

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

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

#### PART 3

#### RULES REGULATING ELECTRIC UTILITIES AND STEAM UTILITIES

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

The basis and purpose of these rules is to ~~set forth rules describing~~ the electric and steam service, to be provided by jurisdictional utilities and master meter operators to their customers, and to describing designate the manner of regulation over such utilities, and master meter operators, and to describe the services these utilities and master meter operators shall they provide. In addition, these rules identify the specific provisions applicable to public utilities or other persons over which the Commission has limited jurisdiction. These rules address a wide variety of subject areas including, but not limited to, service interruption, meter testing and accuracy, safety, customer information, customer deposits, rate schedules and tariffs, discontinuance of service, master meter operations, flexible regulation, cost allocation between regulated and unregulated operations, recovery of costs, small power producers and cogeneration facilities, and appeals regarding local government land use decisions. The statutory authority for these rules can be found at §§ ~~29-20-108~~~~29-20-108~~, ~~40-1-103~~~~40-1-103.5~~, ~~40-2-108~~~~40-2-108~~, ~~40-3-102~~~~40-3-102~~, ~~40-3-103~~~~40-3-103~~, ~~40-3-104~~~~40-3-104.3~~, ~~40-3-111~~~~40-3-111~~, ~~40-3-114~~~~40-3-114~~, ~~40-4-101~~~~40-4-101~~, ~~40-4-106~~~~40-4-106~~, ~~40-4-108~~~~40-4-108~~, ~~40-4-109~~~~40-4-109~~, ~~40-5-103~~~~40-5-103~~, and ~~40-9.5-107(5)~~, ~~40-9.5-107(5)~~ C.R.S.

**GENERAL PROVISIONS**

**3000. Scope and Applicability.**

(a) Absent a specific statute, rule, or Commission Order which provides otherwise, All rules in this Part 3, (the "3000" series), shall apply to all jurisdictional electric utilities and electric master meter operators, and to all Commission proceedings ~~and operations~~ concerning electric utilities or electric master meter operators providing electric service, ~~unless a specific statute or rule provides otherwise.~~

(b) Absent a specific statute, rule, or Commission Order which provides otherwise, The following rules in this Part 3 shall apply to all utilities providing steam service and to all Commission proceedings ~~and operations~~ concerning utilities providing steam service, ~~unless a specific statute or rule provides otherwise:~~

- (I) Rules 3002(a)(I), (a)(II), (a)(III), (a)(IV), (a)(V), (a)(VII), (a)(IX), (a)(X), (a)(XI), (a)(XII), (b) u and (c) concerning the filing of applications for certificate of

public convenience and necessity for franchise, service territories, or construction of facilities, certificate amendments, to merge or transfer, to amend steam tariffs on less than statutory notice, for flexible regulation, meter sampling and testing, and for approval of a refund plan.+

- (II) Rule 3004 concerning disputes;
- (III) Rules 3005(a)—(I-VI)+ except ~~for~~ (a)(II)+ and (b) concerning steam tariffs filed with the Commission.+
- (IV) Rules 3006(a) and (b) concerning the reporting to the Commission of total gross operating revenues received by a utility from its steam service~~+~~ and the filing of an annual report with the Commission on or before April 30 of each year regarding a utility's steam service.+
- (V) Rules 3008 (a) and (b) concerning incorporation by reference.+
- (VI) Rule 3100 concerning the contents of an application seeking approval by a utility to exercise steam franchise rights.+
- (VII) Rule 3101 concerning the contents of an application seeking approval by a utility for service territory.+
- (VIII) Rule 3102 concerning the contents of an application seeking approval to construct facilities.+
- (IX) Rule 3103 concerning the contents of an application seeking certificate amendments.+
- (X) Rule 3104 concerning the contents of an application to transfer steam assets to, or to merge with, another entity.+
- (XI) Rule 3106 concerning the contents of an applications seeking flexible regulatory treatment and the procedures applicable to such an application~~for flexible regulation.~~+
- (XII) Rule 3108~~+~~ except ~~for~~ 3108(a)+ concerning the requirement that a utility keep its current tariffs, contracts, privileges, contract forms, and service agreements on file with the Commission and available for public inspection at the utility's local office and principal place of business.+
- (XIII) Rule 3109 concerning the procedure for filing new or changed steam tariffs.+
- (XIV) Rule 3110 concerning the requirement that an s of advice letters be filed and the content of an advice letter.+

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- (XV) Rule 3200(a) concerning construction, installation, maintenance, and operation of steam plant.
- (XVI) Rule 3203 concerning interruption of service.
- (XVII) Rule 3204 concerning the reporting of ~~accident~~ incidents to the Commission.
- (XVIII) Rule 3210(a) concerning line extensions.
- (XIX) Rules 3300(a), (b), and (d) concerning service meters and related equipment.
- (XX) Rule 3301 concerning meter location.
- (XXI) Rule 3302(d) concerning service meter accuracy.
- (XXII) Rules 3303(a), (b), (c), (f), (i) and (j) concerning meter testing equipment and facilities.
- (XXIII) Rules 3304(d) and (e) concerning scheduled meter testing.
- (XXIV) Rules 3305(a), (b)(III), (c) and (d) concerning meter testing upon request.
- (XXV) Rule 3306 concerning records of tests and meters.
- (XXVI) Rule 3309 concerning meter reading.
- (XXVII) Rule 3400 concerning billing information to be included on bills for steam service.
- (XXVIII) Rule 3401 concerning adjustments for meter and billing errors.
- (XXIX) Rule 3402 concerning customer deposits.
- (XXX) Rule 3403 concerning installment payments.
- (XXXI) Rule 3404 concerning information to be provided to customers when any change is proposed or made to any term or condition of steam service that will affect the quality of service.
- (XXXII) Rules 3406(a), (b), (c), (d) and ~~(e)(I)~~ and ~~(e)(III)~~ concerning discontinuance of steam service.
- (XXXIII) Rules 3407(a), (b)(I)-(XI) and ~~(c)~~, ~~(d)~~, ~~(e)~~, ~~(f)~~, ~~(g)-(i) through (i)~~ except ~~for~~ ~~(g)(IV)~~, ~~(h)~~, and ~~(i)~~ concerning discontinuance of steam service.
- (XXXIV) Rule 3408 except ~~for~~ ~~(b)(III)~~ concerning the restoration of steam service ~~and~~

(XXXV) Rule 3409 concerning the contents of an applications for approval of a refund plans.

(c) The following rules in this Part 3 shall apply to cooperative electric associations ~~as authorized by § 40-9.5-107 C.R.S. that which~~ have elected to exempt themselves from the Public Utilities Law pursuant to § 40-9.5-103 C.R.S.:

(I) Rules 3002 (a)(I), (a)(II), (a)(IV), (a)(V), (a)(XIV), (b) and (c) concerning the filing of applications for certificate of public convenience and necessity for franchise or service territory, for certificate amendments, to merge or transfer, or for appeals of local land use decisions.;

~~(II) Rule 3004 concerning disputes alleging that the rates, charges, rules, or regulations of a cooperative electric association are unjust or unreasonable;~~

~~(III)~~(II) Rules 3005 (a)~~(I)~~, (III) (IV), (d) and (e) concerning records under RUS accounting system and preservation of records.;

~~(IV)~~(III) Rule 3006 concerning the filing of annual reports, designation for service of process, and election of applicability of Title 40, Article 8.5.;

~~(V)~~(IV) Rules 3008 (a) and (b) concerning incorporation by reference.;

~~(VI)~~(V) Rules 3100 and 3103 concerning applications for and amendments ~~of~~ a certificate of public convenience and necessity relating to a franchise.;

~~(VII)~~(VI) Rules 3101 and 3103 concerning application for and amendments ~~of~~ a certificate of public convenience and necessity relating to service territory.;

~~(VIII)~~(VII) Rule 3104 concerning application to transfer assets to, or to merge with, another entity.;

~~(IX)~~(VIII) Rule 3204 concerning ~~accident incidents~~ occurring in connection with the operation of facilities.;

~~(X)~~(IX) Rule 3207, except for (b) concerning construction and expansion of distribution facilities.;

~~(XI)~~(X) Rules 3700 through 3706 concerning appeals of local governmental land use decisions actions.

(d) The following rules in this Part 3 shall apply to cooperative electric generation and transmission associations:

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- (I) Rules 3002 (a)(III), (a)~~(XIV)~~(XVII), (b)1 and (c) concerning the filing of applications for certificates of public convenience and necessity for facilities or for appeals of local land use decisions.+
- (II) Rules 3005 (d) and (e) concerning records under RUS accounting system and preservation of records.+
- (III) Rules 3006 (a), (b)1 and (e) concerning the filing of annual reports and for least cost planning reports.+
- (IV) Rules 3008 (a) and (b) concerning incorporation by reference.+
- (V) Rule 3102 concerning applications for certificates of public convenience and necessity for facilities~~concerning certificate applications for only facilities.~~+
- (VI) Rule 3103 concerning ~~certificate amendments to certificates of public convenience and necessity for only facilities.~~+
- (VII) Rule 3104 concerning ~~the~~ transfers and mergers.+
- (VIII) Rule 3200 concerning construction, installation, maintenance,1 and operation of facilities.+
- (IX) Rule 3204 concerning ~~ae~~incidents occurring in connection with the operation of facilities.+
- (X) Rule 3205 concerning construction or expansion of generating capacity.+
- (XI) Rule 3206 concerning construction, upgrade, uprate, or expansion of transmission facilities.+.+
- (XII) Rules 3602, 3605, and 3614(a) concerning least cost resource planning.+
- (XIII) Rules 3700 through 3706 concerning appeals of local governmental land use decisions actions.

**3001. Definitions.**

The following definitions apply throughout this Part 3, 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) "Affiliate" means companies that~~1~~ directly or indirectly through one or more intermediaries, control or are controlled by, or are under common control with, the ~~accounting company.~~ utility. For purposes of this definition, control (including the terms *controlling*, *controlled by*, and *under common control with*) means

the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a company, whether such power is exercised through one or more intermediary companies, or alone, or in conjunction with, or pursuant to an agreement with, one or more other companies, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trusts, affiliated companies, contract, or any other direct or indirect means.

(b) "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.

(c) "Average error" means the arithmetic average of the percent registration at light load and at heavy load, giving the heavy load registration a weight of four and the light load registration a weight of one.

~~(e)~~(d) "Basis Point" means one-hundredth of a percentage point (100 basis points = 1%).

(e) "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.

~~(d)~~(f) "Commission" means the Colorado Public Utilities Commission.

(g) "Customer" means any person who is currently receiving service from a utility within the State of Colorado. 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.

~~(e)~~(h) "Creep" means that, with all load wires disconnected, a meter's moving element makes one complete revolution in ~~10~~ten minutes or less.

~~(f)~~(i) "Distribution extension" is any construction of distribution facilities, including primary and secondary distribution lines, transformers, service laterals, and appurtenant facilities (excepting meters and meter installation facilities), necessary to supply service to one or more additional customers.

~~(g)~~(j) "Distribution facilities" are those lines designed to operate at the utility's distribution voltages in the area as defined in the utility's tariffs and are substations constructed under existing

lines to transform electricity to a distribution voltage, regardless of voltage.

~~(h)~~(k) "Energy assistance organization" means, the nonprofit corporation established for low-income energy assistance pursuant to § 40-8.5-104, C.R.S.

~~(i)~~(l) "Heavy load" means ~~at least~~not less than 60 percent, but not more than 100 percent, of the nameplate-rated capacity of a meter.

(m) "Informal complaint" means an informal complaint as defined and discussed in the Commission's Rules Regulating Practice and Procedure.

~~(j)~~(n) "Light load" means approximately ~~five~~5 to ~~10~~ten percent of the nameplate-rated capacity of a meter.

(o) ~~Load means~~"Load" means the power consumed by a electric utility customer over time (energy).

~~(k)~~(p) "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 any 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.

~~(l)~~(q) "Main service terminal" means the point at which the utility's metering connections terminate. Main service terminals are accessed by removing the meter dial face from the meter housing.

(r) "MVA" means mega-volt amperes and is the vector sum of the real power and the reactive power.

(s) "Output" means the energy and power produced by a generation system.

~~(m)~~(t) "Past due" means ~~that~~the point at which a company can affect a customer's ~~regulated~~account for regulated service due to~~for~~ non-payment of ~~regulated~~charges for regulated service. ~~Unless otherwise stated in a particular Commission rule or tariff, an account becomes "past due" on the thirty-first (31st) day following the due date of current charges.~~

~~(n)~~(u) "Principal place of business" means the place, in or out of the State of Colorado, where the executive or managing principals ~~that~~who directly oversee the utility's operations in Colorado are located.

~~(o)~~(v) "Reference standard" means suitable indicating electrical equipment permanently mounted in a utility's laboratory and used for no purpose other than testing rotating standards.

(w) "Regulated charges" means charges billed by a utility to a customer if such charges are approved by the Commission and contained in a tariff of the utility.

(p)(x) "Rotating standard" means a portable meter used for testing service meters.

(q)(y) "RUS" means the Rural Utilities Service of the United States Department of Agriculture, or its successor agencies.

(r)(z) "Security" includes any stock, bond, note, or other evidences of indebtedness.

(s)(aa) "Service connection" is ~~that the point~~ location on the customer's premises/facilities at which ~~where~~ a point of delivery of power between the utility and the customer is established. ~~Typically~~ For example, in the case of a typical ~~for a~~ residential customer served from overhead secondary supply, this is the ~~point where~~ location at which the utility's electric service drop conductors are physically connected to the customer's electric service entrance conductors.

(bb) "Staff" means Staff of the Public Utilities Commission.

(t)(cc) "Transmission extension" is any construction of transmission facilities and ~~all~~ appurtenant facilities, including meter installation facilities (except meters) extending from which is connected to and enlarges the utility's transmission system and which is necessary to supply transmission service to ~~one or more additional customer or customers.~~

(u)(dd) "Transmission facilities" are those lines and related substations designed and operating at voltage levels above the utility's voltages for distribution facilities in the area, as defined in the utility's tariffs, including but not limited to related substation facilities such as transformers, capacitor banks, or breakers.

(ee) "Unregulated charges" means charges that are billed by a utility to a customer and that are not regulated or approved by the Commission, are not contained in a tariff filed with the Commission, and are for service or merchandise not required as a condition of receiving regulated utility service.

(v)(ff) "Utility" means any public utility as defined in § 40-1-103(1)(a), C.R.S., providing electric, ~~or~~ steam, or associated services in the state of Colorado.

(gg) "Utility service" or "service" means a service offering of a public utility, which service offering is regulated by the Commission.

### 3002. Applications.

- (a) By filing an appropriate application, any person or utility may ask that the Commission take ~~seek~~ action regarding any of the following matters ~~through the filing of an appropriate application:~~
- (I) For the issuance or extension of a certificate of public convenience and necessity for a franchise, as provided in rule 3100.
  - (II) For the issuance or extension of a certificate of public convenience and necessity for service territory, as provided in rule 3101.
  - (III) For the issuance of a certificate of public convenience and necessity for construction of facilities, as provided in rule 3102.
  - (IV) For the amendment of a certificate of public convenience and necessity in order ~~amendments~~ to change, extend, curtail, abandon, or discontinue any service or facility, as provided in rule 3103.
  - (V) To transfer a certificate of public convenience and necessity, to obtain a controlling interest in any utility, to transfer assets within the jurisdiction of the Commission, or stock, or to merge a utility with another entity, as provided in rule 3104.
  - (VI) For approval of the issuance, renewal, extension, or assumption of any security, or the creation of any lien, as provided in rule 3105.
  - (VII) For approval of a lien, as provided in rule 3106.
  - ~~(VII)~~ (VIII) For flexible regulation ~~regulatory treatment~~ to provide service without reference to tariffs, as provided in rule 3106.
  - ~~(VIII)~~ (IX) For approval of an air quality improvement programs, as provided for in rule 3107.
  - ~~(IX)~~ (X) To amend a tariff on less than statutory notice, as provided in rule 3109.
  - ~~(X)~~ (XI) For variance of voltage standards, as provided in rule 3202.
  - ~~(XI)~~ (XII) For approval of meter and equipment testing practices, as provided in rule 3303.
  - ~~(XII)~~ (XIII) For approval of a meter sampling program, as provided in rule 3304.

~~(XIII)~~(XIV) For approval of component and source disclosure information, as provided in rule 3405.

~~(XIV)~~(XV) For approval of a refund plan, as provided in rule 3409.

~~(XV)~~(XVI) For approval of a cost assignment and allocation manual, as provided in rule 3503.

~~(XVI)~~(XVII) For approval of or for amendment to amendments to a least cost resource plan, as provided in rules 3603, 3613, and 3615.

~~(XVII)~~(XVIII) For appeal of local government land use decision, as provided in rule 3702.

~~(XVIII)~~(XIX) For exemption of a master meter operator from rate regulation, as provided in rule 3802.

~~(XIX)~~(XX) For any other matter not specifically described in this rule, unless such matter is required to be submitted as a petition under rule 1304, as a motion, or as some other specific type of submittal.

(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 ~~applicant~~applying utility. +
- (II) The name(s) under which the ~~applicant~~applying utility is, or will be, providing service in Colorado. +
- (III) The name, address, telephone number, facsimile number, and ~~e-mail~~mail address of the ~~applicant~~applying utility's representative to whom all inquiries concerning the application should be made. +
- (IV) A statement that the ~~applicant~~applying utility agrees to answer all questions propounded by the Commission or its Staff concerning the application. +
- (V) A statement that the ~~applicant~~applying utility shall permit the Commission or any member of its Staff to inspect the ~~applicant~~applying utility's books and records as part of the investigation into the application. +
- (VI) A statement that the ~~applicant~~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 subsections (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 subsections (b)(IV) through (VI) of this rule.

~~(VII)~~(VIII) A statement describing the applicant ~~applying utility's~~ existing operations and general service area in Colorado. †

~~(VIII)~~(IX) For applications listed in subsections (a)(I), (II), (III), (V), (VI), and (VII) of this rule, A ~~A~~ copy of the applicant ~~applying utility's~~ most recent audited balance sheet, income statement, statement of retained earnings, and statement of cash flows. †

~~(IX)~~(X) A statement indicating the town or city, and any alternative town or city, wherein which the applicant ~~applying utility~~ prefers any hearings be held. †

~~(X)~~(XI) Acknowledgment that, by signing the application, the applicant ~~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 applicant ~~applying utility~~ shall not commence the requested action until the applicant ~~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 subsections (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 subsections (XI)(A) through (C) of this rule.

~~(XI)~~(XII) A statement which is made under penalty of perjury; which is ~~and~~ signed by an officer, a partner, an owner, or an employee of the applicant ~~applying utility~~, as appropriate, who is authorized to act on behalf of the applicant ~~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 ~~shall either~~ shall include the following items or shall incorporate the following such items by referring to information ~~already~~ on file with the Commission. ~~Applicant~~ Applying utilities choosing to keep ~~the an~~ items on file with the Commission are ~~responsible for~~ shall keeping the most current version on file and ~~must~~ shall state indicating in the application when the item was last filed with the Commission. ~~Applicants~~ Applying utilities choosing to include ~~the 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 ~~applicant~~ applying utility's applicable organizational documents, (e.g., Articles of Incorporation, Partnership Agreement, Articles of Organization), etc.;
- (II) If the ~~applicant~~ applying utility is not organized in Colorado, a current copy of the certificate issued by the Colorado Secretary of State authorizing the ~~applicant~~ applying utility to transact business in Colorado.;
- (III) The names, business addresses, and titles of ~~all~~ each officers, directors, and partners.;
- (IV) The names and addresses of affiliated companies. A description of the applicant's affiliation, if any, with any other company and the name and address of all affiliated companies.;
- ~~(V)~~ A copy of any management contracts, service agreements, or marketing agreements between the applicant or any other entity, including affiliates of the applicant, that relate to providing services; and.
- ~~(VI)~~ (V) The name and address of ~~applicant~~ the applying utility's Colorado agent for service of process.

### 3003. [Reserved].

### 3004. Disputes and Informal Complaints.

- (a) For purposes of this rule, a ~~"dispute"~~ is means a concern, difficulty, or problem needing which needs resolution ~~that and~~ which a customer or a person applying for service brings directly to the attention of the utility without the involvement of ~~Commission Staff or the Commission.~~
- (b) A dispute may be initiated orally or in writing. Using the procedures found in rule 1301, a utility shall conduct a full and prompt investigation of all disputes concerning utility service.

- (c) In accordance with the procedures in rule 1301, each utility shall conduct a full and prompt investigation of all informal complaints and of all disputes concerning utility service.
- (d) A utilityUtilities shall comply with all rules regarding the timelines for responding to informal complaints.
- (e) If a customer or a person applying for service is dissatisfied with the utility's proposed adjustment or disposition of a dispute, the utility shall inform the customer or person applying for service of the right to make an informal complaint withto the External Affairs section of the Commission and shall provide to the customer or the person applying for service the address and toll free number of the Commission.
- ~~(e)~~(f) Each utility shall keep a record of all ~~such~~each informal complaints and of each disputes. The, which record shall show the name and address of the initiating customer or person applying for service, the date and character of the issue, and the adjustment or disposition made ~~thereof~~. This record shall be open at all times to ~~the~~ inspection by the person who initiated the informal complaint or dispute, by of the duly authorized representatives of thisthe Commission, and by Staff.7 and shall be retained by the utility for a period of two years.

**3005. Records.**

- (a) Except as a specific rule may require, ~~Every~~every utility shall maintain, for a period of not less than three years, ~~required records at its principal place of business~~and shall make available for inspection at its principal place of business during regular business hours, ~~the following, as follows:~~
- (I) Records concerning disputes and informal complaints, ~~which records are maintained/created~~created pursuant to ~~under~~ rule 3004.
- (II) Records of ~~D~~daily load and monthly plant output, ~~which records are maintained/created~~created pursuant to ~~under~~ rule 3201.
- (III) Records of ~~S~~service voltage measurements, ~~which records are maintained/created~~created ~~made~~ pursuant to rule 3202(a).
- (IV) Records concerning interruptions of service, ~~which records are maintained/created~~created pursuant to ~~under~~ rule 3203.
- (V) Records concerning certification and calibration of meter testing equipment, ~~which records are maintained/created~~created pursuant to ~~under~~ rule 3303.
- (VI) Records concerning meter testing upon customer request, ~~which records are maintained/created~~created pursuant to ~~under~~ rule 3305.

- (VII) Records concerning meters and their associated testing, which records are maintained/created created pursuant to under rule 3306.
- (VIII) Customer billing records, which records are maintained/created created pursuant to under rule 3401(b).
- (IX) Customer deposit records, which records are maintained/created created pursuant to under rule 3402.
- (X) Records concerning theThe utility's inspection of Qualifying Facilities, which records are maintained/created created pursuant to under rule 3927(c).
- (b) A utility shall maintain at each of its local offices and at its principal place of business All all tariffs filed with the Commission and applying to Colorado rate areas ~~shall be on file at each local office and principal place of business of the utility.~~ If the utility maintains a website, it shall also ~~provide~~maintain a comprehensive and its current and complete current tariffs on its website.
- (c) Each utility shall maintain its books of account and records in accordance with the provisions of 18 C.F.R. Part 101, the Uniform System of Accounts, amended as of ~~April 1, 1999~~April 1, 2004. A utility ~~must~~shall maintain its books of accounts and records separately from those of its affiliates.
- (d) Each cooperative electric association ~~that~~which is a RUS borrower shall maintain its books of account and records in accordance with the provisions of 7 C.F.R. Part 1767, effective as of ~~September 5, 1997~~January 1, 2005.
- (e) Each non-RUS borrower cooperative electric association shall maintain its books of account and records either consistent with the provisions of 18 C.F.R. Part 125, effective as of April 1, 2004 ~~April 1, 1999~~, or consistent with the provisions of 7 C.F.R. Part 1767, effective as of ~~September 5, 1997~~January 1, 2005.
- (f) Each utility shall preserve its records in accordance with the provisions of 18 C.F.R. Part 125, the Preservation of Records of Public Utilities and Licensees, amended as of ~~April 1, 2001~~of April 1, 2004.
- (g) Each cooperative electric association that is a RUS borrower shall preserve its records in accordance with the provisions of Rural Utilities Service Bulletin 180-2, effective June 26, 2003 ~~June 26, 2003~~.
- (h) Each non-RUS borrower cooperative electric association shall preserve records consistent with the provisions of 18 C.F.R. Part 101, effective as of ~~April 1, 2001~~April 1, 2004.

### 3006. Reports.

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~~Each utility shall provide reports to the Commission as follows:~~

- (a) On or before April 30<sup>th</sup> of each year, Each utility shall file with the Commission, on or before April 30<sup>th</sup> of each year, an annual report for the preceding calendar year. The utility shall submit the annual report on forms prescribed by the Commission; shall properly complete the forms; and shall ensure the forms are verified and signed by a person authorized to act on behalf of the utility. If the Commission grants the utility an extension of time to file the annual report, the utility shall nevertheless shall file with the Commission, on or before April 30, the utility's total gross operating revenue from intrastate utility business transacted in Colorado for the preceding calendar year.
- (b) If a utility publishes an annual report or an annual statistical report to stockholders, other security holders or members, or if it receives an annual certified public accountant's report of its business, ~~it~~the utility mustshall file one copy of the report with the Commission within 30 days after publication or receipt of such report.
- (c) —A cooperative electric association shall file with the Commission a Reportreport of election by electric cooperative electric associations to be governed by § 40-8.5-102, C.R.S., pertaining to unclaimed monies, pursuant to § 40-8.5-102. This report shall be filed within 60 days of the election.
- (d) Pursuant to rule 3204, a utility shall file with the Commission a report concerning anyAny accidentincident resulting which results in death, serious injury, or serioussignificant property damage, pursuant to rule 3204.
- (e) Pursuant to rule 32253, a utility shall file with the Commission a report concerning Any any major events, pursuant to rule 3253.
- (f) [Cost assignment and allocation-Reserved].
- (g) Pursuant to rule 3614(a), a utility shall file with the Commission anFor annual progress reports concerning of the utility's least cost resource plan, as provided in rule 3614(a).
- (h) Pursuant to rule 3614(b), a utility shall file with the CommissionFor reports on competitive acquisition bidding of the utility's least cost resource plan, as provided in rule 3614(b).
- (i) Pursuant to rule 3954, a utility shall file with the Commission Quarterly reports on Qualifying Facilities, pursuant to rule 3954.
- (j) A utility shall file with the Commission any report required by a rule in this 3000 series of rules.
- ~~(j)~~(k) A utility shall file with the Commission Such such special reports as the Commission may require.

3007. [Reserved].

3008. Incorporation by Reference.

(a) ~~The Commission incorporates by reference the April 1, 1999 edition of 18 C.F.R. Part 101 (as published on April 1, 2004) regarding the Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act. No later amendments to or editions of 18 C.F.R. Part 101 are incorporated into these rules.~~

(b) The Commission incorporates by reference 7 C.F.R. Part 1767 (as published on January 1, 2005) regarding the Uniform System of Accounts Prescribed for RUS Electric Borrowers. No later amendments to or editions of 7 C.F.R. Part 1767 are incorporated into these rules.

(b)(c) The Commission incorporates by reference the April 1, 2001 edition of 18 C.F.R. Part 125 (as published on April 1, 2004) regarding the Preservation of Records of Public Utilities and Licensees and the June 26, 2003 edition of RUS Bulletin 180-2 regarding Record Retention Recommendations for RUS Electric Borrowers. No later amendments to or editions of 18 C.F.R. Part 125 or RUS Bulletin 180-2 are incorporated into these rules.

(d) The Commission incorporates by reference RUS Bulletin 180-2 (as published on June 26, 2003) regarding Record Retention Recommendations for RUS Electric Borrowers. No later amendments to or editions of RUS Bulletin 180-2 are incorporated into these rules.

(e)(e) The Commission incorporates by reference the August 2001 edition of the National Electrical Safety Code, C2-2002 edition, published by the Institute of Electrical and Electronics Engineers on August 1, 2001 and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.

(d)(f) The Commission incorporates by reference the federal regulations of the Federal Energy Regulatory Commission implementing §§ 201 and 210 of the Public Utility Regulatory Policies Act of 1978 that are published in 18 C.F.R., Subchapter K, Part 292, Subparts A, B and C (as published on April 1, 2004) regarding §§ 201 and 210 of the Public Utilities Regulatory Policies Act of 1978. This incorporation by reference does not include later amendments to, or editions of, 18 C.F.R., Subchapter K, Part 292, Subparts A, B and C, adopted after April 1, 2003. No later amendments to or editions of 18 C.F.R., Subchapter K, Part 292, Subparts A, B and C are incorporated into these rules.

(e)(g) Any material incorporated by reference in this Part 3 may be examined at the offices of the Commission, 1580 Logan Street,

OL-2, Denver, Colorado 80203, during normal business hours, Monday through Friday, except when such days are state holidays. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards may be examined at any state public depository library.

3009. -3099 [Reserved].

OPERATING AUTHORITY

3100. Certificate of Public Convenience and Necessity for a Franchise.

(a) A utility seeking authority to provide service pursuant to a franchise shall file an application pursuant to this rule. A utility cannot provide service pursuant to a franchise without authority from the Commission.

(a)(b) Contents.—~~The~~ An application for certificate of public convenience and necessity to exercise franchise rights shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:

- (I) The information required in rules 3002(b) and 3002(c).
- (II) A statement of the facts (not conclusory statements) relied upon by the ~~applicant~~ applying utility to show that the public convenience and necessity require the granting of the application.
- (III) A statement describing the franchise rights proposed to be exercised. The statement shall include a description of the type of utility service to be rendered and a description of the area sought to be served, together with a map of the ~~area~~ city or town in which franchise rights would be exercised.
- (IV) A certified copy of the franchise ordinance; proof of publication, adoption, and acceptance by the ~~applicant~~ applying utility; a statement as to the number of customers served or to be served and the population of the city or town; and any other pertinent information.
- (V) A statement describing in detail the extent to which the ~~applicant~~ applying utility is ~~affiliated with an affiliate of~~ any other company which holds authority duplicating in any respect the authority sought.
- (VI) A copy of a feasibility study for areas previously not served by the applying utility, which study shall at least include estimated investment, income, and expense. An ~~applicant~~ applying utility may request that ~~the~~ its most

recent audited balance sheet, income statement, statement of retained earnings, and statement of cash flows be submitted in lieu of a feasibility study.

(VII) A statement of the names of public utilities and other entities of like character providing similar service in or near the area ~~involved in the applications~~sought to be served.

~~(VIII) A statement that the applicant understands it must present evidence at the hearing to show its qualifications to conduct the utility operations proposed in the application.~~

### 3101. Certificate of Public Convenience and Necessity for Service Territory.

(a) A utility seeking authority to provide service in a new service territory shall file an application pursuant to this rule. The utility cannot provide service within the proposed service territory without authority from the Commission.

~~(a)(b) Contents. The~~ An application for certificate of public convenience and necessity ~~for to provide service in a new territory issuance or expansion~~ shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:

(I) The information required in rules 3002(b) and 3002(c).

(II) A statement of the facts (not conclusory statements) relied upon by the ~~applicant~~applying utility to show that the public convenience and necessity require the granting of the application.

(III) A description of the type of utility service to be rendered and a description of the area sought to be served.

(IV) A map showing the specific geographic area that the ~~applicant~~applying utility proposes to serve. If the ~~applicant~~applying utility intends to phase in service in the territory over time, specific areas and proposed in-service dates shall be included. The map shall describe the geographic areas in section, township, and range convention.

(V) A statement describing in detail the extent to which the ~~applicant~~applying utility is an affiliate of~~affiliated with~~ any other company which holds authority duplicating in any respect the territory sought.

(VI) A statement of the names of public utilities and other entities of like character providing similar service in or near the area involved in the application.

(VII) A copy of a feasibility study for the proposed area to be served, which shall at least include estimated investment, income, and expense. An ~~applicant~~applying utility may request that ~~the~~its most recent audited balance sheet, income statement, statement of retained earnings, and statement of cash flows be submitted in lieu of a feasibility study.

~~(VIII) A statement that the applicant understands it must present evidence at the hearing to show its qualifications to conduct the utility operations proposed in the application.~~

**3102. Certificate of Public Convenience and Necessity for Facilities.**

(a) A utility seeking authority to construct and to operate a facility or an extension of a facility pursuant to § 40-5-101, C.R.S., shall file an application pursuant to this rule. The utility cannot recover for construction and operation of a facility or an extension of a facility without authority from the Commission.

~~(a)(b) Contents.~~ The~~An~~ application for certificate of public convenience and necessity to construct and to operate facilities or an extension 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 attached exhibits:

(I) The information required in rules 3002(b) and 3002(c).

(II) A statement of the facts (not conclusory statements) relied upon by the ~~applicant~~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) A description of the proposed facilities to be constructed.

(IV) Estimated cost of the proposed facilities to be constructed.

(V) Anticipated construction start date, construction period, and in-service date.

(VI) A map showing the general area or actual locations where facilities will be constructed, population centers, major highways, and county and state ~~and~~ boundaries.

(VII) As applicable, E~~lectric~~ one-line diagrams, ~~if applicable~~.

(VIII) As applicable, I~~n~~formation on alternatives studied, costs for those alternatives, and criteria used to rank or eliminate alternatives, ~~if applicable~~.

(IX) As applicable, a report of prudent avoidance measures considered and justification for the measures selected to be implemented, ~~if applicable.~~

(X) For transmission construction, upgrade, uprate, or extension, the information required by section (c) of this rule.

~~(c) A statement that the applicant understands it must present evidence at the hearing to show its qualifications to conduct the utility operations proposed in the application. For an application for a certificate of public convenience and necessity for construction, upgrade, uprate, or extension of transmission facilities, the applying utility shall describe its actions and techniques relating to cost-effective noise mitigation with respect to the planning, siting, construction, and operation of the proposed transmission construction, upgrade, uprate, or expansion. The applying utility shall provide computer studies which show the potential noise levels expressed in db(A) and measured at the edge of the transmission line right-of-way. These computer studies shall be the output of utility standard programs (such as EPRI's EMF Workstation 2.51 ENVIRO Program), with a preference for the Bonneville Power Administration model. The steps and techniques may include, without limitation, the following:~~

~~(I) Bundled conductors.~~

~~(II) Larger conductors.~~

~~(III) Design alternatives considering the spatial arrangement of phasing of conductors.~~

~~(IV) Corona-free attachment hardware.~~

~~(V) Conductor quality.~~

~~(VI) Handling and packaging of conductor.~~

~~(VII) Construction techniques.~~

~~(VIII) Line tension.~~

~~(X)~~

**3103. 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 cannot extend, restrict, curtail, or abandon or discontinue

without equivalent replacement any service, service area, or facility without authority from the Commission.

~~(a)(b)~~ Contents. ~~The~~ An application to amend a certificate of public convenience and necessity, ~~or in order~~ to change, to extend, to restrict, to curtail, ~~or 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 attached exhibits:

- (I) All information required in rules 3002(b) and 3002(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 3102.
- (III) If the application for amendment pertains to a certificate of public convenience and necessity for franchise rights ~~or service territory~~, all of the information required in rule 3100 ~~or 3101~~.
- (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 3101.

~~(IV)(V)~~ If the application for amendment pertains to a service is to curtail, abandon, discontinue or restrict a service, the application shall include:

- (A) The requested effective date for the extension, restriction, curtailment, or abandonment or discontinuance without equivalent replacement curtailment, abandonment, discontinuance, or restriction of the service.
- (B) ~~A statement describing~~ description of the extension, restriction, curtailment, or abandonment or discontinuance without equivalent replacement, or restriction sought. ~~The statement~~ This shall include maps, as applicable. ~~The statement~~ This shall also include a description of the applicant applying utility's existing operations and general service area.

~~(V) The application shall contain a statement that the applicant understands it must present evidence at the hearing showing how the public interest will be affected by the grant of the application.~~

(b)(c) In addition to complying with the notice requirements of the Commission's Rules Regulating of Practice and Procedure, the applicant applying utility shall prepare a written notice as provided in ~~subparagraph~~ section (g) of this rule and shall mail

or deliver the notice at least 30 days before the application's requested effective date to each of the applicant applying utility's affected customers. If no customers will be affected by the grant of the application, the notice shall be mailed to the Board of County Commissioners of each affected county, and to the mayor of each affected city, town, or municipality.

~~(e)~~(d) The notice required by section (c) of the rule shall contain all of the following:

- (I) The name of the applicant applying utility.
- (II) A statement detailing the requested extension, restriction, curtailment, or abandonment or discontinuance without equivalent replacement ~~curtailment, abandonment, discontinuance, amendment, or restriction,~~ and its the requested effective date.
- (III) A statement ~~indicating~~ that any person may file a written objection with the Commission no later than ten days prior to the requested effective date; but that a written objection alone will not preserve any right to participate as a party in any Commission proceeding on the matter.
- (IV) A statement ~~indicating~~ that, in order for any person to participate as a party, ~~such~~ a person must file an appropriate and timely intervention according to the Commission's Rules Regulating of Practice and Procedure.
- (V) The Commission's full address.

~~(d)~~(e) Prior to ~~Not later than~~ 15 days before the requested effective date, the applicant applying utility shall file with the Commission a written affidavit stating its compliance with the notice requirements of ~~subparagraphs~~ sections (f) and (g) of this rule. The affidavit shall state the date the notice was completed and the method used to give notice. The applicant applying utility shall attach a copy of the notice to the affidavit.

~~(e)~~(f) No proposed extension, restriction, curtailment, or abandonment or discontinuance without equivalent replacement ~~amendment, change, extension, curtailment, abandonment, or discontinuance~~ shall be effective unless and until the Commission has entered an order approving it.

#### 3104. Transfers, Controlling Interest, and Mergers.

(a) An utility seeking authority to do any of the following shall file an application pursuant to this rule: transfer a certificate of public convenience and necessity, obtain a controlling interest in a utility, transfer assets subject to the jurisdiction of the Commission, transfer stock, or merge a utility with another entity. A utility cannot transfer a

certificate of public convenience and necessity, obtain a controlling interest in any utility, transfer assets or stock, or merge with another entity without authority from the Commission.

~~(a)(b) Contents.~~ The An application to transfer a certificate of public convenience and necessity, to obtain a controlling interest in any utility, to transfer assets subject to the jurisdiction of the Commission, to transfer or stock, or to merge a utility with another entity shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:

- (I) The information required in rules 3002(b) and 3002(c), as pertinent to each party to the transaction~~;~~.
- (II) A statement showing accounting entries, under the Uniform System of Accounts, including any plant acquisition adjustment, gain, or loss proposed on the books by each party before and after the ~~proposed transaction~~transfer; which is the subject of the application.
- (III) Copies of any agreement for merger, sales agreement, or contract of sale pertinent to the transaction which is the subject of the application and all documents ~~pertaining to the transfer;~~.
- (IV) Facts showing that the ~~transfer~~transaction which is the subject of the application is not contrary to the public interest~~,~~ and
- (V) An evaluation of the benefits and detriments, if any, to the customers of each party and to all other persons who will be affected by the transaction which is the subject of the application; and
- ~~(V)~~(VI) A comparison of the kinds and costs of service rendered before and after the proposed transfertransaction which is the subject of the application.

~~(b)(c)~~ An application to transfer a certificate of public convenience and necessity, an application to transfer assets subject to the jurisdiction of the Commission, or an application to transfer stock may be made by joint or separate application of the transferor and the transferee.

~~(e)(d)~~ When control of a utility is transferred to another ~~utility~~entity, or the utility's name is changed, the utility which will afterwards operate under the certificate of public convenience and necessity shall file with the Commission ~~an~~ tariff adoption notice ~~with the Commission,~~ shall post the tariff adoption notice in a prominent public place in each local office and principal place of business of the utility, and shall have the tariff adoption notice available for public inspection at each local office and principal place of business. Adoption notice forms are available from the Commission.

The tariff adoption notice shall contain all of the following information:

- (I) The name, phone number, and complete address of the adopting utility.
- (II) The name of the previous utility.
- (III) The number of the tariff adopted, and the description or title of the tariff adopted.
- (IV) The number of the tariff after adoption, and the description or title of the tariff after adoption.
- (V) Unless otherwise requested by the applying utility in its application, A statement that the adopting utility is ~~making~~ adopting as its own all rates, rules, terms, conditions, agreements, concurrences, instruments, and all other provisions that have been filed or adopted by the previous utility.

### 3105. Securities.

- (a) ~~Applicability.~~ Subject to the limitation contained in section (f) of this rule, Any utility which either derives more than ~~5~~ five percent of its consolidated gross revenues in Colorado as a public utility, or ~~which~~ derives a lesser percentage if its revenues are earned by supplying an amount of energy which equals ~~5~~ five percent or more of ~~this State~~ Colorado's consumption, ~~must~~ shall file an application for Commission approval of any proposal to issue, to renew, to extend, or to assume any security, or ~~to create any lien on its property within the State of Colorado.~~
- (b) ~~Contents.~~ The An application for the issuance, renewal, extension, or assumption of securities shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:
  - (I) All information required in rules 3002(b) and 3002(c).
  - (II) A copy of the resolution of the ~~applicant~~ applying utility's board of directors approving the issuance, renewal, extension, or assumption of the securities, together with copies of the proposed indenture requirements, the mortgage note, the amendment to amending loan contract, and the contract for sale of securities.
  - (III) A statement describing each short-term and long-term indebtedness outstanding on the date of the most recent balance sheet.

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- (IV) A statement describing the classes and amounts of capital stock authorized by the articles of incorporation, and the amount by each class of capital stock outstanding on the date of the most recent balance sheet.
- (V) A statement of capital structure, showing common equity, long-term debt, ~~and~~ preferred stock, if any, and pro forma capital structure on the date of the most recent balance sheet giving effect to the issuance of the proposed securities. Debt and equity percentages to total capitalization, actual and pro forma, shall be shown.
- (VI) A statement of the amount and rate of dividends declared and paid, or the amount and year of capital credits assigned and capital credits refunded, during the previous four calendar years including the present year to the date of the most recent balance sheet. A statement of the amount and rate of dividends declared and paid, or the amount and year of capital credits assigned and capital credits refunded, during the previous four calendar years including the present year to the date of the balance sheet.
- (VII) A statement describing the type and amount of securities to be issued, ~~;~~ the anticipated interest rate or dividend rate; ~~the redemption or sinking fund provisions,~~ if any; ~~and, within three business day of their filing with the Securities and Exchange Commission,~~ a copy of the registration statement, related forms, and preliminary prospectus filed with the Securities and Exchange Commission relating to the proposed issuance.
- (VIII) A statement of proposed uses, including construction, to which the funds will be or have been applied, and a concise statement of the need for the funds.
- (IX) A statement of the estimated cost of financing.
- (c) The Commission shall publish notice of the application, which shall set a ten-day intervention period and a hearing date.
- (d) Within three days after the filing of an application to issue, to renew, to extend, or to assume a security, or to create a lien on property in Colorado, the applying utility shall publish notice of the filing of the application in a newspaper of general circulation. The notice shall contain all the following information:
- (I) The name and address of the applying utility.
- (II) A statement of the purpose of the application, including a statement of the effect the application would have upon existing customers if granted.

(III) A statement that any person may intervene in the application proceeding by complying with the applicable rule of the Commission's Rules Regulating Practice and Procedure.

~~(d)~~(e) The applying utility shall file with the Commission a copy of the published notice and an affidavit of publication as soon as possible after the filing of the application. The Commission shall not grant the application without a filed copy of the notice and the affidavit of publication.

~~(e)~~(f) The Commission shall give priority to ~~all securities~~ applications made pursuant to this rule, and shall grant or deny the application within 30 days after filing, unless the Commission, for good cause shown, enters an order granting an extension and stating fully the facts necessitating the extension. The Commission shall approve or disapprove an application made pursuant to this rule by written order.

~~(f)The Commission, consistent with the provisions of § 40-1-104, C.R.S., shall approve or disapprove a securities application via written order.~~

(g) Pursuant to ~~the applicability provisions of § 40-1-104, C.R.S.,~~ a utility may issue, ~~or~~ renew, extend, or assume liability on securities, other than stocks, with a maturity date of not more than ~~twelve~~12 months after the date of issuance, whether secured or unsecured, without application to or order of the Commission, ~~but provided that~~ no such securities so issued shall be refunded, in whole or in part, ~~be refunded~~ by any issue of securities having a maturity of more than ~~twelve~~12 months except on application to and approval of the Commission.

(h) Any security requiring Commission approval, but issued, renewed, extended, or assumed without such approval, shall be void.

### 3106. Liens.

(a) A utility which either derives more than five percent of its consolidated gross revenues in Colorado as a public utility or derives a lesser percentage if its revenues are earned by supplying an amount of energy which equals five percent or more of Colorado's consumption shall file an application for Commission approval of any proposal to create a lien on its property situated within the State of Colorado.

(b) An application for the creation of a lien on the applying utility's property situated within the State of Colorado shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:

(I) All information required in rules 3002(b) and 3002(c).

- (II) A description of the property which will be subject to the lien.
- (III) The amount of the lien.
- (IV) The proposed use of the funds to be received from the lien.
- (V) The estimated cost for the creation of the lien.
- (VI) The anticipated duration of the lien.
- (VII) The anticipated release date of the lien.
- (VIII) The retirement payment plan to release the lien.
- (IX) A statement describing how the applying utility will ensure that neither the creation of the lien nor the use of the proceeds will violate § 40-3-114, C.R.S.
- (X) A statement that, for the duration of the lien, the applying utility will advise the Commission within ten business days of any bankruptcy, foreclosure, or liquidation proceeding.
- (XI) A statement that the applying utility will advise the Commission within ten business days of any deviation from its lien retirement payment plan.
- (XII) A statement that, within seven business days of the end of each month, the applying utility will record on its books and records any transaction relating to the lien.
- (XIII) A statement that the applying utility agrees to provide to the Commission quarterly cash flow statements during the duration of the lien.
- (XIV) A description of how the applying utility will maintain adequate quality of service for its regulated utility operations during the duration of the lien.
- (XV) A copy of the resolution of the applying utility's board of directors approving the creation of the lien or a copy of other authorizing document(s).
- (XVI) A statement describing each short-term and long-term indebtedness outstanding on the date of the most recent balance sheet.
- (XVII) A statement describing the classes and amounts of capital stock authorized by the articles of incorporation and the amount by each class of capital stock outstanding on the date of the most recent balance sheet.

- (XVIII) A statement of capital structure showing common equity, long-term debt, preferred stock, if any, and pro forma capital structure on the date of the most recent balance sheet giving effect to the creation of the proposed lien. Debt and equity percentages to total capitalization, actual and pro forma, shall be shown.
- (XIX) A statement of the amount and rate of dividends declared and paid, or the amount and year of capital credits assigned and capital credits refunded, during the previous four calendar years including the present year to the date of the most recent balance sheet.
- (c) The Commission shall publish notice of the application, which shall set a ten-day intervention period and a hearing date.
- (d) Within three days after the filing of an application to create a lien on property in Colorado, the applying utility shall publish notice of the filing of the application in a newspaper of general circulation. The notice shall contain the following information:
- (I) The name and address of the applying utility.
- (II) A statement of the purpose of the application, including a statement of the effect the application would have upon existing customers if granted.
- (III) A statement that any person may intervene in the application proceeding by complying with the applicable rule of the Commission's Rules Regulating Practice and Procedure.
- (e) The applying utility shall file with the Commission a copy of the published notice and an affidavit of publication as soon as possible after the filing of the application. The Commission shall not grant the application without a filed copy of the notice and the affidavit of publication.
- (f) The Commission shall give priority to an application made pursuant to this rule and shall grant or deny the application within 30 days after filing, unless the Commission, for good cause shown, enters an order granting an extension and stating fully the facts necessitating the extension. The Commission shall approve or disapprove an application made pursuant to this rule by written order.

**3106-3107. Flexible Regulation to Provide Jurisdictional Service Without Reference to Tariffs.**

- (a) A utility seeking authority to provide a jurisdictional service without reference to a tariff shall file an application pursuant to this rule. A utility cannot provide a jurisdictional service without reference to a tariff without authority from the Commission.

~~(a)(b)~~ Contents. ~~The~~An application for flexible regulation to provide jurisdictional service without reference to tariffs shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:

- (I) All information required in rules 3002(b) and 3002(c).
- (II) The name of the customer or potential customer.
- (III) A description of the jurisdictional services or services which the ~~applicant~~applying utility seeks to provide to a customer or a potential customer.
- (IV) A statement ~~regarding how~~describing the manner in which the ~~applicant~~applying utility will provide the jurisdictional service or services if it contracts with a customer or potential customer.
- (V) ~~The~~A statement of the facts (not in conclusory form) which the ~~applicant~~applying utility believes satisfy the requirements of § 40-3-104.3(1)(a), C.R.S.
- (VI) A statement that the ~~applicant~~applying utility has provided, or will provide, copies of the application and contract as required by ~~paragraph~~section (~~ed~~) of this rule.

(c) A contract filed with an application shall be filed with the Commission under seal pursuant to rules 1100 - 1102 and § 40-3-104.3(1)(b), C.R.S. The applying utility shall furnish a copy of the application and, when it is available, of the contract, under seal, to the OCC. Unless the applying utility requests other treatment, the Commission and the OCC shall treat the contract as confidential. The applying utility shall also furnish a copy of the application without the contract to any utility then providing service to the customer or potential customer.

(d) The direct testimony and exhibits to be offered at hearing shall accompany the application unless the applying utility believes that the application will be uncontested and unopposed. If an exhibit is large or cumbersome, the applying utility shall file the exhibit with the Commission; shall provide, for the benefit of the intervenors, the title of the exhibit and a summary of the information contained in the exhibit; and shall state the location (other than the Commission) at which parties may inspect the exhibit.

~~(c) Any contract filed with an application shall be filed with the Commission under seal pursuant to Rules 1100 - 1102 and § 40-3-104.3(1)(b), C.R.S. The applicant shall furnish a copy of the application and contract to the OCC. The applicant shall also furnish a copy of the application without the contract to any~~

~~utility then providing service to the customer. The Commission and the OCC, shall treat the contract as confidential.~~

~~(d)~~(e) Prefiled testimony or exhibits shall not be modified once filed unless the modification is to correct ~~except for~~ typographical errors or misstatements of fact~~mistakes~~ or unless where all parties to the proceeding agree to the change~~modification~~. In the event a substantive change~~modification~~ is made without the agreement of all parties, the Commission may consider the effect of the substantive change~~modification~~ as a basis for a motion to continue in order to allow the ~~Staff of the Commission~~Staff and ~~or~~ any other party a reasonable opportunity to ~~properly address~~investigate and, if necessary, to address the change~~modification~~.

~~(e)~~(f) The Commission shall provide notice of the application. Any party~~person~~ desiring to intervene in a proceeding initiated pursuant to § 40-3-104.3, C.R.S., and this rule ~~must~~shall move to do so within five days of the date the Commission provides notice.

~~(f)~~(g) In the event a person intervenes in a proceeding initiated under § 40-3-104.3, C.R.S., upon ~~receiving written notice to the applicant, either in writing, by facsimile, or by any other method, of an intervention in a proceeding initiated pursuant to § 40-3-104.3, C.R.S., and this rule, the applicant~~applying utility shall hand~~—~~deliver or otherwise provide to the intervenor, a non-confidential copy ~~copies~~ of all the application and the applying utility's prefiled testimony and exhibits ~~within two days~~or, if the intervenor has signed the required non-disclosure agreement, a confidential copy of the application and of the applying utility's prefiled testimony and exhibits.

~~(g)~~(h) Unless the Commission orders otherwise, the applicant~~applying utility~~ shall publish notice of the application in a newspaper of general circulation ~~on the same day as~~within three days of the filing of the application. ~~The Commission may, but need not, provide notice of the application.~~

(i) The notice provided by the applying utility shall contain the following information:

(I) The notice provided by the applicant shall contain all the following information:The name and address of the applying utility.

(II) A statement that the applying utility is seeking an order from the Colorado Public Utilities Commission authorizing the applying utility to provide jurisdictional service under contract without reference to its tariffs.

(III) The name of the customer(s) or potential customer(s) involved.

(IV) A statement that the identified customer(s) or potential customer(s) may have the ability to provide its/their own service or may have competitive alternatives available to it/them.

(V) A general description of the jurisdictional services to be provided.

(VI) A statement of where affected customers may call to obtain information concerning the application.

(VII) A statement that anyone may file a written objection to the application but that the mere filing of a written objection will not permit participation as a party in any proceeding before the Commission.

(VIII) A statement that anyone desiring to participate as a party must file a petition to intervene within five days from the date of Commission notice of the application and that the intervention must comport with the Commission's Rules of Practice and Procedure.

~~(A) The name and address of the applicant.~~

~~A statement that the applicant is seeking an order from the Colorado Public Utilities Commission authorizing it to provide service under contract without reference to its tariffs;~~

~~The name of the proposed customer;~~

~~A statement that the proposed customer may have the ability to provide its own service or may have competitive alternatives available to it;~~

~~A general description of the types of services to be affected;~~

~~A statement of where affected customers may call to obtain information concerning the application;~~

~~A statement that anyone may file a written objection to the application, but that the mere filing of a written objection will not permit participation as a party in any proceeding before the Commission;~~

~~A statement that anyone desiring to participate as a party must file a petition to intervene within five days from the date of Commission notice of the application, and that the intervention must comport with the Commission's Rules Regulating Practice and Procedure;~~

~~Within three days of providing notice, the applicant applying utility must shall file with the~~

~~Commission an affidavit showing proof of publication of notice.~~

~~(h)~~(j) Within three days of providing notice, the applying utility shall file with the Commission an affidavit showing proof of publication of notice.

~~(k)~~ On a case-by-case basis, the Commission may require the applying utility to provide additional information.

~~(l)~~ Should an application be filed which the Commission determines is not complete, the Commission or Staff shall notify the applying utility within ten days from the date the application is filed of the need for additional information. The applying utility may then supplement the application so that it is complete. Once the application is complete, the Commission will process the application, with all applicable timelines running from the date the application is completed.

~~(i)~~(m) The Commission shall issue an order approving or disapproving the application within the time permitted under § 40-3-104.3(1)(b), C.R.S.

~~(j)~~(n) At the time of any proceeding in which a utility's overall rate levels are determined, the Commission shall require the utility to file a fully distributed cost methodology which segregates investments, revenues, and expenses associated with jurisdictional utility service provided by a pursuant to contract from other regulated utility operations, in order to ensure that jurisdictional utility service provided pursuant to contracts such services are is not subsidized by revenues from other regulated utility operations. If revenues from a service provided by a utility under a pursuant to contract are less than the cost of service for that service, the rates for other regulated utility operations may shall not be increased to recover the difference.

~~(k)~~(o) The applying utility shall provide final contract or other description of the price and terms of service terms of service as specified in § 40-3-104.3(1)(e), C.R.S.

**3107.3108. Voluntary Air Quality Improvement Programs pursuant to § 40-3.2-102, C.R.S.**

~~(a)~~ A utility seeking authority for cost recovery of a voluntary air quality improvement program shall file an application pursuant to this rule. The utility cannot recover the cost of a voluntary air quality improvement program without authority from the Commission.

~~(b)~~ Contents. The An application for cost recovery of a voluntary air quality improvement program shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:

- (I) All information required in rules 3002(b) and 3002(c).
- (II) A copy of the voluntary agreement entered into pursuant § 40-3.2-102(1), C.R.S.
- (III) An analysis demonstrating that the proposed cost recovery mechanism complies with, and does not exceed, the rate impact cap, the total cost cap, and the recovery period limit established in § 40-3.2-102(3), C.R.S.
- (IV) A written acknowledgment that any revenues the applying utility receives from transferring, selling, banking, or otherwise using allowances under title IV of the federal Clean Air Act shall be credited to the applying utility's customers to offset air quality improvement costs, as required by § 40-3.2-102(4), C.R.S.
- (V) An acknowledgment that any revenues the applying utility receives from transferring, selling, banking, or otherwise using allowances established under any trading program of regional or national applicability, other than the trading allowances under title IV of the federal Clear Air Act, shall be credited to the applying utility's customers to offset air quality improvement costs, as required by § 40-3.2-102(4), C.R.S.
- (VI) A statement as to whether the applying utility's generating capacity will increase under the voluntary agreement for air quality improvement.
- (VII) A statement as to whether, pursuant to § 40-3.2-102(7), C.R.S., the applying utility intends to seek recovery of a portion of the air quality improvement costs from its wholesale customers and, if it does so intend, whether the applying utility intends to credit its retail customers for air quality improvement costs recovered from wholesale customers.

~~(a)~~

~~(b) All information required in rules 3002(b) and (c).~~

~~A copy of the voluntary agreement entered into pursuant §40 3.2-102(1).~~

~~An analysis demonstrating that the proposed cost recovery mechanism does not exceed the kilowatt hour, total cost cap, or recovery period established in §40 3.2 102(3).~~

~~A written acknowledgement that any revenues the utility receives from transferring, selling, banking or otherwise, under the federal Clean Air Act shall be credited to the utility's customers to offset air quality improvement costs pursuant to §40 3.2 102(4).~~

~~A statement on whether the utility's generating capacity will increase under the voluntary agreement for air quality improvement.~~

~~A statement, if applicable, as to whether the utility intends to seek recovery of a portion of the air quality improvement costs from its wholesale customers and whether it intends to credit retail customers for air quality improvement costs it recovers from its wholesale customers pursuant to §40-3.2-102(7)~~

**3108-3109. Tariffs and Contracts.**

- (a) A utility shall keep on file with the Commission the following: its current Colorado tariffs, contracts, privileges, contract forms, and electric service agreements ~~on file with the Commission.~~ Unless otherwise provided by law, all tariffs, contracts, privileges, contract forms, and electrical service agreements shall be available for public inspection at the Commission ~~and at each local office,~~ and at the principal place of business of the utility.
- (b) Tariffs shall plainly show all terms, conditions, rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected and enforced, with respect to regulated services and products. A utility's tariffs shall include at least the following:
- (I) ~~Each utility's tariff shall include~~ Information regarding ~~its~~ the utility's ~~voltages,~~ pursuant to rule 3202.
- (II) ~~Each utility's tariff shall include~~ Information regarding ~~its~~ the utility's line extension policies, procedures, and conditions, pursuant to rule 3210.
- (III) ~~Each utility's tariff shall include~~ Information regarding ~~its~~ the utility's meter testing equipment and facilities, scheduled meter testing, meter testing record, fees for meter testing upon request, and meter reading, pursuant to rules 3303, 3304, 3305, 3306, and 3309.
- (IV) ~~Each utility's tariff shall include~~ If applicable, Information regarding ~~any~~ the utility's benefit of service transfer policies, pursuant to rule 3400(a)(VIII).
- (V) ~~Each utility's tariff shall include~~ Information regarding the utility's customer deposit policy, pursuant to rule 3402.
- (VI) ~~Each utility's tariff shall include~~ Information regarding the utility's installment payment plans and other plans, pursuant to rule 3403(a).
- (VII) ~~Each utility's tariff shall include~~ Information regarding the utility's collection fees or miscellaneous service charges, pursuant to rules 3403(b)(V - VII).

- (VIII) ~~Each utility's tariff shall include if applicable,~~  
Information regarding any the utility's after-hour  
restoration ~~fees~~fees, pursuant to rule 3408.
- (IX) ~~Each utility's tariff shall include i~~Information regarding  
the utility's Avoided Costs, pursuant to rule 3900.
- (X) ~~All other r~~Rules, regulations, and policies covering the  
relations between the customer and the utility.

**3109.3110. New or Changed Tariffs.**

(a) A utility shall file with the Commission any new or changed tariffs. No new or changed tariff shall be effective unless it is filed with the Commission and either is allowed to go into effect by operation of law or is approved by the Commission.

(b) A utility shall use one of the following processes to seek to add a new tariff or to change an existing tariff:

(I) The utility may file the proposed tariff, including the proposed effective date, accompanied by an advice letter.7  
The utility shall provide ~~and providing~~ notice in accordance with rule 1206. If the Commission does not suspend the proposed tariff in accordance with rule 1305 prior to the tariff's proposed effective date, the proposed tariff shall take effect on the proposed effective date.

(II) The utility may file an application to implement a proposed tariff on less than 30--days' notice, accompanied by the proposed tariff, including the proposed effective date,—.  
The utility shall provide ~~and providing~~ notice in accordance with rule 1206. The application ~~must~~shall include the information required in rules 3002(b) and 3002(c); shall explain the details of the proposed tariff, including financial data if applicable,—; shall justify ~~state the facts which are the basis for the request that—why~~ the proposed tariff ~~must~~become effective on less than ~~30 days~~30-days' notice; and shall note any prior Commission action, in any proceeding, pertaining to the present or proposed tariff.

(III) By advice letter to be effective on not less than one-day's notice, the utility may file a tariff to comply with an order of the Commission.

~~(b)~~(c) Each tariff sheet, which is not an original, shall be designated "1st revised sheet No. \_\_\_ cancels original sheet No. \_\_," or "2nd revised sheet No. \_\_\_ cancels 1st revised sheet No. \_\_," as appropriate. Each sheet shall direct attention to the changes by the use of symbols in the right margin (for example, such as—"I" for increase, "D" for decrease, "C" for change in text, and "N" for new text). On a contents or index page the utility shall show the meaning of the symbols used by it to point

out changes contained in its revised tariff filings. If a tariff sheet is issued under a specific authority or Commission decision of the Commission, each sheet so affected ~~the tariff sheet~~ shall show the specific authority or Commission decision number in the space provided at the foot of the sheet.

~~(e)~~(d) \_\_\_\_\_ The Commission may reject any tariff that is not in the form, or does not contain the information, required by statutes, by rules, regulations, or by Commission orders, and decisions of the Commission. Any tariff rejected by the Commission shall be void and shall not be used.

### 3110.3111. Advice Letters.

Each proposed tariff ~~must~~shall be accompanied by a serially-numbered advice letter. The letter shall list all sheets included in the filing by number, and shall show the sheets, being cancelled, if any. The advice letter shall state the purpose of the filing; shall identify the each changes being proposed; shall state the amounts, if any, by which the utility's revenues will be affected; and shall summarize clearly the extent to which customers will be affected ~~shall be clearly summarized;~~ and shall provide along with information demonstrating that the proposed tariff is just and reasonable.

### 3111. [Reserved].

### 3112. - 3199 [Reserved].

## FACILITIES

### 3200. Construction, Installation, Maintenance, and Operation.

(a) The ~~electric~~ plant, equipment, and facilities of ~~the~~ utility shall be constructed, installed, inspected, maintained, and operated in accordance with accepted good engineering practice in the electric industry to assure continuity of service, uniformity in the quality of service, and the safety of persons and property.

~~(b) For all electric plant construction or installation commenced on or after August 1, 2001, the utility shall use as a minimum standard of accepted good engineering practice the August 2001 edition of the National Electrical Safety Code as incorporated by reference under rule 3008(e).~~

~~(e)~~(b) \_\_\_\_\_ For all electric plant construction or installation commenced prior to August 1, 2001, the minimum standard of accepted good engineering practice is the edition of the National Electrical Safety Code in effect at the time of commencing construction or installation of the electric plant.

- (c) Any utility plant that was constructed or installed, and that is maintained and operated, in accordance with the National Electrical Safety Code in effect at the time of its construction or installation shall be presumed to be in compliance with accepted good engineering practice in the electric industry and with the provisions of this rule.

**3201. Production Plant Instruments.**

Each electric utility shall install such indicating watt meters, watt-hour meters, or other instruments as may be necessary to obtain a daily record of the load, and a monthly record of the output of its production plants. Each utility purchasing electrical energy shall install such instruments or meters as may be necessary to furnish full information as to the monthly purchases.

**3202. Standard Voltage and Frequency; Applications for Variance.**

- (a) A utility must make every reasonable effort consistent with good engineering practices to maintain a constant frequency and constant voltage on its facilities at all times.

- (b) A utility shall periodically measure and record service voltages maintained at the utility's main service terminals as installed for individual customers or groups of customers. Those service voltages shall be practically constant as follows:

(I) For service rendered under a lighting contract or primarily for lighting purposes, the voltage shall be maintained within five percent above or below the standard ~~provided~~ forstated in the utility's tariff.

(II) For service rendered under a power contract or primarily for power purposes, the voltage shall be maintained within ten percent above or below the standard ~~provided~~ forstated in the utility's tariff.

~~(III) Variations in voltage in excess of those specified caused by the operation of power apparatus on the customer's premises which necessarily require large starting currents, caused by the action of the elements, or caused by infrequent, unavoidable, and short-duration fluctuations due to necessary station or line operations, shall not be considered a violation of this rule if only the customer's premises are affected. If other customers are affected, the one causing the problem shall work with the local utility to resolve the voltage fluctuation/violation problem or problems.~~

- (c) The following shall not be considered a violation of section (b) of this rule:

(I) A temporary variation in voltage in excess of those specified if caused by the operation of power apparatus on a customer's premises which necessarily require large starting currents, provided that only the customer's

premises are affected. If other customers are affected, the utility shall work with the customer causing the variation to resolve the voltage fluctuation/violation problem or problems.

(II) A temporary variation in voltage in excess of those specified if caused by the action of the elements.

(III) A temporary variation in voltage in excess of those specified if caused by infrequent, unavoidable, and short-duration fluctuations due to necessary station or line operations.

(d) If a utility seeks to operate at a greater variation in voltages than permitted by section (b) of this rule, the utility shall file an application for a variance. An application for variance of voltage regulation may not be filed for communities, cities, or towns for which a transmission line was primarily built. An application for variance shall include:

(I) All information required in rules 3002(b) and 3002(c).

(II) Delineation of the geographic boundaries of the service territory for which the variance is sought.

(III) A statement of the facts (not in conclusory form) which supports the need for the requested variance.

(IV) A demonstration that the applying utility proposes to provide the best voltage regulation practicable under the circumstances.

(e) The Commission may allow a greater variation of voltage when:

(I) Service is furnished directly from a transmission line. ~~or~~

(II) Service is furnished in ~~in~~ a limited or extended area where customers are widely scattered and the business done within that area does not justify close voltage regulation, (such as individual customers or small groups of customers whose service from a transmission line is incidental).

~~(c) The application for variance shall, in addition: 1) delineate the geographic boundaries of the service territory for which the variance is sought; and 2) demonstrate how the utility proposes to provide the best voltage regulation practicable under the circumstances. An application for variance of voltage regulation shall not be filed for communities, cities, or towns for which a transmission line was primarily built.~~

(f) Each utility's tariff shall include a description of test methods, equipment, and frequency of testing used to determine the voltage of electric service furnished.

(g) Each utility's tariff shall include a description of standard average voltage, or voltages, and frequency, or frequencies, as may be required by:—its

(I) The utility's distribution system,

(II) The utility's entire system, or

(III) Each of the several districts into which the utility's system may be divided. ~~distribution system, for its entire system, or for each of the several districts into which the system may be divided.~~

### 3203. Interruptions of Service.

(a) Each utility shall keep a record of every service interruption (including, without limitation, forced outages caused by events outside of the utility's control, scheduled outages, or sustained outages) which occurs on its entire system or on a major division of its system. The record shall include at least a statement of the time, the duration, and the cause of any service interruption and the readings taken periodically from station meters. These station meter readings shall be taken at such interval as the utility or the Commission may from time to time require.

(b) The records of service interruptions and a statement of the utility's operating schedules shall be open at all times to the inspection of the duly authorized representatives of the Commission. The utility shall retain these records for five years.

(c) As used in this rule, "service interruption" means a loss of service consistent with IEEE Standard Number 1366, *Guide for Electric Power Distribution Reliability Indices*.

~~Each utility shall keep a record of all interruptions of service (including forced, outages caused by events outside of the utility's control, scheduled, or sustained) upon its entire system or major divisions thereof, including a statement of the time, duration, and cause of any such interruption. Service Interruption mean a loss of service consistent with IEEE Standard Number 1366-2001, *Guide for Electric Power Distribution Reliability Indices*. The record shall include the readings taken periodically from station meters. These readings shall be taken with such interval as the utility or the Commission may from time to time require. The records of interruptions of service and a statement of the operating schedules of the utility shall be open at all times to the inspection of the duly authorized representatives of this Commission. The utility shall retain all such records for three years.~~

### 3204. ~~Accidents~~Incidents.

~~(a) Each utility shall verbally inform the Commission, i~~In compliance with the policies adopted from time to time by the Commission to implement this rule, and within two hours (120 minutes) of learning of the incident, each ~~accident~~each utility shall inform

~~the Commission of an incident occurring~~which occurs in connection with the operation of its property, facilities, or service, and which results ~~resulting in any deaths, serious injuries, or serious~~significant property damage.

(b) Within 30 calendar days of the incident, the utility shall submit a written report to the Director of the Commission. The report shall contain at least the following information:

(I) Date, time, place, and location of the ~~accident~~incident.

(II) Type of ~~accident~~incident.

(III) Names of all ~~parties~~persons involved. ~~;~~ and

(IV) Nature and extent of ~~injuries~~ and damage.

~~(b)(c)~~ If the utility conducts an internal investigation of an ~~accident, incident~~ referred to in ~~paragraph~~section (a) above, ~~it~~the utility shall make its report available to the Commission upon request by the Commission.

### 3205. Construction or Expansion of Generating Capacity.

(a) No utility may commence new construction or an expansion of generation facilities or projects until either the Commission notifies the utility that such facilities or projects do not require a certificate of public convenience and necessity, ~~or until~~ the Commission issues ~~such~~ a certificate of public convenience and necessity for the facility or project. Rural electric cooperatives do not need a certificate of public convenience and necessity for new construction or an expansion of generation facilities ~~when~~provided that such construction or expansion is contained entirely within the cooperative's certificated area.

(b) The following shall be deemed to occur in the ordinary course of business and shall not require a certificate of public convenience and necessity:

(I) An expansion which will result in an increase in generating capacity of less than ten megawatts.

(II) A generating plant remodel, or installation of any equipment or building space, required for pollution control systems.

~~(b) Any expansion which will result in an increase in generating capacity of less than 10 megawatts, or generating plant remodeling or installation of any equipment or building space required for pollution control systems shall be deemed to occur in the ordinary course of business, and shall not require a certificate of public convenience and necessity.~~

- (c) For each expansion that will result in an increase in generating capacity of 10ten megawatts or more, the electric utility shall submit to the Commission, no later than April 30 of each year, ~~submit a filing to the Commission for a determination of which of the utility's approval of its schedule of proposed new construction or expansions for the next three3 calendar years, commencing with the year following the filing, are necessary in the ordinary course of business and which require a certificate of public convenience and necessity prior to construction.~~ For each ~~such~~ project, the filing shall containset forth the following:
- (I) The name, proposed location, and function or purpose of the project. ~~;~~
  - (II) The estimated cost of the project, ~~and the manner in which it is expected to be financed.~~ ~~;~~ ~~and~~
  - (III) The projected date for the start of construction, the estimated date of completion, and the estimated date of commencement of operation ~~of each project.~~
- (d) The Commission will give notice of ~~the~~each filing made pursuant to section (c) of this rule of such data to all those who it believes may be interested. Any interested person may file comments regarding the projects by May 15.
- (e) The ~~sStaff of the Commission~~Staff shall review the filing and any comments received and shall make recommendations as followsin accordance with the following schedule:
- (I) For any new construction or expansion project which is scheduled to begin in the next calendar year and which will result in an increase in generating capacity of 10ten megawatts or more, the ~~sStaff~~ shall make its recommendations by May 31 of the year in which the filing is made.
  - (II) For any new construction or expansion project which is scheduled to begin in the second or third calendar year following the year in which the filing is made subsequent to the year the data is filed, and which project will result in an increase in generating capacity of 10ten megawatts or more, the ~~sStaff~~ shall make its recommendations by August 31 of the year in which the filing is made.
- (f) The Commission shall issue its decision on the ~~sStaff's~~ recommendation in accordance with the following schedule-set forth below:
- (I) For any new construction or expansion project which is scheduled to begin in the calendar year following the year in which the filing is made and which will result in an

increase in generating capacity of ten megawatts or more. ~~For projects scheduled to begin in the next calendar year,~~ the decision designating ~~those~~each generation projects that requires a certificate of public convenience and necessity will be issued by June 30 of the year in which the filing is made.

- (II) For any new construction or expansion project which is scheduled to begin in the second or third calendar year following the year in which the filing is made and which will result in an increase in generating capacity of ten megawatts or more. ~~For projects scheduled to begin in the second or third calendar year,~~ the decision designating ~~those~~each generation projects that requires a certificate of public convenience and necessity will be issued by October 31 of the year in which the filing is made.

### 3206. Construction or Expansion of Transmission Facilities.

(a) For purposes of this rule ~~only~~:

- (I) "Upgrade" means to increase significantly ~~increase~~ the MVA rating of an existing transmission facility by modifying its physical characteristics. Upgrades include, for example and without limitation, the following:
- (A) ~~Replacement~~ of the existing conductor of a transmission line with a larger one, with continued operation at the existing voltage ;
  - (B) ~~Modification~~ of the transmission line to the extent that the line will be operated at a higher voltage ; ~~or~~
  - (C) ~~Replacement~~ of transformers, breakers, or capacitor banks with larger transformers, breakers, or capacitor banks.
- (II) "Uprate" means to achieve a higher MVA rating of an existing transmission facility with minor or no modifications to ~~that~~such a facility. Uprates include, for example and without limitation, the following:
- (A) ~~The~~ raising and/or strategic placement of structures in order to raise the conductor, thereby increasing clearances, permitting more current flow, and increasing the MVA rating ; ~~or~~
  - (B) ~~The~~ mere declaration of an uprated line after an engineering and physical inspection indicate that existing line clearances are sufficient to allow more current flow, thereby increasing the MVA rating.

- (b) No utility and no cooperative electric association which has voted to exempt itself pursuant to § 40-9.5-103, C.R.S., may commence new construction, including upgrades, or uprates, or an expansionextension of transmission facilities or projects until either the Commission notifies the utility that such facilities or projects do not require a certificate of public convenience and necessity, or until the Commission issues such a certificate of public convenience and necessity. Rural electric cooperatives which have elected to exempt themselves from the Public Utilities Law pursuant to § 40-9.5-103, C.R.S., do not need a certificate of public convenience and necessity for new construction, upgrade, uprate, or an expansionextension of transmission facilities or projects when such construction or expansion is contained entirely within the cooperative's certificated area.
- (c) No later than April 30 of each year, each electric utility, ~~and including those each~~ cooperative electric associations ~~which have~~ has voted to exempt ~~themselves~~ itself pursuant to § 40-9.5-103, C.R.S., shall submit to the Commission a filing for a determination of which of the utility's proposed new construction, upgrades, uprates, or expansion of transmission facilities within its certificated service territory for the next three calendar years, commencing with the year following the filing, are necessary in the ordinary course of business and which require a certificate of public convenience and necessity prior to construction. ~~a filing to the Commission for approval of its schedule of proposed new construction or expansions of transmission facilities within its certificated service territory for the next 3 calendar years.~~ The ~~annual~~ filing shall contain a reference to all such proposed new construction, upgrades, uprates, or expansionextensions, regardless of whether the utility or cooperative electric association has referenced such new construction, upgrades, uprates, or expansionextensions on prior annual filings. For each ~~such~~ project, the filing shall ~~set forth~~ contain all of the following:
- (I) The name, proposed location, and function or purpose of the project, including:
- (A) If the project is a substation or related facilities: the voltage level and the MVA rating.
- (B) If the project is a transmission line: the voltage, the length in miles, the substation termination points, and the general proposed routing of the center line.
- (II) The estimated cost of the project, and the manner in which it is expected to be financed.
- (III) The projected date for the start of construction, the estimated date of completion, and the estimated date of commencement of operation of each project.

- (IV) For new construction, upgrades, uprates, or ~~expansionextensions~~ that have been ~~previously~~ referenced in prior annual filings, an update of the status of   and any changes to   such new construction, upgrades, uprates, or ~~expansionextensions~~.
- (d) In addition to the information provided in section (bc) of this rule, the filing shall ~~also~~ describe these utility's actions and techniques relating to prudent avoidance with respect to planning, siting, construction, and operation of the proposed construction, upgrade, uprate, or expansionextension. As used in this section, "Prudent avoidance" means the striking of a reasonable balance between the potential health effects of exposure to magnetic fields and the cost and impacts of mitigation of such exposure, by taking steps to reduce the exposure at reasonable or modest cost. ~~Such~~The steps and techniques may include, but are not limited to without limitation, the following:
- (I) Design alternatives considering the spatial arrangement of phasing of conductors. ;
- (II) Routing lines to limit exposures to areas of concentrated population and group facilities such as schools and hospitals. ;
- (III) Installing higher structures. ;
- (IV) Widening right of way corridors. ; ~~and~~
- (V) ~~Burial of~~ Burying lines.
- (e) The Commission will give notice of each filing made pursuant to this rule to all those who it believes may be interested. Any interested person may file comments regarding the projects by May 15.
- (f) ~~The staff of the Commission~~ Staff shall review the filing and any comments received and shall make recommendations ~~as follows~~ according to the following schedule:
- (I) For any new construction, upgrade, uprate, or ~~expansionextension,~~ the construction of which is scheduled to begin in the next calendar year, the ~~s~~Staff shall make its recommendations by May 31 of the year in which the filing is made.
- (II) For any new construction, upgrade, uprate, or ~~expansionextension,~~ the construction of which is scheduled to begin in the second or third calendar year ~~subsequent to~~ following the year in which the ~~data is filed~~ filing is made, the staff shall make its recommendations by August 31 of the year in which the filing is made.

- (g) The Commission shall issue its decision on the ~~Staff's~~ Staff's recommendation in accordance with the following schedule ~~set forth below~~:
- (I) For any new construction, upgrade, uprate, or extension of transmission facilities or projects which is scheduled to begin in the calendar year following the year in which the filing is made, the decision designating each transmission facility that requires a certificate of public convenience and necessity will be issued by June 30 of the year in which the filing is made. The decision designating the construction or expansion of transmission facilities which are to begin in the next calendar year that require a certificate of public convenience and necessity will be issued by June 30 of the year in which the filing is made.
- (II) For any new construction, upgrade, uprate, or extension of transmission facilities which is scheduled to begin in the second or third calendar year following the year in which the filing is made, the decision designating each transmission facility that requires a certificate of public convenience and necessity will be issued by October 31 of the year in which the filing is made. The decision designating the construction or expansion of transmission facilities which are to begin in the second or third calendar year subsequent to the year the data is file that require a certificate of public convenience and necessity will be issued by October 31 of the year in which the filing is made.
- (h) The utility shall install and maintain service connections from transmission extensions consistent with conditions ~~approved~~ contained in the utility's tariff.

**3207. Construction or Expansion of Distribution Facilities.**

- (a) Expansion of distribution facilities, as authorized in § 40-5-101, C.R.S., is deemed to occur in the ordinary course of business, and shall not require a certificate of public convenience and necessity.
- (b) The utility shall install and maintain service connections from distribution extensions consistent with conditions ~~approved~~ contained in the utility's tariff.
- (c) When a customer or potential customer requests a cost estimate of a distribution line extension, the utility shall provide a photovoltaic system cost comparison, ~~upon meeting~~ if the following conditions are met:
- (I) The customer or potential customer provides the utility with load data (estimated monthly kilowatt-hour usage) as requested by the utility to conduct the comparison. ; ~~and~~

- (II) The customer or potential customer's peak demand is estimated to be less than 25 kw.
- (d) In performing ~~the~~ photovoltaic system cost comparison analysis, the utility will consider line extension distance, overhead/underground construction, terrain, other variable construction costs, and the probability of additions to the line extension within the life of the open extension period.
- (e) ~~If the~~ For a customer or potential customer ~~whose~~ has a ratio of estimated monthly kilowatt-hour usage divided by line extension mileage that is less than or equal to ~~one thousand (1,000)~~ (i.e., Kwh/Mileage is  $\leq 1,000$ ) the utility ~~will~~ shall provide the photovoltaic system cost comparison at no cost to the customer or potential customer. ~~If the ratio is greater than~~ Above a ratio of 1,000 the customer or potential customer shall bear the cost of the comparison, if the cost comparison is requested by the customer or potential customer, not the utility.

**3208. Poles.**

- (a) In the case of two or more utilities jointly owning or using a pole or pole line structure, each of these utilities shall mark each ~~such~~ pole or structure with the initials of its name, abbreviation of its name, corporate symbol, or other distinguishing mark ~~by which~~ so that the ownership of such structure may be readily and definitely determined.
- (b) ~~Each~~ A utility shall mark each ~~such~~ wood pole, post, tower, or other structure used for the support or attachment of electrical conductors, guys, or lamps, with dating nails or similar devices indicating the year in which ~~such~~ the structure was installed. ~~In the case of metal, concrete, or fiberglass, or other types of poles where the use of dating nails is impractical, each pole shall be either imprinted by the manufacturer with the date of its production or have permanent banding attached. Each such structure must be inspected regularly, in accordance with prudent utility practices, by the utility owning or using it, and timely repaired or replaced.~~
- (c) In accordance with prudent utility practices, a utility shall inspect, and shall timely repair or replace, each of the following which it owns or uses: poles, posts, towers, or other structures used for the support or attachment of electrical conductors, guys, or lamps.
- ~~(e)~~ (d) The requirements herein of this rule shall apply to all existing and future erected structures and to all changes in ownership.

**3209. Service Connections.**

Service connections to customer premises or property involving overhead or underground equipment shall be installed and maintained consistent with the

conditions ~~approved by the Commission~~stated in the utility's tariff. In special cases involving either overhead or underground service connections and as necessary, the Commission will, ~~if necessary~~, prescribe the proper charge.

**3210. Line Extension.**

- (a) Each utility shall have tariffs ~~describing~~which set out its line extension policies, procedures, and conditions.
- (b) Specific tariff provisions for making overhead or underground service connections, for transmission line extensions, and for distribution line extensions shall include:
  - (I) ~~The terms and conditions, by customer class, under which such connections and extensions will be made~~Service connections and distribution line extensions by customer class and the appropriate terms and conditions under which those connections and extensions will be made.
  - (II) Provisions requiring the utility to provide to a customer or to a potential customer, upon request, service connection information ~~to a customer, upon request,~~ necessary to allow the customer's or potential customer's facilities to be connected to the utility's system.
  - (III) Provisions requiring the utility to exercise due diligence in providing the customer or potential customer with an estimate of the anticipated cost of a connection or extension.
  - (IV) ~~Just and reasonable p~~Provisions with respect to addressing steps to ameliorate the rate and service impact upon existing customers through rates and service, including equitably allowing future customers to share costs incurred by the initial or existing customers served by a connection or extension, (as, for example, by including a refund of customer connection or extension payments when appropriate).
  - (V) A description of specific customer categories (such as permanent, indeterminate, and temporary) within each customer class ~~such as permanent, indeterminate, and temporary.~~
- (~~b~~c) Upon request by a customer or a potential customer, the utility shall conduct a comparison of photovoltaic energy to any proposed distribution line extension, ~~if a customer or potential customer provides the utility with load data (estimated monthly kilowatt-hour~~KWh usage) requested by the utility to conduct the comparison, and if the customer's or potential customer's peak demand is estimated to be less than 25 KW. In performing the comparison analysis, the utility will consider line extension distance, overhead/underground construction, terrain, other

variable construction costs, and the probability of additions to the line extension during the life of the open extension period. If the customer has a ratio of estimated monthly KWh usage divided by line extension mileage that is less than or equal to 1,000 (i.e., Kwh/Mileage is <=1,000), the utility shall provide the photovoltaic system cost comparison at no cost to the customer or potential customer. If the ratio is greater than 1,000, the customer or potential customer shall bear the cost of the comparison, if the cost comparison is requested by the customer or potential customer. ~~For customers whose ratio of estimated monthly kilowatt hour usage divided by line extension mileage is less than or equal to 1,000, the utility will provide the photovoltaic system cost comparison at no cost. If the ratio is greater than 1,000, the customer shall bear the cost of the comparison, unless the comparison was requested by the utility.~~

3211. -3249 [Reserved].

#### MAJOR EVENTS REPORTING

##### 3250. Major Events Reporting.

##### 3251.3250. Definitions.

The following definition ~~only applies to~~ in the context of R rules 3250-3254, unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) "Major Event" means an event as defined in and consistent with IEEE Standard Number 1366-2001, *Guide for Electric Power Distribution Reliability Indices*.

##### 3252.3251. Notification to Commission.

Each utility shall verbally notify the Commission of a major event as soon as practicable possible, but in no event ~~not~~ more than 12 hours after the onset of the major event.

##### 3253.3252. Report.

- (a) Within 15 calendar days after the end of a major event, a ~~Each~~ utility shall, within 15 days after the end of a major event, submit a written report to the Commission.
- (b) At a minimum, which the report shall, at a minimum, include include the following:
- (I) The date and time when the major event began; the date and time ~~and~~ when the utility's control center began treating the situation as a major event; and the date and time when the utility classified the major event as closed.

- (II) The total number of customers out-of-service over the course of the major event and the general (by city or district level) area wherein which the major event occurred.
- (III) The total number of affected locations by facility classification.
- (IV) The date and time at which any mutual aid and non-company contractor crews were requested, ~~;~~ the date and time when each such crew arrived for duty; the date and time when each such crew was and when were released from duty; and the non-company contractor response(s) to the request(s) for assistance.
- (V) A timeline profile on the number of company line crews, mutual aid crews, and non-company contractor line and tree crews working on restoration activities during ~~the duration of~~ the major event.
- (VI) Identification of the cause(s) ~~that created~~ of the major event and of the factors which contributed to the major event.
- (VII) A listing of ~~any~~ each new or existing ~~policies~~ policy, procedures, and guidelines which the utility will implement or has will be or which have been implemented in order to prevent a similar ~~reoccurrence of the~~ major event or recurrence of the major event in the future.
- (VIII) ~~The report submitted shall include a~~ An affidavit of an officer of the company, which affidavit verifies the information in the report.

**3254.3253. Supplemental or Additional Major Event Reporting.**

~~Each utility shall furnish to the Commission a~~ At such time and in such form as the Commission may require, each utility shall furnish to the Commission a report in which the utility shall specifically answers all questions propounded regarding a major event or events and provides such other information relevant to the major event and the restoration of service as the Commission may request. The Commission may require utilities to provide these ~~These~~ supplemental or additional reports ~~may be required by Commission to be provided~~ at regular intervals, to be determined by the Commission, and on a form approved by the Commission. Periodic or special reports concerning any matter about which the Commission is concerned relative to the occurrences of one or more major events shall be furnished in a manner determined by the Commission and on a form approved by the Commission.

**3255.3254. - 3299 [Reserved].**

**METERS****3300. Service Meters and Related Equipment.**

- (a) All meters used in connection with electric or steam metered service for billing purposes shall be furnished, installed, and maintained at the expense of the utility.
- (b) Any equipment, devices, or facilities (including, without limitation, service meters) furnished ~~at the expense of~~ by the utility or for which the utility bears the expense of maintenance and renewal, ~~including service meters~~, shall remain the property of the utility and may be removed by it at any time after discontinuance of service.
- (c) Each electric service meter shall indicate clearly the ~~kilowatt-hours~~ KWh and units of demand, where applicable, for which the customer is charged ~~is made to the customer~~. In cases ~~wherein~~ 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 ~~wherein~~ which the metering installation is of such a complex nature, that ~~the~~ 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 ~~such information~~.
- (d) Each steam meter shall clearly indicate the pounds of steam used for which the customer is charged ~~is made to the customer~~. In cases ~~wherein~~ 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.

**3301. Location of Service Meters.**

~~As of the time of meter installation:~~

- (a) As of the time of installation, Mmeters shall be located in accordance with the pertinent ~~rules~~ utility tariffs of the utility ~~as filed on file with and approved by~~ the Commission and in accordance with accepted safe practice and electric or steam utility industry standards.
- (b) As of the time of installation, Mmeters shall be located so as to be easily accessible for reading, testing, and servicing in accordance with accepted safe practice and in accordance with electric or steam utility industry standards.

**3302. Service Meter Accuracy.**

- (a) No service watt-hour meter that has an incorrect register constant, test constant, gear ratio or dial train, or that ~~registers upon no load ("creeps")~~, shall be placed in service or allowed to remain in service without proper adjustment and correction.
- (b) No service watt-hour meter that has an error in registration of more than plus or minus two percent, either at light load or at heavy load, shall be placed in service. Whenever a meter is found to exceed these limits, it shall be adjusted or replaced.
- (c) No demand meter shall have an allowable error of more than two percent of full-scale deflection, except that the allowable error for thermal type meters may be three percent. Whenever a meter is found to exceed these limits, it shall be adjusted or replaced.
- ~~(e)~~(d)         Meters used with instrument transformers or current transformers shall be adjusted or replaced so that the overall accuracy of the metering installation meets the requirements of this rule.
- ~~(d)~~(e)         No steam service meter that has an error in registration of more than plus or minus two percent shall be placed in service. Whenever a meter is found to exceed these limits, it ~~must~~shall be adjusted or replaced.

**3303. Meter Testing Equipment and Facilities.**

- (a) Unless specifically exempted by the Commission, each utility furnishing metered electric or steam service shall, ~~unless specifically exempted by the Commission,~~ provide such meter laboratory, standard meters, instruments, and other equipment and facilities as may be necessary to make the tests required by these rules. Such equipment and facilities shall be acceptable to the Commission and shall be available at all reasonable times for inspection by the Commission's authorized representatives.
- (b) Each utility shall make such tests as are prescribed under these rules with such frequency, in such manner, and at such places as may be approved by this Commission. Each utility shall file an application for approval of ~~its~~such testing practices. The application shall include:
- (I) All information required by rules 3002(b) and 3002(c).
- (II) A description of the test methods employed and the frequency of tests or observations for determining voltage of electric service furnished or steam consumed.

~~(II)~~(III) A description of meter testing equipment, including methods employed to ascertain and maintain accuracy of all testing equipment.

~~(III)~~(IV) Rules covering testing and adjustment of service meters when installed and periodic tests after installation.

~~(IV)~~(V) Supporting information and justification for the items listed in ~~subsections~~~~paragraphs~~ (II) through (IV)~~II~~ of this ~~paragraph~~~~section~~.

(c) Revisions to any portion of testing practices approved pursuant to the procedure in section (b) of this rule shall be accomplished by the filing and approval of a new application.

(d) Each utility furnishing metered electric service shall provide such portable indicating electrical testing instruments or portable watt-hour meters of suitable range and type for testing switchboard instruments, recording volt-meters, service watt-hour meters, and other electrical instruments in use, as may be deemed necessary and satisfactory by the Commission.

(e) Rotating standards that are used by the utility in testing service meters shall be tested for accuracy by using reference standards. If the reference standards used by the utility are service type watt-hour meters, ~~such those~~ watt-hour meters must be permanently mounted in the utility's laboratory and may be used for no other purpose than testing rotating standards.

(f) Reference standards shall be submitted at least once each year to a laboratory of recognized standing, for the purpose of testing and adjustment. A utility that maintains its own standardizing laboratory ~~will~~shall be permitted to test and certify its own reference standards, provided the instruments and methods used are acceptable to the Commission.

(g) When in use, commutator-type rotating standards shall be compared with the reference standards in accordance with the manufacturer's recommended frequency. When in use, induction-type rotating standards, shall be compared with the reference standards in accordance with the manufacturer's recommended frequency. If any working rotating standard tests within plus or minus one percent error at any load at which the standard will be used, the standard may be adjusted by comparison with the utility's reference standards. However, if any working rotating standard tests in error of more than plus or minus one percent, ~~such that~~ standards shall be tested, adjusted, and certified in a standardizing laboratory of recognized standing. If a utility is exempted as provided in ~~paragraph~~section (a) of this rule, it shall have its working rotating standards tested by a standardizing laboratory of recognized standing at least once a year. Each rotating standard shall at all times be accompanied by a certificate or calibrating card signed by the standardizing

laboratory, giving the date when it was last certified and adjusted.

- (h) When in use, all electrical meter testing equipment, ~~such as voltmeters, ammeters, oscilloscopes, function generators, fluke multimeters, radian electronic watt hour standards, and wattmeters~~ shall have their calibration checked either annually or more frequently if specified by the manufacturer. For all instruments requiring an as found/as left date sheet, calibration certifications shall be kept on-site for all instruments requiring an as found/as left date sheet, for a period of seven years ~~or~~ until the instruments are recertified by a laboratory of recognized standing, whichever is later. All instruments ~~will~~shall have a tag affixed stating the date calibrated and the date the instrument is due for recertification. If an instrument is found to be out of the manufacturer's specifications, the instrument ~~will~~shall be calibrated and certified to the manufacturer's specifications by a laboratory of recognized standing. Upon request from a ~~customer or other department~~any person, a copy of the certification letter and date sheet ~~will~~shall be provided for the instrument in question.
- (i) ~~The~~ utility shall keep records of certification and calibrations for all testing equipment required by this rule for the life of the equipment.
- (j) In its tariff, ~~each~~ utility shall include a description of its meter testing equipment and of the, including methods employed to ascertain and to maintain accuracy of all testing equipment.
- (k) For those sections of this rule which require a utility to maintain facilities and equipment, a utility may meet those requirements by having the facilities and equipment readily available (as, for example and without limitation, by contracting with a testing facility). A utility which uses this section of the rule is responsible for its compliance with the provisions of this entire rule.
- (l) For those sections of this rule which require a utility to test or to maintain equipment, a utility may meet those requirements by having the equipment tested by a third party (as, for example and without limitation, an independent testing facility). A utility which uses this section of the rule is responsible for its compliance with the provisions of this entire rule.

#### 3304. Scheduled Meter Testing.

- (a) ~~Each~~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:
- (I) The information required by rules 3002(b) and 3002(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.
- (c) Revisions to any portion of a sampling program approved pursuant to section (b) of this rule shall be accomplished by the filing of, and Commission approval of, a new application.
- (d) Every service meter must be tested and adjusted, either before installation or no later than 60 days after installation, to ensure that it registers accurately and conforms to the requirements of rule 3302. In addition, every service meter shall be tested on a periodic basis, as follows:
- (I) Alternating current watt-hour meters:
    - (A) Polyphase meters used with instrument transformers, every four years.
    - (B) Single-phase meters used with instrument transformers, every eight years.
    - (C) Self-contained polyphase meters, every six years.
    - (D) Self-contained single-phase meters and three wire network meters, every eight years.
  - (II) Direct current watt-hour meters:
    - (A) Up to and including 6\_-KW, every 42 months.

(B) Over 6 KW up to and including 100 KW, every 18 months.

(C) Over 100 KW, every 12 months.

(III) Var-hour meters and lagged demand meters ~~must~~shall be tested on the same schedule as ~~for the~~ associated watt-hour meters in subsection (c)(aI) or (bII) of this rule. Integrated (block interval) demand meters, including demand registers and associated control devices, ~~must~~shall be tested on the same schedule as ~~for the~~ associated watt-hour meters in subsection (c)(aI) or (bII) of this rule, but at least every six years.

(IV) Steam service meters shall be tested every five years.

(e) In its tariff, each utility shall include a description of the utility's practices concerning the following:

(I) Testing and adjustment of service meters at installation.

(II) Periodic testing after installation.

~~(V) In its tariff, each utility shall include a description of the utility's practices concerning: testing and adjustment of service meters at installation, and periodic testing after installation.~~

### **3305. Meter Testing Upon Request.**

(a) Each utility furnishing metered electric or steam service shall ~~make a test of~~ the accuracy of any electric or steam service meter upon request of a customer. The test shall be conducted free of charge if the meter has not been tested within the previous ~~twelve~~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. 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) Upon written request by a customer, the Commission ~~will~~shall send a trained employee to witness ~~the test of any~~ service meter test as performed by the utility. The request must be accompanied by payment of the applicable fee, as follows:

(I) For continuous current and single-phase meters operating at 480 volts or less, up to and including 200 amperes rated capacity of meter element, \$50 for each meter location at which testing is observed.

(II) For single-phase meters above 480 volts and for polyphase meters with or without instrument transformer, \$50 for each meter location at which testing is observed.

(III) For steam service meters, \$50 for each meter location at which testing is observed.

- (c) This rule and the schedule of fees apply only when there is a ~~disputed disagreement~~ between the customer and the ~~company~~ utility regarding the accuracy of a meter. If the meter is found to be running fast beyond the limits prescribed in rule 3302, the utility shall reimburse the customer for any fee paid by the customer ~~shall be reimbursed to the customer by the utility.~~
- (d) In its tariff, each utility shall include any fees associated with customer-requested meter testing conducted within ~~twelve~~ 12 months of a prior test.

### 3306. Records of Tests and Meters.

- (a) For each meter owned or used by it, A utility shall maintain a record ~~for each meter owned or used by the utility,~~ showing the date of purchase, the manufacturer's serial number, the record of the present location, and the date and results of the last test performed by the utility. ~~This, which~~ 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, ~~together with~~ 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. ~~Such~~ This record shall be retained for at least two years.

3307. [Reserved].

3308. [Reserved].

### 3309. Meter Reading.

- (a) Upon ~~the~~ customer's request, ~~the~~ utility shall provide written documentation ~~identify~~ showing the date of the most recent reading of the customer's meter was read and the total usage expressed in kilowatt-hours or other unit of service recorded. On request, ~~Each~~ utility supplying metered service, ~~on request,~~ shall explain to its customers its method of reading meters.
- (b) In its tariff, ~~each~~ 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 it shall specify any special conditions which apply only to certain classes of service, such as residential, commercial, industrial or seasonal.

(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.

3310. - 3399 [Reserved].

**BILLING AND SERVICE**

**3400. Applicability.**

Rules 3400 through 3410 apply to residential customers and to commercial customers served by a utility's rates or tariffs. In its tariffs, a utility may elect to apply the same or different terms and conditions of service to other customer classes.

**3401. Billing Information and Procedures.**

- (a) All bills issued to customers for metered service furnished shall show:
- (I) The dates and meter readings beginning and ending the period during which service was rendered.+
  - (II) An appropriate rate or rate code identification.+
  - (III) The Net amount due for regulated charges.+
  - (IV) The date ~~that by which~~ payment is due, which shall not be ~~any~~ earlier than ~~15 days~~ 15 business days after ~~subsequent to the~~ mailing or the hand-delivery of the bill.+
  - (V) A distinct marking to identify an estimated bill.+
  - (VI) The total amount of all payments or other credits made to the customer's account during the billing period.
  - (VII) Any past due amount. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the ~~thirty first (31st)~~ day following the due date of current charges.
  - ~~(VI) All other essential facts upon which the bill is based, including factors and constants, as applicable;~~
  - (VIII) The identification of, and amount due for, Any unregulated charges, if applicable. A utility that bills for unregulated services or goods shall allocated any partial payments first to regulated charges and then to unregulated charges or non-tariffed charges; and
  - (IX) Any transferred amount, or balance from any account other than the customer's current account. A utility that

~~transfers balances in this manner shall file benefit of service transfer policies and criteria with the Commission in the Company's tariff.~~

- (X) All other essential facts upon which the bill is based, including factors and constants, as applicable.
- (b) A utility that bills for unregulated services or goods shall allocate any partial payment first to regulated charges and then to unregulated charges or non-tariffed charges and to the oldest balance due separately within each category.
- (c) A utility that transfers to a customer a balance from the account of a person other than that customer shall have in its tariffs the utility's benefit of service transfer policies and criteria. The tariffs shall contain an explanation of the process by which the utility will verify, prior to billing a customer under the benefit of service tariff, that the person to be billed in fact received the benefit of service.
- (d) A utility may transfer a prior unpaid debt to a customer's bill if the prior bill was in the name of the customer and the utility has informed the customer of the transferred amount and of the source of the unpaid debt (for example, and without limitation, the address of the premises to which service was provided and the period during which service was provided).
- (e) If it is offered in a tariff, upon request from a customer and where it is technically feasible, a utility may provide electronic billing (e-billing), in lieu of a typed or machine-printed bill, to the requesting customer. If a utility offers the option of e-billing to its customers, the following shall apply:
- (I) The utility shall obtain the affirmative consent of a customer to accept such a method of billing in lieu of printed bills.
- (II) The utility shall not charge a fee for billing through the e-billing option.
- (III) The utility shall not charge a fee based on customer payment options that is different from the fee charged for the use of the same customer payment options by customers who receive printed bills.
- (IV) A bill issued electronically shall contain the same disclosures and Commission-required information as those contained in the printed bill provided to other customers.
- ~~(c) Each utility shall maintain customer billing records for a minimum of two years.~~

3401.3402. Adjustments for Meter and Billing Errors.

- (a) A utility shall adjust customer charges for electricity or steam incorrectly metered or billed as follows:
- (I) When, upon any meter accuracy test, a meter is found to be running slow in excess of error tolerance levels allowed under rule 3302, the utility may charge for one-half of the weighted average error for the period dating from the discovery of the meter error back to the ~~pervious~~previous meter test, with such period not to exceed ~~two years~~six months. As used in this subsection, W"weighted average error", as used in this paragraph, is means the arithmetic average of the percent error at light load and at heavy load giving the heavy load error a weight of four and the light load error a weight of one.
  - (II) When, upon any meter accuracy test, a meter is found to be running fast in excess of error tolerance levels allowed under rule 3302, the utility shall refund ~~for~~ one-half of the weighted average error for the period dating from the discovery of the meter error back to the ~~pervious~~previous meter test, with such period not to exceed two years. As used in this subsection, W"weighted average error", as used in this paragraph, is means the arithmetic average of the percent error at light load and at heavy load giving the heavy load error a weight of four and the light load error a weight of one.
  - (III) When a meter does not register, registers intermittently, or partially registers for any period, the utility may ~~equitably estimate, using the method stated in its tariff,~~ a charge for the electricity or steam used based on amounts metered to the customer over a similar periods in previous years. The period for which the utility charges the estimated amount shall not exceed ~~two years~~six months.
  - (IV) In the event of under-billings not provided for in ~~subsection paragraphs (a)-(I) or (III) of this rule of this rule,~~ (such as, but not limited to, an incorrect multiplier, and incorrect register, or a billing error), the utility may charge for the period during which the under-billing occurred, with such period not to exceed two years.
  - (V) In the event of over-billings not provided for in ~~subsection paragraph (a)(II) of this rule,~~ of this rule such as an incorrect multiplier, register, or billing error, the utility shall refund for the period during which the over-billing occurred, with such period not exceeding to exceed two years.
- (b) The periods set out in section (a) of this rule shall commence on the date on which (1) either the customer notifies the utility or

the utility notifies the customer of a meter or billing error or (2) the customer informs the utility of a billing or metering error dispute or makes an informal complaint to the External Affairs section of the Commission.

(c) In the event of an over-billing, the customer may elect to receive the refund as a credit to future billings or as a one-time payment. If the customer elects a one-time payment, the utility shall make the refund within 30 days. Such over-billings shall not be subject to interest.

(e)(d) In the event of under-billing, the customer may elect to enter into a payment arrangement on the under-billed amount. The payment arrangement shall be equal in length to the length of time ~~for~~during which the under-billing was identified as allowed in rule ~~3403(d)~~ lasted. Such under-billings shall not be subject to interest.

**3402.3403. Applications for Service, Customer Deposits, and Third-Party Guarantee Arrangements.**

(a) A utility shall process an application for utility service which is made either orally or in writing and shall apply nondiscriminatory criteria with respect to the requirement of a ~~deposit~~ cash deposit prior to commencement of service.

(b) If ~~detailed~~ billing records are available for a ~~new or existing~~ customer who ~~previously~~ has received service from ~~the~~ the utility, the utility shall not require that ~~that person~~ customer to make new or additional cash deposits to guarantee payment of current bills, unless the records indicate recent or substantial delinquencies. All ~~other~~ customers shall be treated uniformly within each rate classification without undue discrimination with respect to cash deposit requirements, pursuant to the utility's tariff.

(c) A utility shall not require a cash deposit from an applicant for service who provides written documentation of a 12 consecutive month good credit history from the utility from which that person received similar service. For purposes of this section, the 12 consecutive months must have ended no earlier than 60 days prior to the date of the application for service.

(d) If a utility uses credit scoring to determine whether to require a cash deposit from an applicant for service or a customer, the utility shall have a tariff which describes, for each scoring model that it uses, the credit scoring evaluation criteria and the credit score limit which triggers a cash deposit requirement.

(e) If a utility uses credit scoring, prior payment history with the utility, or a customer-provided prior payment history with a like utility as a criterion for establishing the need for a cash deposit, the utility shall include in its tariff the specific evaluation criteria which trigger the need for a cash deposit.

~~(e)~~(f) If a utility denies an application for service ~~or or~~ requires a cash deposit as a condition of providing service, the utility immediately shall inform the applicant for service of the decision and shall provide, within three business days, an written explanation to the applicant applicant for service or customer stating the reasons ~~why~~ the application for service has been denied or ~~why~~ a cash deposit is required. The utility also shall advise the applicant for service ~~or customer~~ of the opportunity to dispute the utility's decision and of the opportunity right to file make an informal complaint regarding the utility's decision ~~to with~~ to the External Affairs section of the Commission.

~~(g)~~ If a utility requires a cash deposit from a customer, the utility shall provide, within three business days, a written explanation to the customer stating the reasons a cash deposit is required. The utility also shall advise the customer of the opportunity to dispute the utility's decision and of the opportunity to make an informal complaint regarding the utility's decision to the External Affairs section of the Commission.

~~(f)~~(h) No utility shall require any security other than either a cash deposit to secure payment for utility services, or a third-party guarantee of payment in lieu of a cash deposit. ~~The customer may mail or deliver to the utility the third party guarantee form, signed by both the customer and the third party guarantor.~~ In no event shall the furnishing of utility services or extension of utility facilities, or any indebtedness in connection therewith, result in a lien, mortgage, or other security interest in any real or personal property of the customer, unless such indebtedness has been reduced to a judgment.

~~(g)~~ Should a customer or applicant exercise use of a third party guarantee form in lieu of a deposit, the guarantee shall remain in effect until terminated either in writing by the guarantor or until the customer has established a satisfactory payment record for 12 consecutive months.

~~(h)~~(i) A cash deposit shall not exceed an amount equal to an estimated 90 days' bill of the customer, except in the case of a customer whose bills are payable in advance of service, in which case the cash deposit shall not exceed an estimated 60 days' bill of the customer. The cash deposit may be in addition to any advance, contribution, or guarantee in connection with construction of lines or facilities, as provided in the extension policy ~~of in~~ the utility's tariffs.

~~(i)~~(j) ~~Each~~ utility receiving cash deposits shall maintain records showing:

(I) The name of each customer making a cash deposit. ;

(II) The amount and date of the cash deposit. ;

- (III) Each transaction, such as the payment of interest or interest credited, concerning the cash deposit. ~~;~~ ~~and~~
- (IV) Each ~~premises~~ where the customer receives service from the utility occupied by the customer while the cash deposit is retained by the utility.
- (V) If the cash deposit was returned to the customer, the date on which the cash deposit was returned to the customer.
- (VI) If the unclaimed cash deposit was paid to the energy assistance organization, the date on which the cash deposit was paid to the energy assistance organization.
- ~~(j)~~(k) In its tariffs, each utility shall state its customer deposit policy for establishing or maintaining service. The tariff shall state the circumstances under which, explaining when a cash deposit will be required and the circumstances under which when it will be returned.
- ~~(k)~~(l) Each utility shall issue a receipt to every customer from whom such a cash deposit is received. However, no utility shall refuse to return a cash deposit or any balance to which a customer may be entitled solely upon the basis that the customer is unable to produce a receipt.
- ~~(l)~~(m) The making of payment of a cash deposit shall not relieve any customer from the obligation to payment of current bills as they become due., and the utility is not required to apply any cash deposit to any indebtedness of the customer to the utility, except for utility services due or past due after service is terminated.
- (n) A utility shall pay simple interest on a cash deposit at the percentage rate per annum as calculated by the Staff and in the manner provided in this section.
- (I) At the request of the customer, the interest shall be paid to the customer either on the return of the cash deposit or annually. The simple interest on a cash deposit shall be earned from the date the cash deposit is received by the utility to the date the customer is paid. At the option of the utility, interest payments may be paid directly to the customer or by a credit to the customer's account.
- (II) The simple interest to be paid on a cash deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately preceding year) of the 12 monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, the Staff shall compute the interest rate to be paid. If the

difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on cash deposits during the next calendar year. Annually following receipt of Staff's letter, if necessary, each utility shall file by advice letter or application, as appropriate, a revised tariff, effective the first day of January of the following year, or on an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' cash deposits, except when there is no change in the rate of interest to be paid on such deposits.

~~(m) Simple interest shall be paid by the utility upon a deposit at the percentage rate per annum as calculated by the Staff of the Commission and in the manner provided in this rule, payable upon the return of the deposit, or annually at the request of the customer. The utility shall pay simple interest upon each deposit, earned from the date the deposit is received by the utility to the date the customer is paid. Interest payments, at the option of the utility, may be paid directly to the customer or by a credit to the customer's account. Simple interest to be paid on a deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately preceding year) of the twelve monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the *Federal Reserve Bulletin*, by the Board of Governors of the Federal Reserve System. Each year, the Staff of the Commission shall compute the interest rate to be paid. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on deposits during the next calendar year. Annually following receipt of Staff's letter, if necessary, each utility shall file by advice letter, or application, as appropriate, a revised tariff, effective the first day of January of the following year, or an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' deposits, except when there is no change in the rate of interest to be paid on such deposits.~~

(o) A utility shall have tariffs concerning third-party guarantee arrangements and, pursuant to those tariffs, shall offer the option of a third party guarantee arrangement for use in lieu of a cash deposit. The following shall apply to third-party guarantee arrangements:

(I) An applicant for service or a customer may elect to use a third-party guarantor in lieu of paying a cash deposit.

(II) The third-party guarantee form, signed by both the third-party guarantor and the applicant for service or the customer, shall be provided to the utility.

(III) The utility may refuse to accept a third-party guarantee if the guarantor is not a customer in good standing at the time of the guarantee.

(IV) The amount guaranteed shall not exceed the amount which the applicant for service or the customer would have been required to provide as a cash deposit.

(V) The guarantee shall remain in effect until the earlier of the following occurs: it is terminated in writing by the guarantor; if the guarantor was a customer at the time of undertaking the guarantee, the guarantor is no longer a customer of the utility; or the customer has established a satisfactory payment record, as defined in the utility's tariffs, for 12 consecutive months.

(VI) Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a cash deposit or a new third party guarantor.

~~(n)(p)~~ A utility~~ll utilities, including such cooperative electric associations as may elect to be so governed,~~ shall pay all unclaimed ~~monies~~monies, as defined in § 40-8.5-103(5), C.R.S., ~~plus associated interest,~~ that remains unclaimed for more than two years to the energy assistance organization. "Unclaimed monies~~ies~~" shall not include (1) undistributed refunds for overcharges subject to other statutory provisions and rules and (2) credits to existing customers from cost adjustment mechanisms.

(I) Monies shall be deemed unclaimed and presumed abandoned when left with the utility for more than two years after termination of the services for which the cash deposit or the construction advance was made, or when left with the utility for more than two years after the cash deposit or the construction advance becomes payable to the customer pursuant to a final Commission order of the Commission establishing the terms and conditions for the return of

such deposit or advance and the utility has made reasonable efforts to locate the customer.

(II) ~~A utility must pay~~ Interest on a cash deposit shall accrue at the rate established pursuant to section (n) of this rule on a deposit from commencing on the date on which the utility receives the cash security deposit, or from the time a construction advance is deemed owed to the customer pursuant to the utility's extension policy, until and ending on the date on which the cash deposit is paid to the energy assistance organization. If the utility does not pay the unclaimed cash deposit to the energy assistance organization within four months of the date on which the unclaimed cash deposition is deemed to be unclaimed or abandoned pursuant to subsection (o)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed cash deposit at the rate established pursuant to section (n) of this rule plus 6%.

(III) Interest on a construction advance shall accrue at the rate established pursuant to section (n) of this rule commencing on the date on which the construction advance is deemed to be owed to the customer pursuant to the utility's extension policy and ending on the date on which the construction advance is paid to the energy assistance organization. If the utility does not pay the unclaimed construction advance to the energy assistance organization within four months of the date on which the unclaimed construction advance is deemed to be unclaimed or abandoned pursuant to subsection (o)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed construction advance at the rate established pursuant to section (n) of this rule plus 6%.

~~(III)(q)~~ (q) A utility shall resolve all inquiries regarding a customer's undistributed refund or unclaimed funds monies, and shall not refer such inquiries to the energy assistance organization.

(r) If a utility has paid unclaimed monies to the energy assistance organization, a customer later makes an inquiry claiming those monies, and the utility resolves the inquiry by paying those monies to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.

(s) For purposes of sections (p), (q), (r) of this rule, "utility" means and includes (1) a cooperative electric association which elects to be so governed and (2) a utility as defined in rule 3001(ff).

3403.3404. Installment Payments.

- (a) In its tariffs, a utility shall have a budget or levelized payment plan available for its customers.
- (b) In its tariff, a utility shall have an installment payment plan which permits a customer to make installment payments if one of the following applies:
- (I) The plan is ~~to~~ pay regulated charges from past billing periods and the past due amount arises~~arising~~ solely from events under the utility's control (such as, without limitation, meter malfunctions, billing errors, utility meter reading errors, or failures to read the meter, except where the customer refuses to read the meter and it is not readily accessible to the utility). A utility shall advise a customer who is eligible for this type of plan of the customer's eligibility. At the request of the customer and at the customer's discretion, ~~An~~ installment payment plan under this subsection ~~Such installment payments may~~ shall extend, ~~at the request of the customer,~~ over a period equal in length to that during which the errors were accumulated, and shall not ~~bear~~ include interest.
- (II) ~~If t~~The customer pays at least ~~10~~ten percent of the amount shown on the notice of discontinuance for regulated charges and enters into an installment payment ~~arrangement~~plan on or before the expiration date of the notice of discontinuance.
- (III) ~~If t~~The customer pays at least ~~10~~ten percent of any regulated charges amount more than 30 days past due and enters into an installment payment ~~arrangement~~plan on or before the last day covered by a medical certification. A customer ~~that~~who has already entered into ~~but~~and failed to abide by an installment payment plan ~~broken an arrangement~~ prior to receiving a medical certification ~~must~~shall pay all amounts that were due ~~up~~ for regulated charges up to ~~that~~the date on which the customer presented a medical certification which meets the requirements of rule 3406(e)(IV), and then ~~may~~ resume the installment payment ~~arrangement~~plan.
- (IV) If ~~service has been disconnected,~~ the customer pays at least any collection and reconnection charges and enters into an installment payment ~~arrangement~~plan. This subsection shall not apply, if service ~~has been discontinued,~~ unless the service was discontinued because the customer breached a prior payment arrangement.
- ~~(b)~~(c) Installment payment plans~~arrangements~~ must include any and all of the following amounts as ~~may be~~that are applicable at the time the customer requests a payment arrangement:

APPENDIX A

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- (I) The unpaid remainder of ~~the~~ amounts due for regulated charges shown on the notice of discontinuance. ;
- (II) Any amounts due for regulated charges not included in the amount shown on the notice of discontinuance which have since become more than 30 days past due. ;
- (III) All current regulated charges, contained in any bill which is past due but is less than 30 days past the due date. ;
- (IV) Any new regulated charges, contained in any bill which has been issued but is not past due. ;
- (V) Any regulated charges which the customer has incurred since the issuance of the most recent monthly bill.
- ~~(V)~~(VI) Any collection fees as provided for in the utility's tariff, whether or not such fees have appeared on a regular monthly bill. ;
- ~~(VI)~~(VII) Any deposit, whether already billed, billed in part, or required by the utility's tariff, due for discontinuance or delinquency or ~~required~~ to establish initial credit, other than ~~these~~ cash deposit required as a condition of initiating service. ; and
- ~~(VII)~~(VIII) Any other regulated charges or fees provided in the utility's tariff, ~~whether or not they have appeared on a regular monthly bill~~ (~~including but not limited to~~ without limitation miscellaneous service charges, investigative charges, and checks returned for insufficient funds charges), whether or not they have appeared on a regular monthly bill.
- (d) Within seven calendar days of entering into a payment arrangement with a customer, ~~a~~ the utility shall provide the customer with a copy of this rule and a statement describing the payment arrangement. The statement describing the payment arrangement shall include the following:
  - (I) The terms of the payment plan.
  - (II) A description of the steps which the utility will take if the customer does not abide by payment plan.
  - (III) A statement informing the customer of the opportunity to dispute the terms of the payment plan and of the opportunity to make an informal complaint to the External Affairs Staff of the Commission.
- ~~(c) within 10 days of entering into a payment arrangement.~~
- (e) Except as provided in subsection (ab)(I) of this rule, ~~An~~ installment payment plan arrangement shall consist, at a minimum,

of equal monthly installments, for a term selected by the customer but not to exceed ~~6~~six months. In the alternative, the customer may choose a modified budget billing, levelized payment, or similar tariffed payment arrangement, in which the total due shall be added to the preceding year's total billing to the customer's premises, modified for any base rate or cost adjustment ~~increases~~changes. The resulting amount shall be divided and billed in 11 equal monthly budget billing payments, followed by a settlement billing in the twelfth month, or shall follow other payment—setting practices consistent with the tariffed plan available.

~~(e)~~(f) For an installment payment plan entered into pursuant to this rule, the first monthly installment payment shall be due, together and with the new charges (unless the new charges have been made part of the arrangement amount), shall be due on a date which is not earlier than the next regularly-scheduled due date of the customer who is entering into the installment payment plan the due date of the new charges. Succeeding installment payments shall be due, together with the new charges, shall be due on the due date of the new charges in accordance with the due date established in the installment payment plan. Any installment or budget billing payment not paid made on the due date established in the installment payment plan of the new charges shall be considered in default. Any new charges that are not paid by the due date shall be considered past due for purpose of this rule only, excluding those circumstances covered in rule 3403 subsection (a)(I) of this rule.

(g) This rule shall not be construed to prevent a utility from offering any other installment payment plan terms to avoid discontinuance or terms for restoration of service, provided the terms are at least as favorable to the customer as the terms set out in this rule.

**3404.3405. Service, Rate, and Usage Information.**

(a) Each utility shall inform each its customers of any change proposed or made in any term or condition of its service if that change or proposed change will affect the quality of the service provided.

(b) A utility shall transmit information provided pursuant to this rule through the use of a method (such as, without limitation, bill inserts or periodic direct mail) that will assure receipt by each customer.

~~(b)~~(c) Upon request, the utility must also provide customers with the following information to a customer upon request:

(I) A clear and concise summary of the existing rate schedule applicable to each major class of customers for which there is a separate rate.;

- (II) An identification of ~~any~~each classes whose rates are not summarized. ~~;~~
- (III) A clear and concise explanation of the existing rate schedule applicable to ~~the such consumer~~customer. This shall be provided within ~~10~~ten days of a customer's request, ~~or, in the case of a new customer,~~ within 60 days of the commencement of service ~~if it is a new customer~~.
- (IV) A clear and concise statement of the customer's actual consumption or degree-day adjusted consumption of electricity for each billing period during the prior year, unless such consumption data ~~is~~are not reasonably ascertainable by the utility. ~~;~~and
- (V) Any other information and assistance as may be reasonably necessary to enable the ~~customers~~ to secure safe and efficient service.

~~(c) Information provided under this rule must be transmitted through a method that will assure receipt by each customer including bill inserts, or periodic direct mail.~~

**3405.3406. Component and Source Disclosures.**

- (a) By June 1 of each year, ~~each~~each utility with a total system load of greater than 100 megawatts shall file an application for approval of a proposed customer information statement, including explanatory information to accompany the statement, disclosing the information described in section (b) of this rule. The application ~~must~~shall be accompanied by documentation supporting the calculations used to determine the percentages set forth in the disclosure.
- (b) Each utility shall provide, by a bill insert or a separate mailing, the following itemized information to its customers in April and October of each year, ~~in the form of a bill insert or a separate mailing:~~
  - (I) The percentage components, which include fixed and variable components, of the total average delivered price of electricity, residential or commercial, as applicable, attributable both to power supply and to power delivery, for the previous calendar year. As used in this rule, "power supply" ~~shall include~~includes all generation, purchase power, and non-utility transmission components. As used in this rule, "power delivery" ~~shall include~~includes all utility transmission and distribution components.
  - (II) The power supply mix, ~~listing~~which lists the fuel sources, expressed as a percentage of average annual power acquired and generated by the utility for the previous calendar year. The utility shall make every reasonable efforts to identify and to include, to the extent that they are

identifiable, all power supplied by non-utility generation sources in the power supply fuel source composition ~~to the extent that they are identifiable.~~ Those sources which are not identifiable shall be listed as "imported, fuel source unknown." Fuel mixture information must use the following fuel type categories in the following order, rounded to the nearest tenth of one percent: biomass and waste; coal; geothermal; hydroelectric; natural gas; nuclear; solar; wind; and imported, fuel source unknown.

- (c) Price components and sources of power supply shall appear together in a format no larger than one page and shall be clearly legible, as follows:

<b>ELECTRICITY FACTS</b>																							
<p><b>Price Components</b></p> <p>Percentage components for an average monthly residential* electric bill.</p>	<table border="1"> <thead> <tr> <th></th> <th style="text-align: center;">Residential * Service</th> </tr> </thead> <tbody> <tr> <td><b>Power Supply</b> (Generation &amp; Purchase)</td> <td style="text-align: center;">xx%</td> </tr> <tr> <td><b>Power Delivery</b> (Transmission &amp; Distribution)</td> <td style="text-align: center;">xx%</td> </tr> </tbody> </table>		Residential * Service	<b>Power Supply</b> (Generation & Purchase)	xx%	<b>Power Delivery</b> (Transmission & Distribution)	xx%																
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<p><b>Power Supply Mix</b> (Generation &amp; Purchase)</p> <p>Fuel sources used in power generation and purchase for the calendar year xxxx for all utility customers.</p>	<table border="1"> <thead> <tr> <th style="text-align: center;">Fuel Type</th> <th style="text-align: center;">%</th> </tr> </thead> <tbody> <tr> <td>Bio-mass and Waste</td> <td style="text-align: center;">x.x%</td> </tr> <tr> <td>Coal</td> <td style="text-align: center;">x.x%</td> </tr> <tr> <td>Geothermal</td> <td style="text-align: center;">x.x%</td> </tr> <tr> <td>Hydroelectric</td> <td style="text-align: center;">x.x%</td> </tr> <tr> <td>Natural Gas</td> <td style="text-align: center;">x.x%</td> </tr> <tr> <td>Nuclear</td> <td style="text-align: center;">x.x%</td> </tr> <tr> <td>Solar</td> <td style="text-align: center;">x.x%</td> </tr> <tr> <td>Wind</td> <td style="text-align: center;">x.x%</td> </tr> <tr> <td>Imported, Fuel Source Unknown</td> <td style="text-align: center;">x.x%</td> </tr> <tr> <td>Total</td> <td style="text-align: center;">100%</td> </tr> </tbody> </table>	Fuel Type	%	Bio-mass and Waste	x.x%	Coal	x.x%	Geothermal	x.x%	Hydroelectric	x.x%	Natural Gas	x.x%	Nuclear	x.x%	Solar	x.x%	Wind	x.x%	Imported, Fuel Source Unknown	x.x%	Total	100%
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Imported, Fuel Source Unknown	x.x%																						
Total	100%																						

**3406-3407. 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.

(VIII) Properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.

~~(a) No~~ A utility shall discontinue the service of any customer for any reason, other than nonpayment, fraud or subterfuge, service diversion, equipment tampering, safety concerns, exigent circumstances, discontinuance ordered by any appropriate governmental authority, or 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 not discontinue service shall not be discontinued 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 amount due on another account ~~presently~~ 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 ~~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 ~~the same~~ as if it had been billed for the first time. +

(III) Any amount due on ~~any other~~ account on which the customer is or was neither the customer of record nor a guarantor, nor any amount due from a previous occupant of the premises. This subsection does not apply if, unless the customer is or was obtaining service through fraud or subterfuge or if rule 3400(c) applies, such as obtaining service in the name of another party by an applicant whose account is delinquent. +

(IV) 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. ;

(V) Any delinquent amount, unless the utility can supply ~~detailed~~  
billing records from the time the delinquency occurred. ; ~~or~~

(VI) Any debt except that incurred for service rendered by the  
utility in Colorado.

(VII) Any unregulated charge.

(c) If the utility discovers any connections or devices installed on  
the customer's premises, including any energy-consuming devices  
connected on the line side of the utility's meter, which would  
prevent the meter from registering the actual amount of energy  
used, ~~it~~ the utility may ~~shall~~ do one of the following:

(I) Remove or correct such devices or connections. If the  
utility takes this action, it shall ~~and~~ leave at the  
premises a written notice which advises at the premises,  
~~advising~~ the customer of the violation, ~~of~~ the steps taken  
by the utility to correct it, ~~and~~ of the that the  
utility's ability to bill the customer ~~customer may be~~  
~~billed~~ for any estimated energy consumption ~~consumption~~ not  
properly registered. This notice shall be left at the time  
the removal or correction occurs. ~~;~~ ~~or~~

(II) Provide the customer with written notice that the devices  
or connections ~~must~~ be removed or corrected within ten  
calendar days, and that the customer may be billed for any  
estimated energy consumption ~~ed~~ ~~but~~ not properly registered.  
If the utility elects to take this action and the device or  
connection is not removed or corrected within the ten  
calendar days permitted, then within seven calendar days  
from the expiration of the ten days, the utility shall  
remove or correct the device or connection pursuant to  
subsection (c)(I) of this rule.

(d) If ~~the~~ a utility discovers evidence that any utility-owned  
equipment has been tampered with or that service has been  
~~service~~ diverted, it ~~the utility must~~ 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) ~~No~~ A utility shall not ~~discontinue any service for any reason,~~  
other than to address safety concerns or in exigent  
circumstances, if one of the following conditions exists ~~is met:~~

- (I) If 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, including any employee dispatched to discontinue service. Payment of a charge for a service call shall not be required to avoid discontinuance.
- (II) If a ~~residential~~ 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~~ arrangement with the utility, as provided in rule 3403.
- (III) If it is ~~Between~~ 12 Noon on Friday and 8 a.m. the following Monday; ~~or~~ between 12 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday; ~~or~~ or ~~between~~ 12 Noon on the day prior to and 8:00 a.m. on the day following any day during which the ~~company~~ utility's local office is not open.
- (IV) If discontinuance of residential service would aggravate an existing medical condition or would create a medical emergency for the customer or a permanent resident of the customer's household, as evidenced by a written medical certification from a Colorado-licensed physician or health practitioner acting under a physician's authority. The ~~Such~~ certification shall show clearly the name of the customer or individual whose illness is at issue, and the Colorado medical identification number, the telephone ~~phone~~ number, and the signature of the physician or health care practitioner acting under a physician's authority who certifies ~~certifying~~ the medical emergency. The ~~Such~~ certification shall be incontestable by the utility as to medical judgment, although the utility may use reasonable means to verify the authenticity of the ~~such~~ certifications. A medical certification is effective on the date it is received by the utility and is valid to prevent discontinuance of service for 60 days. The customer may receive one 30-day extension by providing a second medical certification prior to the expiration of the original 60-day period. A customer may invoke this subsection only once in any 12 consecutive month period.

**3407.3408. Notice of Discontinuance of Service.**

- (a) Except as provided in sections (g) and (h) of this rule, ~~The~~ utility ~~must~~ shall provide, ~~written notice by first class mail, or by hand—delivery,~~ written notice of discontinuance of service, or if the customer receives e-billing ~~an electronic notice~~ at least ~~10 days~~ 15 business days in advance of any proposed discontinuance of service, ~~except in cases of broken arrangements as provided in section (f) of this rule.~~ The notice ~~must~~ shall be conspicuous and in easily understood language, and the heading shall contain, in capital letters, the following warning:

THIS IS A FINAL NOTICE OF DISCONTINUANCE OF UTILITY SERVICE AND CONTAINS IMPORTANT INFORMATION ABOUT YOUR LEGAL RIGHTS AND REMEDIES. YOU MUST ACT PROMPTLY TO AVOID UTILITY SHUT OFF.

- (b) The body of the notice of discontinuance under section (a) of this rule ~~must~~shall advise the customer of the following:
- (I) The reason for the discontinuance of service and ~~what of the particular rule~~ (if any) which has been violated, ~~if any.~~  
÷
  - (II) The amount past due for utility service, ~~cash~~ deposits, or other regulated ~~charges~~, if any. ÷
  - (III) The date by which an installment payment ~~plan arrangement~~ must be entered into or full payment must be received in order to avoid discontinuance of service. ÷
  - (IV) How and where the customer can pay or enter into an installment payment ~~arrangement~~ plan prior to the discontinuance of service. ÷
  - (V) That ~~at the~~ customer may avoid discontinuance of service by ~~paying, on or before the expiration date of the notice, at least one tenth of the amount shown on the notice and entering into an installment payment plan arrangement with the utility to pay the remaining past due balance in equal monthly installments, according~~ pursuant to rule 3403 and the utility's applicable tariff. ÷
  - (VI) That the customer has certain rights if the customer or a member of the customer's household is seriously ill or has a medical emergency. ÷
  - (VII) That the customer has the right to dispute the discontinuance directly with the utility by contacting the utility, and how to contact the utility toll-free from within the utility's service area. ÷
  - (VIII) That the customer has the right to ~~file~~make an informal complaint ~~with~~to the External Affairs section of the Commission in writing, by telephone, or in person, along with the Commission's address and ~~toll-free~~local and toll-free telephone number. ÷
  - (IX) That the customer has the right to file a formal complainthearing by filing a formal complaint, in writing, with the Commission pursuant to Rrule 1302 and that this formal complaint process may involve a formal hearing. ÷
  - (X) That in conjunction with the filing of a formal complaint, the customer has a right to file a motion for a Commissionn order of the Commissionto ordering the utility not to

disconnect service pending the outcome of the ~~hearing on the formal complaint process~~, and that the Commission may grant the motion upon such terms as it deems reasonable, including but not limited to the posting of a cash deposit or bond with the utility or timely payment of all undisputed regulated charges. ;

- (XI) That if service is discontinued for non-payment, the customer may be required, as a condition of restoring service, to pay service may be restored if a customer pays any reconnection and collection charges as may be specifically required according to in accordance with the utility's tariff and enters into an installment payment arrangement or the customer provides a medical certification. ; and
- (XII) That qualified low-income customers may be able to obtain financial assistance to assist with the payment of the utility bill and that more detailed information on that assistance may be obtained by calling the utility toll-free of federal, state, local government, non profit or community agencies or organizations which the utility believes may provide customer assistance or benefits relating to utility service. The utility shall state its toll-free telephone number.
- (c) TheAt the time it provides notice of discontinuance to the customer, a utility shall also provide written notice by first class mail or hand-deliveryhand-delivery to any third-party the customer has designated in writing to receive notices of discontinuance or broken arrangement.
- (d) A discontinuance notice shall be printed in English and a specific language or languages other than English where the utility's service territory contains a population of at least ~~10~~ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information.
- (e) TheA utility shall explain and shall offer the terms of an installment payment plan arrangement, including a modified budget billing arrangement, must be explained and offered to each customer who contacts the utility in response to a notice of discontinuance of service.
- (f) Following the issuance of the notice of discontinuance of service, and at least 24 hours prior to discontinuance of service, ~~the~~a utility ~~must~~shall attempt to give notice of the proposed discontinuance in person or by telephone both to the customer and to any third party the customer has designated in writing to receive such notices. If the utility attempts to notify the customer in person but fails to do so, it shall leave written notice of the attempted contact and its purpose.

(g) If a customer has entered into an installment payment plan and has defaulted or allowed a new bill to remain unpaid past its due date, a utility shall provide, by first class mail or by hand-delivery, a written notice to the customer. The notice shall contain:

(I) A heading as follows: NOTICE OF BROKEN ARRANGEMENT.

(II) Statements that advise the customer:

(A) That the utility may discontinue service if it does not receive the monthly installment payment within ten days after the notice is mailed or hand-delivered.

(B) That the utility may discontinue service if it does not receive payment for the current bill within 30 days after its due date.

(C) That, if service is discontinued, the utility may refuse to restore service until the customer pays all amounts for regulated service more than 30 days past due and any collection or reconnection charges.

(D) That the customer has certain rights if the customer or a member of the customer's household is seriously ill or has a medical emergency.

~~(g) If the customer has entered into an installment payment arrangement, and defaults or allows a new bill to remain unpaid past its due date, the utility shall provide, by first class mail or hand-delivery, a written notice:~~

~~NOTICE OF BROKEN ARRANGEMENT~~

~~The body of the notice must advise the customer:~~

~~(I) That the utility may discontinue service if it does not receive the monthly installment payment within 10ten days after the notice is sent or delivered;~~

~~(II) That the utility may discontinue service if it does not receive payment for the current bill within 30 days after its due date;~~

~~(III) That, if service is discontinued, the utility may refuse to restore service until all amounts more than 30 days past due have been paid, together with any collection or reconnection charges; and~~

~~(IV) That the customer has certain rights if the customer or a member of the customer's household is seriously ill or has a medical emergency;~~

~~(IV) The utility is not required to provide notice under this rule in situations involving safety concerns, or exigent circumstances, or if discontinuance is ordered by any appropriate governmental authority, or if service, having been already properly discontinued, has been restored by someone other than the utility and the original cause for discontinuance has not been cured.~~

(h) A utility is not required to provide notice under this rule if one of the following applies:

(I) The situation involves safety concerns or exigent circumstances.

(II) Discontinuance is ordered by any appropriate governmental authority.

(III) Either rule 3406(c) or rule 3406(d) applies.

(IV) Service, having been already properly discontinued, has been restored by someone other than the utility and the original cause for discontinuance has not been cured.

(i) Where a utility knows that the service to be discontinued is used by customers in multi-unit dwellings, in places of business, or in a cluster of dwellings or places of business and the utility service is recorded on a single meter used either directly or indirectly by more than one unit, the utility shall issue notice as required in sections (a) and (b) of this rule, except that:

(I) The notice period shall be 30 days. ~~+~~

(II) Such notice ~~also~~ may include the current bill. ~~+~~

(III) The utility shall ~~also~~ provide written notice to each individual unit, stating that a notice of discontinuance has been sent to the party responsible for the payment of utility bills for the unit, and that the occupants of the units may avoid discontinuance by paying the next new bill in full within 30 days of its issuance and successive new bills within 30 days of issuance. ~~;~~ ~~and~~

(IV) The utility ~~must~~ shall post the notice in at least one of the common areas of the affected location.

**3408.3409. Restoration of Service.**

(a) Unless prevented from doing so by safety concerns or exigent circumstances, a utility shall restore, without additional fee or charge, ~~Any~~ discontinued service already discontinued ~~must~~ be restored without additional fee or charge if it ~~which~~ was not properly discontinued or restored as provided in rules 34076, 3408, and 34098.

- (b) Unless prevented by safety concerns or exigent circumstances, a utility shall restore service. Service must be restored within 24 hours (excluding weekends and holidays), or within 12 hours if the customer pays any necessary after-hours charges established in tariffs, unless prevented by safety concerns, or exigent circumstances, if the customer does any of the following:
- (I) Pays in full the amount for regulated charges shown on the notice , plus and any deposit and/or fees as may be specifically required by the utility's tariff in the event of discontinuance of service. ;
  - (II) Pays any reconnection and collection charges specifically required by the utility's tariff, enters into an installment payment plan arrangement, and makes the first installment payment, unless the cause for discontinuance was the customer's breach of such an arrangement. ;
  - (III) Presents a medical certification, as provided in rule 3406(e)(IV). ; ~~or~~
  - (IV) Demonstrates to the utility that the cause for discontinuance, if other than non-payment, has been cured.

~~3409.3410. Refunds. Plans.~~

- (a) If it seeks to refund monies, a utility shall file an application for Commission approval of a refund plan.
- (b) The application for approval of a refund plan shall include, in the following order and specifically identified, the following information either in the application or in the appropriately identified attached exhibits:
  - (I) All the information required in rules 3002(b) and 3003(c). ;
  - (II) The reason for the proposed refund.
  - (III) A detailed description of the proposed refund plan, including the type of utility service involved, the service area involved, the class(es) of customers to which the refund will be made, and the dollar amount (both the total amount and the amount to be paid to each customer class) of the proposed refund. The interest rate on the refund shall be the current interest rate in the applying utility's customer deposits tariff.
  - ~~(III)~~(IV) The date the applying utility applicant proposes to start making the refund, which ~~must~~ shall be no more than 60 days after the filing of the application; ; the date by which the refund will be completed; ; and the means by which the refund is proposed to be made.

~~(IV)~~(V) If applicable, ~~Aa~~ reference (by docket number, decision number, and date) ~~of to~~ any Commission decision requiring the refund or, if the refund is to be made because of receipt of monies by the applying utility applicant under the order of a court or of another state or federal agency, a copy of the order.

~~(V)~~(VI) A statement describing in detail the extent to which the ~~applicant~~applying utility has any financial interest in any other company involved in the refund plan.

~~(VI)~~(VII) A statement showing accounting entries under the Uniform System of Accounts.

~~(VII)~~(VIII) A statement that, if the application is granted, the ~~applicant~~applying utility will file an affidavit establishing that the refund has been made in accordance with the Commission's decision.

~~(b)~~(c) ~~All uUtilities~~A utility, ~~including such cooperative electric associations as may elect to be so governed~~, shall pay 90% of all undistributed balances, plus associated interest, to the energy assistance organization. For purposes of this rule, a refund is deemed undistributed if, after good faith efforts, a utility is unable to find the person entitled to a refund within the period of time fixed by the Commission in its decision approving the refund plan.

(d) A utility shall pay an undistributed refund to the energy assistance organization within four months after the refund is deemed undistributed. A utility shall pay interest on an undistributed refund from the time it receives the refund until the refund is paid to the energy assistance organization. If the refund is timely paid to the energy assistance organization, the interest rate shall be equal to the interest rate set by the Commission pursuant to rule 3402(g). If the refund is not timely paid, the interest rate shall be equal to the interest rate set by the Commission pursuant to rule 3402(g) plus an additional six percent.

~~(I)A utility must pay an undistributed refund to the energy assistance organization within four months after the refund is deemed undistributed pursuant to the refund plan approved by the Commission. A utility must pay interest on undistributed refunds from the time it receives the refund until it is paid to the energy assistance organization. If the refund is timely paid to the energy assistance organization, the interest rate shall be equal to the interest rate set by the Commission pursuant to rule 3402(g). If the refund is not timely paid, the interest rate shall be equal to the interest rate set by the Commission pursuant to rule 3402(g) plus an additional six percent.~~

(e) Whenever a utility makes a refund, it shall provide written notice to those customers that it believes may be master meter operators. The notice shall contain:

~~(II)(I) Whenever a utility makes a refund, it shall provide written notice to those customers that it believes may be MMOs. The notice shall contain: The definition of master meter operator, as set forth in these rules.~~

(II) A statement regarding a master meter operator's obligation to do the following:

(A) To notify its end users of their right to claim, within 90 days, their proportionate share of the refund.

(B) After 90 days, if the unclaimed balance exceeds \$100, to remit the unclaimed balance to the energy assistance organization.

~~(A) the definition of MMO, as defined in these rules; and~~

~~a statement regarding an MMO's obligation~~

~~(i) to notify its end users of their right to claim, within 90 days, their proportionate share of the refund, and~~

~~(ii) after 90 days, if the unclaimed balance exceeds \$100, to remit the unclaimed balance to the energy assistance organization.~~

(f) A utility shall resolve all inquiries regarding a customer's undistributed refund and shall not refer such inquiries to the energy assistance organization.

(g) If a utility has paid an undistributed refund to the energy assistance organization, a customer later makes an inquiry claiming that refund, and the utility resolves the inquiry by paying that refund to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.

(h) For purposes of sections (c), (d), (e), (f), and (g) of this rule, "utility" means and includes (1) a cooperative electric association which elects to be so governed and (2) a utility as defined in rule 3001(ff).

~~(III) A utility shall resolve all inquiries regarding a customer's undistributed refund or unclaimed funds, and shall not refer such inquiries to the energy assistance organization.~~

**UNREGULATED GOODS AND SERVICES**

~~3500.3501.~~ - 3599. [Reserved].

**LEAST COST PLANNING**

**3600. Special Definitions.**

The following definitions apply ~~only~~ to rules 3600 - 3615. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.+

- (a) "Availability factor" means the ratio of the time a generating facility is available to produce energy at its rated capacity, to the total amount of time in the period being measured.
- (b) "Annual capacity factor" means the ratio of the net energy produced by a generating facility in a year, to the amount of energy that could have been produced if the facility operated continuously at full capacity year-round.
- (c) "End-use" means the light, heat, cooling, refrigeration, motor drive, or other useful work produced by equipment that uses electricity or its substitutes.
- (d) "Energy conservation" means the decrease in electricity ~~re-~~requirements ~~requirements~~ of specific customers during any selected time period, with ~~end-use~~end-use services of such customers held constant.
- (e) "Energy efficiency" means increases in energy conservation, reduced demand or improved load factors resulting from hardware, equipment, devices, or practices that are installed or instituted at a customer facility. Energy efficiency measures can include fuel switching.
- (f) "Heat Rate" means the ratio of energy inputs used by a generating facility expressed in BTUs (British Thermal Units), to the energy output of that facility expressed in kilowatt-hours.
- (g) "Least-cost resource plan" or "plan" means a utility plan consisting of the elements set forth in rule 3604.
- (h) "Net present value of rate impact " means the current worth of the average annual rates associated with a particular resource portfolio, expressed in dollars per kilowatt-hour in the year the plan is filed. The net present value of rate impact for a particular resource portfolio is first calculated by discounting the total annual revenue requirement by the appropriate discount rate. The discounted revenue requirement is then divided by the total utility kilowatt-hour requirement for that year and averaged across the years of the planning period. The total annual revenue requirement for each year of the planning period

is the total expected future revenue requirements associated with a particular resource portfolio.

- (i) "Planning period" means the future period for which a utility develops its plan, and the period, over which net present value of rate impact for resources are calculated. For purposes of this rule, the planning period is twenty to forty years and begins from the date the utility files its plan with the Commission.
- (j) "Renewable resource" means any facility, technology, measure, plan or action utilizing a renewable "fuel" source such as wind; solar; biomass; geothermal; municipal, animal, waste-tire or other waste; or hydroelectric generation of twenty megawatts or less.
- (k) "Resource acquisition period" means the first six to ten years of the planning period, in which the utility acquires specific resources to meet projected electric system demand. The resource acquisition period begins from the date the utility files its plan with the Commission.
- (l) "Resources" means supply-side resources, energy efficiency, or renewable resources used to meet electric system requirements.
- (m) "Supply-side resource" means a resource that can provide electrical energy or capacity to the utility. Supply-side resources include utility-owned generating facilities, and energy or capacity purchased from other utilities and non-utilities.
- (n) "Typical day load pattern" means the electric demand placed on the utility's system for each hour of the day.

### **3601. Overview.**

The purpose of these rules is to establish a process to determine the need for additional electric resources by Commission jurisdictional electric utilities, pursuant to the power to regulate public utilities delegated to the Commission by Article XXV of the Colorado Constitution and by §§ 40-2-123, ~~40-3-40-3-102~~, ~~40-3-40-3-111~~, and 40-4-101, C.R.S. It is the Commission's policy that a competitive acquisition process will normally be used to acquire new utility resources. This process is intended to result in least-cost resource portfolios, taking into consideration projected system needs, reliability of proposed resources, expected generation loading characteristics, and various risk factors. The rules are intended to be neutral with respect to fuel type or resource technology.

### **3602. Applicability.**

This rule shall apply to all jurisdictional electric utilities in the state of Colorado that are subject to the Commission's regulatory authority. Cooperative electric associations engaged in the distribution of electricity (i.e. rural electric associations) are exempt from these rules. Cooperative

electric generation and transmission associations are subject only to reporting requirements as specified in rule 3605.

**3603. Least-Cost Resource Plan Filing Requirements.**

Jurisdictional electric utilities, as described in rule 3602, shall file a least-cost resource plan (plan) pursuant to these rules on or before October 31, 2003, and every four years thereafter. In addition to the required four-year cycle, a utility may file an interim plan, pursuant to rule 3604. If a utility chooses to file an interim plan more frequently than the required four-year cycle, its application must state the reasons and changed circumstances that justify the interim filing. Each utility shall file an original and fifteen copies of the plan with the Commission.

**3604. Contents of the Least-Cost Resource Plan.**

The utility shall file a plan with the Commission that contains the information specified below. When required by the Commission, the utility shall provide work-papers to support the information contained in the plan. The plan shall include the following:

- (a) A statement of the utility-specified resource acquisition period, and planning period. The utility shall consistently use the specified resource acquisition and planning periods throughout the entire least-cost plan and resource acquisition process. The utility shall include a detailed explanation as to why the specific period lengths were chosen in light of the assessment of base-load, intermediate and peaking needs of the utility system.  
+
- (b) An annual electric demand and energy forecast developed pursuant to rule 3606.  
+
- (c) An evaluation of existing resources developed pursuant to rule 3607.  
+
- (d) An assessment of planning reserve margins and contingency plans for the acquisition of additional resources developed pursuant to rule 3608.  
+
- (e) An assessment of need for additional resources developed pursuant to rule 3609.  
+
- (f) A description of the utility's plan for acquiring these resources pursuant to rule 3610.  
+
- (g) The proposed RFP(s) the utility intends to use to solicit bids for the resources to be acquired through a competitive acquisition process, pursuant to rule 3612.  
~~+~~ and
- (h) An explanation stating whether current rate designs for each major customer class are consistent with the contents of its plan. The utility shall also explain whether possible future changes in rate

design will facilitate its proposed resource planning and resource acquisition goals.

**3605. Cooperative Electric Generation and Transmission Association Reporting Requirements.**

Pursuant to the schedule established in rule 3603, each cooperative electric generation and transmission association shall report its forecasts, existing resource assessment, planning reserves, and needs assessment, consistent with the requirements specified in rules 3606, 3607, 3608(a) and 3609. Each cooperative generation and transmission association shall also file annual reports pursuant to rules 3614(a)(I) through 3614(a)(VI).

**3606. Electric Energy and Demand Forecasts.**

- (a) Forecast Requirements. The utility shall prepare the following energy and demand forecasts for each year within the planning period:
- (I) Annual sales of energy and coincident summer and winter peak demand in total and disaggregated among Commission jurisdictional sales, FERC jurisdictional sales, and sales subject to the jurisdiction of other states.      ÷
  - (II) Annual sales of energy and coincident summer and winter peak demand on a system-wide basis for each major customer class.      ÷
  - (III) Annual energy and capacity sales to other utilities; and capacity sales to other utilities at the time of coincident summer and winter peak demand.      ÷
  - (IV) Annual intra-utility energy and capacity use at the time of coincident summer and winter peak demand.      ÷
  - (V) Annual system losses and the allocation of such losses to the transmission and distribution components of the system. Coincident summer and winter peak system losses and the allocation of such losses to the transmission and distribution components of the systems.      ÷ ~~and~~
  - (VI) Typical day load patterns on a system-wide basis for each major customer class. This information shall be provided for peak-day, average-day, and representative off-peak days for each calendar month.
- (b) Range of forecasts. The utility shall develop and justify a range of forecasts of coincident summer and winter peak demand and energy sales that its system may reasonably be required to serve during the planning period. The range shall include base case, high, and low forecast scenarios of coincident summer and winter peak demand and energy sales, based on alternative assumptions about the determinants of coincident summer and winter peak demand and energy sales during the planning period.

(c) Required Detail.

(I) In preparing forecasts, the utility shall develop forecasts of energy sales and coincident summer and winter peak demand for each major customer class. The utility shall use end-use, econometric or other supportable methodology as the basis for these forecasts. If the utility determines not to use end-use analysis, it shall explain the reason for its determination as well as the rationale for its chosen alternative methodology.

(II) The utility shall explain the effect on its energy and coincident peak demand forecast of all existing energy efficiency and energy conservation programs for each major customer class, as well as any such measures that have been approved by the Commission but are not included in the forecasts.

(III) The utility shall maintain, as confidential, information reflecting historical and forecasted demand and energy use for individual customers in those cases when an individual customer is responsible for the majority of the demand and energy used by a particular rate class. However, when necessary in the least-cost resource plan proceedings, such information may be disclosed to parties who intervene in accordance with the terms of non-disclosure agreements approved by the Commission and executed by the parties seeking disclosure.

(d) Historical Data. The utility shall compare the annual forecast of coincident summer and winter peak demand and energy sales made by the utility to the actual coincident peak demand and energy sales experienced by the utility for the five years preceding the year in which the plan under consideration is filed. In addition, the utility shall compare the annual forecasts in its most recently filed resource plan to the annual forecasts in the current resource plan.

(e) Description and Justification. The utility shall fully explain, justify, and document the data, assumptions, methodologies, models, determinants, and any other inputs upon which it relied to develop its coincident peak demand and energy sales forecasts pursuant to this rule, as well as the forecasts themselves.

(f) Format and Graphical Presentation of Data. The utility shall include graphical presentation of the data to make the data more understandable to the public, and shall make the data available to requesting parties in such electronic formats as the Commission shall reasonably require.

**3607. Evaluation of Existing Generation Resources.**

(a) Existing Generation Resource Assessment. The utility shall describe its existing generation resources, all utility-owned

generating facilities for which the utility has obtained a CPCN from the Commission pursuant to C.R.S. § 40-5-101 at the time the plan is filed, and existing or future purchases from other utilities or non-utilities pursuant to agreements effective at the time the plan is filed. The description shall include, when applicable, the following:

- (I) Name(s) and location(s) of utility-owned generation facilities.    ÷
  - (II) Rated capacity and net dependable capacity of utility-owned generation facilities.    ÷
  - (III) Fuel type, heat rates, annual capacity factors and availability factors projected for utility-owned generation facilities over the planning period.    ÷
  - (IV) Estimated in-service dates for utility-owned generation facilities for which a CPCN has been granted but which are not in-service at the time the plan under consideration is filed.    ÷
  - (V) Estimated remaining useful lives of existing generation facilities without significant new investment or maintenance expense.    ÷
  - (VI) The amount of capacity and/or energy purchased from utilities and non-utilities, the duration of such purchase contracts and a description of any contract provisions that allow for modification of the amount of capacity and energy purchased pursuant to such contracts.    ÷ ~~and~~
  - (VII) The amount of capacity and energy provided pursuant to wheeling or coordination agreements, the duration of such wheeling or coordination agreements, and a description of any contract provisions that allow for modification of the amount of capacity and energy provided pursuant to such wheeling or coordination agreements.
- (b) Utilities required to comply with these rules shall coordinate their plan filings such that the amount of electricity purchases and sales between utilities during the planning period is reflected uniformly in their respective plans. Disputes regarding the amount, timing, price, or other terms and conditions of such purchases and sales shall be fully explained in each utility's plan. If a utility files an interim plan as specified in rule 3603, the utility is not required to coordinate that filing with other utilities.
- (c) Existing Transmission Capabilities and Future Needs.
- (I) The utility shall report its existing transmission capabilities, and future needs during the planning period, for facilities of 115 kilovolts and above, including

associated substations and terminal facilities. The utility shall generally identify the location and extent of transfer capability limitations on its transmission network that may affect the future siting of resources. With respect to future needs, the utility shall explain the need for facilities based upon future load projections (including reserves). To the extent reasonably available, the utility shall include a description of the length and location of any additional facilities needed, their estimated costs, terminal points, voltage and megawatt rating, alternatives considered or under consideration, and other relevant information.

- (II) In order to equitably compare possible resource alternatives, the utility shall consider all transmission costs required by, or imposed on the system by, a particular resource as part of the bid evaluation criteria.

**3608. Planning Reserve Margins.**

- (a) The utility shall provide a description of, and justification for, the means by which it assesses the desired level of reliability on its system throughout the planning period (e.g., probabilistic or deterministic reliability indices).
- (b) The utility shall develop and justify planning reserve margins for each year of the resource acquisition period for the base case, high, and low forecast scenarios established under rule 3606, to include risks associated with: 1) the development of generation, 2) losses of generation capacity, 3) purchase of power, 4) losses of transmission capability, 5) risks due to known or reasonably expected changes in environmental regulatory requirements, and 6) other risks. The utility shall develop planning reserve margins for its system for each year of the planning period outside of the resource acquisition period for the base case forecast scenario. The utility shall also quantify the recommended or required reliability performance criteria for reserve groups and power pools to which the utility is a party.
- (c) Since actual circumstances may differ from the most likely estimate of future resource needs, the utility shall develop contingency plans for each year of the resource acquisition period. As a part of its plan, the utility shall provide, under seal, a description of its contingency plans for the acquisition of additional resources if actual circumstances deviate from the most likely estimate of future resource needs developed pursuant to rule 3609. The Commission will consider approval of contingency plans only after the utility receives bids, as described in rule 3614(b)(II). The provisions of rule 3613(d), Effect of the Commission Decision, shall not apply to the contingency plans unless explicitly ordered by the Commission.

**3609. Assessment of Need for Additional Resources.**

By comparing the electric energy and demand forecasts developed pursuant to rule 3606 with the existing level of resources developed pursuant to rule 3607, and planning reserve margins developed pursuant to rule 3608, the utility shall assess the need to acquire additional resources during the resource acquisition period.

**3610. Utility Plan for Meeting the Resource Need.**

- (a) The utility shall describe its least-cost resource plan for acquiring the resources to meet the need identified in rule 3609. The utility shall specify the portion of the resource need that it intends to meet as a part of a stand-alone voluntary tariff service, where all costs are separate from standard tariff services, if any. If the utility chooses to offer a stand-alone voluntary service, it must comply with the provisions of rule 3610(e);~~7~~ and the costs associated with any independent auditor will be assigned to the stand-alone voluntary service offering and will not be borne by the general body of utility ratepayers. The utility shall specify the portion of the resource need that it intends to meet through a competitive acquisition process and the portion that it intends to meet through an alternative method of resource acquisition.
- (b) The utility shall meet the resource need identified in the plan through a competitive acquisition process, unless the Commission approves an alternative method of resource acquisition. If the utility proposes that a portion of the resource need be met through an alternative method of resource acquisition, the utility shall identify the specific resource(s) that it wishes to acquire~~7~~ and the reason the specific resource(s) should not be acquired through a competitive acquisition process. In addition, the utility shall provide a cost-benefit analysis to demonstrate the reason(s) why the public interest would be served by acquiring the specific resource(s) through an alternative method of resource acquisition. The least-cost resource plan shall describe and estimate the cost of all new transmission facilities associated with any specific resources proposed for acquisition other than through a competitive acquisition process. The utility shall also explain and justify how the alternative method of resource acquisition complies with the requirements of the Public Utility Regulatory Policies ~~ies~~ Act of 1978 and Commission rules implementing ~~such that~~ act. The lesser of 250 megawatts, or ~~10%~~ ten percent of the highest base case forecast peak requirement identified for the resource acquisition period~~7~~ shall be the maximum amount of power that the utility may obtain through such alternative method of resource acquisition (I) in any single resource acquisition period~~7~~ and (II) from any single specific resource, regardless of the number of resource acquisition periods over which the units, plants, or other components of the resource might be built~~7~~ or the output of the resource made available for purchase.
- (c) The utility shall have the flexibility to propose multiple acquisitions at various times over the resource acquisition period. However, the limits specified in ~~paragraph~~ section (b) of

this rule shall apply to the total resources acquired through an alternative method during an entire four-year least cost planning cycle.

- (d) Each utility shall establish, and shall include as a part of its filing, a written bidding policy to ensure that bids are solicited and evaluated in a fair and reasonable manner. The utility shall specify ~~such~~the competitive acquisition procedures that it intends to use to obtain resources under the utility's plan.
- (e) If the utility intends to accept proposals from the utility or from an affiliate of the utility, the utility shall include as part of its filing a written separation policy and the ~~naming~~name of an independent auditor whom the utility proposes to hire to review, and report to the Commission on, the fairness of the competitive acquisition process. The independent auditor shall have at least five years' experience conducting and/or reviewing the conduct of competitive electric utility resource acquisition, including computerized portfolio costing analysis. The independent auditor shall be unaffiliated with the utility, and shall not, directly or indirectly, have benefited from employment or contracts with the utility in the preceding five years, except as an independent auditor under these rules. The independent auditor shall not participate in, or advise the utility with respect to, any decisions in the bid-solicitation or bid-evaluation process. The independent auditor shall conduct an audit of the utility's bid solicitation and evaluation process to determine whether it was conducted fairly. For purposes of such audit, the utility shall provide the independent auditor immediate and continuing access to all documents and data reviewed, used, or produced by the utility in its bid solicitation and evaluation process. The utility shall make all its personnel, agents, and contractors involved in the bid solicitation and bid evaluation available for interview by the auditor. The utility shall conduct any additional modeling requested by the independent auditor to test the assumptions and results of the bid evaluation analyses. Within sixty days of the utility's selection of final resources, the independent auditor shall file a report with the Commission containing the auditor's views on whether the utility conducted a fair bid solicitation and bid evaluation process, with any deficiencies specifically reported. After the filing of the independent auditor's report, the utility, other bidders in the resource acquisition process and other interested parties shall be given the opportunity to review and to comment on the independent auditor's report.
- (f) In selecting its final resource plan, the utility's objective shall be to minimize the net present value of rate impacts, consistent with reliability considerations and with financial and development risks. In its bid solicitation and evaluation process, the~~The~~ utility shall consider renewable resources; resources that produce minimal emissions or minimal environmental impact; energy-efficient technologies; and resources that provide beneficial contributions to Colorado's energy security, economic

prosperity, environmental protection, and insulation from fuel price increases; ~~as a part of its bid solicitation and evaluation process.~~ Further, the utility shall grant a preference to such resources where cost and reliability considerations are equal.

### 3611. Exemptions from competitive acquisition.

The following resources need not be acquired through a competitive acquisition process and need not be included in an approved Least-Cost Plan prior to acquisition:

- (a) Emergency maintenance or repairs made to utility-owned generation facilities.    ;
- (b) Capacity and/or energy from ~~utility-utility-owned, supply-supply-side~~ newly newly-constructed resources with a nameplate rating of not more than ~~thirty~~30 megawatts.    ;
- (c) Capacity and/or energy from the generation facilities of other utilities or from ~~non-non~~ utility generators pursuant to agreements for not more than a two year term (including renewal terms) or for not more than ~~thirty~~30 megawatts of capacity.    ;
- (d) Improvements or modifications to existing utility generation facilities that change the production capability of the generation facility site in question, by not more than ~~thirty~~30 megawatts, based on the utility's share of the total generation facility site output, and that have an estimated cost of not more than \$30 million.    ;
- (e) Interruptible service provided to the utility's electric customers.    ;
- (f) Modifications to, or amendments of, existing power purchase agreements provided the modification or amendment does, ~~which do not extend the agreement more than four years, does not~~ add ~~not~~ more than ~~thirty~~30 MW of capacity to the utility's system, and ~~that are~~is cost effective in comparison to other supply-side alternatives available to the utility.    ; ~~and~~
- (g) Utility investments in emission control equipment at existing generation plants.

### 3612. Request(s) For Proposals.

- (a) Purpose of the Request(s) for Proposals. The proposed RFP(s) filed by the utility shall be designed to solicit competitive bids to acquire additional resources pursuant to rule 3610.
- (b) Contents of the Request(s) for Proposals. The proposed RFP(s) shall include the bid evaluation criteria the utility plans to use in ranking the bids received. The utility shall also include in its proposed RFP(s):   (1) base-load, intermediate, and/or peaking needs, and preferred fuel type;   (2) reasonable estimates

of transmission costs for resources located in different areas; (3) the extent and degree to which resources must be dispatchable, including the requirement, if any, that resources be able to operate under automatic dispatch control; (4) the utility's proposed standard contract(s) for the acquisition of resources; (5) proposed contract term lengths; (6) discount rate; ~~and~~ (7) general planning assumptions; ~~7~~ and (8) any other information necessary to implement a fair and reasonable bidding program.

**3613. Commission Review and Approval of Least-Cost Resource Plans.**

- (a) Review on the Merits. The utility's plan, as developed pursuant to rule 3604, shall be filed as an application; shall meet the requirements of rules 3002(b) and 3002(c); and shall be administered pursuant to the Commission's Rules Regulating Practice and Procedure. ~~The utility's plan, as developed pursuant to rule 3604 will be filed in the form of an application administered pursuant to the Commission's Rules of Practice and Procedure.~~ The Commission may hold a hearing for the purpose of reviewing, and rendering a decision regarding, the contents of the utility's filed least-cost resource plan upon its filing.
- (b) Basis for Commission Decision. Based upon the evidence of record, the Commission shall issue a written decision approving, disapproving, or ordering modifications, in whole or in part, to the utility's plan. If the Commission declines to approve a plan, either in whole or in part, the utility shall make changes to the plan in response to the Commission's decision. Within 60 days of the Commission's rejection of a plan, the utility shall file an amended plan with the Commission, ~~7~~ and shall provide copies to all parties who participated in the application docket concerning the utility's plan. All such parties may participate in any hearings regarding the amended plan.
- (c) Contents of the Commission Decision. The Commission decision approving or denying the plan shall address the contents of the utility's plan filed in accordance with rule 3604. If the record contains sufficient evidence, the Commission shall specifically approve or modify: (1) the utility's assessment of need for additional resources in the resource acquisition period; ~~7~~ (2) the utility's plans for acquiring additional resources through the competitive acquisition process, ~~7~~ or through an alternative acquisition process; ~~7~~ and (3) components of the utility's proposed RFP, such as the proposed evaluation criteria.
- (d) Effect of the Commission Decision. A Commission decision specifically approving the components of a utility's plan creates a presumption that utility actions consistent with that approval are prudent. Because the Commission will not approve a utility's selection of specific resources, the Commission's approval of a plan creates no presumptions regarding those resources.
- (I) In a proceeding concerning the utility's request to recover the investments or expenses associated with new resources:

- (A) The utility must present *prima facie* evidence that its actions were consistent with Commission decisions specifically approving or modifying components of the plan.
- (B) To support a Commission decision to disallow investments or expenses associated with new resources on the grounds that the utility's actions were not consistent with a Commission approved plan, an intervenor must present evidence to overcome the utility's *prima facie* evidence that its actions were consistent with Commission decisions approving or modifying components of the plan. Alternatively, an intervenor may present evidence that, due to changed circumstances timely known to the utility or that should have been known to a prudent person, the utility's actions were not proper.
- (II) In a proceeding concerning the utility's request for a certificate of public convenience and necessity to meet customer need specifically approved by the Commission in its decision on the least-cost resource plan, the Commission shall take administrative notice of its decision on the plan. Any party challenging the Commission's decision regarding need for additional resources has the burden of proving that, due to a change in circumstances, the Commission's decision on need is no longer valid.

#### 3614. Reports

- (a) Annual Progress Reports. The utility shall file with the Commission, and shall provide copies to all parties to the most recent least-cost planning docket, annual progress reports after submission of its plan application. The annual progress reports will inform the Commission of the utility's efforts under the approved plan. Annual progress reports shall also contain the following:
- (I) An updated annual electric demand and energy forecast developed pursuant to rule 3606. +
- (II) An updated evaluation of existing resources developed pursuant to rule 3607. +
- (III) An updated evaluation of planning reserve margins and contingency plans developed pursuant to rule 3608. +
- (IV) An updated assessment of need for additional resources developed pursuant to rule 3609. +
- (V) An updated report of the utility's plan to meet the resource need developed pursuant to rule 3610 and the resources the utility has acquired to date in implementation of the plan. ; and

- (VI) In addition to the items required in ~~3614~~subsections(a)(I) through 3614(a)(V), cooperative electric generation and transmission associations shall include in their annual report a full explanation of how its future resource acquisition plans will give fullest possible consideration to the cost-effective implementation of new clean energy and energy-efficient technologies in its consideration of generation acquisitions for electric utilities, bearing in mind the beneficial contributions such technologies make to Colorado's energy security, economic prosperity, environmental protection, and insulation from fuel price increases.
- (b) Reports of the competitive acquisition process. The utility shall provide reports to the Commission concerning the progress and results of the competitive acquisition of resources. The following reports shall be filed:
- (I) Within 30 days after bids are received in response to the RFP(s), the utility shall report: (1) the number of bids received, (2) the quantity of MW offered by bidders, (3) a breakdown of the number of bids and MW received by resource type, and (4) a description of the prices of the resources offered.
- (II) If, upon examination of the bids, the utility determines that the proposed resources may not meet the utility's expected resource needs, the utility shall file, within 30 days after bids are received, an application for approval of a contingency plan, ~~within 30 days after bids are received.~~ The application shall include the information required by rules 3002(b) and 3002(c), the justification for need of the contingency plan, the proposed action by the utility, the expected costs, and the expected timeframe for implementation.
- (III) Within 45 days after the utility has selected the winning bidders, the utility shall report: (1) the number of winning bids; (2) the quantity of MW offered by the winning bidders; (3) a breakdown of the number and MW of winning bids by resource type, name, and location; and (4) a description of the prices of the winning bids.

**3615. Amendment of an Approved plan.**

The utility may file, at any time, ~~file~~ an application to amend the contents of a plan approved pursuant to rule 3613. Such an application shall meet the requirements of rules 3002(b) and 3002(c), shall identify each proposed amendment, shall state the reason for each proposed amendment, and shall be administered pursuant to the Commission's Rules Regulating Practice and Procedure. Such an application shall be administered pursuant to the Commission's rules of Practice and Procedure.

**3616. - 3699. [Reserved].**

**APPEALS OF LOCAL GOVERNMENT LAND USE DECISIONS**

**3700. Scope and Applicability.**

Rules 3700 through 3799~~These rules are applicable apply~~ to all utilities or power authorities which seek to appeal a local government action concerning a major electrical facility.

~~In order for an utility or power authority to appeal a local government action to the Commission under this rule, according to § 29-20-108(5)(a), C.R.S., one or more of the following conditions must be met:~~

- ~~(a)The utility or power authority has applied for or has obtained a certificate of public convenience and necessity from the Commission pursuant to § 40-5-101, C.R.S., to construct the major electrical facility that is the subject of the local government action;~~
- ~~(b)A certificate of public convenience and necessity is not required for the utility or power authority to construct the major electrical facility that is the subject of the local government action; or~~
- ~~(c)The Commission has previously entered an order pursuant to § 40-4-102, C.R.S., that conflicts with the local government action.~~

**3701. Definitions.**

The following definitions apply ~~only in the context of to~~ Rules 3700 -- 3706, unless a specific statute or rule provides otherwise. In the event of a conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) "Local Government" means a county, a home rule or statutory city, town, a territorial charter city, a or city and county.
- (b) "Local government action" means (1) any decision, in whole or in part, by a local government which has the effect or result of denying a permit or application of a utility or power authority that relates to the location, construction, or improvement of a major electrical facilityies, or (2) a decision ~~imposing~~which imposes requirements or conditions upon such permit or application that will unreasonably impair the ability of the utility or power authority to provide safe, reliable, and economical service to the public.
- (c) "Local land use decision" means the decision of a local government within its jurisdiction to plan for and regulate the use of land.
- (d) "Major electrical facility" shall have that meaning set forth in ~~§ 29-20-108~~29-20-108(3)(a), (b), (c), and (d), C.R.S., or in any other applicable statute.

- (e) "Power authority" means an authority created pursuant to § 29-1-204, C.R.S.

**3702. Precondition to Application.**

In order for a utility or power authority to appeal a local government action to the Commission pursuant to this rule and pursuant to § 29-20-108, C.R.S., one or more of the following conditions must be met:

- (a) The utility or power authority has applied for or has obtained a certificate of public convenience and necessity from the Commission pursuant to § 40-5-101, C.R.S., to construct the major electrical facility that is the subject of the local government action.
- (b) A certificate of public convenience and necessity is not required for the utility or power authority to construct the major electrical facility that is the subject of the local government action.
- (c) The Commission has previously entered an order pursuant to § 40-4-102, C.R.S., that conflicts with the local government action.

**3702.3703. Applications.**

- (a) Contents.—To commence an appeal of a local government land use decision, a utility or power authority shall file with the Commission an application pursuant to this rule.
- (b) An application filed in accordance with §§ 29-20-108, C.R.S., and this rule shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:

All application filed in accordance with § 29-20-108(5)(c) and (d), for an appeal of local government land use decision shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:

- (I) All of information required in rules 3002(b) and 3002(c).
- (II) A showing that one of the preconditions set out in rule 3702 has been met.
- (III) Identification of the major electrical facility.
- (IV) Identification of the local government action and its impact on the major electrical facility.
- (V) A statement of the reasons the applying utility or power authority believes that the local government action would unreasonably impair its ability to provide safe, reliable, and economical service to the public.

- (VI) The demonstrated need for the major electrical facility or reference to the application made to the Commission with respect to the major electrical facility and the resulting decision of the Commission regarding such facility.
- (VII) The extent to which the proposed facility is inconsistent with existing applicable local or regional land use ordinances, resolutions, or master or comprehensive plans.
- (VIII) Whether the proposed facility would exacerbate a natural hazard.
- (IX) Applicable utility engineering standards, including supply adequacy, system reliability, and public safety standards.
- (X) The relative merit, as determined through use of the normal system planning evaluation techniques of the utility or power authority, of any reasonably available and economically feasible alternatives proposed by the utility, the power authority, or the local government.
- (XI) The impact that the local government action would have on the customers of the utility or power authority who reside within and without the boundaries of the jurisdiction of the local government.
- (XII) The basis for the local government action. If available, the utility or power authority shall attach a copy of the local government action.
- (XIII) The impact the proposed facility would have on residents within the local government's jurisdiction including, in the case of a right-of-way in which facilities have been placed underground, whether those residents have already paid to place such facilities underground. If the residents have already paid to place facilities underground, the Commission will give strong consideration to that fact.
- (XIV) Information concerning how the proposed major electrical facility will affect the safety of residents within and without the boundaries of the jurisdiction of the local government.
- (XV) An attestation that the utility or power authority will, upon filing the application with the Commission, simultaneously send a copy of the application to the local government body which took the local government action which is the subject of the appeal.

~~(a) All of information required in rules 3002(b) and (c);~~

~~A statement of the reasons why the local government action would unreasonably impair the ability of a utility or power authority to provide safe, reliable, and economical service to the public;~~

~~The demonstrated need for the major electrical facility or reference to the application under Rule 3206 and the resulting decision of the Commission regarding this project;~~

~~The extent to which the proposed facility is inconsistent with existing applicable local or regional land use ordinances, resolutions, or master or comprehensive plans;~~

~~Whether the proposed facility would exacerbate a natural hazard;~~

~~Applicable utility engineering standards, including supply adequacy, system reliability, and public safety standards;~~

~~The relative merit determined through use of the normal system planning evaluation techniques of the utility of any reasonably available and economically feasible alternatives proposed by the utility, the power authority, or the local government;~~

~~The impact that the local government action would have on the customers of the utility or power authority who reside within and without the boundaries of the jurisdiction of the local government;~~

~~To the extent available, the basis for the local government's decision to deny the application or impose additional conditions to the application shall be included;~~

~~The impact the proposed facility would have on residents within the local government's jurisdiction including, in the case of a right of way in which facilities have been placed underground, whether those residents have already paid to place such facilities underground, and if so, shall give strong consideration to that fact; and~~

~~Information concerning how the proposed major electrical facilities will affect the safety of residents within and without the boundaries of the jurisdiction of the local government.~~

~~An attestation that the utility or power authority will, upon filing the application with the Commission, simultaneously send a copy of the application to the local government body which has denied or imposed additional conditions upon the utility or power authority.~~

**3703.3704. Public Hearing.**

~~In accordance with~~Pursuant to § ~~29-20-29-20-108(5)(b)~~, C.R.S., and in addition to the formal evidentiary hearing on the appeal, the ~~public utilities~~eCommission shall take statements from the public concerning the appealed local government action at a public hearing held at a location specified by the local government.

**3704.3705. Prehearing Conference, Parties, and Public Notice.**

- (a) In order to assist the parties in scheduling the public hearing, determining the scheduling of the evidentiary hearing, ~~and~~ developing the list of persons to receive notice of these hearings, and addressing other pertinent issues, the Commission will ~~require~~hold a prehearing conference.
- (b) The Commission shall conduct a prehearing conference within 15 days after the application is deemed complete by the Commission.
- (c) The Commission shall join as an indispensable party the local government, ~~which denied the application or imposed additional conditions, shall be joined as an indispensable party by the Commission which took the contested local government action.~~
- (d) Ten days before the commencement of the prehearing conference, the local government shall submit to the parties and the Commission its preference for the location of the public hearing to be held in accordance with § ~~29-20-29-20-108~~(5)(b), C.R.S. and rule 3704.
- (e) The Commission will decide the date and time of the public hearing after receiving comments from the parties at the prehearing conference.
- (f) By the date of the prehearing conference, each party shall provide to the utility or power authority a list of individuals and groups to receive notice of the public hearing.
- (g) The utility or power authority ~~will be required to~~shall give notice of the public hearing to ~~all the~~the identified individuals and groups in a manner specified by the Commission. Notice may be accomplished by newspaper publication, bill insert, first class mail, or any other manner deemed appropriate by the Commission.
- (h) If the local government is unable to provide meeting space for the public hearing, and space needs to be acquired, then the utility or power authority shall bear any cost associated with the rental of such space for the public hearing.
- (i) The parties are encouraged to confer prior to the prehearing conference to develop a schedule for the filing of testimony and the dates for the formal evidentiary hearing.

**3705.3706. Denial of Appeal.**

In accordance with § ~~29-20-29-20-108~~(5)(e), C.R.S., the Commission shall deny any appeal of a local government action ~~if unless~~ the utility or power authority has failed to comply~~complied~~ with the following notification and consultation requirements:

(a) A utility or power authority shall notify the affected local government of its plans to site a major electrical facility within the jurisdiction of the local government prior to submitting the preliminary or final permit application, but in no event later than filing a request for a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or the filing of any annual filing with the Commission that proposes or recognizes the need for construction of a new major electrical facility or the extension of an existing facility. If a utility or power authority is not required to obtain a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or to file annually with the Commission to notify the Commission of the proposed construction of a new major electrical facility or the extension of an existing facility, the utility or power authority shall notify any affected local governments of its intention to site a major electrical facility within the jurisdiction of the local government when such utility or power authority determines that it intends to proceed to permit and to construct the facility. Following such notification, the utility or power authority shall consult with the affected local governments in order to identify the specific routes or geographic locations under consideration for the site of the major electrical facility and to attempt to resolve land use issues that may arise from the contemplated permit application.

(b) In addition to its preferred alternative within its permit application, the utility or power authority shall consider and present reasonable siting and design alternatives to the local government or shall explain why no reasonable alternatives are available.

**3706.3707. Procedural Rules.**

Pursuant to § ~~29-20-29-20-~~108(5)(b), C.R.S., any appeal brought by a utility or power authority ~~to the Commission~~ under this section shall be conducted in accordance with the procedural requirements of Article 6, ~~of~~ Title 40, C.R.S. of the Colorado Revised Statutes, including § ~~40-6-40-6-~~109.5, C.R.S. Evidentiary hearings on any such appeals shall be conducted in accordance with § 40-6-109, C.R.S.

**3707.3708. - 3799. [Reserved].**

**MASTER METERS**

**3800. [Reserved]**

**3801. [Reserved]**

**3802. [Reserved]**

**3803. [Reserved].**

**3804. 3899 [Reserved]****3800. Applicability.**

~~These rules are applicable to any person who purchases electric service from a utility for the purpose of delivery of such service to end users whose aggregate usage is to be measured by a master meter or other composite measurement device.~~

**3801. Definitions.**

~~The following definitions apply only in the context of Rules 3900 — 3903, unless a specific statute or rule provides otherwise.~~

- ~~(a) "Check meter" means a meter or other composite measurement device, used by a master meter operator who is exempt from rate regulation, to determine usage of those served.~~
- ~~(b) "Master meter" means the meter or other composite measurement device used to bill the MMO by the regulated utility.~~
- ~~(c) "Master meter operator" means any person who purchases electric service from a regulated utility for the purpose of delivery of such service to end users, whose aggregate usage is to be measured by a master meter.~~
- ~~(d) "Refunds" means any refunds, rebates, rate reductions, or similar adjustments.~~

**3802. Exemption from Rate Regulation.**

~~(a) Contents. Either upon its own motion or upon the application of any master meter operator (MMO), the Commission may exempt a MMO from rate regulation under Articles 1 to 7 of Title 40, C.R.S., if the Commission finds that the MMO has adopted adequate policies and procedures. All applications for master meter exemption from regulation shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:~~

~~(I) All of information required in rules 3002(b) and (c);~~

~~(II) As part of its billing for utility service, the MMO shall charge the end users only the actual cost billed to the MMO by the serving utility. The MMO shall not charge end users for any other costs, such as the costs of construction, maintenance, financing, administration, metering, or billing for the equipment and facilities owned by the MMO.~~

~~(III) If the MMO bills the end users separately for service, the sum of such billings shall not exceed the amount billed to the MMO by the serving utility. The MMO shall pass on to the end users any refunds it receives from the serving utility.~~

~~(IV)The MMO shall establish procedures for giving notice of refunds to those who are not current end users, but who were end users during the subject time period.~~

~~(b)Resale of electricity for profit by a MMO exempt from rate regulation is strictly prohibited. A MMO may check meter tenants, lessees, or other persons to whom ultimately the electricity is distributed, for the purpose of reimbursing the MMO by an appropriate allocation procedure, provided the MMO does not receive more than the actual cost billed to the MMO by the serving utility. Resale activity is a basis for revocation of an exemption order.~~

**~~3803.MMO Refunds.~~**

~~(a)In passing on refunds to end users, a MMO shall notify its end users of any refunds and inform the end users that they may claim the refunds within 90 days after receipt of the notice. The notification shall be made by first class mail with a certificate of mailing, or by inclusion in any monthly or more frequent written communication. The MMO shall also notify former customers who were end users during the subject time period.~~

~~(b)If the aggregate amount of refunds remaining unclaimed after 90 days exceeds 100 dollars, the MMO shall contribute such unclaimed amount to the energy assistance organization. If the aggregate amount does not exceed 100 dollars, the MMO may retain such aggregate amount. A MMO may retain any portion of such refunds that rightfully belongs to the MMO.~~

~~(c)A MMO shall pay interest on undistributed refunds in accordance with the Commission's Customer Deposit Interest Rate Rule 3402(1).~~

**~~3804. 3899 [Reserved].~~**

**SMALL POWER PRODUCERS AND COGENERATORS**

**3900. Scope and Applicability.**

Rules 3900 through 3999 apply to utilities which purchase power from small power producers and cogenerators. These rules also apply to small power producers and cogenerators which sell power to utilities.

**3901. Definitions.**

The following definitions apply to rules 3900 through 3999, except where a specific rule or statute provides otherwise. In addition to the definitions stated here, the definitions found in the Public Utilities Law, in the Public Utility Regulatory Policies Act of 1978, and in the federal regulations which are incorporated by reference apply to these rules. In the event of a

conflict between these definitions and a statutory definition, the statutory definition shall apply.

- (a) "Avoided cost" means the incremental or marginal cost to an electrical utility of electrical energy or capacity, or both, which, but for the purchase of such energy and/or capacity from qualifying facility or qualifying facilities, the utility would generate itself or would purchase from another source.
- (b) "Qualifying facility" means any small power production facility or cogeneration facility which is a qualifying facility under federal law.
- (c) "Rate" means any price, rate, charge, or classification made, demanded, observed, or received with respect to the sale or purchase of electrical energy or capacity; any rule or practice respecting any such rate, charge, or classification; and any contract pertaining to the sale or purchase of electrical energy or capacity.

Rate means any price, rate, charge, or classification made, demanded, observed, or received with respect to the sale or purchase of electrical energy or capacity; any rule or practice respecting any such rate, charge, or classification; and any contract pertaining to the sale or purchase of electrical energy or capacity.

### 3902. Avoided Costs.

- (a) Each utility shall pay qualifying facilities a rate for energy and capacity purchases based on the utility's avoided costs.
- (b) Each electric utility shall file tariffs setting forth standard rates for purchases from qualifying facilities with a design capacity of 100 kilowatts or less.
- (c) A utility shall use a bid or an auction or a combination procedure to establish its avoided costs.
- (d) If a utility can demonstrate to the Commission that a qualifying facility should receive a different rate from that established by these rules, the Commission may authorize such. The burden of establishing such different rate shall be on the utility, and the rate shall be based on the utility's system wide costing principles and other appropriate load and cost data.
- (e) Nothing in this rule requires a utility to pay more than its avoided costs of energy and capacity, of energy, or of capacity for purchases from qualifying facilities.

### ~~3900. Avoided Costs.~~

- ~~(a) Each utility shall pay qualifying facilities a rate for energy and capacity purchases based on the utility's avoided costs. Each~~

~~electric utility shall file tariffs setting forth standard rates for purchases from qualifying facilities with a design capacity of 100 kilowatts or less. The utility shall use a bid or auction or combination procedure to establish its avoided costs.~~

~~(b) If a utility can demonstrate to the Commission that a qualifying facility should receive a different rate from that established by these rules, the Commission may authorize such. The burden of establishing such different rate shall be on the utility and the rate shall be based on system wide costing principles and other appropriate load and cost data.~~

~~(c) Nothing in this rule requires any electric utility to pay more than the avoided costs of energy and capacity, or energy or capacity for purchases from qualifying facilities.~~

**3901.3903. Payment of Interconnection Costs.**

(a) Each qualifying facility shall pay the cost of interconnecting with any electric utility for purchases and sales of capacity and energy. To the extent that interconnection costs can be determined in advance of interconnection, each electric utility shall establish the cost of interconnection for purchases of energy and capacity. The interconnection costs shall be fair, reasonable, and nondiscriminatory to each qualifying facility.

(b) The utility and qualifying facility may agree to an installment payment arrangement for interconnection costs.

**3902.3904. - 3909. [Reserved].**

**3910. Standards for Operating Reliability and Safety.**

Rules ~~38103910 through 3849392949~~ establish standards, as authorized by 18 C.F.R. § 292.308, to ensure the safe and reliable interconnected operations of ~~co-generation facilities and small power production facilities~~ ("qualifying facilities") with utilities regulated by the Commission. -

**3911. Responsibility of a Utilityies to Provide Quality Service.**

(a) A utility shall provide substantially the same quality of service to its customers and to the qualifying facility after interconnection of the qualifying facility as the utility provided prior to interconnection of the qualifying facility. The interconnection of the qualifying facility to the utility shall not degrade the utility's quality of service to its other customers. The qualifying facility shall pay for the interconnection facilities necessary to preserve the utility's quality of service to its other customers.

(b) At the request of a qualifying facility or a utility prior to interconnection, a utility may evaluate the quality of service to be provided to the qualifying facility. The cost of conducting an evaluation shall be included as an interconnection cost of a

qualifying facility. The evaluation may be used for the following purposes:

(I) To estimate the effects of interconnection on the quality of service to be provided.

(II) To establish the quality of service that a utility shall provide to a qualifying facility after interconnection.

~~(b) At the request of a qualifying facility or the utility prior to interconnection, a utility may evaluate the quality of service to be provided to the qualifying facility. Such evaluation may be used to estimate the effects of interconnection on the quality of service to be provided.~~

~~(c) An evaluation may be used to establish the quality of service that a utility shall provide to a qualifying facility after interconnection.~~

~~(d)(c) The cost of conducting an evaluation shall be included as an interconnection cost of a qualifying facility. If the qualifying facility desires a superior quality of service to that established by an evaluation performed pursuant to section (b) of this rule, any increased cost shall be an interconnection cost of the qualifying facility.~~

### **3912. Submission of Design Information by Qualifying Facilities.**

(a) Any person seeking to establish interconnected operations as a qualifying facility shall provide to the utility with which it proposes to interconnect ~~with detailed~~ design information of its proposed facilities at least 150 days prior to the proposed interconnection date. At any time after submission of design information, the utility and the qualifying facility may agree to an interconnection date sooner than 150 days. At the time it provides the detailed design information to the utility, the qualifying facility also shall provide the utility with a copy of all available manufacturers' literature for the equipment to be installed, including installation and operating instructions.

(b) The design information submitted by a qualifying facility shall be sufficient to enable a utility to assess the impact of the proposed interconnection on the utility's system, operating plans, and system ~~-~~ expansion plans.

(c) Within 25 days after the receipt of design information, or such longer period as agreed by them, ~~As~~ a utility shall notify a qualifying facility ~~within 25 days after the receipt of design information, or such longer period as agreed by them,~~ whether the design information is adequate or whether additional information is required. If additional information is required, the utility shall specify in writing what additional information is needed; and the qualifying facility shall promptly submit the additional information.

**3913. Conferences between Utilityies and Qualifying Facilityies.**

- (a) ~~At the earliest time possible at a minimum of n~~No later than 30 days after a qualifying facility has provided design information has been provided to a utility, the utility and the qualifying facility shall confer.
- (b) At the conference, the utility shall provide the qualifying facility with the names of governmental agencies, which have requirements ~~regulating interconnection,~~ (such as, without limitation, electrical codes, construction codes, sizing criteria, setback distances, physical clearances, protective devices, inspections, and grounding practices) regulating interconnection.
- (c) ~~At the conference, The~~the utility ~~also~~ shall inform the qualifying facility of these within rules and of the system operation requirements and the safety standards and procedures required for interconnection, (such as, without limitation, harmonic content for output voltage levels, recommended use of induction generators, line-commutated inverters, and reliable disconnection equipment), ~~etc.~~ required for interconnection.

**3914. Establishment of Requirements for Qualifying Facilityies.**

- (a) ~~Within 25 days after submission of complete design information by a qualifying facility, a utility shall:~~
- (I) Establish written operations requirements for the qualifying facility so that interconnection with the qualifying facility will not cause abnormal operation of the utility's protective equipment.
- (II) Inform the qualifying facility of the existing phase conductors and electrical phase sequence/rotation available to the qualifying facility and encourage the qualifying facility to use the existing phasing for the proposed interconnection. The utility shall inform the qualifying facility that any phase imbalances may affect the safety of the proposed service or neighboring customer's loads.
- (b) In the event that phased loadings of interconnection cause phase imbalances, the cost of equipment to correct the imbalances shall be an interconnection cost of the qualifying facility.

~~Within 25 days after the submission of design information by a qualifying facility:~~

(a) ~~A utility shall establish written requirements for a qualifying facility so that it will not cause abnormal operation of the utility's protective equipment.~~

(b) ~~A utility shall inform a qualifying facility of the existing phasing available to the qualifying facility. The utility shall encourage the qualifying facility to use the existing phasing for the proposed~~

~~interconnection. The utility shall inform the qualifying facility that any phase imbalances may affect the safety of the proposed service or neighboring customer's loads. In the event that phased loadings of interconnection cause phase imbalances, the cost of equipment to correct the imbalances shall be an interconnection cost of the qualifying facility.~~

### 3915. Compliance with Requirements and Rule Standards.

- (a) ~~No utility shall interconnect with a qualifying facility shall be interconnected with a utility until it~~ the qualifying facility has established, to the satisfaction of the utility, that it has complied with the utility's requirements for interconnected operations and the standards established in set by Rrules 38103910 to 3849392949.
- (b) When a qualifying facility determines that it has complied with all of the requirements of a utility and the standards established in set by these rules for interconnected operations, ~~it~~ the qualifying facility shall give written notice of that fact to the utility. Within 25 days after receipt of ~~that~~ such notice, the utility and the qualifying facility shall arrange for an onsite inspection of the qualifying facility. The utility shall inspect the facilities related to the qualifying facility's interconnection with the utility. The qualifying facility shall provide the personnel necessary to operate the facility in order to demonstrate to the utility the proper operation of the qualifying facility's equipment ~~entire installation, including all systems and equipment, for the purpose of determining compliance by the qualifying facility.~~
- (I) If the utility determines from the inspection that the qualifying facility has complied with all of the requirements of the utility and the standards established in set by these rules, the utility shall certify in writing that the qualifying facility complies.
- (II) If the utility determines that the qualifying facility has failed to comply with any requirement of the utility or any standard established in set by these rules, the utility shall notify the qualifying facility in writing of the requirements or standards that the qualifying facility must meet for interconnection. Upon compliance, the qualifying facility shall give written notice to the utility; and the parties shall ~~then~~ proceed as provided in ~~this paragraph~~ section (b) of this rule.
- (c) When the qualifying facility has obtained compliance certification, the qualifying facility and the utility shall schedule a date for the initial energizing and start-up testing of the qualifying facility's generating equipment. The utility shall be present at this test.

- (I) At the conclusion of the test, the utility shall certify in writing whether the qualifying facility may commence interconnected operations.
- (II) If the qualifying facility fails the start-up test, the utility shall so notify the qualifying facility in writing and within five business days. When the qualifying facility has corrected the deficiencies, the parties shall schedule a new start-up test; and the parties shall proceed as provided ~~procedure set forth in this paragraph~~ section (c) of this rule shall be followed.
- (d) In the event of a disagreement between a qualifying facility and a utility regarding (1) compliance by the qualifying facility with the utility's requirements, or with the standards established in ~~set by~~ these rules, or (2) the qualifying facility's failure of the start-up test, either party may file with the Commission a petition for a declaratory order under Rule 1304(j) seeking resolution of the disagreement.
- (e) In the event that either party files a petition for a declaratory order, the Commission shall enter an order resolving the dispute. The qualifying facility or the utility shall comply with the Commission's order prior to interconnection.

**3916. Code Certification by Qualifying Facilities.**

- (a) A qualifying facility shall provide a utility with certification that it has complied with all applicable governmental codes, (such as, without limitation, electrical codes, construction codes, sizing criteria, set-back distances, physical clearances, protective devices, inspections, and grounding practices).
- (b) A qualifying facility shall obtain all necessary ~~such~~ certifications at its own cost.

**3917. Limits of Magnitude of Qualifying Facilities.**

- (a) For purposes of the safety, reliability, and capacity of a utility's systems, a utility shall establish practical upper limits for the magnitude of qualifying facility installations. The utility shall estimate the potential effects of aggregate interconnection of all interconnected qualifying facilities.
- (b) ~~The~~ Within six months after the effective date of these rules, a utility shall develop and file with the Commission the practical upper limits and aggregate effects of interconnection established by the utility, shall be initially developed and filed with the Commission within six months after the effective date of these rules, unless those limits and effects have been previously filed with the Commission. A utility may use general data to determine the upper limits and aggregate effects of interconnection, if it does not have specific data available. If specific data ~~is~~ are

available, a utility shall use ~~such~~the specific data to establish~~for the establishment of~~ the upper limits.

- (c) If a utility determines that existing interconnections are creating, or proposed interconnections may create, safety, reliability, or capacity problems, the utility may apply to the Commission for a moratorium on further interconnections. The utility shall give notice of the application to all interconnected qualifying facilities and any qualifying facility seeking interconnection with the utility. The burden of proof shall be on the utility.

**3918. ~~Access by Utility Accessies to to Premises of Qualifying Facilityies.~~**

- (a) A utility shall have access to a qualifying facility prior to construction to determine if minimum setback distances and physical clearances will be met for the safety of the utility's ~~and qualifying facility's~~ equipment. The cost of said inspection shall be included as an interconnection cost of the qualifying facility.
- (b) A utility shall have access to a qualifying facility to repair, to maintain, or to retrieve any of the utility's~~site~~ equipment affected by a failure of the utility's or qualifying facility's equipment.
- (c) A utility shall have access to a qualifying facility to conduct an inspection for the purpose stated in rule 3921(d).
- (d) A utility shall have access to a qualifying facility to conduct an inspection pursuant to the procedures established pursuant to rule 3927(b).
- (e) A utility shall have access to a qualifying facility to conduct an inspection pursuant to rule 3927(d).
- (f) A utility shall have access to a qualifying facility to conduct an inspection pursuant to rule 3927(e).

**3919. Coordination of Circuit Protection Equipment.**

- (a) Prior to interconnection, and at the earliest time possible after a qualifying facility provides ~~its~~its complete design information, but in no event later than 25 days after submission of complete design information, a utility shall provide a written statement to the qualifying facility as to whether the utility's~~determine if its~~ circuit protection equipment can accommodate the equipment of the qualifying facility.
- (b) A utility shall evaluate the effects of a proposed interconnection, together with the aggregate effects of all other interconnections, on the utility's installed circuit protection

equipment. Pre-engineering costs incurred prior to interconnection shall be a cost of the qualifying facility. Pre-engineering costs shall not include routine normal evaluation of the proposed interconnection.

- (c) As part of normal planning, a utility shall evaluate the interaction between a qualifying facility's operations and the utility's installed circuit protection equipment. The cost of evaluation shall be an interconnection cost of the qualifying facility.
- (d) If the design of a qualifying facility causes replacement or significant re-coordination of the utility's circuit protection equipment of a utility, or if the design reasonably can be expected to require extraordinary operation of the utility's installed protection equipment, the utility shall not interconnect with the qualifying facility. The utility ~~may~~shall decline to interconnect until either the design has been modified to eliminate the problems, or ~~until~~ specific modified designs for the interconnection are established. Replacement and re-coordination costs shall be an interconnection cost of the qualifying facility.
- (e) A qualifying facility shall provide the utility with a description of the qualifying facility's electrical and mechanical equipment sufficient for the utility to determine the safety and adequacy of its installed service drops and supply equipment. The qualifying facility shall provide this ~~Such information shall be supplied by the qualifying facility at the time it submits its design information to the utility.~~

**3920. Installation of Protective Equipment by Qualifying Facilityies to Accommodate Protection Equipment of Utilityies.**

- (a) Within 25 days after a qualifying facility submits ~~its~~its complete design information, a utility shall notify the qualifying facility of ~~the~~any necessity to install protective equipment to accommodate the utility's system protection equipment.
- (b) Such notification shall be made in writing and shall list the specific types of protective equipment required, and the operations of the utility which necessitate protection, ~~and the possible effects upon a qualifying facility's system if it fails to install the required protective equipment.~~
- (c) The qualifying facility shall be responsible for installing protective equipment to accommodate the utility's system protection equipment. The cost of this installation shall be an interconnection cost of the qualifying facility.

~~(e)~~(d) \_\_\_\_\_ A utility shall not be responsible for the effects on a qualifying facility's equipment and systems that are caused by

~~the utility's system or equipment of the utility, such as reclosures and sectionalizers.~~

### 3921. Grounding Qualifying Facility Equipment.

(a) A utility shall establish grounding practices that are commensurate with those in the area, taking into consideration soil conditions, the nature of other loads in the area, and the utility's experience. Grounding practices shall be consistent with applicable national, state, and local codes.

(b) A qualifying facility shall ground all equipment to meet governmental codes and the utility's requirements.

~~(b)~~(c) A utility shall advise, in writing, a qualifying facility of its grounding requirements and applicable governmental codes within 25 days after the qualifying facility submits its complete design information.

~~(e)~~(d) If the grounding of a qualifying facility's equipment degrades safety, necessitating improvements or modifications of the interconnection, the utility shall have the right to approve the improvements or modifications made to the interconnection to assure that they are sufficient to address the safety issue caused by the degradation. ~~†The qualifying facility shall bear the responsibility for and the cost of such improvements or modifications shall be on the qualifying facility.~~

~~(d)~~(e) In the event that grounding of a qualifying facility causes electro-magnetic interference with telephone service, radio or television reception, or the operation of other electrical devices, ~~the it shall be the responsibility of the qualifying facility to~~ shall make the necessary grounding modifications to remove such interference. The cost of such modifications shall be an interconnection cost of the qualifying facility.

~~(e)~~(f) No qualifying facility shall commence interconnected operations until it obtains written certification that it has complied with all applicable governmental codes, and until the utility approves the grounding of the qualifying facility's equipment.

### 3922. Standards for Harmonics and Frequency.

(a) For smaller qualifying facilities connected to its distribution system, a utility shall establish standards for the harmonic content of power and energy generated by qualifying facilities. Such standards shall ~~not be~~ no more stringent than those of the utility's bulk power suppliers.

(b) No qualifying facility shall commence interconnected operations until it establishes, to the satisfaction of the utility, that it will produce power and energy at a fundamental frequency of 60

HZ<sub>7</sub> and that such power will not exceed the utility's established standards ~~required~~ for harmonic content.

(c) A utility shall not be responsible for onsite interference caused by harmonics ~~(such as heating)~~, failure of motors, interference with telephone service or television or radio reception, and other manifestations of degraded quality of service, which are caused by the failure of a qualifying facility to produce power and energy at 60 HZ.

(d) A qualifying facility shall not operate its generators in such a fashion as to impact negatively the utility's or the utility's customers' voltage range or other voltage characteristics. The qualifying facility shall have adequate voltage regulation and related protective and control equipment as required by the utility.

(e) A qualifying facility shall operate within the utility's power factor and voltage characteristic requirements.

### 3923. Interconnection at Different Voltage Levels.

(a) A qualifying facility shall interconnect with a utility at the utility's established secondary voltage level, unless the utility agrees to an interconnection at a different voltage level.

(b) An interconnection at a different voltage level that requires the utility to install different or additional protective equipment, or that requires the utility to make other modifications of its system, shall be an interconnection cost of the qualifying facility.

### 3924. Types of Generators and Inverting Equipment.

(a) A utility shall establish standards to encourage qualifying facilities to use induction generators and line-commutated inverters, rather than synchronous generators and self-commutated equipment, in order to minimize the possibility of reverse power flow during periods of line outages. Such standards, however, shall not exclude or prohibit the use of synchronous generators.

(b) A utility shall adopt power factor standards at the point of interconnection. Such standards shall recognize that a qualifying facility may not produce excessive reactive power during off-peak conditions and may not consume excessive reactive power during on-peak conditions. The qualifying facility shall be responsible for installing, at its expense, the equipment necessary to maintain power factor requirements.

(c) If a ~~a~~ qualifying facility's abnormal power factor ~~that~~ causes deleterious effects on a utility's system, the utility shall shall be corrected the deleterious effects on its system ~~by the utility~~ at the expense of the qualifying facility. Deleterious effects on a qualifying facility's system caused by its abnormal

power factor shall be corrected by the qualifying facility at its own expense.

### 3925. System Protection Equipment.

- (a) Prior to interconnection, a qualifying facility shall install protective equipment that will automatically disconnect its generating equipment from a utility's power lines in the event of failure of the qualifying facility's ~~its~~ generating equipment, ~~or~~ a power line outage, or a nearby system fault.
- (I) ~~Such~~The protective equipment, or separate equipment, shall have the ability to isolate the energy generated or supplied by a utility or by a qualifying facility. ~~Such~~The equipment shall be accessible to and by the utility and the qualifying facility.
- (II) A utility shall have the right to operate ~~such~~the protective equipment whenever, in its judgment, it is necessary to maintain safe operating conditions, or whenever the operations of a qualifying facility adversely affect the utility's system.
- (III) A qualifying facility shall have the right to operate ~~such~~the protective equipment whenever, in its judgment, it is necessary to maintain safe operating conditions, or whenever the operations of a utility adversely affect the qualifying facility's equipment.
- (IV) Protective equipment that isolates a qualifying facility's generation shall be lockable by a utility only in the open position. Equipment that isolates a utility's generation or supply shall be lockable by a qualifying facility only in the open position. ~~Such~~This equipment shall be installed so that there can be visual verification that the equipment is locked in the open position.
- (b) Prior to interconnection, a utility shall require a qualifying facility to demonstrate the proper functioning and operation of its protective equipment to the satisfaction of the utility.
- (c) A qualifying facility shall install ~~fused~~overcurrent protection between major components of all switched interconnections.
- (d) A qualifying facility shall install protective relaying equipment to confine the effects of faults, lightning strikes, or other abnormalities and to protect its and a utility's equipment.
- (e) Prior to making significant modifications to its equipment, a qualifying facility shall notify a utility with which the QF is interconnected of the proposed modifications. If a qualifying facility plans to ~~make~~ significant modifications to its equipment, or if future difficulties arise on the systems of the qualifying facility or the utility as a result of the

interconnection, the utility may require different or additional protective equipment, or may require modifications as a condition of continued interconnected operations. The cost of such protective equipment or modifications shall be a cost of the qualifying facility.

- (f) No specific number of system protective devices is required by this rule.

**3926. Meters.**

- (a) A utility shall, ~~at cost,~~ supply (at cost), own, install, and maintain meters to measure the generation of a qualifying facility.
- (b) A qualifying facility shall supply, at no expense to the utility, a suitable location for the installation of metering equipment.
- (c) The cost of meters, their installation, and their maintenance shall be an interconnection cost of the qualifying facility.

**3927. Maintenance and Inspection of Qualifying Facilityies.**

- (a) Prior to interconnection, a qualifying facility shall establish a ~~schedule of~~ planned maintenance schedule containing dates, times, and procedures. No qualifying facility shall commence interconnected operations until the utility approves the proposed maintenance schedule. The utility shall not withhold approval unreasonably.
- (b) A utility shall establish written procedures for inspecting a qualifying facility and shall provide a copy of the procedures to the qualifying facility prior to interconnection. Inspection procedures may be modified on a case-by-case basis.
- (c) A qualifying facility shall keep records of maintenance, and a utility shall keep records of inspections. Each shall have access to the records of the other.
- (d) A utility may inspect a qualifying facility, on demand, to determine if the qualifying facility is complying with the ~~previously-~~approved maintenance schedule and is safely operating all protective equipment, ~~such as relays, circuit breakers at the interconnection, and tripping breakers on protective relays.~~
- (e) A utility may inspect the qualifying facility and its records ~~of a qualifying facility,~~ on demand, to determine if the qualifying facility is, or has been, reselling the utility's energy and/or capacity to the utility.
- (f) Personnel from both a utility and a qualifying facility shall have the right to witness inspections, ~~except inspections to determine safety or the reselling of the utility's energy or capacity to the utility.~~ For inspections to determine safety or

~~the reselling of the utility's energy or capacity to the utility~~~~such inspections~~, the utility shall inform the qualifying facility that it intends to inspect the facility. ~~may have personnel present during the inspection.~~ If the qualifying facility declines, the inspection shall be conducted without the presence of qualifying facility personnel.

### 3928. Disconnection of Qualifying Facilityies.

- (a) If a utility determines that a qualifying facility has not complied with its maintenance schedule, that a qualifying facility's ~~its~~ protective equipment is not operating properly, or that a qualifying facility has been reselling the utility's energy or capacity to the utility, the utility may disconnect the qualifying facility without notice, or may give the qualifying facility up to 30 days' notice of disconnection.
- (b) A notice of disconnection shall inform the qualifying facility of the maintenance to be performed, the operational practices to be modified or terminated, or the repairs to be made to protective equipment to prevent disconnection. To avoid disconnection, ~~The~~the qualifying facility shall comply with all requirements prior to the date of the proposed disconnection ~~in order to avoid disconnection.~~ The qualifying facility shall notify the utility when it has complied, at which time the utility shall re-inspect the qualifying facility. If the utility determines that the qualifying facility has complied, the qualifying facility shall not be disconnected. If the utility determines that the qualifying facility has not complied, the qualifying facility shall be disconnected as provided in the notice of disconnection.
- (c) A utility and a qualifying facility may agree to a reasonable continuance of a disconnection, or to a reconnection where the qualifying facility has been disconnected, if the utility believes that the qualifying facility is making a bona fide effort to comply. ~~Where~~If the qualifying facility has been disconnected for reselling the utility's energy and/or capacity to the utility, the agreement ~~may~~shall be conditioned on the qualifying facility's paying the utility for the resold energy and/or capacity.

### 3929. Qualifying Facilityies to File Generation Schedule.

A qualifying facility, ~~other than one dependent on intermittent sources of energy, such as solar or wind,~~ shall provide a utility with a proposed schedule of generation prior to interconnection. The schedule may be used by the utility to coordinate normal maintenance of its distribution facilities, to coordinate its bulk power supplies, or to coordinate regular operations for the safety of maintenance personnel ~~by coordinating regular operations.~~

### 3930. - ~~3849~~3949. [Reserved].

### 3950. Indemnification and Insurance.

- (a) A utility shall indemnify a qualifying facility against all loss, damage, expense, and liability to third persons for injury or death caused by the utility's ownership, construction, operation, maintenance, or failure of its facilities used in the interconnected operations. The utility, at the request of the qualifying facility, shall defend any suit asserting a claim covered by its indemnification. The utility shall pay all costs incurred by the qualifying facility to enforce this indemnification.
- (b) A qualifying facility shall indemnify a utility against all loss, damage, expense, and liability to third persons for injury or death caused by the qualifying facility's ownership, construction, maintenance, or failure of its facilities used in the interconnected operations. The qualifying facility, at the request of the utility, shall defend any suit asserting a claim covered by its indemnification. The qualifying facility shall pay all costs incurred by the utility to enforce this indemnification.
- (c) Absent a written agreement to the contrary, a utility and a qualifying facility shall hold each other harmless from liability for all damages caused to the facilities of the other party by reason of the improper or faulty operation of, or non-operation of, their facilities.
- (d) A qualifying facility shall obtain liability insurance in an amount at the utility determines to be reasonably adequate to protect the public and the utility against damages caused by the interconnected operations. Prior to interconnection, the qualifying facility shall provide the utility with a current, valid certificate of insurance naming the utility as a beneficiary. A utility may waive the right to be named as an additional insured.

**3951. Discontinuance of Sales or Purchases During System Emergencies, and Notice.**

- (a) A qualifying facility shall ~~be required to~~ provide energy or capacity to a utility during a system emergency on the utility's system to the extent required by, as provided in 18 C.F.R. § 292.307(a).
- (b) Unless waived by the utility, a qualifying facility, which discontinues sales to or purchases from a utility due to a system emergency:
  - (I) Shall make a reasonable effort to notify the utility by telephone prior to discontinuance. If the qualifying facility is unable to give prior telephone notice to the utility, the qualifying facility shall notify the utility by telephone no later than two hours after the termination of the emergency. No utility shall be entitled to

telephone notification under this rule unless it provides its current telephone number to the qualifying facility.

- (II) Shall give written notice to the utility no later than three business days after the termination of the emergency causing the discontinuance. The written notice shall describe the emergency, ~~and the~~ duration of the emergency thereof, and the reasons for the discontinuance.
- (c) During a system emergency, ~~as defined in 18 C.F.R. § 292.201(b)(4)~~, a utility may discontinue purchases from a qualifying facility as provided in 18 C.F.R. § 292.307(b). Unless waived by the qualifying facility, a utility, which discontinues purchases from or sales to a qualifying facility due to a system emergency:

- (I) Shall make a reasonable effort to notify the qualifying facility by telephone prior to discontinuance. If the utility is unable to give telephone notice to the qualifying facility prior to discontinuance, the utility shall notify the qualifying facility by telephone no later than two hours after the termination of the emergency. No qualifying facility shall be entitled to telephone notification under this rule, unless it provides its current telephone number to the utility.
- (II) Shall give written notice to the qualifying facility no later than three business days after termination of the emergency causing the discontinuance. The written notice shall describe the emergency, ~~the~~ and duration of the system emergency thereof, and the reasons for the discontinuance.

- (d) As used in this rule, "system emergency" means a condition on a utility's system that is likely to result in imminent and significant disruption of service to customers or that is likely imminently to endanger life or property.

### 3952. Other Discontinuances.

Prior to any ~~other~~ type of temporary discontinuance of purchases or sales other than one due to a system emergency, the utility or the qualifying facility shall notify the other party as provided in ~~Rule 3851~~3951, except that ~~However, such~~this notification shall not be required if the parties previously ~~have~~agreed upon the discontinuance, or if the discontinuance is less than ~~fifteen~~15 minutes in duration. ~~When the duration of a discontinuance is fifteen minutes or more, the utility or qualifying facility shall provide the notice required by Rule 3851.~~

### 3953. Exemption of Qualifying Facilities From Certain Colorado Laws and Regulations, ~~and Waivers.~~

- (a) A qualifying facility shall be exempt from Colorado law and regulations as provided in 18 C.F.R. § 292.602(c), except that a

qualifying facility shall not be exempt from rules 3900 through 3999.

- (b) The exemption provided for in 18 C.F.R. § 292.602(c) shall not divest the Commission of the authority to review contracts for purchases and sales of power and energy under §§ 201 and 210 of the Public Utility Regulatory Policies Act of 1978~~PURPA~~.

**3954. Reporting Requirements for Utilities.**

- (a) Each utility shall file a written report with the Commission within 30 days after the last business day of March, June, September and December of each year, which report shall containing the information required by this rule for each qualifying facility, by class, (such as, without limitation, co-generation, hydro, wind, solar, and biomass/waste), ~~etc.~~ For purposes of this rule, a "qualifying facility under active discussion or negotiations" ~~shall mean~~ a qualifying facility which has ~~where~~ either provided preliminary engineering design data has been provided by the qualifying facility to the utility or commenced where contract negotiations between with the utility and the qualifying facility have commenced.

~~(b) The report shall contain the following general information:~~

~~(I) The total number of contracts the utility has with qualifying facilities;~~

~~(II) The total number of KW provided by such contracts;~~

~~(III) The total MWH provided by such contracts, by class, during the 12 months prior to the date of the report; and~~

~~(IV) The total annual MWH projected to be provided by qualifying facilities under active discussion or negotiation, by class.~~

(e)(b) \_\_\_\_\_ The report shall contain the following specific information as to each qualifying facility and as to each qualifying facility under active discussion or negotiations:

(I) The name and location of the qualifying facility. \_\_\_\_\_;

(II) The name, address, \_\_\_\_\_ and telephone number of the owner or principal developer of the qualifying facility. \_\_\_\_\_;

(III) The utility's percentage ownership, if any, in the qualifying facility. \_\_\_\_\_;

(IV) A description of the technology used or to be used in the qualifying facility (, ~~such as, without limitation, wind turbine, hydro, combustion turbine, and topping or bottoming cycle).~~ \_\_\_\_\_;

- (V) The fuel source and type of fuel used or to be used in the qualifying facility. +
- (VI) If the parties are negotiating a contract, The proposed pattern of operation, ~~if the parties are negotiating a contract,~~ including the size of the qualifying facility by capacity (KW) and by energy (KWh), + for each season. +
- (VII) If the qualifying facility is in commercial operation, The pattern of operation under an existing contract, the monthly capacity and energy delivered by the qualifying facility, and the monthly payments by the utility for the purchase of capacity and energy. +
- (VIII) The construction schedule of a proposed qualifying facility and the estimated date of commercial operation. +  
~~and~~
- (IX) The status of FERC certification or de-certification of a qualifying facility under contract or active discussion or negotiations.

~~(d)~~(c) \_\_\_\_\_ If a qualifying facility of two MW or more comes under active discussion or negotiations, the utility, within seven days, shall inform the Commission by letter of the information required by ~~paragraph~~ section (b) of this rule ~~within seven days.~~

~~(e)~~(d) \_\_\_\_\_ Within 20 days after the effective date of this rule, each utility, if it has not previously done so, shall file with the Commission the utility's current interconnection requirements, standard contracts and forms, schedule of engineering fees, interconnection fees, meter reading fees, other fees, and insurance requirement.

~~(f)~~(e) \_\_\_\_\_ If a utility changes a fee required to be reported pursuant to section (d) of this rule, the utility, in writing, shall inform the Commission of the amount of the new fee within ~~10~~ ten days after the change.

~~(g)~~(f) \_\_\_\_\_ This rule shall not apply to a cooperative electric association, which has voted to exempt itself from regulation under Articles 1 to 7 of Title 40, C.R.S., but which is ~~to be~~ regulated under Article 9.5 of Title 40, C.R.S.

3955. - ~~3899~~3999. [Reserved].

APPENDIX A

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**GLOSSARY OF ACRONYMS**

CAAM - Cost Allocation and Assignment Manual  
CCR - Colorado Code of Regulations  
C.F.R. - Code of Federal Regulations  
CPCN - Certificate of Public Convenience and Necessity  
CRCP - Colorado Rules of Civil Procedure  
C.R.S. - Colorado Revised Statutes  
EAO - Energy Assistance Organization  
e-mail - Electronic mail  
FERC - Federal Energy Regulatory Commission  
FDC - Fully Distributed Cost  
GAAP - Generally Accepted Accounting Principles  
HZ - Hertz (cycles per second)  
IEEE - the Institute of Electrical and Electronics Engineers  
IPP - Independent Power Producer  
KW - KiloWatt (1 KW = 1,000 Watts)  
KWh - Kilowatt-hour  
MMO - Master Meter Operator  
MW - MegaWatt (1 MW = 1,000 KiloWatts)  
MWH - MegaWatt-hour  
OCC - ~~the~~ Colorado Office of Consumer Counsel  
~~P&P Rules - Rules of Practice and Procedure~~  
~~PURPA - Public Utility Regulatory Policies Act~~  
~~QF - Qualifying Facility~~  
RUS - Rural Utilities Service of the United States Department of  
Agriculture  
USOA - Uniform System of Accounts

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