

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20R-0349EG

IN THE MATTER OF THE PROPOSED RULES REGARDING IMPLEMENTATION OF SENATE BILL 20-030 AND THE REVISION OF DISCONNECTION STANDARDS FOR ELECTRIC AND GAS UTILITIES PURSUANT TO 4 CODE OF COLORADO REGULATIONS 723-3 AND 723-4.

**INTERIM DECISION OF A
ADMINISTRATIVE LAW JUDGE
MELODY MIRBABA
SCHEDULING SECOND RULEMAKING
HEARING AND IDENTIFYING ITEMS
FOR ADDITIONAL PUBLIC COMMENT**

Mailed Date: November 13, 2020

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I. STATEMENT AND BACKGROUND

A. Summary.

1. This Decision discusses numerous comments filed in this rulemaking proceeding; identifies matters for additional comment and dates by which those should be filed; takes administrative notice of a filing in another Commission proceeding; schedules a second public comment hearing for March 4, 2021 to be held by video-conference; and provides information on how to participate in that hearing. Notice of the March 4, 2021 public rulemaking hearing will be published in *The Colorado Register*. The Administrative Law Judge (ALJ) recognizes that

utility commenters may not have all of the information identified for additional public comment. The ALJ only asks commenters to exercise their best efforts to provide information.

B. Background.

2. This proceeding was initiated in response to Senate Bill (SB) 20-030, which requires the Commission to consider modifications to electric and gas utilities' disconnection standards and electric utilities' programs providing medical exemptions from tiered electric rates. As relevant here, SB20-030 is codified as codified at § 40-3-103.6, C.R.S. (2020). By Decision No. C20-0622, issued August 27, 2020, the Commission issued a Notice of Proposed Rulemaking (NOPR) to amend its Rules Regulating Electric Utilities, 4 *Code of Colorado Regulations* (CCR) 723-3 (Electric Rules) and Rules Regulating Gas Utilities and Pipeline Operators, 4 CCR 723-4 (Gas Rules).¹ The NOPR was accompanied by proposed Electric Rules and Gas Rules in legislative and clean format. Concurrently, the Commission referred this proceeding to an ALJ, invited public comments, and scheduled a remote video-conference public hearing for October 20, 2020. Decision No. C20-0622. Notice of that public comment hearing was published in *The Colorado Register*.

3. On September 22, 2020, the following entities submitted initial comments: Atmos Energy Corporation (Atmos); Black Hills of Colorado Electric, LLC and Black Hills Colorado Gas, Inc. (collectively, Black Hills); Colorado Natural Gas, Inc. (CNG); Energy Outreach Colorado (EOC); Public Service Company of Colorado (Public Service or PSCo); and Sierra Club.²

¹ Except where specified, the Electric Rules and Gas Rules are treated together in this Decision.

² To date, many comments have been submitted in this proceeding. This Decision does not discuss all comments, but only those necessary to understand this Decision.

4. On October 8, 2020, Atmos, Black Hills, CNG, Public Service, and the City and County of Denver (Denver) filed comments, mostly in reply to initial comments.

5. The ALJ held a public hearing as noticed on October 20, 2020. At the public hearing, representatives from Atmos, Black Hills, CNG, and Public Service provided comments to supplement or clarify their prior written comments. In addition, the ALJ informed participants that a second public comment hearing will be scheduled to allow for additional public comment on matters necessitating further exploration, and that the ALJ is considering whether to take administrative notice of filings in other Commission proceedings which may prove helpful here.

II. RULES 3403 / 4403: APPLICATIONS FOR SERVICE, CUSTOMER DEPOSITS, AND THIRD-PARTY GUARANTEE ARRANGEMENTS.

A. Terminology Throughout Rules 3403 / 4403: “Deposit” v. “Cash Deposit.”

6. Throughout Electric Rule 3403, the term “cash deposit” is used while the majority of the terminology in Gas Rule 4403 refers to “deposit.” Public Service recommends that the terminology for deposits be consistent in both sets of rules, but does not suggest which terminology should be used. Public Service Company of Colorado’s Initial Comments (PSCO Initial Comments) at 5. The ALJ invites public comments on whether the Electric Rules and Gas Rules should use consistent terminology in reference to deposits, and if so, whether “cash deposit” or “deposit” should be used and why.

B. Rules 3403(e) / 4403(e).

7. Proposed Rules 3403(e) / 4403(e) would prohibit utilities from collecting deposits from customers who provide documentation that they are receiving “public benefits assistance” or who participate in a low-income program consistent with Electric Rule 3412.

8. Generally, utility commenters state that they require deposits based on credit history, not income, and that creating this carve-out is potentially discriminatory. CNG suggests that deposits serve customers who have been disconnected because they are applied to arrears, thereby making it easier for disconnected customers to pay their balance so they can get reconnected. Comments of Colorado Natural Gas, Inc. (CNG Initial Comments), at 2. CNG also states that it is not well-suited to evaluate or validate a customer's eligibility for or receipt of public assistance. *Id.*

9. Public Service asserts that the phrase "receiving public benefits assistance" is vague; the proposed language would significantly broaden the scope of assistance eligibility; and that security deposits are intended to reduce bad debt write-off. PSCo Initial Comments at 5-6. Public Service is also concerned that the cost of making the necessary changes (including adding personnel and creating new systems and processes) could easily eclipse any perceived benefit to low-income customers, who would have to bear those costs alongside other customers. *Id.* at 6-7. Public Service also believes that the proposed change would be discriminatory because many customers would still be required to provide a deposit while others would not. *Id.* at 5. In addition, Public Service believes the proposed change could inappropriately result in cost-shifting onto other customers, and that the potential impact on other customers should be evaluated. *Id.* at 5.

10. Black Hills believes that the phrase "public benefits assistance" is vague and that it is important for utilities to understand which specific forms of public benefits assistance apply to this rule. Comments of Black Hills Colorado Electric, LLC and Black Hills Colorado Gas, Inc., d/b/a Black Hills Energy filed September 22, 2020 (Black Hills Initial Comments) at 3. Black Hills is separately concerned that the proposed language has no timing element. *Id.* To

address these concerns, Black Hills proposes changes that would narrow the scope of “public benefits assistance” to assistance for electric utility bills within the previous 12 months. *Id.* Atmos is concerned about being required both to create processes to determine if new customers are on public assistance, and to track and keep this type of personal information. Initial Comments of Atmos Energy Corporation (Atmos Initial Comments) at 2.

11. Atmos also suggests changes to proposed Rules 3403(l) / 4403(l) to create a cap on the total amount of deposits that could be required at any one time based on customers’ past or estimated use. *Id.* at 3. While this proposal relates to Rules 3403(l) / 4403(l), the ALJ is interested in whether making this change would impact the commenters’ position on Rules 3403(e) / 4403(e)’s proposed language. The ALJ invites comment on this, including whether commenters view Atmos’s proposed change to Rules 3403(l) / 4403(l) as a more acceptable or manageable approach to deposits than proposed Rules 3403(e) / 4403(e).

12. Generally, comments focus on language prohibiting utilities from collecting deposits from customers who provide documentation showing they are receiving public benefits assistance. But there is a dearth of comments about the language prohibiting utilities from collecting a deposit from customers participating in a low-income program consistent with Rule 3412. For example, comments do not reveal whether utilities believe that this requirement requires an additional investment to implement, and if so how much. Likewise, while utilities raise concerns about the potential investment needed to implement the proposed rule as written, and cost-shifting onto other ratepayers, they fail to provide enough information for the ALJ to appropriately evaluate these concerns. The ALJ invites comments to address all of these issues. The ALJ is also interested in comments on whether proposed Rules 3403(e) / 4403(e) should be

modified to narrow a prohibition on collecting deposits to only those customers³ participating in a Rule 3412 / 4412 program, and whether doing so may minimize or eliminate commenters' concerns about investment cost to implement and cost-shifting onto other ratepayers.

13. As noted in the NOPR, California generally prohibits deposits because its Public Utilities Commission found that utilities failed to demonstrate that deposit requirements are beneficial, and due to the lack of evidence that paying deposits enables customers to stay more current on their bills. *See e.g.*, California Public Utilities Commission, Rulemaking 18-07-005, Decision No. 20-06-003 at 43 (June 11, 2020); *see* Decision No. C20-0622 at ¶ 38. The ALJ is generally interested in additional and more specific information that can shed light on whether deposits are beneficial, particularly to customers who are required to provide one.

14. In addition to the above items, the ALJ also invites comment on the following:

- How could the reference to “public benefits assistance” in Rules 3403(e) / 4403(e) be defined to eliminate or minimize commenter concerns with vagueness and breadth?
- For each regulated utility, in calendar years 2018 and 2019, what percent of customers, by class, were required to pay deposits?
- For each regulated utility, identify the criteria used to determine whether a customer must pay a deposit. To the extent that credit score or history is a criterion, identify and explain the credit score or history which triggers a deposit requirement.
- For each regulated utility, in calendar years 2018 and 2019, what percent customers who were low income (*e.g.*, income at 185 percent of the Federal Poverty Level (FPL)) also had low credit scores or a credit scores or history triggering a deposit? Please explain.

³ Unless otherwise specified, the ALJ's requests for additional public comment refers to gas and electric customers. When providing comments in response to the ALJ's request for information on customers, where applicable, provide the service type for the customer (gas or electric).

- What association have you observed (if any) between low income (*e.g.*, income at 185 percent or higher of the FPL) and low credit scores or credit scores triggering a deposit?
- For each regulated utility, identify the top five Colorado zip codes for which deposits are required from residential customers for reconnection after disconnection for nonpayment.
- For each regulated utility, in calendar years 2018 and 2019, what was the average credit score of residential customers who were required to provide a deposit? What was the average credit score of residential customers who were not required to provide a deposit?
- In calendar years 2018 and 2019, what percentage of customers who were required to pay deposits stayed current on their utility bill?
- In calendar years 2018 and 2019, what percentage of customers who were required to pay deposits had one or more disconnection?
- In calendar years 2018 and 2019, what percentage of customers who were not required to pay deposits stayed current on their utility bill?
- In calendar years 2018 and 2019, what percentage of customers who were not required to pay deposits had one or more disconnection?
- For customers required to pay a deposit who had one or more disconnection in each calendar year 2018 and 2019, provide the percentage of customers whose deposits fully satisfied their arrears. For those whose deposits did not fully satisfy their arrears, identify the percentage of arrears that were satisfied by their deposits, (*e.g.*, deposit satisfied 50 percent of arrears), and the number of months taken to fully satisfy arrears, if any.
- What are the benefits and negatives to: (1) maintaining a deposit requirement, used to pay off and lower arrears; and (2) eliminating deposit requirements, potentially resulting in customers facing arrears that are higher than they would have been if a deposit were applied?

III. RULES 3404 / 4404: INSTALLMENT PAYMENTS.

A. Rules 3404(b) / 4404(b).

18. Proposed Rules 3404(b) / 4404(b) would require utilities to provide customers with an option to waive fees associated with service restoration if the customer enrolls in a regulated demand-side management program (DSM). Utility commenters generally oppose this.

19. Atmos submits that the proposed rule would require utilities to voluntarily under-recover their cost of service since fees are based on and credited to the cost of service. Atmos Initial Comments at 4. Atmos also believes the language is unclear as to how this would work for customers who already participate in a DSM program (as opposed to those who *enroll* in a DSM program). *Id.* CNG states that it is inappropriate to waive fees for service restoration as proposed because there is no relationship between participating in a DSM program and the cost of reconnection. CNG Initial Comments at 3. CNG also asserts that waiving fees for customers who enroll in DSM programs would result in shifting reconnection costs to customers who did not incur them. *Id.* Public Service is concerned that the rule could significantly expand the number of customers who could be exempt from cost-based fees, and that this could result in cross-subsidization among customers. PSCo Initial Comments at 8. Public Service also states that its existing personnel and systems cannot support the rule changes and the investment to implement the changes would be significant. *Id.* 8-9.

20. Black Hills is concerned that the proposal may not achieve its intended purpose. Black Hills Initial Comments at 5-6. Noting that DSM programs can provide customers the opportunity to reduce their bill, Black Hills explains that the additional customer cost to participate in such programs may be greater than the restoration fees, even when considering rebates. *Id.* at 6. Black Hills also points out that customers who rent may not be able to participate in DSM programs. *Id.* If the Commission decides to keep the proposal, Black Hills suggests making it voluntary and setting a time limit that the customer must participate in a DSM program within three months of the reconnection request. *Id.* at 6.

21. Based on the above, the ALJ invites comments on the following:

- For calendar years 2018 and 2019, what was the average energy usage of residential customers who experienced disconnection compared to that of residential customers who did not experience disconnection?
- Under what circumstances do utilities provide customers with information on participating in DSM programs?
- Provide comment on whether the current draft language in Rules 3404(b) / 4404(b) should be modified to require utilities to provide information on DSM programs to customers seeking utility bill assistance, payment plans, or whose utility bill is past due, instead of the current draft language requiring that service restoration fees be waived for people who enroll in a DSM program.

B. Rules 3404(f) / 4404(f).

22. Proposed Rules 3404(f) / 4404(f) would allow customers entering into a payment arrangement allowed by Rules 3404(c) / 4404(c) to modify their billing period going forward.

23. Several utility commenters support the concept reflected in the proposed rule as being consistent with existing practice. Black Hills clarifies that it allows changes to customers' bill due date, not bill period; it also states that customers are concerned with the bill due date, not the billing period. Black Hills Initial Comments at 7. Black Hills also explains that changing the bill due date causes a disruption to automated operations and efficiencies. For these reasons, Black Hills suggests changes to the proposed language to allow modifications to the bill due date (not bill period), and to limit changes to the bill date to once per consecutive 12 months. *Id.*

24. CNG strongly opposes the proposed language because implementing the requirement would be extremely costly and inefficient. CNG Initial Comments at 4. CNG explains that it does not have an advanced metering infrastructure (AMI) that would permit it to more readily make changes to billing cycles. Instead, CNG states that it would be required to send technicians to visit each location not on a regular billing cycle each month, in addition to

the normal meter reading cycle. *Id.* at 4. CNG does not have the staff necessary to manage this, and that ultimately, the requirement would have a significant impact on CNG's operations and would result in higher rates to all customers. *Id.*

25. Public Service proposes adding "to the extent available within the utility's billing system" to provide flexibility. PSCo Initial Comments at 9.

26. Based on the above, the ALJ invites comment on whether Black Hills and Public Service's suggested changes to Rules 3404(f) / 4404(f) should be accepted. The ALJ also invites comments on the anticipated costs associated with implementing the proposed rule as drafted.

C. Rule 3404(h) / 4404(h).

27. Proposed Rules 3404(h) / 4404(h) would increase the potential number of installment payments a customer may make under an installment payment plan from 6 months to 12 months. It would also allow utilities to accept "less than the full amount in arrears for customers selecting fewer installment periods."

1. Installment Payment Plan Length.

28. Utility commenters generally support extending the available term of payment plans up to 12 months. EOC recommends that utilities be required to offer payment plans with terms going up to 24 months, citing the COVID-19 pandemic as an example of a situation where additional flexibility for customers may be valuable. Initial Comments of Energy Outreach Colorado (EOC Initial Comments), at 8-9. Utility commenters generally oppose this suggestion.

29. Atmos has found 12 months to be sufficient for customers to spread out arrearages. Reply Comments of Atmos Energy Corporation (Atmos Reply Comments), at 3.

Atmos also suggests that COVID-19 related issues be addressed in COVID-19 specific proceedings rather than in rules of general applicability. *Id.*

30. CNG submits that a 24-month payment plan increases risk to both the utility and the customer. Reply Comments of Colorado Natural Gas, Inc. (CNG Reply Comments), at 5-6. CNG explains that this would require utilities to carry bad debt for up to two years, which could decrease customers' ability to pay their debt and their current bills, and increase the chances that CNG will not collect the full amount owed. CNG reasons that because bad debt is passed onto other customers, increased bad debt could ultimately increase rates. *Id.* Black Hills believes there is not enough information to determine whether extending payment plans to 24 months would achieve the desired result; it recommends evaluating progress based on the recent change to 12-month payment plans resulting from COVID-19. Reply Comments of Black Hills Colorado Electric, LLC and Black Hills Colorado Gas, Inc., d/b/a Black Hills Energy (Black Hills Reply Comments), at 3-4.

31. In Public Service's experience, customers who have challenges with 12-month payment plans have special circumstances and are likely to have similar challenges with 24-month payment plans. It believes that allowing a 24-month payment plan would not provide a benefit and would be more likely to result in increased bad debt. Reply Comments of Public Service Company of Colorado (PSCo Reply Comments) at 4. PSCo states that customers who are unable to manage a 12-month payment plan are "best served in highly personalized conversations with our Personal Accounts Department that can provide referrals to programs and one-on-one account management." *Id.*

32. Based on the above, the ALJ invites comment on the following:

- By what process could a customer's arrears that are paid through a payment plan become bad debt? For example, at what point could unpaid arrears that are or were under a utility payment plan become a utility's bad debt?
- In calendar years 2018 and 2019, what were the average total arrears of residential customers who entered into 3-month, 6-month, 10-month, and 12-month payment plans?
- In calendar years 2018 and 2019, what were the average total arrears of small business customers who entered into 3-month, 6-month, 10-month, and 12-month payment plans?
- In calendar years 2018 and 2019, how often did customers default on payment plans? Please break this down by plan duration and customer class.
- If a customer defaults on a payment plan, do they have the option of entering a new payment plan with the utility? For example, if a customer defaults on a three-month payment plan, do they have the option of entering into a new six-month payment plan?
- Provide comment on whether proposed Rule 3404(h) / 4404(h) should be modified to give utilities discretion to make a 24-month payment plan available.

2. Average Billing and Automated Billing Payment Plans.

33. EOC is also concerned generally about how customers will be billed for services, and suggests that the following language be included within Rule 3404(h) / 4404(h): "Customers entering into payment arrangements shall not be required by the utility to enter into average billing or automated billing in order to enter into a payment plan." EOC Initial Comments at 9. (Emphasis omitted.). EOC asserts that this language will "protect customers' right to choose how they are billed for services" and benefit customers who do not bank. *Id.* EOC suggests that while repayments could be in equal installments, new bills do not need to be.

34. Public Service opposes EOC's proposed language and specifically disagrees with language precluding the use of average billing plans or budget billing. PSCo Reply Comments at 4. PSCo agrees that being able to offer automated billing alongside payment arrangements is beneficial. However, PSCo states this may not be appropriate for all customers and that automated billing should be an option, not a requirement, for payment arrangements. Reply Comments at 4-5.

35. Based on the above, the ALJ invites comment on the following:

- Do regulated utilities currently require customers to participate in budget billing and/or automated billing as a condition of participating in any programs or services?
- For what types of payments do customers have the option to use automated billing? Are there any types of payments for which automated billing is prohibited or unavailable?

3. Accepting Less than the Full Amount of Arrears.

36. Public Service objects to proposed language allowing utilities to accept less than the full arrears for customers who enter into payment plans with fewer installments. PSCo raises similar concerns as it did to waiving restoration fees for participation in DSM programs (proposed Rules 3404(e) / 4404(e)), except that this language does not impose an income qualification. PSCo Initial Comments at 8. According to PSCo, the proposed language could significantly expand the number of customers who could have balances reduced. *Id.* PSCo posits that because it is entitled to recover the costs for its services, this provision would result in cross-subsidization. Public Service also states that its existing personnel or systems cannot manage this change, and would require significant investment to do so. *Id.* at 8-9. CNG raises similar concerns, but also asks that if the language is implemented, that it be clear that it is discretionary, not mandatory. CNG Initial Comments at 4.

37. Given the above, the ALJ invites comment on the following:

- What is the difference between allowing utilities to accept less than the full amount of arrears in proposed Rule 3404(h) / 4404(h) and Rule 3412(e)(VII) / 4412(e)(VII)'s provisions allowing arrearage credits?
- Does Rule 3412(e)(VII) / 4412(e)(VII)'s provisions concerning arrearage credits result in utilities accepting less than the full amount of arrears?
- Why wouldn't Rules 3404(h) / 4404(h)'s language allowing utilities to accept less than the full arrears amount compliment Rule 3412(e)(VII) / 4412(e)(VII)'s arrearage credit language?

IV. RULES 3407 / 4407: DISCONTINUANCE OF SERVICE.

A. Rules 3407(e)(III) / 4407(e)(III).

38. Proposed Rules 3407(e)(III) / 4407(e)(III) would prohibit utilities from discontinuing service unless to address safety or in exigent circumstances if disconnection will occur “outside the hours of 8:00 a.m. and 4:00 p.m.; between 12:00 Noon on Friday and 8:00 a.m. the following Monday; between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any state or federal holiday; or between 12:00 Noon on the day prior to and 8:00 a.m. on the day following any day during which the utility’s local office is not open.” The language reflects the Commission’s effort to comply with § 40-3-103.6(I)(b), C.R.S., which requires the rules to address “[l]imiting shut-off times to reasonable hours of the day Monday through Friday, excluding holidays” The language in the NOPR does not reflect substantive changes to weekend and holiday disconnection hours and disconnections when a utility’s local office is not open.

39. Utility commenters raise concerns with the proposed language, mostly relating to the hours chosen. Several utilities initially suggest that their business hours be used (which varied by utility, and were only slightly different than the proposed hours). Black Hills Initial

Comments at 8; PSCo Initial Comments at 10. Later, Public Service suggests that given the variations in business hours across utilities, the rule be modified to refer to utility tariffs that define business hours. Public Service states that its business hours are set, in part, through union contracts. PSCo Reply Comments at 5. That would render it difficult to make changes to its business hours. *Id.*

40. During the hearing on October 20, 2020, Black Hills stated that it agrees with Public Service’s proposal, and added that it does not believe there is confusion about its hours.

41. EOC asserts that a standard definition would help provide clarity to customers and would be beneficial; it recommends using 8:00 a.m. to 4:00 p.m. or 9:00 a.m. to 5:00 p.m. EOC also raised that Rules 3409(c)(I) / 4409(c)(I) use the term “business hours,” and this should also be clarified. EOC Reply Comments at 4-5.

42. Given the above, the ALJ invites comment on the following:

- What value, if any, is there to limiting all utilities’ disconnections to the same hours? For example, are there situations where the difference in utilities’ individual business hours could confuse customers served by multiple utilities?
- How do regulated utilities currently make customers aware of their business hours, outside of their tariffs?
- If the rule is modified to authorize disconnection based on utility-specific hours, are utilities able to publish those hours in a similar fashion as other publication requirements in proposed Rules 3407(f) / 4407(f) on their websites?
- For any regulated utilities who have not already identified their business hours through comments filed to date, please provide your business hours.

B. Rules 3407(e)(IV)(A) / 4407(e)(IV)(A).

43. Electric Rule 3407(e)(IV)(A) requires utilities to postpone discontinuation of service for residential customers for one 90-day period from the date of a medical certification in

any 12 consecutive months. Gas Rule 4407(e)(IV)(A) currently requires utilities to postpone discontinuation of service for residential customers for one 60-day period from the date of a medical certification, and allows one 30-day extension after receiving a second medical certification. Similar to the parallel Electric Rule, the Gas Rule limits application of these provisions to once in a consecutive 12-month period. The Commission's NOPR proposes aligning the Gas Rule to match the language in the Electric Rule, thereby allowing a single 90-day disconnection postponement without the need for two medical certifications.

44. CNG opposes the change, asserting that the differences between the two utility services (electric versus gas) warrants different medical exemption requirements. CNG Initial Comments at 5. CNG does not explain or identify any such differences, though it speaks to its own limitations. Specifically, CNG states that because it does not have the ability to disconnect customers remotely, it must visit customers in-person to do so. *Id.* CNG states that this increases the possibility that CNG will have personal contact with the customer, which it believes lessens the likelihood that a customer eligible for continuing its exemption by 30 days will be disconnected before recertifying. CNG Initial Comments at 5.

45. Based on the above, the ALJ invites comment on to the following issue:

What differences between electric and gas service justify different treatment for residential customers that qualify for a disconnection postponement based on a medical condition?

C. Rules 3407(e)(IV)(C) and (D) / 4407(e)(IV)(C) and (D).

46. Proposed Rules 3407(e)(IV)(C) and (D) / Rule 4407(e)(IV)(C) and (D) clarifies that medical certificates must be in writing, but may be provided electronically. It also adds that a licensed physician can provide the required certification by phone, but must also provide it in writing within ten days, which may also be provided electronically. The proposed Rule language

also requires that medical certificates be issued by a “Colorado-licensed physician or a health care practitioner acting under a physician’s authority.”

47. Based on the proposed rule language, the ALJ invites comment on:

- Whether the proposed language sufficiently relays that a wet signature on the medical certification, *i.e.*, an inked physical signature, is not required such that medical providers may submit an electronic signature and that medical certifications can be provided by e-mail.
- Whether the language requiring that medical certificates be issued by a “Colorado-licensed physician or a health care practitioner acting under a physician’s authority” limits customers with less access to physicians from being able to obtain a medical certificate. For example, does the rule language limit customers living in rural areas far from licensed physicians, those treated at urgent care facilities lacking physicians, or those treated by nurse practitioners, from being able to obtain a medical certificate? If so, provide proposed language to address this.
- For each regulated utility, in calendar years 2018 and 2019, what percent of notices of discontinuance resulted in disconnections being delayed due to the customer obtaining a medical certificate? What percent of such delayed disconnections were completed after the medical certificate expired?
- Do regulated utilities also offer customers who receive medical exemptions under Rules 3407 the option to enroll in a Rule 3413 medical exemption from tiered rate program? If so, when and how do utilities do so?

D. Rules 3407(e)(V) / 4407(e)(V).

48. Proposed Rules 3407(e)(V) / 4407(e)(V) prohibits utilities from discontinuing residential customers’ service on a day when the National Weather Service’s local forecast between 6 a.m. and 9 a.m. predicts temperatures dropping below 32 degrees Fahrenheit for the next 24-hour period or any additional period that utility personnel are not available to restore service per Rules 3409 / 4409.

49. Public Service proposes two changes to align the weather provisions with severe hot and cold weather events in Colorado. PSCo Initial Comments at 10. First, Public Service proposes modifying the temperature at which disconnections would be suspended for cold weather from 32 degrees Fahrenheit to 0 degrees Fahrenheit. Second, Public Service proposes modifying the temperature at which disconnections would be suspended for hot weather to tie it to National Weather Service heat advisories for local forecast areas. According to Public Service, this would consider how hot the temperature feels given relative humidity. *Id.*

50. The ALJ invites comments on the merits of PSCo's proposals, including the feasibility of implementing PSCo's proposed language, and appropriateness for different utilities and Colorado climates. The ALJ also invites comments on what temperature should qualify as extreme heat for purposes of Rules 3409 / 4409.

E. Rules 3407(e)(VI) / 4407(e)(VI).

51. Rules 3407(e)(VI) / 4407(e)(VI) would prohibit disconnection when the customer of record seeks discontinuance of service or has a past due account but an occupant of the premises has a protective order against the customer of record. This language was proposed to "prevent a spouse or domestic partner from seeking termination of service in a domestic violence situation." Decision No. C20-0622, at ¶ 51.

52. CNG objects to this provision because it would have to collect sensitive information from customers, and because other occupants of the premises have the option of opening an account in their name without having to pay a past-due balance of the previous customer. CNG Initial Comments at 5. CNG states that its attempt to make personal contact with a customer prior to discontinuance would likely result in facilitating the account transition

without discontinuance, and that the procedures outlined in its tariff provide adequate protection for this type of circumstance without requiring customers to disclose sensitive information. *Id.* at 5-6. Public Service objects based on the sensitivity of the information, and because it participates in the Colorado Address Confidentiality Program, which provides survivors with a legal substitute address. PSCo Initial Comments at 10-11.

53. The ALJ recognizes the sensitivity of the information at issue, and that it may be uncomfortable for utilities to ask the questions necessary to obtain this information. That said, the ALJ is apprehensive about whether the utilities' concerns adequately address the Commission's rationale behind this change, to "prevent a spouse or domestic partner from seeking termination of service in a domestic violence situation." Decision No. C20-0622, at ¶ 51.

54. Accordingly, the ALJ invites comments that address the nature and extent of any protections already in place (such as through tariffs) that achieve the Commission's goals, including preventing survivors of domestic violence from being held financially accountable for arrears incurred on an account managed by an abusive partner, and from being disconnected. If none exist, the ALJ invites proposed rule language that would achieve the Commission's goals while addressing commenters' concerns.

F. Rules 3407(g) / 4407(g).

55. Rules 3407(g) / 4407(g) would require utilities to file quarterly reports with the Commission that includes data referenced in the rule. Commenters generally do not object to reporting requirements related to delinquencies and disconnections, which were initially defined in § 40-3-103.6(1)(i), C.R.S. But they do raise several points for clarification.

56. Black Hills suggests that the new reporting requirements under proposed Rules 3407(g)(I) / 4407(g)(I) replace the existing quarterly National Association of Regulatory Utility Commissioners (NARUC) filings that it voluntarily submits to the Commission. Black Hills Initial Comments at 9. Black Hills believes the proposed rule's reporting requirements would provide better structure to ensure transparency. *Id.* CNG raises the same issue, noting that the NARUC reports include some of the same information, and questions whether providing the additional information regularly justifies the costs of doing so. CNG Initial Comments at 6. In its NOPR, the Commission notes that these NARUC reports are filed in Proceeding No. 08M-305EG. Decision No. C20-0622, at ¶ 17.

57. Commenters seek clarification on the metrics to be reported, under Rules 3407(g)(I) / 4407(g)(I). As to the reporting requirement for low-income customers in Rule 3407(g)(I), Atmos, Black Hills, and Public Service all note that they do not explicitly collect data on customers who are "low income," and that the nearest proxy is customers who are eligible for the Low-Income Energy Assistance Program (LEAP) assistance or in Percentage of Income Payment Plan (PIPP) programs. Atmos Initial Comments at 5; Black Hills Initial Comments at 9.

58. Commenters also raise the below issues about the metrics proposed for the following subparagraphs of Rules 3407(g)(I) / 4407(g)(I):

- "[N]umber of customers." Black Hills proposes this be modified to require information on the number of customers who have been disconnected for non-payment. Black Hills Initial Comments at 10. CNG also proposes this requirement be clarified to refer to either a number of unique customers or number of unique accounts, because some customers have multiple accounts. CNG Initial Comments at 6. CNG notes that this comment also impacts Rule 3407(g)(I)(C) and (E) / Rule 4407(g)(I)(C) and (E).

- “[N]umber of service restorations after disconnections for nonpayment.” CNG seeks clarification on whether this is specific to reconnections of the same customer at the same location, or any reconnection of service after a disconnection for non-payment. *Id.* at 6.
- “[A]verage duration of disconnection.” CNG requests clarification as to whether the time increments be specified in hours or days. *Id.* Public Service requests that the metric be deleted because it is not information that is currently tracked in the manner the rule requests. PSCo Initial Comments at 11.
- “[D]ollar value of level of deposits collected.” CNG requests clarification as to whether the data is required for all deposits, or only those required as a condition for reconnection of service after being disconnected for non-payment. CNG Initial Comments at 6-7.
- “[N]umber of deposits collected.” CNG makes the same requests as stated above for subparagraph (K). *Id.*
- “[N]umber of new deferred payment agreements entered into.” CNG requests clarification as to whether the data is required for all payment agreements, or only those required as a condition for reconnection of service after being disconnected for non-payment. *Id.*
- “[A]verage repayment term of new deferred payment agreements.” CNG makes the same requests as stated above for subparagraph (M). *Id.*

59. Based on the above, the ALJ invites comments related to the proposals to modify or clarify the metrics proposed under subparagraph (g)(I), and to what extent modifying the metrics as suggested would help or hinder comparability across jurisdictions. In addition, the ALJ invites comment on the following:

- How similar are the metrics in proposed Rules 3407(g)(I) / 4407(g)(I) to the information included in the NARUC reports which regulated utilities file in Proceeding No. 08M-305EG? For example, how many of the metrics in the proposed rule are identical or similar to information included in the reports filed in Proceeding No. 08M-305EG? Please identify the specific metrics discussed in your answer.
- Should any of the proposed changes to the metrics under Rules 3407(g)(I) / 4407(g)(I) be adopted, and why or why not? To what extent do the proposed changes enhance or hinder reports under the rule from providing the same or similar data to that required by commissions in other states, such as Illinois?

- To what extent can or should the reporting requirement in Rules 3407(g)(I) and (II) / 4407(g)(I) and (II) be coordinated with reporting requirements under Rules 3412 / Rule 4412?

V. RULES 3408 / 4408: NOTICE OF DISCONTINUANCE OF SERVICE.

60. Proposed Rules 3408 / 4408 govern the form, timing, content, and language of notice that a utility must provide to customers before discontinuing service, with changes necessitated by SB20-030, (§ 40-3-103.6(1)(h), C.R.S.).

A. Rules 3408(a) / 4408(a).

61. Rules 3408(a) / 4408(a) would require that before a utility may discontinue service, it must provide customers notice, in the forms identified in subparagraphs (I) through (IV). In its NOPR, the Commission explains that the purpose of this change is “[t]o create greater equity for customers served by different utilities,” given that utilities vary in how quickly they issue a notice of disconnection. Decision C20-0622, at ¶ 62.

62. Utility commenters raise concerns about Rules 3408(a)(I) / 4408(a)(I), which requires notice of late payment “at least 15 days” before issuing the notice of discontinuance by the preferred method of contact designated by the customer. While Black Hills recognizes that customers should have notice of a past due bill before getting a disconnection notice, it explains that providing 15 days’ notice before disconnection does not align with its billing cycles and has implications on other timeframes relating to collection. Black Hills Initial Comments at 12. It suggests that the proposed Rules 3408(a)(I) / 4408(a)(I) be modified to require notice of the past-due bill within five business days of the date that the bill becomes past due. *Id.* Public Service is concerned that complying with the rule as drafted will require significant investment. PSCo Reply Comments at 7. It suggests modifying the language to require utilities to provide

notice of late payment when a bill is past due, before issuing the next bill. PSCo Reply Comments at 7.

63. Public Service also proposes changing the rule's multiple reference to "15 days" to 12 business days, which it says is analogous to 15 calendar days. PSCo Initial Comments at 14. Public Service explains that it uses business days in its discontinuance protocol, so this change would be helpful. *Id.*

64. Based on the above, the ALJ invites comment on whether these proposals should be accepted, and why or why not. In addition, the ALJ invites comment on the extent to which these proposals meet the Commission's objective "[t]o create greater equity for customers served by different utilities" based upon the current differences among utilities in how quickly disconnection notices are issued. Decision C20-0622, at ¶ 62.

65. The proposed rule includes multiple references to providing notice to a "customer." EOC suggests that this be modified to "customer of record," to be consistent with SB20-030's intent. EOC Initial Comments at 3-4. EOC believes this is an important clarification to ensure that discontinuation of service notice is given to the customer of record, rather than just those who reside at the service premises. *Id.* Denver agrees and also notes that "customer of record" is the language in SB20-030. Denver Initial Comments, at 6.

66. Except for Rules 3408(a)(IV) / 4408(a)(IV), Public Service opposes this change because it could create significant challenges and delays. PSCo Reply Comments at 6. PSCo explains that limiting contact to the customer of record may lead to delays in account resolution because: a customer of record is often not the only person authorized on an account or living at the premises; the customer of record may not be available or responsible for curing a

delinquency; and the customer of record may provide a telephone number shared with others in the household, or may even provide a telephone number for a preferred contact person (rather than their own number). *Id.* As to Rules 3408(a)(IV) / 4408(a)(IV), Public Service does not oppose changing the customer reference to “customer of record,” and suggests adding language to clarify that the utility must undertake at least one reasonable attempt to notify the customer of record by telephone, at the number the customer of record provides.

67. The ALJ invites comments on whether Public Service’s suggested changes address the identified concerns, whether they should be accepted, and why or why not.

B. Rules 3408(c) / 4408(c).

68. Per § 40-3-103.6(1)(d), C.R.S., the proposed rules must address “[r]eferral of delinquent customers to energy payment assistance resources such as Energy Outreach Colorado, charities, nonprofits, and state agencies that provide, or that administer federal funds for, low-income energy assistance.” Rules 3408(c)(XII) / 4408(c)(XII) remain unchanged, and require that in a discontinuance of service notice, that utilities include a statement that qualified low-income customers may be able to obtain financial assistance to help pay their utility bill, and that more detailed information on that assistance is available by calling the utility at the listed toll-free telephone number.

69. EOC asserts that “[r]eferrals to energy assistance organizations should be given before disconnection, at the point of the first late payment, prior to any notice of disconnection, and at the notice of disconnection.” EOC Initial Comments at 12. EOC believes that energy assistance resources and information concerning those resources should be more readily available to customers, and that the list of assistance organizations should be flexible. *Id.* Denver

echoes this, adding that the list should include at least one additional resource that provides housing or mortgage assistance. Denver Initial Comments at 8-9. Neither EOC nor Denver propose rule language to address their concerns.

70. EOC and Denver both see a connection between service disconnection or energy assistance and housing. EOC explains that House Bill 20-1009 suppresses eviction proceedings until a judicial order on possession is completed, in part, to enable income-eligible Coloradoans to receive utility bill assistance that may cure a delinquency that could jeopardize Section 8 housing vouchers. EOC Initial Comments at 10. Denver suggests that the Commission consider notifying local government agencies and energy assistance organizations about pending discontinuance of service so that they may proactively reach out to customers to offer assistance. Denver Initial Comments at 9. Denver is interested in other stakeholders' opinion on this. *Id.* During the October 20, 2020 hearing, PSCo stated that it opposes these suggestions and is willing to provide further detail on its position in writing.

71. Utility commenters describe their current referral practices. Atmos says it notifies Colorado customers of energy assistance options through an annual "Rights and Responsibilities" brochure, bill inserts, its website, social media, and through past-due notices. Atmos Initial Comments at 9. Black Hills provides referrals to past-due customers by phone, text, and email. Black Hills Initial Comments at 21. CNG says it provides this information upon request. CNG Initial Comments at 11. Public Service states that referrals should be provided "at the earliest available indication that the customer is in need" of them, and maintains information on its website, as well as providing information on request. PSCo Initial Comments at 27-28. No utility commenters suggest that additional rules are necessary to maintain and use a single, uniform list of assistance organizations.

72. Based on the above, the ALJ invites comments on the following questions:

- By what process do utilities develop or obtain lists of energy assistance providers that are appropriate to the utility's service territory?
- Explain whether Denver's suggestion that utilities provide notice of pending disconnections to energy assistance organizations or local government entities should be accepted. Why or why not?
- Explain whether the current language in Rules 3408(c)(XII) / 4408(c)(XII) requiring that with a notice of discontinuation of service, utilities provide notice that qualified low-income customers may be able to obtain financial assistance to help pay their utility bill, and that more detailed information on that assistance is available by calling the utility at an identified toll-free telephone number meets the requirements of § 40-3-103.6(1)(d), C.R.S. (2020), requiring these rules to address referral of delinquent customers to energy payment assistance resources such as EOC, charities, nonprofits, and state agencies that provide, or that administer federal funds for, low-income assistance.
- If you do not believe the current language in Rules 3408(c)(XII) / 4408(c)(XII) complies with § 40-3-103.6(1)(d), C.R.S., provide proposed rule language or changes.

C. Rules 3408(d) / 4408(d).

73. Proposed Rules 3408(d) / 4408(d) require that notices of discontinuance be provided in English and languages other than English where the utility's service territory contains a population of at least 10 percent who speak a language other than English as their primary language, per the latest U.S. Census information.

74. Denver is confused by the proposed Rule's language. The ALJ notes that the proposed changes to Rules 3408(d) / 4408(d) are non-substantive and are unrelated to providing notice in different languages. As such, the requirements relating to notice in different languages have been in place and is not new; utilities have managed to comprehend and apply the rule as written. Denver suggests that the rule be changed to require notice in languages "where the customer's Census Block contains a population of at least five percent who speak a specific

language.” Denver Initial Comments at 6. Denver explains that this change should be made because its diverse demographic includes people who speak multiple different languages, including English, Spanish, Vietnamese, Somali, Arabic. *Id.* at 5. At the October 20, 2020 public comment hearing, Public Service expressed its concern that the level of granularity which Denver suggests is not feasible, in part because it does not track U.S. Census information in its systems.

75. The ALJ invites comments on the following issues:

- What languages do regulated utilities currently provide in notices of discontinuance? Please break down this information by service territory and service type (gas or electric).
- What resources, such as translation services, do utilities and other non-utility organizations provide for customers who do not speak or understand the language(s) used in disconnection/discontinuation notices?
- What are the positives and negatives to a rule change creating options for non-utility organizations to translate utility forms related to discontinuance, such as through the process created by Rule 3028(a)(XII)?

VI. RULES 3409 / 4409: SERVICE RESTORATION.

A. Rules 3409(c) / 4409(c).

76. Proposed Rules 3409(c) / 4409(c) generally require utilities to restore service within identified timelines for customers who have taken action listed in Rules 3409(a) / 4409(a).

77. Some comments suggest that the proposed rule is too restrictive, while others suggest it is not restrictive enough as to same-day reconnection. For example, EOC argues that the 10 a.m. cut-off time for a customer to take action in order to get same-day restoration may be burdensome on customers, and that it should be 12:00 Noon instead. EOC Initial Comments at 6-7. In support, EOC states that customers who need to cash a check at a bank, which does not open until 9 a.m., will have very little time to qualify for same-day restoration. *Id.* at 6. EOC also states that many customers do not have private transportation or are underbanked, which creates

additional obstacles to meeting a 10 a.m. cut-off. *Id.* EOC believes a 10 a.m. cut-off time is inconsistent with the spirit and intent of SB20-030, which is intended to give customers a fair opportunity to have service restored on the same day that customers take action necessary for restoration. *Id.* at 7.

78. EOC also asserts that where AMI is deployed, there should be no cut-off for same-day reconnection. *Id.* It proposes to segment the requirements into AMI and non-AMI reconnection practices. Specifically, EOC suggests that Rules 3409(c)(I) to (III) / 4409(c)(I) to (III) apply only to non-AMI customers and that another subparagraph be added for AMI customers, or to simply add a proposed subparagraph (c)(IV) that states that service shall be restored “within business hours for customers with advanced meters that allow for remote disconnections and reconnections, if the request is made during business hours.” *Id.* at 8.

79. Public Service is concerned with this proposed language because restoration would be required within business hours, which it cannot accommodate due to extremely short timelines. PSCo Reply Comments at 7-8. Public Service also points to the Unopposed Comprehensive Agreement adopted by Decision No. C17-0556 in Proceeding No. 16A-0588E issued July 25, 2017. PSCo believes that case provides a more appropriate forum for it to negotiate and address additional customer protections relating to disconnection of service for customers who have AMI in place. It also proposes that the Commission initiate a separate rulemaking related to remote disconnection and other AMI capabilities. *Id.* at 9.

80. Black Hills explains that its AMI infrastructure allows it to quickly restore service, but there can be technical difficulties preventing it from restoring service remotely. In such a circumstance, it has to “roll a truck” to manually restore service at the meter. As such,

Black Hills objects to EOC's proposed changes, particularly as it relates to removing the proposed 10 a.m. cut-off for same-day restoration. Black Hills Reply Comments at 3. *Id.* At the October 20, 2020 public comment hearing, Black Hills clarified that it does not object to same-day reconnection for a request made by 10 a.m., but does object to a requirement for same-day reconnection based on a request made at any other time of day.

81. Public Service wants the rule to retain the 12- and 24-hour timelines that currently exist in Rules 3409(b) / 4409(b), rather than the timelines in proposed Rules 3409(c) / 4409(c). PSCo Initial Comments at 15. Public Service explains that the existing timelines help it manage work crews and in-person restoration, and that requirements for same-day restoration would result in far shorter timelines than current business practices have been designed to accommodate. PSCo Reply Comments at 8. This would require extensive investigation and investment. PSCo also believes that stringent same-day reconnection requirements may be difficult for utilities to comply with given that they all have different restoration processes, contractors, and urgent scenarios requiring them to operate outside of standard business hours. *Id.*

82. Other utilities are concerned that they may not be able to meet a same-day restoration requirement due to their rural and geographically dispersed service territories, and therefore would need to hire significantly more personnel to perform in-person restoration. Atmos explains that it would need to hire more personnel to meet this requirement; it believes that this would raise the costs for all customers based upon restoring service to customers who have had multiple opportunities to avoid disconnection. Atmos Initial Comments at 6. CNG echoes this concern and adds that due to poor or unreliable cell reception in its rural and mountainous service area, it could have difficulty using resources already in the field to meet this

requirement because it may not be able to reach its technicians already out on a service call. CNG Initial Comments at 7. During the October 20, 2020 public comment hearing, CNG repeated its concerns that this requirement could drastically increase costs that all ratepayers bear, especially because it is a small utility.

83. Given the varying perspectives put forward by commenters, the ALJ invites comment on the following questions:

- Should the Commission establish separate reconnection rules for utilities with and without AMI? Why or why not?
- For each regulated utility, in calendar years 2018 and 2019, what was the average restoration time from the point where a customer qualifies for reconnection, in hours? Break down that information, as applicable, by AMI-enabled customers and non-AMI-enabled customers.
- In calendar years 2018 and 2019, what were the shortest and longest recorded times to reconnect a customer from the point where the customer qualified for reconnection? For both, explain the reason for the amount of time taken to restore service, if known. For both, identify whether the customers were AMI-enabled or not.
- For each regulated utility, in calendar years 2018 and 2019, what percentage of customers seeking reconnection elected to pay after-hours charges for reconnection within 12 hours?
- Provide additional information and detail on utilities' anticipated estimated costs to implement the proposed rule language as drafted. Explain how the utility anticipates those costs being spread among ratepayers, and how those anticipated estimated costs may impact rates.

VII. ADMINISTRATIVE NOTICE

84. In its NOPR, the Commission discussed the triennial evaluation required by Rules 3412(k) / 4412(k). Decision No. C20-622, ¶ 15. Those rules require a triennial evaluation of qualifying retail utilities' low-income programs, performed by a third-party vendor. That

triennial review is underway in Proceeding No. 20M-0013EG. On October 13, 2020, the Colorado Energy Office (CEO) filed the triennial review performed in conjunction with ADM Associates, Inc., in Proceeding No. 20M-0013EG, titled, “Evaluation of the Percentage of Income Plans, Final Report” (2020 Triennial Evaluation).

85. The ALJ finds that the 2020 Triennial Evaluation may be useful in addressing or assessing many of the issues raised in this proceeding, and as such, takes administrative notice of the 2020 Triennial Evaluation filed by CEO on October 13, 2020 in Proceeding No. 20M-0013EG. A copy of the report will be added to the record in this proceeding, consistent with Rule 1501(c), 4 CCR 723-1 of the Commission’s Rules of Practice and Procedure.

86. The 2020 Triennial Evaluation suggests that not all utilities were able to provide data where customers experienced multiple disconnections in a year, making it difficult to assess whether there are correlations between participation in a PIPP program and reducing disconnections.

87. Based on the foregoing, the ALJ invites comment on:

- Anything in the 2020 Triennial Evaluation that a commenter wishes to address in this proceeding.
- What are the barriers (if any) to collecting and managing information about the duration and frequency of disconnections?
- Do regulated utilities track whether individual customers receive multiple notices of discontinuance (*e.g.*, more than one notice in a calendar year) and provide outreach, referrals, or resources based on this?

VIII. WRITTEN PUBLIC COMMENTS.

89. The Commission prefers written comments over oral comments. As a result, interested persons are encouraged to submit written comments through either: (a) the Commission's Electronic Filing System at <https://www.dora.state.co.us/pls/efi/EFI.homepage> in this proceeding; or (b) the Commission's website at <https://puc.colorado.gov/> by clicking on the "FILE A COMMENT OR COMPLAINT" link. Both oral and written comments will be given the same weight in this proceeding.

90. Interested persons are urged to submit their initial written comments responding to the items identified in this Decision by January 11, 2021, and to submit reply comments by February 10, 2021 in order to allow the ALJ and advisors an opportunity to review comments in advance of the remote rulemaking hearing.

91. Individuals who wish to provide oral comments must participate in the remote public rulemaking hearing by telephone or video-conference (as explained below). Anyone wishing to submit documents in addition to their oral comments must submit those in the same manner described above for written comments.

IX. OBSERVING OR PARTICIPATING IN RULEMAKING HEARING.**A. Observing Rulemaking Hearing.**

92. Consistent with Commission practice, the March 4, 2021 rulemaking hearing will be webcast on the Commission's website. Persons wishing to observe, but not participate in the hearing may do so by observing the webcast of the rulemaking hearing, and need not join the hearing by telephone or video-conference. To observe the rulemaking hearing by webcast, enter

this link in the web browser <https://puc.colorado.gov/webcasts> and select the audio or video option for Hearing Room A found on the date and time of the hearing. The ALJ encourages interested persons who do not wish to provide comments during the hearing to observe the hearing through the webcast because this will help minimize background noise during the hearing, and may assist in the orderly progression of the hearing.

B. Video-Conference Rulemaking Hearing.

93. The second public comment hearing will be held on March 4, 2021, using the web-hosted video conferencing service, GoToMeeting. The ALJ has scheduled the hearing for March 2021 in order to allow ample time for interested persons to provide comment on the numerous matters identified in this Decision.

94. For those who wish to provide oral comments during the hearing, video-conference participation is encouraged because it allows for the hearing to be held in a manner most similar to in-person hearings. Nevertheless, interested persons have the option to participate by telephone or by video-conference.

95. During the public rulemaking hearing, the ALJ will take action as necessary to facilitate a clear and understandable record, and to ensure the orderly progress of the hearing. For the same reasons, all participants are required to: (a) mute their microphone during the hearing until called upon by the ALJ; (b) ensure they are participating from a location with minimal or no background noise; and (c) not connect to the hearing using multiple devices located in the same room (which will cause audio feedback). Participants are encouraged to use a headset to listen to the hearing, as this may also help avoid background noise and feedback when they speak.

C. Telephone Participation.

96. Any member of the public who wishes to provide comments by telephone during the remote public rulemaking hearing must call +1 (872) 240-3212 at or shortly before the date and time of the hearing (March 4, 2021 at 9:00 a.m.). When prompted, input the pin 943-321-877, which will then connect the call to the public rulemaking hearing.

D. Video-Conference Participation.

97. Any member of the public who wishes to participate in the public rulemaking hearing by video-conference must use a computer, smart phone, or tablet that is connected to the internet and has an operational microphone, speaker, and camera. At or shortly before the date and time of the hearing, March 4, 2021 at 9:00 a.m., video-conference participants must enter the following link in their internet browser: <https://app.gotomeeting.com/?meetingId=943321877>. Anyone having difficulty with this link may instead using the following link: <https://www.gotomeeting.com/meeting/join-meeting>, and enter this meeting ID number in the space provided for the meeting ID: 943321877. Participants are required to input their full name when prompted to do so. This will allow the ALJ to call on participants to provide oral comments in an orderly fashion.

98. Attachment A to this Decision provides step-by-step technical instructions and requirements to participate by video-conference using a computer. This is intended to ensure that the remote hearing proceeds efficiently. Hence, it is important that video-conference participants carefully review and follow all requirements in this Decision and Attachment A.

X. ORDER

A. It Is Ordered That:

1. A remote public rulemaking hearing is scheduled for:

DATE: March 4, 2021

TIME: 9:00 a.m., and continuing until it is concluded.

METHOD: Join by video conference at:
<https://app.gotomeeting.com/?meetingId=943321877>; OR
Join by telephone by dialing
+1 (872) 240-3212, and entering PIN 943-321-877 when prompted

2. Members of the public should *not* attend the public rulemaking hearing in-person. Interested persons may participate in the rulemaking hearing by telephone or video-conference using the information provided in this Decision.

3. Those participating in the rulemaking hearing must follow the instructions and requirements in this Decision and Attachment A, which is incorporated into this Decision. When joining the rulemaking hearing, participants are required to enter their full name when prompted to do so through GoToMeeting.

4. Members of the public who wish to provide written comments may do so by following the instructions in this Decision. Initial comments on the issues identified by this Decision should be filed on or by January 11, 2021; reply comments should be filed on or by February 10, 2021.

5. The Administrative Law Judge may schedule additional hearings if necessary.

6. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MELODY MIRBABA

Administrative Law Judge

ATTEST: A TRUE COPY

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

Doug Dean,
Director