); and
  - (E) any other information necessary to allow the Commission to make a thorough evaluation of the application.
- (XI) to the extent practicable, the number of customers, annual sales, and design peak demand requirements, by customer class, directly impacted or served by the proposed facilities;
- (XII) the application shall include information about Best Value Employment metrics consistent with paragraph 4211(a) or, in the alternative, information to demonstrate that the project qualifies for an exemption under paragraph 4211(e). If the information required in paragraph 4211(a) is not available at the time an application is filed because relevant contracts have not yet been entered into, the applicant shall file a status report in the proceeding within 45 days after the last contract has been entered into that identifies how selected contractor(s) meet Best Value Employment metrics;
- (XIII) the application shall address whether it includes one or more projects that are also ESPW projects, and if so, the applicant shall further attest that material contract terms that comply with paragraph 4211(b) have been or will be included in any relevant contracts and that such terms will be required to be included in any relevant subcontracts;
- (X~~IV~~) if the proposed facilities are located in a disproportionately impacted community, a description of:
- (A) the nature of the utility's outreach to members of that disproportionately impacted community, as appropriate to the filing;
  - (B) the communications and materials employed; and
  - (C) the findings from those outreach efforts.
- (X~~V~~) identification of any permit(s) required to begin work;
- (X~~VI~~) a description of the environmental requirements associated with completion of the proposed facilities, if any;
- (X~~VII~~) the change in projected utility-wide greenhouse gas emissions due to the proposed facilities, as calculated relative to the utility's most recently approved clean heat plan greenhouse gas emission forecast or subsequent interim-year update, in accordance with subparagraphs 4731(a)(I) and 4731(c)(I) or 4733(a)(VI), as applicable; and
- (X~~VIII~~) for proposed facilities meeting the definition of a new business project or a capacity expansion project, as defined in subparagraphs 4553(a)(III)(B) and (C), the utility shall also present an analysis of alternatives including non-pipeline alternatives,

costs for those alternatives, and criteria used to rank or eliminate such alternatives.

- (A) An analysis of alternatives shall consider, at a minimum:
- (i) one or more applicable clean heat resources consistent with the utility's most recently approved clean heat plan, pursuant to rule 4732, demand side management plan, pursuant to rule 4753, or beneficial electrification plan, as applicable;
  - (ii) a cost-benefit analysis including the costs of direct investment and the social costs of carbon and methane for emissions due to or avoided by the alternative, and other costs determined appropriate by the Commission; and
  - (iii) available ~~B~~best ~~V~~value ~~E~~employment metrics associated with each alternative, as defined in ~~paragraph 4001(j)~~paragraph 4211(a), including a projection of gas distribution jobs affected by the alternative and jobs made available through the alternative, opportunities to transition any affected gas distribution jobs to the alternative, pay and benefit levels of the affected gas distribution jobs and the jobs available through a transition opportunity, and how employment impacts associated with each alternative could affect disproportionately impacted communities.
- (B) An analysis of alternatives shall include, at a minimum:
- (i) the technologies or approaches evaluated;
  - (ii) the technologies or approaches proposed, if applicable;
  - (iii) the projected timeline and annual implementation rate for the technology or approaches evaluated;
  - (iv) the technical feasibility of the alternative assuming full adoption of the technologies and approaches evaluated; and
  - (v) the utility's strategy to implement the technologies or approaches evaluated.

~~(XIXV4)~~ For proposed facilities meeting the definition of a system safety and integrity project, as defined in subparagraph 4553(a)(III)(A), the utility shall provide the risk ranking and detailed information regarding the utility's risk ranking methodology including, but not limited to, the material, age, maximum allowable operating pressure, density of surrounding residences and businesses, and any other physical and operating characteristics relevant to the risk ranking of the proposed facilities and the risk ranking methodology. The utility must also identify, explain, and provide the output to any risk-related models developed or employed by the utility in conducting risk analyses to support planned system safety and integrity projects.

- (g) A separate certificate of public convenience and necessity is not required for mandatory

relocations of a utility's gas infrastructure.

- (h) In accordance with subparagraph 4552(d)(II), the utility may satisfy the requirements of rule 4102 in an application submitted pursuant to the Gas Infrastructure Planning Rules.
- (i) Within 30 days of final Commission approval of an application pursuant to this rule, or after the last contract has been entered into that includes one or more ESPW projects, the applicant or its subcontractor(s) shall notify the Department of Labor Standards and Statistics within the Colorado Department of Labor and Employment about the project to facilitate the collection of craft labor certification(s).

**4103. Certificate Amendments for Changes in Service, in Service Territory, or in Facilities.**

- (a) A utility seeking authority to do the following shall file an application pursuant to this rule: amend a certificate of public convenience and necessity in order to extend, to restrict, to curtail, or to abandon or to discontinue without equivalent replacement any service, service area, or facility. A utility shall not extend, restrict, curtail, or abandon or discontinue without equivalent replacement any service, service area, or facility not in the ordinary course of business without authority from the Commission.
- (b) An application to amend a certificate of public convenience and necessity in order to change, to extend, to restrict, to curtail, to abandon, or to discontinue any service, service area, or facility without equivalent replacement shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attachments:
  - (I) all information required in paragraphs 4002(b) and 4002(c);
  - (II) if the application for amendment pertains to a certificate of public convenience and necessity for facilities, all of the information required in rule 4102;
  - (III) if the application for amendment pertains to a certificate of public convenience and necessity for franchise rights, all of the information required in rule 4100;
  - (IV) if the application for amendment pertains to a certificate of public convenience and necessity for service territory, all of the information required in rule 4101;
  - (V) if the application for amendment pertains to a service, the application shall include:
    - (A) the requested effective date for the extension, restriction, curtailment, or abandonment or discontinuance without equivalent replacement of the service; and
    - (B) a description of the extension, restriction, curtailment, or abandonment or discontinuance without equivalent replacement sought. This shall include maps, as applicable. This shall also include a description of the applying utility's existing operations and general service area.
- (c) Customer notice of application. In addition to complying with the notice requirements of the Commission's Rules Regulating Practice and Procedure, a utility applying to curtail, restrict,

abandon or discontinue service without equivalent replacement shall prepare a written notice as provided in subparagraphs 4002(d)(I) through (XII) and shall mail or deliver the notice at least 30 days before the application's requested effective date to each of the applying utility's affected customers. The customer notice shall include a statement detailing the requested restriction, curtailment, or abandonment or discontinuance without equivalent replacement.

- (d) If no customers will be affected by the grant of the application, the notice must meet the requirements of subparagraphs 4002(d)(I) through (XII) and shall be mailed to the Board of County Commissioners of each affected county, and to the mayor of each affected city, town, or municipality.

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[indicates omission of unaffected rules]

#### **4211. Labor Requirements.**

This rule establishes procedures to identify and plan for the use of well-trained and fairly compensated Colorado labor in the context of certificates of public convenience and necessity filed pursuant to § 40-5-101, C.R.S., and in other proceedings as set forth by applicable Commission rules.

- (a) Best Value Employment (BVE) metrics are as follows.

- (I) Training programs. The ability of the project to provide training programs, including training through apprenticeship program registered with the U.S. Department of Labor's Office of Apprenticeship or by State Apprenticeship Agencies recognized by that office for all apprenticeable trades required to effectively deliver the project to completion. Compliance may be demonstrated by:
- (A) providing a list of apprenticeable trades for the project; and
- (B) providing documentation of registration of relevant apprenticeship programs with the State Apprenticeship Agency; or
- (C) attesting to the entity's ability to comply with the requirements of § 24-92-115(7), C.R.S., regarding apprenticeships.
- (II) Colorado labor. The ability of the project to employ Colorado labor, as defined by § 24-4-109(2)(b)(II), C.R.S., as compared to importation of out-of-state workers.
- (III) Underserved communities. The ability of the project to employ workers from traditionally underserved communities or disproportionately impacted communities, as defined by § 24-4-109(2)(b)(II), C.R.S. and by Commission rules.
- (IV) Domestic manufacturing. The ability of the project to support domestic manufacturing through the utilization of Colorado and domestically produced materials, including consideration of the potential for domestically manufactured materials being unavailable in the marketplace.

- (V) Long-term career opportunities. The ability of the project to support long-term career opportunities.
- (VI) Wages. The ability of the project to provide industry-standard wages, health care, and pension benefits. Compliance may be demonstrated by:
  - (A) attesting to the entity's ability to comply with the requirements of Part 2 of Article 92, C.R.S., regarding prevailing wages; and further by
  - (B) providing a list of those relevant trades, crafts, or occupations for which craft labor certification will be collected and submitted.
- (b) Energy Sector Public Works (ESPW) projects. All contracts for ESPW projects made with or on behalf of the utility and relevant contractors or subcontractors must include provisions expressly requiring that all work performed under the contract:
  - (I) complies with the requirements of § 24-92-115(7), C.R.S., regarding apprenticeships; and
  - (II) complies with Part 2 of Article 92, C.R.S., regarding prevailing wages.
- (c) A project that is an ESPW project may certify compliance with the material contract terms pursuant to paragraph 4211(b) in lieu of submitting documentation for certain BVE metrics as otherwise required by subparagraphs 4211(a)(I) and (VI).
- (d) Regardless of ownership, all resources and facilities to which rule 4211 applies must provide the required information unless the bidder agrees to use a project labor agreement limited to the scope of the project that meets the requirements of paragraph 4001(ss). If the project is also an ESPW project, the bidder shall also state whether the project labor agreement will meet the requirements of paragraph (b).
- (e) Exemptions for ESPW projects. Regardless of ownership, all resources and facilities to which paragraph 4211(b) applies must provide the required information unless they meet one of the following exemptions:
  - (I) the work will be performed by employees of the utility;
  - (II) the service agreement was entered into prior to March 1, 2023; or
  - (III) the project complies with the applicable requirements of the Inflation Reduction Act pursuant to § 24-92-304(1)(c)(III), C.R.S.

**421~~24~~. – 4299. [Reserved]**

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[indicates omission of unaffected rules]

**4553. Contents of a Gas Infrastructure Plan.**

(a) General.

- (I) The utility shall describe in each gas infrastructure plan the methodology, criteria, and assumptions used to develop the gas infrastructure plan. The utility shall specifically describe its system planning and infrastructure modeling process including the assumptions and variables that are inputs into the process.
- (II) The utility shall describe its budget planning processes and the expected level of accuracy in its cost projections.
- (III) The utility shall categorize planned projects, or explain any deviation of project categorization, based on the categories set forth below. A planned project may be included in more than one category or subcategory. The utility shall also explain the inter-relationship of planned projects, to the extent applicable.
  - (A) “System safety and integrity projects” shall include but are not limited to pipeline and storage integrity management programs; exposed pipe inspection and remediation; pipe or compressor station upgrades; projects undertaken to meet U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration requirements; and Supervisory Control and Data Acquisition (SCADA) upgrades.
  - (B) “New business projects” shall include utility investment and spending needed to provide gas service to new customers or customers requiring new gas service.
  - (C) “Capacity expansion projects” shall include both individual projects and sets of inter-related facilities needed to maintain system reliability and meet a specified capacity expansion need. Within the category of capacity expansion projects, the utility shall further separate appropriate projects into the following sub-categories:
    - (i) capacity expansion projects needed for reliability or growth in sales by existing customers, structures, and facilities; and
    - (ii) capacity expansion projects needed for growth in sales due to new customers, structures, and facilities, that are not otherwise new business planned projects.
  - (D) “Mandatory relocation projects” as defined in paragraph 4001(gg).
  - (E) “Defined programmatic expenses” as defined in paragraph 4551(b), means the following, or as otherwise ordered by the Commission:
    - (i) “relocation or replacement of meters” shall include the utility’s investment and expenditure to replace or relocate customer meters, including at-risk meters, not otherwise covered by other projects; and
    - (ii) “replacement of customer-owned yard lines” shall include the investment and expenditure to replace customer-owned yard lines and associated

infrastructure with utility-owned pipelines and associated infrastructure.

- (IV) The utility shall provide, for each year of the gas infrastructure plan total period, and for each project category defined above in subparagraph 4553(a)(III), the following information:
    - (A) the total number of projects; and
    - (B) the total annual capital investment.
  - (V) The utility shall provide one or more maps indicating locations of individual planned projects, pressure district or geographic area served by the individual planned projects or that would otherwise lead to a foreseeable lack of system reliability, if applicable, and other distinct zones identified for planning purposes in the utility's most recently approved clean heat plan pursuant to subparagraph 4731(a)(I)(B) with sufficient geographical detail such that the Commission can evaluate and fully comprehend the extent and purpose of the overall gas infrastructure plan. The utility shall also indicate whether the planned projects are located within disproportionately impacted communities.
  - (VI) The utility shall provide a copy of its prior year's United States Department of Transportation Gas Distribution Annual Report, Form F7100.
  - (VII) The utility shall provide a summary of stakeholder participation and input and explain how this input was incorporated into the gas infrastructure plan. For each recommendation received by the utility prior to filing its plan, a utility shall summarize the recommendation and respond to it. If a project or projects are located in a disproportionately impacted community, the utility shall further provide a description of outreach to members of that community, including a description of the nature of the outreach as appropriate to the filing, including descriptions of communications and materials, and findings from those efforts. The utility shall also provide a summary of the public workshops on alternatives analyses as required by subparagraph 4552(d)(IV).
  - (VIII) The utility shall provide project-level information consistent with the requirements in paragraph 4553(c) for all projects with an expected construction start date during the gas infrastructure plan action period and the gas infrastructure plan informational period, where available. For planned projects in the gas infrastructure plan informational period where project-level information is not available, category-level specificity consistent with subparagraph 4553(a)(III) is acceptable.
  - (IX) The utility shall provide the then-current peak design temperature assigned to unique segments of the utility system used for capacity planning, and data to support such design temperature(s).
- (b) Forecast requirements.
- (I) The utility shall present reference, low, and high forecasts of design peak demand, customer count, sales and capacity requirements, gas content including expected mixtures by volume of hydrogen and recovered methane, and system-wide greenhouse gas emissions, consistent with the utility's approved portfolio of clean heat resources and



in accordance with subparagraph 4731(b)(I), or any appropriate interim-year update to such forecasts in accordance with subparagraph 4733(a)(VI).

- (II) If a utility filed a small utility clean heat plan in accordance with rule 4734, the utility shall justify and document the data, assumptions, models, and other inputs upon which it relied to develop this gas infrastructure plan. A utility filing under this rule shall indicate how its forecast incorporates, to the extent practicable, relevant external factors including, but not limited to:
  - (A) the effect of current or enacted state and local building codes;
  - (B) changes in the utility's line extension policies, and the associated impact on gas customer growth;
  - (C) building electrification programs or incentives offered by the local electric utility or local or federal entities that overlap with the utility's gas service territory; and
  - (D) the price elasticity of demand (e.g., the impact of reduced throughput and rate increases on sales and peak demand requirements and impacts of commodity prices).
- (c) Planned project information.
  - (I) The utility shall present the following project-specific information for all planned projects in the gas infrastructure plan total period, with information provided to the extent practicable for projects in the gas infrastructure plan informational period:
    - (A) project name;
    - (B) project category, consistent with the categories defined in subparagraph 4553(a)(III), or otherwise identified and justified by the utility;
    - (C) general scope of work and explanation of need for the project, including any applicable U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration code requirements for the project;
    - (D) projected life of the project;
    - (E) if the project is presented as a gas infrastructure plan action period project or a gas infrastructure plan informational period project;
    - (F) anticipated construction start date, construction period, with any phases indicated, and expected in-service date;
    - (G) the cost estimate classification using the utility's or an industry-accepted cost estimate classification index, and support of the methodology;
    - (H) project technical details, such as physical equipment characteristics of proposed facilities, pipeline length, pipeline diameter, project material(s), and maximum

allowable operating pressure;

- (I) total project cost estimate and a presentation of the associated annual revenue requirements for the project during the gas infrastructure plan total period, assuming both conventional depreciation and accelerated depreciation in accordance with the forecasts submitted or developed pursuant to paragraph 4553(b);
- (J) the project location and an illustrative map of the facilities (subject to necessary and appropriate confidentiality provisions) including:
  - (i) the pressure district or geographic area that requires the proposed facilities;
  - (ii) the existing and proposed regulator stations and existing and proposed distribution piping and higher capacity pipelines served by or representing the proposed facilities;
  - (iii) the locations of any disproportionately impacted community;
  - (iv) identification of the electric utility service provider(s) at that location; and
  - (v) any other information necessary to allow the Commission to make a thorough evaluation.
- (K) to the extent practicable, the number of customers, annual sales, and design peak demand requirements, by customer class, directly impacted or served by the project;
- (L) permit(s) required to begin work, if any;
- (M) environmental requirements associated with completion of project, if any;
- (N) the change in projected greenhouse gas emissions due to the planned project;
- (O) the status of the planned projects as addressed in previous plans, as well as changes, additions or deletions in the current plan when compared with prior plans; and
- (P) for a quantity of new business and capacity expansion projects, given the criteria established by the Commission in accordance with subparagraph 4552(b)(1)(A) through (C), the utility shall present an analysis of alternatives, including non-pipeline alternatives, costs for those alternatives, and criteria used to rank or eliminate such alternatives.
  - (i) An analysis of alternatives shall consider, at a minimum:
    - (1) one or more applicable clean heat resources consistent with the utility's most recently approved clean heat plan, pursuant to rule

- 4732, demand side management plan, pursuant to rule 4753, or beneficial electrification plan, as applicable;
- (2) a cost-benefit analysis including the costs of direct investment and the social costs of carbon and methane for emissions due to or avoided by the alternative, and other costs determined appropriate by the Commission; and
  - (3) available ~~B~~best ~~V~~value ~~E~~employment metrics associated with each alternative, as defined in paragraph ~~4004(j)~~4211(a), including a projection of gas distribution jobs affected by the alternative and jobs made available through the alternative, opportunities to transition any affected gas distribution jobs to the alternative, pay and benefit levels of the affected gas distribution jobs and the jobs available through a transition opportunity, and how employment impacts associated with each alternative could affect disproportionately impacted communities.
- (ii) An analysis of alternatives shall include, at a minimum:
- (1) the technologies or approaches evaluated;
  - (2) the technologies or approaches proposed, if applicable;
  - (3) the projected timeline and annual implementation rate for the technology or approaches evaluated;
  - (4) the technical feasibility of the alternative assuming full adoption of the technologies and approaches evaluated;
  - (5) the utility's strategy to facilitate the technologies or approaches evaluated; and
  - (6) an explanation of the methodology used to select which projects are presented with an alternative analysis, including discussion of the public review process required pursuant to subparagraph 4552(d)(IV).
- (Q) For new business and capacity expansion projects, a utility shall provide an alternative analysis as set forth in subparagraph (c)(I)(P) above or justify why the new business and capacity expansion project is not suitable for an alternative analysis for which the utility seeks a certificate of public convenience and necessity or other relief, in accordance with subparagraph 4552(d)(II).
- (R) For system safety and integrity projects, the utility shall provide the applicable federal regulation, the planned project's risk ranking and the utility's risk ranking methodology including but not limited to the material, age, maximum allowable operating pressure, density of surrounding residences and businesses, and any other physical and operating characteristics relevant to the risk ranking of the

planned project and the risk ranking methodology. The utility should also identify, discuss in detail, and provide the output to any risk-related models developed or employed by the utility in conducting risk analyses to support planned system safety and integrity projects or other projects.

- (II) With respect to the reference, low and high forecasts conducted pursuant to subparagraph 4553(b)(I):
  - (A) the total incremental investment that may be needed over the gas infrastructure plan action period and gas infrastructure plan informational period; and
  - (B) an identification of the primary individual new projects avoided in the low design peak demand forecast and an identification of the primary individual new projects and capital spend added in the high design peak demand forecast.
- (d) Existing infrastructure assessment reporting. The utility shall report on the following in the gas infrastructure plan.
  - (I) The utility shall report the following information regarding customer-owned yard lines attached to its distribution system, if applicable:
    - (A) an estimate of the number of customer-owned yard lines by municipality served;
    - (B) the number of customer-owned yard lines replaced by the utility to date and capital investment incurred to do so; and
    - (C) the estimated gross and net rate-based investment needed to replace all customer-owned yard lines in present dollars through year 2030, through year 2040, and through year 2050.
  - (II) The utility shall report the following information regarding hydrogen compatibility throughout its distribution system, to the extent known:
    - (A) estimate the percentage of distribution system components known to be compatible with safely carrying varying concentrations of hydrogen, including but not limited to:
      - (i) piping;
      - (ii) fittings; and
      - (iii) non-pipe system components.
    - (B) The utility shall identify any areas of the system with unknown materials or materials known to be not compatible with hydrogen mixtures up to 20 percent by volume.
  - (III) The utility shall report the following information regarding advanced leak detection:

- (A) identification of equipment, survey method, percentage of system surveyed in each year, and interval in which additional advanced leak detection occurred on the same areas of the system;
- (B) any updates to anticipated system-wide methane emissions based on most recent advanced leak detection surveys; and
- (C) extent to which leakage sources identified are within disproportionately impacted communities.

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[indicates omission of unaffected rules]

**4731. Clean Heat Plan Application Requirements.**

\* \* \* \*

[indicates omission of unaffected rules]

- (f) Project-based information.
  - (I) It is the Commission's policy that utilities should acquire clean heat resources in the most cost-effective manner. To this end, the utility shall use competitive solicitations to the maximum extent practical.
    - (A) If a utility's clean heat plan includes the purchase or development of green hydrogen, the utility must include the gross quantity of green hydrogen transported by a common carrier or dedicated pipeline on an annual basis and the corresponding Btu content.
    - (B) With the exception of a green hydrogen project proposed in coordination with the State of Colorado, to secure benefits under a federal law, or as part of a State of Colorado application for a hydrogen hub, a proposal for a green hydrogen project shall include a competitive solicitation proposal, which shall include, at minimum, the following information:
      - (1) a copy of the request for proposals to be offered in the competitive solicitation;
      - (2) an explanation of required milestones and development-related penalties;
      - (3) the timing of the competitive solicitation and review and negotiation processes;
      - (4) a copy of the proposed contract to be signed by the utility and any third-party entity;

- (5) the utility's standards for interconnection, including purity standards and metering methods; and
  - (6) an explanation of how ~~B~~best ~~V~~value ~~E~~employment metrics, as defined in paragraph ~~4211(a)~~~~4001(j)~~, will be evaluated in the utility's review of bids.
- (II) For all proposed projects, the utility shall identify any developer or operator, if not the utility, and any customers on whose property the investment will be placed.
  - (III) The utility shall provide a map of disproportionately impacted communities located within the utility's service territory. The map must show the location of any anticipated green hydrogen or recovered methane projects and identify any portions of the project that are located in disproportionately impacted communities.

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[indicates omission of unaffected rules]

#### **4733. Interim Clean Heat Plan Reporting.**

- (a) By March 31 in all calendar years that a clean heat plan application is not submitted, each utility shall submit to the Commission an annual clean heat plan report that shows, pursuant to its approved clean heat plans:
  - (I) the amount spent on each clean heat resource relative to the amount budgeted, with an explanation for any deviations;
  - (II) the amount spent on income-qualified programs or programs that serve customers in a disproportionately impacted community or in communities historically impacted by air pollution and other energy-related pollution, including, relative to the amount budgeted, an explanation for any deviations;
  - (III) the annual greenhouse gas emissions consistent with rules 4525 through 4528, and a description of any significant deviations from the emissions reductions anticipated by project or program based on the utility's most recently approved clean heat plan;
  - (IV) the actual greenhouse gas emissions reduced or avoided for each clean heat resource category as calculated consistent with the most recent Commission approved methodology developed by the Air Pollution Control Division, and evaluated consistent with rules 4525 through 4528, and a description of any significant deviations from the emissions reductions anticipated by project or program based on the utility's most recently approved clean heat plan;
  - (V) the actual emission reductions and corresponding recovered methane credits as well as a statement or certification from the utility that any recovered methane credits were retired in the year generated;
  - (VI) an update to the forecasts provided in subparagraph 4731(c)(I), if applicable;

- (VII) detailed information obtained from contractors about their use of Colorado-based labor, use of contractors participating in apprenticeship programs meeting the criteria in § 40-3.2-105.5(3), C.R.S., use of out-of-state labor to construct and deliver clean heat resources, and other labor metrics and information as specified in § 40-3.2-108(8), C.R.S., and defined in paragraph ~~4211(a)4004(j)~~;
- (VIII) an update on the status of any competitive solicitation issued in accordance with paragraph 4731(f), including:
- (A) status of contract negotiation;
  - (B) project development and milestone fulfillment;
  - (C) relevant labor metrics in accordance with subparagraph 4731(d)(II)(F); and
  - (D) use of out-of-state labor.
- (b) The utility may request a revision to an existing, approved clean heat plan, as necessary, in order to improve its opportunity of achieving future clean heat targets or otherwise fulfill the purpose of these clean heat plan rules.
- (c) The utility shall submit the annual clean heat plan reports required in this rule 4733 in the most recently concluded proceeding in which the Commission approved a clean heat plan filed by the utility.

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[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.

<b>Citation</b>	<b>Description</b>	<b>Maximum Penalty Per Violation</b>
	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 4027(d)	Disclosure of Customer Data	\$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 (d)	Consent and 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)-(h)	Availability of Installation Payments to Customers	\$1000
Rule 4407	Discontinuance of Service	\$2000
Rule 4408(a)-(g); (i)	Notice of Discontinuation of Service	\$2000
Rule 4409	Restoration of Service	\$2000
Rule 4411(c)(IV),(d)(I), d(II),(e)	Low-Income Energy Assistance Act	\$100