

(Decision No. C86-1075)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE RULES OF)
THE PUBLIC UTILITIES COMMISSION)
OF THE STATE OF COLORADO REGULA-)
TING THE SERVICE OF GAS UTILITIES)
WITHIN THE STATE OF COLORADO:)
RULE 27, RELATING TO METER TESTS.)

CASE NO. 5321

ORDER OF THE COMMISSION

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August 21, 1986
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STATEMENT AND FINDINGS

BY THE COMMISSION:

On May 20, 1986, the Commission, by Decision No. C86-640, reopened Case No. 5321 and provided notice of proposed rulemaking with respect to Rule 27 of the Commission's Rules Regulating the Service of Gas Utilities.

Proposed Rule 27 would permit utility employees to perform meter tests under the supervision of a trained Commission employee, rather than requiring the Commission to perform the tests by Commission personnel.

After submitting the proposed Rule 27 to the Office of Regulatory Reform, and providing appropriate notice of rulemaking, the Commission set the matter for hearing on August 8, 1986. Petitions for Leave to Intervene were filed by Public Service Company of Colorado on June 10, 1986, by Rocky Mountain Natural Gas Company, Inc., on June 20, 1986, and by K N Energy, Inc., on June 20, 1986. All of these Petitions for Leave to Intervene were granted by Executive Rulings.

The matter was heard on the scheduled date before Hearings Examiner Thomas F. Dixon. The rule, as proposed by Staff, provides as follows:

Basis and Purpose:

The basis and purpose of the proposed changes to existing Rule 27 are to provide that, since the Commission does not have the necessary test facility:

- (1) A trained employee of the Commission will witness the meter tests performed by the appropriate utility rather than actually perform the test.

- (2) The schedule of fees for this service will also be updated, because the old schedule does not adequately reflect the current cost to provide this service.

Tests by Commission:

- (1) Upon written application to the Commission by the customer, the Commission will send a trained employee to witness the test of any service meter as performed by the utility. The application for the service shall be accompanied by a remittance of the amount fixed below as the fee for the service. If the meter is found to be fast beyond the limits prescribed in Rule 28, this fee shall be reimbursed to the customer by the utility. The schedule of fees for this service shall be as follows:

Capacity of 800 cubic feet or less per hour \$20.00

Capacity of over 800 cubic feet per hour. \$40.00

Rotary Meters. \$160.00

- (2) Upon written application to the Commission by any gas utility, the Commission will send a trained employee to witness a test on any of the utility's service meters upon payment of the scheduled fee. This Rule and the above schedule of fees apply only when there is a dispute between the customer and the company regarding the accuracy of the meter. This Rule is adopted under to the authority in § 40-2-108, C.R.S.

At the conclusion of the hearing, the subject matter was taken under advisement. It is found that the Commission does not have the appropriate facility to conduct meter tests contemplated in Rule 27 and that it is more appropriate and economical to have the tests conducted by the utility and witnessed by a trained employee of the Commission. In addition, the fees for conducting this service should be commensurate with the time and effort expended by a Commission employee to witness the necessary testing process and insure that meters are properly functioning. Accordingly, the proposed rule should be adopted.

It is further found that the proposed rule is necessary for the preservation of public health, safety, and welfare and in compliance with the requirements of § 24-4-103, C.R.S. Copies of the proposed rule may be obtained from the Executive Secretary of the Commission upon written request to the Public Utilities Commission, 1580 Logan Street, OL-2, Logan Tower, Denver, Colorado 80203. Since there have been no modifications to the proposed rule, it will not be necessary to allow parties an opportunity to file comments concerning modifications that might have been ordered.

The Commission finds that the timely execution of its functions imperatively and unavoidably requires that the Examiner's recommended decision be omitted and that the Commission enter its own initial decision because the former rule expired June 30, 1986.

THEREFORE THE COMMISSION ORDERS THAT:

1. Rule 27, Tests by the Commission, of the Rules Regulating the Service of Gas Utilities is adopted by the Public Utilities Commission of the State of Colorado to read as set forth in the above Statement and Findings.

2. Rule 27, Tests by the Commission, of the Rules Regulating the Service of Gas Utilities shall be submitted by the Executive Secretary of the Commission to the appropriate Committee of Reference of the Colorado General Assembly, if the General Assembly is in session at the time this Order becomes effective, or to the Committee on Legal Services if the General Assembly is not in session, for its opinion as to whether the rule adopted in this Decision conforms with § 24-4-103(8)(a), C.R.S. The Executive Secretary shall also submit to the appropriate Committee of Reference or the Committee on Legal Services a fiscal impact statement concerning this rule.

3. An opinion of the Attorney General of the State of Colorado will be sought concerning the constitutionality and legality of the proposed rule.

4. The Executive Secretary of the Commission shall file with the Office of the Secretary of State of the State of Colorado a copy of the proposed rule and, when obtained, a copy of the opinion of the Attorney General of the State of Colorado regarding the constitutionality and legality of the rule.

5. The Executive Secretary of the Commission shall publish the adopted rule in accordance with the provisions of § 40-4-103(11)(k), C.R.S.

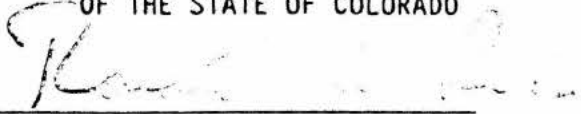
6. Rule 27, Tests by the Commission, of the Rules Regulating the Service of Gas Utilities of the Public Utilities Commission of the State of Colorado, as adopted in accordance with Ordering Paragraph No. 1, shall become effective on the 20th day after publication of the rule in the Rules Register of the Secretary of State.

7. The 20 day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the mailing or serving of this Decision.

8. This Order shall be effective 30 days from this date.

DONE IN OPEN MEETING this 21st day of August 1986.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER EDYTHE S. MILLER ABSENT

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