

## COLORADO DEPARTMENT OF REGULATORY AGENCIES

### Public Utilities Commission

#### 4 CODE OF COLORADO REGULATIONS (CCR) 723-3

#### PART 3

#### RULES REGULATING ELECTRIC UTILITIES AND STEAM UTILITIES

*[THIS DOCUMENT SHOWS PROPOSED CHANGES TO MASTER METER OPERATOR RULES 3800-3805. CHANGES FROM THE RULES ISSUED AS A PART OF THE NOTICE OF PROPOSED RULEMAKING IN DECISION NO. C03-1370, DOCKET NO. 03R-519E, ISSUED DECEMBER 15, 2003, ARE SHOWN IN REDLINE FORMAT.]*

#### MASTER METER OPERATORS

##### 3800. Applicability.

These rules are applicable to any person who purchases electric service from a utility for the purpose of delivery of such service to end users whose aggregate usage is to be measured by a master meter or other composite measurement device.

##### 3801. Definitions.

The following definitions apply only in the context of Rules 3900 - 3903, unless a specific statute or rule provides otherwise.

- (a) "Check-meter" means a meter or other composite measurement device, used by a master meter operator who is exempt from rate regulation, to determine usage of those served.
- (b) "Master meter" means the meter or other composite measurement device used to bill the MMO by the regulated utility.
- (c) "Master meter operator" means any person who purchases electric service from a regulated utility for the purpose of delivery of such service to end users, whose aggregate usage is to be measured by a master meter.
- (d) "Refunds" means any refunds, rebates, rate reductions, or similar adjustments.

**3802. Exemption from Rate Regulation.** ~~Contents. Either upon its own motion or upon the application of any master meter operator (MMO), t~~The Commission has, pursuant to its own motion under § 40-1-103.5, C.R.S., and Decision No. [insert Commission order adopting rules], exempted all MMOs~~may exempt a MMO~~ from rate regulation under Articles 1 to 7 of Title 40, C.R.S., provided they comply with rules 3803 and 3804.~~, if the Commission finds that the MMO has adopted adequate policies and~~

~~procedures. All applications for master meter exemption from regulation shall include, in the following order and specifically identified, the following information, either in the application or in appropriately identified attached exhibits:~~

**3803. MMO Requirements.**

(a) In order to retain its exemption from rate regulation a MMO must have policies and procedures in place which ensure that:

~~(I) All of information required in rules 3002(b) and (c):~~

~~(II)~~ (I) As part of its billing for utility service, ~~the each~~ MMO shall charge the end-users only the actual cost billed to the MMO by the serving utility. ~~The Each~~ MMO shall not charge end-users for any other costs, such as the costs of construction, maintenance, financing, administration, metering, or billing for the equipment and facilities owned by the MMO.

~~(III)~~ (II) If the MMO bills the end-users separately for service, the sum of such billings shall not exceed the amount billed to the MMO by the serving utility. ~~The Each~~ MMO shall pass on to the end-users any refunds it receives from the serving utility.

~~(IV)~~ (III) ~~The Each~~ MMO shall establish procedures for giving notice of refunds to those who are not current end-users, but who were end-users during the subject time period.

(b) Resale of electricity for profit by a MMO exempt from rate regulation is strictly prohibited. A MMO may check-meter tenants, lessees, or other persons to whom ultimately the electricity is distributed, for the purpose of reimbursing the MMO by an appropriate allocation procedure, provided the MMO does not receive more than the actual cost billed to the MMO by the serving utility. Resale activity is a basis for revocation of an exemption ~~order~~ from rate regulation.

**3804. MMO Refunds.**

(a) In passing on refunds to end-users, ~~a each~~ MMO shall notify its end-users of any refunds and inform the end-users that they may claim the refunds within 90 days after receipt of the notice. The notification shall be made by first-class mail with a certificate of mailing, or by inclusion in any monthly or more frequent written communication. ~~The Each~~ MMO shall also notify former customers who were end-users during the subject time period.

(b) If the aggregate amount of refunds remaining unclaimed after 90 days exceeds 100 dollars, the MMO shall contribute such unclaimed amount to the energy assistance organization. If the aggregate amount does not exceed 100 dollars, the MMO may retain such

aggregate amount. ~~A~~Each MMO may retain any portion of such refunds that rightfully belongs to the MMO.

- (c) ~~A~~Each MMO shall pay interest on undistributed refunds in accordance with the Commission's Customer Deposit Interest Rate Rule 3402(1).

3805. Complaints and Penalties.

- (a) Any customer subject to a master meter may file a complaint with the respect to alleged violations of the requirements set forth in rules 3803 and 3804 above. This complaint shall be filed with the Commission, formally or informally Pursuant to Rules 1301 and 1302.
- (b) The Commission shall investigate complaints concerning MMOs, and if after investigation, the Commission finds that an MMO has violated any of the requirements set forth in rules 3803 and 3804 above, the MMO may have its exempt status revoked, and/or may be subject to penalties as set forth in § 40-7-107, C.R.S.

~~3805.3806.~~ -3899 [Reserved].