

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

[THIS DOCUMENT SHOWS PROPOSED CHANGES TO MASTER METER OPERATOR RULES 3800-3805. CHANGES FROM THE RULES ISSUED AS A PART OF THE NOTICE OF PROPOSED RULEMAKING IN DECISION NO. C03-1370, DOCKET NO. 03R-519E, ISSUED DECEMBER 15, 2003, ARE SHOWN IN REDLINE FORMAT.]

MASTER METER OPERATORS

3800. Applicability.

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

3801. Definitions.

The following definitions apply ~~only in the context of~~ to Rules ~~3900~~ 3800 -- ~~3903~~ 3805, unless a specific statute or rule provides otherwise. In addition to these definitions, the definitions in rule 3001 apply.

- (a) "Check-meter" means a meter or other composite measurement device, which is used by a master meter operator ~~who is exempt from rate regulation, and which is used to determine electric consumption by end-users~~ usage of those served ~~served by the master meter operator.~~
- (b) "Master meter" means ~~the~~ a meter or other composite measurement device which a serving utility uses ~~used to bill a master meter operator.~~ the MMO by the regulated utility.
- (c) "Master meter operator" or "MMO" means ~~any~~ person who purchases electric service from a serving regulated utility for the purpose of delivering y of such that 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.
- (e) "Serving utility" means the utility from which the master meter operator receives the electric service which the master meter operator then delivers to end-users.

3802. Exemption from Rate Regulation.

- (a) Pursuant to § 40-1-103.5, C.R.S., and by this rule, the Commission exempts from rate regulation under Articles 1 to 7 of Title 40, C.R.S., a master meter operator which is in compliance with rules 3803 and 3804.
- (b) A master meter operator which is not in compliance with rules 3803 and 3804 is subject to rate regulation under Articles 1 to 7 of Title 40, C.R.S., and shall comply with the applicable rules. ~~Exemption from Rate Regulation. Contents. Either upon its own motion or upon the application of any master meter operator (MMO), the Commission has, pursuant to its own motion under § 40-1-103.5, C.R.S., and Decision No. [insert Commission order adopting rules], exempted all MMOs~~ may exempt a MMO from rate regulation under Articles 1 to 7 of Title 40, C.R.S., provided they comply with rules 3803 and 3804, 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:

3803. MMO Exemption Requirements.

- (a) ~~In order to~~In order to retain its exemption from rate regulation, a MMO shall ~~must have policies and procedures in place which ensure that~~do the following the following:
- (I) All of information required in rules 3002(b) and (c);
- ~~(II)~~(I) As part of its billing for utility service, ~~the~~each the MMO shall charge ~~the~~its end-users only the actual cost billed to the MMO by the serving utility. ~~The Each~~The MMO shall not charge end-users for any other costs ~~(, such as, without limitation,~~ the costs of construction, maintenance, financing, administration, metering, or billing for the equipment and facilities owned by the MMO) in addition to the actual costs billed to the MMO by the serving utility.
- ~~(III)~~(II) If the MMO bills ~~the~~its end-users separately for service, the sum of such billings shall not exceed the amount billed to the MMO by the serving utility. ~~The Each~~
- (III) If the MMO bills its end-users separately for service, the MMO shall pass on to ~~the~~its end-users all refunds the MMO receives from the serving utility or otherwise.
- (IV) ~~The Each~~The MMO shall establish procedures for giving notice of a refunds to those who are not current end-users, but who were end-users during the ~~subject time period~~ for which the refund is paid.

- (V) A master meter operator shall retain, for a period of not less than three years, all records of original utility billings made to the master meter operator and all records of billings made by the master meter operator to its end-users.
- (b) Resale of electricity for profit by a~~In order to retain its exemption from rate regulation, a MMO exempt from rate regulation shall not resell electricity for profit. Resale is a basis for revocation of an exemption from rate regulation.~~
- (c) is strictly prohibited.~~A MMO may check-meter tenants, lessees, or other persons to whom the electricity ultimately is distributed but may do so only if the following conditions are met:~~
- (I) The check-meter is used solely for the purpose of reimbursing the MMO by means of an appropriate allocation procedure.
- (II) The MMO does not receive more than the actual amount billed to the MMO by the serving utility. ~~costResale activity is a basis for revocation of an exemption order from rate regulation.~~

3804. ~~MMO Refunds.~~

- (a) In passing on refunds to end users~~When a serving utility notifies a MMO of a refund or when a refund is otherwise made, a ~~each~~ MMO shall notify its end-users of ~~any~~the refunds and shall inform the end-users that they may claim the refunds within 90 days after receipt of the notice. The notification shall be made either by first-class mail with a certificate of mailing, or by inclusion in any monthly or more frequent regular written communication. ~~The Each~~The MMO shall also notify former customers who were end-users during the ~~subject time period for which the refund is made.~~ The MMO shall give the notice required by this section within 30 days of notification about the refund or, if there is no prior notification, within 30 days of receipt of the refund.~~
- (b) A MMO may retain any portion of a refund which rightfully belongs to the MMO.
- (c) If the aggregate amount of a refund which remains unclaimed after 90 days exceeds \$100 ~~dollars~~, the MMO shall contribute that unclaimed amount to the energy assistance organization in accordance with rules ~~3410~~(d), (f), and (g). If the aggregate amount which remains unclaimed after 90 days does not exceed \$100 ~~dollars~~, the MMO may retain ~~such~~the aggregate amount. ~~A Each MMO may retain any portion of such refunds that rightfully belongs to the MMO.~~

~~(e)(d)~~ A Each MMO shall pay interest on undistributed refunds in accordance with the ~~Commission's Customer Deposit Interest Rate Rule 3402(1)~~ rule 3410(d).

3805. Complaints, ~~and Penalties, and Revocation of Exemption.~~

~~(a)~~ Any customer Pursuant to rules 1301 and 1302, a person (including without limitation anyone subject to a master meter) may make an informal complaint to the External Affairs section of the Commission or may file a formal complaint with the Commission with the respect to an alleged violations of the requirements set forth in rules 3803 and 3804 above. This complaint shall be filed with the Commission, formally or informally Pursuant to Rules 1301 and 1302.

~~(b)~~ The As a result of a complaint or on its own motion, the Commission ~~shall~~ will investigate complaints concerning MMOs. If the Commission determines, ~~and if~~ after investigation, ~~the Commission finds~~ that an MMO has violated any of the requirements set forth in ~~of~~ rules 3803 and 3804 above, the MMO may have its exempt status revoked, ~~and/or~~ or may be subject to penalties as set forth in § 40-7-107, C.R.S., or both.

3805.3806. -3899 [Reserved].