

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 3

RULES REGULATING ELECTRIC UTILITIES

3407. Discontinuance of Service.

- (a) A utility shall not discontinue the service of a customer for any reason other than the following:
 - (I) nonpayment of regulated charges;
 - (II) fraud or subterfuge;
 - (III) service diversion;
 - (IV) equipment tampering;
 - (V) safety concerns;
 - (VI) exigent circumstances;
 - (VII) discontinuance ordered by any appropriate governmental authority; or
 - (VIII) properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.
- (b) A utility shall apply nondiscriminatory criteria when determining whether to discontinue service for nonpayment. A utility shall not discontinue service for nonpayment of any of the following:
 - (I) any amount which has not appeared on a regular monthly bill or which is not past due. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the 31st day following the due date of current charges;
 - (II) any past due amount that is less than \$50;
 - (III) any amount due on another account now or previously held or guaranteed by the customer, or with respect to which the customer received service, unless the amount has first been transferred either to an account which is for the same class of service or to an account which the customer has agreed will secure the other account. Any amount so transferred shall be considered due on the regular due date of the bill on which it first appears and shall be subject to notice of discontinuance as if it had been billed for the first time;

- (IV) any amount due on an account on which the customer is or was neither the customer of record nor a guarantor, or any amount due from a previous occupant of the premises. This subparagraph does not apply if the customer is or was obtaining service through fraud or subterfuge or if paragraph 3401(c) applies;
 - (V) any amount due on any account for which the present customer is or was the customer of record, if another person established the account through fraud or subterfuge and without the customer's knowledge or consent;
 - (VI) any delinquent amount, unless the utility can supply billing records from the time the delinquency occurred;
 - (VII) any debt except that incurred for service rendered by the utility in Colorado;
 - (VIII) any unregulated charge; or
 - (IX) any amount which is the subject of a pending dispute or informal complaint under rule 3004.
- (c) If the utility discovers any connection or device installed on the customer's premises, including any energy-consuming device connected on the line side of the utility's meter, which would prevent the meter from registering the actual amount of energy used, the utility shall do one of the following.
- (I) Remove or correct such devices or connections. If the utility takes this action, it shall leave at the premises a written notice which advises the customer of the violation, of the steps taken by the utility to correct it, and of the utility's ability to bill the customer for any estimated energy consumption not properly registered. This notice shall be left at the time the removal or correction occurs.
 - (II) Provide the customer with written notice that the device or connection must be removed or corrected within 15 days and that the customer may be billed for any estimated energy consumption not properly registered. If the utility elects to take this action and the device or connection is not removed or corrected within the 15 days permitted, then within seven calendar days from the expiration of the 15 days, the utility shall remove or correct the device or connection pursuant to subparagraph (c)(I) of this rule.
- (d) If a utility discovers evidence that any utility-owned equipment has been tampered with or that service has been diverted, the utility shall provide the customer with written notice of the discovery. The written notice shall inform the customer of the steps the utility will take to determine whether non-registration of energy consumption has or will occur and shall inform the customer that the customer may be billed for any estimated energy consumption not properly registered. The utility shall mail or hand-deliver the written notice within three calendar days of making the discovery of tampering or service diversion.
- (e) A utility shall not discontinue service, other than to address safety concerns or in exigent circumstances, if one of the following is met.

- (I) A customer at any time tenders full payment in accordance with the terms and conditions of the notice of discontinuance to a utility employee authorized to receive payment. Payment of a charge for a service call shall not be required to avoid discontinuance.
- (II) If a customer pays, on or before the expiration date of the notice of discontinuance, at least one-tenth of the amount shown on the notice and enters into an installment payment plan with the utility, as provided in rule 3404.
- (III) Outside the hours of 8:00 a.m. and 4:00 p.m., Monday through Thursday.
- (IV) Between the hours of 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday or day during which the utility's local office is closed.
- (V) To the greatest extent practicable, a utility shall not disconnect a customer after 11:59 a.m. on a Monday through Thursday.
- (VI) Medical emergencies.
 - (A) A utility shall postpone discontinuance of electric service to a residential customer for 90 days from the date of a medical certificate issued by a Colorado-licensed physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients which evidences that service discontinuance will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. A customer may invoke this subparagraph only once in any twelve consecutive months.
 - (B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who has already entered into a payment arrangement, but broke the arrangement prior to seeking a medical certificate, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.
 - (C) The medical certificate must be in writing (which includes electronic certificates and signatures and those provided electronically), sent to the utility from the office of a licensed physician or health care practitioner licensed to prescribe and treat patients, and clearly show the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients certifying the medical emergency. Such certificate is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.
 - (D) A utility may accept notification by telephone from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, but a written medical certificate must be sent to the utility within ten days.

- (VII) Weather provisions.
- (A) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 32 degrees Fahrenheit (32°F) or lower at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are warmer than these criteria.
 - (B) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 95 degrees Fahrenheit (95°F) or higher at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are cooler than these criteria.
 - (C) A utility shall postpone service discontinuance to a customer during an emergency or safety event or circumstance impacting the local area.
- (f) In addition to its tariffs, a utility shall publish information related to its practices around delinquency, disconnection for nonpayment, and reconnection on its website. This information should be written in a manner that promotes customer understanding and must be produced in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information. A utility must include at least the following information:
- (I) the customer's rights related to service disconnection, including medical and weather-based protections, timing restrictions on service disconnection, and options and hours to contact the utility for support relating to service disconnection;
 - (II) a summary of a customer's options to prevent service disconnection for nonpayment, including installment payment plan options, utility energy assistance and affordability programs, and eligibility requirements for such programs;
 - (III) referrals to organizations that provide energy payment assistance, including energy efficiency services, such as Energy Outreach Colorado, charities, nonprofits, and governmental entities that provide or administer funds for such assistance;
 - (IV) the customer's rights related to service restoration, including restoration timelines, actions customers may take to restore service; and options and hours to contact the utility for support relating to service restoration;
 - (V) a summary of charges, fees, and deposits to which a customer may be subject under paragraphs 3404(a) and 3403(j), with a description of how those amounts are calculated, explained in a way that enables a customer to estimate the full costs they may be assessed;

- (VI) a description of the customer's options in the event of a dispute regarding billing or disconnection practices;
 - (VII) a description of the options available to an occupant of a service address who is not a customer of record and who has a court-ordered protection order against a customer of record for the service address, relating to past-due balances, service disconnection, restoration, and continuance at the service address, including initiating new service, transferring service, and the utility's practices, policies, and criteria for determining benefit of service for purposes of transferring a customer's balance to an occupant; and
 - (VIII) a description of the utility's Demand-Side Management programs, including requirements to participate, the benefits of participating, and utility contact information relating to such programs.
- (g) Reporting requirements.
- (I) Annual Report. No later than March 1 of each calendar year, each utility shall file a report covering the prior calendar year in the miscellaneous proceeding for utility disconnection filings, using the form available on the Commission's website. The report shall provide data on residential customers by class and census block group and must also break down such data by income qualified customers, defined as customers participating in income qualified programs authorized by rule 3412 and the Low-Income Energy Assistance Program. For data provided in this report, paragraph 3033(b) shall not apply. The report shall contain the following information, displayed by month:
 - (A) total number of unique customers;
 - (B) total dollar amount billed;
 - (C) total number of customers charged a late payment charge;
 - (D) total dollar amount of late payment charges collected;
 - (E) number of customers with an arrearage balance by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (F) dollar amount of arrearages by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (G) total number of disconnection notices sent;
 - (H) total number of disconnections for nonpayment;
 - (I) total number of service restorations after disconnections for nonpayment;
 - (J) average duration of disconnection for nonpayment by hours, measured from when the customer completes an action in paragraph 3409(b) to when service is restored;

- (K) total number of new installment payment plans entered into;
 - (L) average repayment term of new installment payment plans entered into;
 - (M) proportion of customers who go into arrears, become disconnected, and move into bad debt;
 - (N) proportion of households that receive a preventative intervention before a potential disconnection;
 - (O) number of customers with repeat disconnections in the household over a 12-month period;
 - (P) number of customers by fuel that received a regular LEAP grant for the program year;
 - (Q) percentage of customers that are reconnected within a 24-hour period and a 72-hour time period;
 - (R) total arrearage amount at time of disconnection and;
 - (S) maximum and minimum arrearage amount at time of disconnection.
- (II) Along with the items in subparagraph (g)(I), each utility shall file the following additional items.
- (A) A narrative containing the utility's analysis of any trends or inconsistencies revealed by the data in the prior year including, at minimum, an analysis of:
 - (i) the total number of residential customers who were disconnected for nonpayment in the prior calendar year and percent of those customers who were disconnected for nonpayment multiple times; and
 - (ii) the total number of residential installment payment plans entered into in the prior calendar year, the average length of those installment payment plans, the number of residential installment payment plans completed, and the number of residential installment payment plans that were broken.
 - (B) Information about how the utility is working to reduce delinquencies and disconnections, including any actions the utility is taking specific to residential customers experiencing multiple disconnections in a calendar year, and a description of the efforts made to identify entities to which the utility refers customers for energy bill assistance.
- (h) Receipt of a qualifying communication. For purposes of compliance with § 40-3-103.6(3)(c)(II) and subparagraph 3001(hh)(II)(B), a customer "receives" the text or e-mail if:

- (I) the utility sends the text or email with customer assistance information to the text address or e-mail address previously provided by the customer to the utility; and
 - (II) the utility does not subsequently receive a “bounce back” or other message indicating the text address is invalid or the e-mail address is invalid.
- (i) Customer education and outreach strategy. A utility shall conduct at least one meeting with stakeholders and interested customers for the purpose of seeking input on its customer education and outreach strategy for conducting disconnections and reconnections during its multi-year strategy reporting period under paragraph 3407(j). The results of these meetings and a detailed summary of the customer education and outreach conducted will be reported as part of its first annual report due no later than March 1, 2024, and each subsequent reporting year. Such education and outreach meetings may be held in conjunction with the income qualified meetings required under paragraph 3412(j).
- (j) Customer education and outreach multi-year strategy reporting. As part of its annual report due no later than March 1, 2024, a utility shall file a customer education and outreach strategy on residential and small commercial customer disconnections and reconnections covering a span of the next five years. As part of this filing, a utility shall provide an overview of its education and outreach efforts, including qualifying communications, disconnection and reconnection data and trends, and the tariffed rates for disconnection and reconnections. Additionally, if applicable, an electric utility shall provide an overview of its historical use of remote disconnections, including the time period in which such an electrical utility has used remote disconnections and reconnections. Upon filing of an initial multi-year strategy report, each utility shall file an update to its report every five years on March 1 of the relevant year. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.
- (k) Tariff. A utility shall file language to include in its tariff as cited below a requirement to report on its five-year customer education and outreach strategy, and if applicable, qualifying communications for reconnections. A utility filing a strategy report required by paragraphs (i)-(j) of this rule is required to file updated reporting if the education and outreach strategy changes in a material and substantial way.