

THE  
THE PUBLIC UTILITIES COMMISSION  
OF THE  
STATE OF COLORADO

RULES OF PRACTICE AND PROCEDURE

4 CODE OF COLORADO REGULATIONS (CCR) 723-1

**RULE (4 CCR) 723-1-41. TARIFFS-APPLICATIONS TO CHANGE  
TARIFFS BY FIXED UTILITIES - HEARING AND SUSPENSION-NOTICE.**

723-1-41.1 Applicability. This Rule applies to all fixed utilities as defined in Rule 4(b)(5).

723-1-41.2 Definitions:

723-1-41.2.1 Tariff means a publication containing an index of articles, with schedules showing all rates, tolls, rentals, charges, and classifications collected or enforced, or to be collected and enforced, together with all rules, regulations, contracts, privileges, and facilities which in any manner affect or relate to rates, tolls, rentals, classifications, or service.

723-1-41.2.2 Rate means any rate, fare, toll, rental or charge.

723-1-41.3 Procedure to Change Tariffs upon 30-Days' or More Notice. Any fixed utility proposing to change any tariff shall give notice in accordance with section 40-3-104, C.R.S.

723-1-41.4 Procedure to Introduce a New Service Upon 30-Days' or More Notice. Any fixed utility proposing to introduce any new tariffed service shall provide no less than 30-days' notice to the Commission and to the public by filing

with the Commission, and keeping open for public inspection at each business office of the utility, the new tariff. Said tariff shall plainly state the nature, terms, conditions, rates, and regulations regarding the new service to be introduced and the proposed effective date. The Commission may, by order, require the utility to give additional notice of the proposed new service by publication or mailing.

723-1-41.5      Procedure to Change Tariffs Upon Less than 30 Days Notice.

723-1-41.5.1      Where a fixed utility has made formal application, the Commission, for good cause shown, under § 40-3-104(2), C.R.S. may grant permission for a change in a tariff to become effective without formal oral hearing and on less than 30-days' notice. But no change shall become effective unless the Commission orders a change to be made, the time when it shall take effect, and the manner in which it shall be filed and published.

723-1-41.5.2      A fixed utility, at the time of filing its application to change a tariff upon less than 30 days notice, shall submit the following data in the application or in exhibits:

723-1-41.5.2.1      Details of the change which the utility proposes to put into effect, with a copy of the proposed tariff.

723-1-41.5.2.2      The tariff which the utility proposes to change, or an adequate summary.

723-1-41.5.2.3      The circumstances and conditions relied upon to justify the change becoming effective on less than 30-days' notice.

723-1-41.5.2.4      Any prior Commission action, in any proceeding pertaining to the present or proposed tariff.

723-1-41.5.2.5 Financial data supporting the change, if appropriate.

723-1-41.5.3 Within three days after the filing of the application, the fixed utility shall publish the application in a newspaper having general circulation, as defined in Rule 4(b)(10), or in one or more local newspapers, as defined in Rule 4(b)(8).

723-1-41.5.4 Notice shall be as in Form W.

723-1-41.5.5 The fixed utility shall file an affidavit of publication with the Commission, and a copy of the published notice when received, not later than 30 days following publication.

723-1-41.6 Hearing - Suspension. When a utility files a tariff, the Commission, upon reasonable notice, may hold a hearing concerning the propriety of the tariff, if the Commission believes that a hearing is required and that the tariff may be improper.

723-1-41.6.1 Pending hearing and decision, the tariff shall not go into effect. The period of suspension shall not extend more than 120 days beyond the proposed effective date in the tariff, unless the Commission, by separate decision, extends the period of suspension for an additional 90 days.

723-1-41.6.2 The provisions of Rule 41.6 permitting suspension or tariffs shall not apply to cooperative electric associations.