

Decision No. C05-1298-E

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03R-519E

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IN THE MATTER OF THE PROPOSED REPEAL AND RE-ENACTMENT OF ALL RULES  
REGULATING ELECTRIC AND STEAM UTILITIES, AS FOUND IN 4 CCR 723-3, 10, 19  
AND 32.

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DOCKET NO. 04R-003EG

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IN THE MATTER OF THE PROPOSED REPEAL AND REENACTMENT OF RULES  
REGULATING COST ASSIGNMENT AND ALLOCATION FOR GAS AND ELECTRIC  
UTILITIES FOUND AT 4 CCR 723-47.

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DOCKET NO. 04R-170EG

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IN THE MATTER OF THE PROPOSED REPEAL AND RE-ENACTMENT OF ALL RULES  
REGULATING MASTER METER OPERATORS FOUND AT 4 CCR 723-3-33 AND 723-4-31.

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**ERRATA NOTICE**

**ORDER GRANTING, IN PART, AND DENYING, IN PART,  
REHEARING, REARGUMENT AND RECONSIDERATION**

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Mailed Date: November 1, 2005  
Adopted Date: October 19, 2005  
Errata Mailed Date: January 9, 2006

In Attachment B to Decision No. C05-1298, correct the citation of the adopted Rules  
Regulating Steam Utilities replacing "4 *CODE OF COLORADO REGULATIONS* (CCR) 723-3"  
in the title of the rules, with "4 *CODE OF COLORADO REGULATIONS* (CCR) 723-8," to  
reflect that the steam rules were extracted from the electric rules, 4 CCR 723-3, and adopted as a  
separate section 4 CCR 723-8.

The full title of the Steam Rules should read as:

**COLORADO DEPARTMENT OF REGULATORY AGENCIES**

**Public Utilities Commission**

**4 CODE OF COLORADO REGULATIONS (CCR) 723-8**

**PART 8  
RULES REGULATING STEAM UTILITIES**

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(S E A L)



ATTEST: A TRUE COPY

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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Doug Dean, Director  
Dated at Denver, Colorado this  
9th day of January, 2006.

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

#### 4 CODE OF COLORADO REGULATIONS (CCR) 723-38

#### PART 8 RULES REGULATING STEAM UTILITIES

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

The basis and purpose of these rules is to describe the steam service to be provided by jurisdictional utilities to their customers for service meters and related metering issues. The statutory authority for these rules can be found at §§ 40-1-103.5, 40-2-108, 40-3-102, 40-3-103, 40-3-104.3, 40-3-111, 40-3-114, 40-4-101, 40-4-106, 40-4-108, 40-4-109, and 40-5-103, C.R.S.

## **GENERAL PROVISIONS**

### **8000. Scope and Applicability.**

Absent a specific statute, rule, or Commission Order which provides otherwise, all rules in this Part 8 (the 8000 series) shall apply to all jurisdictional steam utilities.

### **8001. Definitions.**

The following definitions apply throughout this Part 8, except where a specific rule or statute provides otherwise. In addition to the definitions stated here, the definitions found in the Public Utilities Law apply to these rules. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) "Commission" means the Colorado Public Utilities Commission.
- (b) "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.
- (c) "Utility" means any public utility as defined in § 40-1-103, C.R.S., providing steam services in the state of Colorado.
- (d) "Utility service" or "service" means a service offering of a public utility, which service offering is regulated by the Commission.

### **8002. Applications.**

- (a) By filing an appropriate application, any utility may ask that the Commission take action regarding any of the following matters:
  - (I) For approval of meter and equipment testing practices, as provided in rule 8303.
  - (II) For approval of a meter sampling program, as provided in rule 8304.
- (b) In addition to the requirements of specific rules, all applications shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:
  - (I) The name and address of the applying utility.
  - (II) The name(s) under which the applying utility is, or will be, providing service in Colorado.
  - (III) The name, address, telephone number, facsimile number, and e-mail address of the applying utility's representative to whom all inquiries concerning the application should be made.
  - (IV) A statement that the applying utility agrees to answer all questions propounded by the Commission or its Staff concerning the application.

- (V) A statement that the applying utility shall permit the Commission or any member of its Staff to inspect the applying utility's books and records as part of the investigation into the application.
- (VI) A statement that the applying utility understands that, if any portion of the application is found to be false or to contain material misrepresentations, any authorities granted pursuant to the application may be revoked upon Commission order.
- (VII) In lieu of the separate statements required by subparagraphs (b)(IV) through (VI) of this rule, a utility may include a statement that it has read, and agrees to abide by, the provisions of subparagraphs (b)(IV) through (VI) of this rule.
- (VIII) A statement describing the applying utility's existing operations and general service area in Colorado.
- (IX) ~~For applications listed in subparagraphs (a)(I), (II), (III), (V), and (VI) of this rule, a~~  
A copy of the applying utility's or parent company's and consolidated subsidiaries' most recent audited balance sheet, income statement, statement of retained earnings, and statement of cash flows so long as they provide Colorado specific financial information.
- (X) A statement indicating the town or city, and any alternative town or city, in which the applying utility prefers any hearings be held.
- (XI) Acknowledgment that, by signing the application, the applying utility understands that:
  - (A) The filing of the application does not by itself constitute approval of the application.
  - (B) If the application is granted, the applying utility shall not commence the requested action until the applying utility complies with applicable Commission rules and any conditions established by Commission order granting the application.
  - (C) If a hearing is held, the applying utility must present evidence at the hearing to establish its qualifications to undertake, and its right to undertake, the requested action.
  - (D) In lieu of the statements contained in subparagraphs (b)(XI)(A) through (C) of this rule, an applying utility may include a statement that it has read, and agrees to abide by, the provisions of subparagraphs (b)(XI)(A) through (C) of this rule.
- (XII) A statement which is made under penalty of perjury; which is signed by an officer, a partner, an owner, an employee of, an agent for, or an attorney for the applying utility, as appropriate, who is authorized to act on behalf of the applying utility; and which states that the contents of the application are true, accurate, and correct. The application shall contain the title and the complete address of the affiant.

- (c) In addition to the requirements of specific rules, all applications either shall include the following items or shall incorporate the following items by referring to information on file with the Commission in a miscellaneous docket created for that purpose. Applying utilities choosing to keep an item on file with the Commission in such miscellaneous docket shall keep the most current version on file and shall state in the application when the item was last filed with the Commission. Applying utilities choosing to include an item with the application shall include it in the following order and specifically identified either in the application or in appropriately identified attached exhibits:
- (I) A copy of the applying utility's applicable organizational documents (e.g., Articles of Incorporation, Partnership Agreement, Articles of Organization).
  - (II) If the applying utility is not organized in Colorado, a current copy of the certificate issued by the Colorado Secretary of State authorizing the applying utility to transact business in Colorado.
  - (III) The name, business address, and title of each officer, director, and partner.
  - (IV) The names and addresses of affiliated companies that conduct business with the Colorado utility.
  - (V) The name and address of the applying utility's Colorado agent for service of process.

**8003. - 8004. [Reserved]**

**8005. Records.**

- (a) Except as a specific rule may require, every utility shall maintain, for a period of not less than three years, and shall make available for inspection at its principal place of business during regular business hours, the following:
- (I) Records concerning certification and calibration of meter testing equipment, which records are created pursuant to rule 8303.
  - (II) Records concerning meter testing upon customer request, which records are created pursuant to rule 8305.
  - (III) Records concerning meters and their associated testing, which records are created pursuant to rule 8306.

**8006. - 8299. [Reserved]**

**8300. Service Meters and Related Equipment.**

- (a) All meters used in connection with steam metered service for billing purposes shall be furnished, installed, and maintained by the utility.
- (b) Any equipment, devices, or facilities (including, without limitation, service meters) furnished by the utility and which the utility maintains and renews shall remain the property of the utility and may be removed by it at any time after discontinuance of service.

- (c) Each steam service meter shall indicate clearly the units of demand and consumption, where applicable, for which the customer is charged. In cases in which the register and/or chart reading must be multiplied by a constant or factor to obtain the units consumed, the factor, factors, or constant shall be clearly marked either on the register or face of the meter or in permanently attached and clearly visible documentation at the meter location. In cases in which the metering installation is of such a complex nature that disclosure of the constant or factor used is unsuitable to inform the customer of quantities of utility service being consumed, the utility shall attach at the meter location instructions on how the customer can receive such information from the utility.

**8301. Location of Service Meters.**

- (a) As of the time of installation, meters shall be located in accordance with the pertinent utility tariffs and in accordance with accepted safe practice and steam utility industry standards.
- (b) As of the time of installation, meters shall be located so as to be easily accessible for reading, testing, and servicing in accordance with accepted safe practice and in accordance with steam utility industry standards.

**8302. Service Meter Accuracy.**

No steam service meter that has an error in registration of more than plus or minus three percent shall be placed in service. Whenever a meter is found to exceed these limits, it shall be adjusted, repaired or replaced.

**8303. Steam Meter Testing Equipment and Facilities.**

- (a) Each utility furnishing metered steam service shall provide the test equipment necessary to calibrate and test all types of steam meters in use.
- (b) Each utility shall establish procedures for testing each type of steam meter in use. Such procedures shall specify the frequency and manner of testing, and shall be available at all reasonable times for inspection by the Commission's authorized representatives.
- (c) Test and calibration equipment shall be submitted at least once each year to a laboratory of recognized standing, for the purpose of testing and adjustment.
- (d) A utility shall keep records of certification and calibrations for all testing equipment required by this rule for the life of the equipment.

**8304. Scheduled Meter Testing.**

- (a) A utility shall test, or shall arrange for testing of, service meters in accordance with the schedule in this rule or in accordance with a sampling program approved by the Commission.
- (b) If it wishes to use a sampling program, a utility shall file an application to request approval of a sampling program. The application shall include:
  - (l) The information required by rules 8002(b) and 8002(c).

- (II) A description of the sampling program which the utility wishes to use. This description shall include, at a minimum the following:
  - (A) The type(s) of meters subject to the sampling plan.
  - (B) The frequency of testing.
  - (C) The procedures to be used for the sampling.
  - (D) The reference standard to be used for testing.
  - (E) The accuracy of the testing and of the sampling plan.
- (III) An explanation of the reason(s) for the requested sampling program.
- (IV) An analysis which demonstrates that, with respect to assuring the accuracy of the service meters tested, the requested sampling program is at least as effective as the schedule in this rule.

**8305. Meter Testing Upon Request.**

- (a) Each utility furnishing metered steam service shall test the accuracy of any steam service meter upon request of a customer. Tests of meters shall be conducted free of charge if the meter has not been tested within the previous 12 months and if the customer agrees to accept the results of the test for the purposes of any dispute or informal complaint regarding the meter's accuracy; otherwise, the utility may charge a fee for performing the test. If a steam meter is found not to running fast beyond the limits prescribed in rule 8302, the customer making the request shall pay all costs associated with the test. The utility shall provide a written report of the test results to the customer and shall maintain a copy on file for at least two years.
- (b) Should a customer request and receive a meter test as prescribed in Rule 8305(a) and continue to dispute the accuracy of a meter, upon written request by a customer the utility shall make the disputed meter available for independent testing by a qualified meter testing facility of the customer's choosing. The customer is not entitled to take physical possession of the disputed meter.
- (c) This rule applies only when there is disagreement between the customer and the utility regarding the accuracy of the meter. If, upon completion of an independent test as prescribed in rule 8305(b), the disputed meter is found to be accurate within the limits of rule 8302, the customer shall bear all costs associated with conducting the test. If, upon completion of an independent test as prescribed in rule 8305(b), the disputed meter is found to be inaccurate beyond the limits prescribed in rule 8302, the utility shall bear all costs associated with conducting the test.

**8306. Records of Tests and Meters.**

- (a) For each meter owned or used by it, a utility shall maintain a record of showing the set of equipment constituting the meter at each specific location, and date and results of the last test performed by the utility. This record shall be retained for the life of the meter plus 30 months.



- (b) Whenever a meter is tested either on request or upon complaint, the test record shall include the information necessary for identifying the meter, the reason for making the test, the reading of the meter if removed from service, the result of the test, and all data taken at the time of the test in a sufficiently complete form to permit the convenient checking of the method employed and the calculations made. This record shall be retained for at least two years.

**8307. [Reserved]**

**8308. [Reserved]**

**8309. Meter Reading.**

- (a) Upon a customer's request, a utility shall provide written documentation showing the date of the most recent reading of the customer's meter and the total usage expressed in unit of service recorded. On request, a utility supplying metered service shall explain to its customers its method of reading meters.
- (b) In its tariff, a utility shall include a clear statement describing when meters will be read by the utility and the circumstances, if any, under which the customer must read the meter and submit the data to the utility. This statement shall specify in detail the procedure that the customer must follow and shall specify any special conditions which apply only to certain classes of service.
- (c) Absent good cause, a utility shall read a meter monthly. For good cause shown, a utility shall read a meter at least once every six months.

**8310. - 8999. [Reserved]**