

Decision No. C13-1502

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

PROCEEDING NO. 13R-0747E

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IN THE MATTER OF THE PROPOSED RULES RELATING TO EXEMPTION FROM ELECTRICITY INVERTED BLOCK RATES SCHEDULE FOR MEDICAL REASONS, 4 CODE OF COLORADO REGULATIONS 723-3, PURSUANT TO SECTION 40-2-103.5, C.R.S.

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**DECISION GRANTING EXCEPTIONS**

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Mailed Date: December 4, 2013

Adopted Date: December 4, 2013

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of exceptions to Decision No. R13-1326 (Recommended Decision) filed on November 12, 2013 by the National Multiple Sclerosis Society, Colorado-Wyoming Chapter (MS Society). Public Service Company of Colorado (Public Service or Company) filed a response to exceptions on November 26, 2013. Being fully advised in the matter, we grant the exceptions.

**B. Procedural History**

2. The Commission issued the Notice of Proposed Rulemaking (NOPR) on June 28, 2013, by Decision No. C13-0800. The purpose of this rulemaking is to implement Senate Bill (SB) 13-282, which requires the Commission to adopt rules exempting electric customers with certain medical conditions from tiered electricity rates.

3. By Decision No. C13-0800, the Commission also referred this proceeding to an Administrative Law Judge (ALJ) and requested comments on the proposed rule. The ALJ held a hearing on August 15, 2013 and issued the Recommended Decision on October 23, 2013.

**C. Discussion**

4. On exceptions, MS Society wishes to clarify that Mr. Kirk Williams (a volunteer, advocate, and activist with MS Society) was speaking on his own behalf and not on behalf of MS Society when he spoke regarding income verification during the hearing. The MS Society does not object to an income verification test. Public Service states it appreciates these clarifications to the position of Mr. Williams as an individual and the MS Society. Likewise, we acknowledge these clarifications.

5. Further, MS Society urges the Commission to amend the rules so that residential customers whose household income is less than *or equal to* 250 percent of the federal poverty guidelines are eligible for the exemption from tiered rate (emphasis added). MS Society points out that the rules, as adopted by the ALJ, would exclude customers whose household income equals 250 percent of the federal poverty guidelines. Public Service has no objection to this proposed rule modification.

6. We agree with MS Society and therefore modify Rule 3413(a)(I) as follows:

Any electric utility that has a Commission approved tiered rate plan, also known as inverted block rates, shall file an Advice Letter and tariff, consistent with 4 CCR 723-1-1210, for a rate plan for residential customers who elect an alternate rate plan due to a qualifying medical condition and/or use of an essential life support device and whose household income is equal to or less than two hundred and fifty percent of federal poverty guidelines. The effect of such an exemption shall be neutral with respect to the utility's revenue requirement. If a customer qualifies for the alternate rate plan, that customer shall not be precluded from participating in any low-income program offered by the utility.

**II. ORDER****A. The Commission Orders That:**

1. The exceptions to Decision No. R13-1326, filed on November 12, 2013 by the National Multiple Sclerosis Society, Colorado-Wyoming Chapter (MS Society), are granted.

2. The adopted rules in legislative (*i.e.*, strikeout/underline) format (Attachment A) and in final format (Attachment B) are available through the Commission's Electronic Filings (E-Filings) system at:

[https://www.dora.state.co.us/pls/efi/EFI.Show\\_Docket?p\\_session\\_id=&p\\_docket\\_id=13R-0747E](https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=13R-0747E).

3. The 20-day time period provided by § 40-6-114, C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the effective date of this Order.

4. Subject to a filing of an application for rehearing, reargument, or reconsideration, the opinion of the Attorney General of the State of Colorado shall be obtained regarding the constitutionality and legality of the rules as finally adopted. A copy of the final, adopted rules shall be filed with the Office of the Secretary of State for publication in the Colorado Register.

5. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
December 4, 2013.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Doug Dean'.

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