

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

DOCKET NO. 13R-0747E

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IN THE MATTER OF THE PROPOSED RULES RELATING TO EXEMPTION FROM ELECTRICITY INVERTED BLOCK RATE SCHEDULE FOR MEDICAL REASONS, 4 CODE OF COLORADO REGULATIONS 723-3, PURSUANT TO SECTION. 40-3-103.5, C.R.S.

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**NOTICE OF PROPOSED RULEMAKING**

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Mailed Date: June 28, 2013

Adopted Date: June 26, 2013

**I. BY THE COMMISSION**

**A. Statement**

1. The Colorado Public Utilities Commission hereby issues a Notice of Proposed Rulemaking (NOPR) regarding its Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3.

2. This rule is proposed pursuant to SB13-282, which directs the Public Utilities Commission (Commission) to adopt rules creating an exemption from tiered electric rate plans based on a customer's medical condition or use of an essential life support device. SB13-282 amended § 40-3-103.5, C.R.S.

3. The statutory authority for the proposed rules is found in §§ 29-20-108, 40-2-108, 40-3-102, 40-3-103, 40-3-103.5, 40-3-111, 40-4-101, and 40-4-108, C.R.S.

**B. Policy Objectives**

**1. Overview**

4. In this NOPR, the Commission makes certain findings and introduces proposed rules related to the exemption from tiered electricity rate plans by persons meeting certain medical requirements. The Commission authorized tiered electricity rate plans, also known as

inverted block rates, for residential customers through Decision No. C10-0286 in Docket No. 09AL-299E.

5. The draft rule language presented in this NOPR was developed by Commission Staff. As draft language it is now presented to the public through this NOPR with the specific intent of stimulating discussion.

**2. Proposed Rule**

6. We propose to add Rule 3413, attached as Attachment A. This rule requires electric utilities to file a tariff with a rate plan for persons who qualify for and request an alternative rate plan based on medical qualifications. The alternate rate plan based on medical exemption shall not be tiered.

7. The proposed rule requires that in order to qualify for the alternative rate plan a customer must 1) provide a certificate from a physician licensed in the State of Colorado verifying a medical condition or use of life support device; and 2) have a household income of less than 250% of federal poverty guidelines as published by the U.S. Department of Health and Human Services. Should a customer qualify for the medical exemption rate, that customer will not be precluded from participating in any low-income program offered by the utility.

8. We invite interested parties to comment on the proposed rule. We are particularly interested in comments regarding the specific process for verifying household incomes, such as what types of document(s) or information would be necessary and what entity would perform the verification.

**3. Conclusion**

9. Rules not specifically discussed in this NOPR do not constitute a portion of this NOPR. The Commission is not proposing any changes to the rules not specifically discussed in this NOPR.

10. The proposed rule will be published in the July 10, 2013 edition of *The Colorado Register*. Interested persons may acquire a copy of the proposed rule, either as paper-copy from the Commission's Administrative Support Section, which may be contacted by phone or email at (303) 894-2884 or [elizabeth.hayes@dora.state.co.us](mailto:elizabeth.hayes@dora.state.co.us), respectively. The proposed rule will also be available through the Commission's Electronic filing system at: [https://www.dora.state.co.us/pls/efi/EFL.Show\\_Docket?p\\_session\\_id=&p\\_docket\\_id=13R-0747E](https://www.dora.state.co.us/pls/efi/EFL.Show_Docket?p_session_id=&p_docket_id=13R-0747E) .

11. The Commission finds that this matter will be appropriately handled by an Administrative Law Judge (ALJ) and refers it as such. The ALJ will conduct a hearing in this matter at the time indicated below; the ALJ may determine that additional hearings are necessary.

12. The Commission strongly encourages written comments in this matter. Parties may present their comments orally at hearing unless the ALJ deems oral presentations unnecessary. If interested persons wish to file comments before the hearing, the Commission requests that such comments be filed no later than July 24, 2013. Reply comments should be submitted by August 7, 2013. All submissions will be considered, whether oral or written.

13. Section 40-3-103.5, C.R.S., as amended through SB13-282, requires that the Commission adopt rules by January 31, 2014. This rulemaking should thus proceed under a timetable that will allow for all procedural and administrative requirements to be met and the final decision in this matter mailed by January 31, 2014.

## **II. ORDER**

### **A. The Commission Orders That:**

1. This Notice of Proposed Rulemaking, and Attachment A attached hereto, shall be filed with the Colorado Secretary of State for publication in the July 10, 2013 edition of *The Colorado Register*.

2. An Administrative Law Judge is assigned to this matter.

3. A hearing on the proposed rules and related matters shall be held as follows:

DATE: **Thursday, August 15, 2013**

TIME: 9:00 a.m. – 5:00 p.m.

PLACE: Public Utilities Commission  
1560 Broadway, Suite 250  
Denver, Colorado

4. The ALJ may set additional hearings, if necessary.

5. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
JUNE 26, 2013.**

(S E A L)



ATTEST: A TRUE COPY

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

JOSHUA B. EPEL

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JAMES K. TARPEY

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PAMELA J. PATTON

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Commissioners