

(IV) Execute a non-disclosure agreement with the utility.

(b) The utility shall maintain records of the disclosure of customer data to contracted agents for a minimum of three years. Such records shall include all contracts with the contracted agent and executed non-disclosure agreements.

**3030. Third-Party Access to Customer Data from a Utility.**

(a) Except as outlined in paragraphs 3026(b) and 3029(a), a utility shall not disclose customer data to any third-party unless the customer or a third-party acting on behalf of a customer submits a paper or electronic signed consent to disclose customer data form that has been executed by the customer of record and any data feeze for the service address has been released.

(b) Incomplete or non-compliant consent to disclose customer data forms are not valid and shall be rejected by the utility.

(c) The utility shall maintain records of all of the disclosures of customer data to third-party requestors. Such records shall include a copy of the customer's signed consent to disclose customer data form, all identifying documentation produced by the third-party requestor, the customer's agreed upon terms of use, the date(s) and frequency of disclosure, and a description of the customer data disclosed.

(d) The utility shall maintain records of customer data disclosures for a minimum of three years and shall make the records of the disclosure of a customer's customer data available for review by the customer within five business days of receipt a paper or electronic request from the customer, or at such greater time as is mutually agreed between the utility and the customer.

**3031. Requests for Aggregated Data Reports from a Utility**

(a) A utility shall not disclose aggregated data unless such disclosure conforms to these rules.

(b) In aggregating customer data to create an aggregated data report, a utility must take steps to ensure the report is sufficiently anonymous in its aggregated form so that any individual customer data or reasonable approximation thereof cannot be determined from the aggregated amount. At a minimum, a particular aggregation must contain: (1) at least fifteen customers or premises, and (2) within any customer class, no single customer's customer data or premise associated with a single customer's customer data may comprise 15 percent or more of the total customer data aggregated per customer class to generate the aggregated data report (the "15/15 Rule"). Notwithstanding, the 15/15 Rule, the utility shall not be required to disclose aggregated data if such disclosure would compromise the individual customer's privacy or the security of the utility's system.

**3976. Regulated Electric Utility Rule Violations, Civil Enforcement, and Civil Penalties.**

An admission to or Commission adjudication for liability for an intentional violation of the following may result in the assessment of a civil penalty of up to \$2,000.00 per offense. Fines shall accumulate up to, but shall not exceed, the applicable statutory limits set in § 40-7-113.5, C.R.S.

| Citation                | Description                                                                 | Maximum Penalty Per Violation |
|-------------------------|-----------------------------------------------------------------------------|-------------------------------|
|                         | Articles 1-7 of Title 40, C.R.S.                                            | \$2000                        |
|                         | Commission Order                                                            | \$2000                        |
| Rule 3005(a)-(c);(f)    | Records and Record Retention                                                | \$2000                        |
| <u>Rule 3026(a)</u>     | <u>Collection and Use of Customer Data</u>                                  | <u>\$1000</u>                 |
| <u>Rule 3026(b);(e)</u> | <u>Disclosure of Customer Data</u>                                          | <u>\$2000</u>                 |
| <u>Rule 3026(c)</u>     | <u>Tariff</u>                                                               | <u>\$1000</u>                 |
| <u>Rule 3026(d)</u>     | <u>Disclosure of Customer Data</u>                                          | <u>\$1000</u>                 |
| <u>Rule 3027(a)</u>     | <u>Customer Notice</u>                                                      | <u>\$1000</u>                 |
| <u>Rule 3028(a);(b)</u> | <u>Consent Form</u>                                                         | <u>\$1000</u>                 |
| <u>Rule 3029(a)</u>     | <u>Disclosure of Customer Data</u>                                          | <u>\$2000</u>                 |
| <u>Rule 3029(b)</u>     | <u>Records</u>                                                              | <u>\$1000</u>                 |
| <u>Rule 3030(a)</u>     | <u>Disclosure of Customer Data</u>                                          | <u>\$2000</u>                 |
| <u>Rule 3029(b)-(d)</u> | <u>Consent and Records</u>                                                  | <u>\$1000</u>                 |
| <u>Rule 3031(a)</u>     | <u>Disclosure of Aggregated Data</u>                                        | <u>\$2000</u>                 |
| <u>Rule 3031(c)</u>     | <u>Tariff</u>                                                               | <u>\$1000</u>                 |
| <u>Rule 3032</u>        | <u>Data Freeze</u>                                                          | <u>\$1000</u>                 |
| Rule 3100(a)            | Obtaining a Certificate of Public Convenience and Necessity for a Franchise | \$2000                        |