

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

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PART 3 RULES REGULATING ELECTRIC UTILITIES

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[indicates omission of unaffected rules]

3403. Applications for Service, Customer Deposits, and Third-Party Guarantee Arrangements.

- (a) A utility shall process an application for utility service that is made either orally or in writing and shall apply nondiscriminatory criteria with respect to the requirement of a deposit prior to commencement of service. Nondiscriminatory criteria means that no deposit or guarantee, or additional deposit or guarantee, shall be required by a utility because of race, sex, creed, national origin, marital status, age, number of dependents, source of income, disability, or geographical area of residence.
- (b) All utilities requiring deposits shall offer customers at least one payment alternative that does not require the use of the customer's social security number.
- (c) If billing records are available for a customer who has received past service from the utility, the utility shall not require that person to make new or additional deposits to guarantee payment of current bills unless the records indicate recent or substantial delinquencies.
- (d) A utility shall not require a deposit from an applicant for service who provides written documentation of a 12 consecutive month good -payment history from the utility from which that person received similar service. For purposes of this paragraph, the 12 consecutive months must have ended no earlier than 60 days prior to the date of the application for service.
- (e) A utility shall not require a deposit from an applicant for service or restoration of service who is or was within the last 12 months, a participant in the Low-Income Energy Assistance Program (LEAP) or in a low-income program consistent with rule 3412, or who received energy bill assistance from Energy Outreach Colorado within the last 12 months.
- (f) If a utility uses credit scoring to determine whether to require a deposit from an applicant for service or a customer, the utility shall have a tariff that describes, for each scoring model that it uses, the credit scoring evaluation criteria and the credit score limit that triggers a deposit requirement.

- (g) If a utility uses credit scoring, prior payment history with the utility, or customer-provided prior payment history with a like utility as a criterion for establishing the need for a deposit, the utility shall include in its tariff the specific evaluation criteria that trigger the need for a deposit.
- (h) If a utility denies an application for service or requires a deposit as a condition of providing service, the utility immediately shall inform the applicant for service of the decision and shall provide, within three business days, a written explanation to the applicant for service stating the reasons why the application for service has been denied or a deposit is required.
- (i) No utility shall require any surety other than either a deposit to secure payment for utility services or a third-party guarantee of payment in lieu of a deposit. In no event shall the furnishing of utility services or extension of utility facilities, or any indebtedness in connection therewith, result in a lien, mortgage, or other interest in any real or personal property of the customer unless such indebtedness has been reduced to a judgment. Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.
- (j) The total deposit a utility may require or hold at any one time shall not exceed an amount equal to an estimated 90 days' bill of the customer, except in the case of a customer whose bills are payable in advance of service, in which case the deposit shall not exceed an estimated 60 days' bill of the customer. The deposit may be in addition to any advance, contribution, or guarantee in connection with construction of lines or facilities, as provided in the extension policy in the utility's tariffs. A deposit may be paid in installments.
- (k) A utility receiving deposits shall maintain records showing:
 - (I) the name of each customer making a deposit;
 - (II) the amount and date of the deposit;
 - (III) each transaction, such as the payment of interest or interest credited, concerning the deposit;
 - (IV) each premise where the customer receives service from the utility while the deposit is retained by the utility;
 - (V) if the deposit was returned to the customer, the date on which the deposit was returned to the customer; and
 - (VI) if the unclaimed deposit was paid to the energy assistance organization, the date on which the deposit was paid to the energy assistance organization.
- (l) Each utility shall state in its tariff its customer deposit policy for establishing or maintaining service. The tariff shall state the circumstances under which a deposit will be required and the circumstances under which it will be returned. A utility shall return any deposit paid by a customer who has made no more than two late payments in 12 consecutive months.

- (m) Each utility shall issue a receipt to every customer from whom a deposit is received. No utility shall refuse to return a deposit or any balance to which a customer may be entitled solely on the basis that the customer is unable to produce a receipt.
- (n) The payment of a deposit shall not relieve any customer from the obligation to pay current bills as they become due. A utility is not required to apply any deposit to any indebtedness of the customer to the utility, except for utility services due or past due after service is terminated.
- (o) A utility shall pay simple interest on a deposit at the percentage rate per annum as calculated by Commission staff and in the manner provided in this paragraph.
 - (I) At the request of the customer, the interest shall be paid to the customer either on the return of the deposit or annually. The simple interest on a deposit shall be earned from the date the deposit is received by the utility to the date the customer is paid. At the option of the utility, interest payments may be paid directly to the customer or by a credit to the customer's account.
 - (II) The simple interest to be paid on a deposit during any calendar year shall be at a rate equal to the average for the period October 1 through September 30 (of the immediately preceding year) of the 12 monthly average rates of interest expressed in percent per annum, as quoted for one-year United States Treasury constant maturities, as published in the Federal Reserve Bulletin, by the Board of Governors of the Federal Reserve System. Each year, Commission staff shall compute the interest rate to be paid. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is less than 25 basis points, the existing customer deposit interest rate shall continue for the next calendar year. If the difference between the existing customer deposit interest rate and the newly calculated customer deposit interest rate is 25 basis points or more, the newly calculated customer deposit interest rate shall be used. The Commission shall send a letter to each utility stating the rate of interest to be paid on deposits during the next calendar year. Annually following receipt of Commission staff's letter, if necessary, each utility shall file by advice letter or application, as appropriate, a revised tariff, effective the first day of January of the following year, or on an alternative date set by the Commission, containing the new rate of interest to be paid upon customers' deposits, except when there is no change in the rate of interest to be paid on such deposits.
- (p) A utility shall have tariffs concerning third-party guarantee arrangements and, pursuant to those tariffs, shall offer the option of a third party guarantee arrangement for use in lieu of a deposit. The following shall apply to third-party guarantee arrangements:
 - (I) an applicant for service or a customer may elect to use a third-party guarantor in lieu of paying a deposit;
 - (II) the third-party guarantee form, signed by both the third-party guarantor and the applicant for service or the customer, shall be provided to the utility;
 - (III) the utility may refuse to accept a third-party guarantee if the guarantor is not a customer in good standing at the time of the guarantee;

- (IV) the amount guaranteed shall not exceed the amount which the applicant for service or the customer would have been required to provide as a deposit;
 - (V) the guarantee shall remain in effect until the earlier of the following occurs:
 - (A) the guarantee is terminated in writing by the guarantor;
 - (B) if the guarantor was a customer at the time of undertaking the guarantee, the guarantor ceases to be a customer of the utility; or
 - (C) the customer has established a satisfactory payment record, as defined in the utility's tariffs, for 12 consecutive months.
 - (VI) Should the guarantor terminate service or terminate the third party guarantee before the customer has established a satisfactory payment record for 12 consecutive months, the utility, applying the criteria contained in its tariffs, may require a deposit or a new third party guarantor.
- (q) A utility shall pay all unclaimed monies, as defined in § 40-8.5-103(5), C.R.S., that remain unclaimed for more than two years to the energy assistance organization. "Unclaimed monies" shall not include: undistributed refunds for overcharges subject to other statutory provisions and rules; and, credits to existing customers from cost adjustment mechanisms.
- (I) Monies shall be deemed unclaimed and presumed abandoned when left with the utility for more than two years after termination of the services for which the deposit or the construction advance was made or when left with the utility for more than two years after the deposit or the construction advance becomes payable to the customer pursuant to a final Commission order establishing the terms and conditions for the return of such deposit or advance and the utility has made reasonable efforts to locate the customer.
 - (II) Interest on a deposit shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the utility receives the deposit and ending on the date on which the deposit is paid to the energy assistance organization. If the utility does not pay the unclaimed deposit to the energy assistance organization within four months of the date on which the unclaimed deposition is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the conclusion of the four-month period, interest shall accrue on the unclaimed deposit at the rate established pursuant to paragraph (o) of this rule plus six percent.
 - (III) If payable under the utility's line extension tariff provisions, interest on a construction advance shall accrue at the rate established pursuant to paragraph (o) of this rule commencing on the date on which the construction advance is deemed to be owed to the customer pursuant to the utility's extension policy and ending on the date on which the construction advance is paid to the energy assistance organization. If the utility does not pay the unclaimed construction advance to the energy assistance organization within four months of the date on which the unclaimed construction advance is deemed to be unclaimed or abandoned pursuant to subparagraph (q)(I) of this rule, then at the

conclusion of the four-month period, interest shall accrue on the unclaimed construction advance at the rate established pursuant to paragraph (o) of this rule plus six percent.

- (r) A utility shall resolve all inquiries regarding a customer's unclaimed monies and shall not refer such inquiries to the energy assistance organization.
- (s) If a utility has paid unclaimed monies to the energy assistance organization, a customer later makes an inquiry claiming those monies, and the utility resolves the inquiry by paying those monies to the customer, the utility may deduct the amount paid to the customer from future funds submitted to the energy assistance organization.
- (t) For purposes of paragraphs (q), (r), and (s) of this rule, "utility" means and includes: a cooperative electric association which elects to be so governed; and, a utility as defined in rule 3001(nn).

3404. Charges, Fees, and Payment Plans.

- (a) In its tariffs, a utility shall provide a description of all charges or fees that the utility assesses customers resulting from regulated charges that are past due, discontinuance of service, and restoration of service. A utility may assess the following charges or fees at no higher than cost, as stated in its tariff:
 - (I) a late payment charge for regulated charges that are past due and exceed \$50;
 - (II) a fee for discontinuance of service;
 - (III) a fee for restoration of service;
 - (IV) collection fees; and
 - (V) any other regulated charges or fees provided in the utility's tariff.
- (b) In its tariffs, a utility shall have the following payment plans available for its customers:
 - (I) an installment payment plan; and
 - (II) a budget or level payment plan.
- (c) In its tariff, a utility shall have an installment payment plan which permits a customer to make installment payments if one of the following applies.
 - (I) The plan is to pay regulated charges from past billing periods and the past due amount arises solely from events under the utility's control (such as, without limitation, meter malfunctions, billing errors, utility meter reading errors, or failures to read the meter, except where the customer refuses to read the meter and it is not readily accessible to the utility). A utility shall advise a customer who is eligible for this type of plan of the customer's eligibility. At the request of the customer and at the customer's discretion, an installment payment plan under this subparagraph shall extend over a period equal in length to that during which the errors were accumulated and shall not include interest.

- (II) The customer pays at least ten percent of the amount shown on the notice of discontinuance for regulated charges and enters into an installment payment plan on or before the expiration date of the notice of discontinuance.
 - (III) The customer pays at least ten percent of any regulated charges amount more than 30 days past due and enters into an installment payment plan on or before the last day covered by a medical certificate. A customer who has entered into and failed to abide by an installment payment plan prior to receiving a medical certificate shall pay all amounts that were due for regulated charges up to the date on which the customer presented a medical certificate which meets the requirements of subparagraph 3407(e)(IV) and then may resume the installment payment plan.
 - (IV) If service has been disconnected, the customer pays at least any collection and reconnection charges and enters into an installment payment plan. This subparagraph shall not apply if service was discontinued because the customer breached a prior payment arrangement.
- (d) Installment payment plans shall include the following amounts that are applicable at the time the customer requests a payment arrangement:
- (I) the unpaid remainder of amounts due for regulated charges shown on the notice of discontinuance;
 - (II) any amounts due for regulated charges not included in the amount shown on the notice of discontinuance which have since become more than 30 days past due;
 - (III) all current regulated charges contained in any bill which is past due but is less than 30 days past the due date;
 - (IV) any new regulated charges contained in any bill which has been issued but is not past due;
 - (V) any regulated charges which the customer has incurred since the issuance of the most recent monthly bill;
 - (VI) any other regulated charges and fees as described in paragraph (a) of this rule, except fees relating to service diversion, whether or not such fees have appeared on a regular monthly bill; and
 - (VII) any applicable deposit, consistent with rule 3403.
- (e) A customer entering into a payment arrangement as described in paragraph (b) may modify their bill due date if the utility's billing system allows for such a change.
- (f) Within seven calendar days of entering into a payment arrangement with a customer, a utility shall provide the customer with this rule and a statement describing the payment arrangement. The statement describing the payment arrangement shall include the following:

- (I) the terms of the payment plan; and
 - (II) a description of the steps which the utility will take if the customer does not abide by payment plan.
- (g) Except as provided in subparagraph (c)(I) of this rule, an installment payment plan shall consist, at a minimum, of equal monthly installments for a term selected by the customer but not to exceed 12 months. Notwithstanding the foregoing, a utility may enter into an installment payment plan with a customer for a term up to 24 months if it determines that this is warranted by extraordinary circumstances. In the alternative, the customer may choose a modified budget or level payment plan, or similar tariff payment arrangement in which the total due shall be added to the preceding year's total billing to the customer's premises, modified for any base rate or cost adjustment changes. The resulting amount shall be divided and billed in 11 equal monthly budget billing payments, followed by a settlement billing in the twelfth month, or shall follow other payment-setting practices consistent with the tariff plan available. Utilities may not require a customer to participate in a budget or level payment plan or automated billing as a prerequisite for entering into an installment payment plan.
- (h) For an installment payment plan entered into pursuant to this rule, the first monthly installment payment, and with the new charges (unless the new charges have been made part of the arrangement amount) shall be due on a date which is not earlier than the next regularly-scheduled due date of the customer who is entering into the installment payment plan. Succeeding installment payments, together with the new charges, shall be due in accordance with the due date established in the installment payment plan. Any payment not made on the due date established in the installment payment plan shall be considered in default. Any new charges that are not paid by the due date shall be considered past due, excluding those circumstances covered in subparagraph (c)(I) of this rule.
- (i) This rule shall not be construed to prevent a utility from offering any other installment payment plan terms to avoid discontinuance or terms for restoration of service, provided the terms are at least as favorable to the customer as the terms set out in this rule.

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[indicates omission of unaffected rules]

3407. Discontinuance of Service.

- (a) A utility shall not discontinue the service of a customer for any reason other than the following:
- (I) nonpayment of regulated charges;
 - (II) fraud or subterfuge;
 - (III) service diversion;
 - (IV) equipment tampering;
 - (V) safety concerns;

- (VI) exigent circumstances;
 - (VII) discontinuance ordered by any appropriate governmental authority; or
 - (VIII) properly discontinued service being restored by someone other than the utility when the original cause for proper discontinuance has not been cured.
- (b) A utility shall apply nondiscriminatory criteria when determining whether to discontinue service for nonpayment. A utility shall not discontinue service for nonpayment of any of the following:
- (I) any amount which has not appeared on a regular monthly bill or which is not past due. Unless otherwise stated in a tariff or Commission rule, an account becomes "past due" on the 31st day following the due date of current charges;
 - (II) any past due amount that is less than \$50;
 - (III) any amount due on another account now or previously held or guaranteed by the customer, or with respect to which the customer received service, unless the amount has first been transferred either to an account which is for the same class of service or to an account which the customer has agreed will secure the other account. Any amount so transferred shall be considered due on the regular due date of the bill on which it first appears and shall be subject to notice of discontinuance as if it had been billed for the first time;
 - (IV) any amount due on an account on which the customer is or was neither the customer of record nor a guarantor, or any amount due from a previous occupant of the premises. This subparagraph does not apply if the customer is or was obtaining service through fraud or subterfuge or if paragraph 3401(c) applies;
 - (V) any amount due on any account for which the present customer is or was the customer of record, if another person established the account through fraud or subterfuge and without the customer's knowledge or consent;
 - (VI) any delinquent amount, unless the utility can supply billing records from the time the delinquency occurred;
 - (VII) any debt except that incurred for service rendered by the utility in Colorado;
 - (VIII) any unregulated charge; or
 - (IX) any amount which is the subject of a pending dispute or informal complaint under rule 3004.
- (c) If the utility discovers any connection or device installed on the customer's premises, including any energy-consuming device connected on the line side of the utility's meter, which would prevent the meter from registering the actual amount of energy used, the utility shall do one of the following.

- (I) Remove or correct such devices or connections. If the utility takes this action, it shall leave at the premises a written notice which advises the customer of the violation, of the steps taken by the utility to correct it, and of the utility's ability to bill the customer for any estimated energy consumption not properly registered. This notice shall be left at the time the removal or correction occurs.
 - (II) Provide the customer with written notice that the device or connection must be removed or corrected within 15 days and that the customer may be billed for any estimated energy consumption not properly registered. If the utility elects to take this action and the device or connection is not removed or corrected within the 15 days permitted, then within seven calendar days from the expiration of the 15 days, the utility shall remove or correct the device or connection pursuant to subparagraph (c)(I) of this rule.
- (d) If a utility discovers evidence that any utility-owned equipment has been tampered with or that service has been diverted, the utility shall provide the customer with written notice of the discovery. The written notice shall inform the customer of the steps the utility will take to determine whether non-registration of energy consumption has or will occur and shall inform the customer that the customer may be billed for any estimated energy consumption not properly registered. The utility shall mail or hand-deliver the written notice within three calendar days of making the discovery of tampering or service diversion.
- (e) A utility shall not discontinue service, other than to address safety concerns or in exigent circumstances, if one of the following is met.
- (I) A customer at any time tenders full payment in accordance with the terms and conditions of the notice of discontinuance to a utility employee authorized to receive payment. Payment of a charge for a service call shall not be required to avoid discontinuance.
 - (II) If a customer pays, on or before the expiration date of the notice of discontinuance, at least one-tenth of the amount shown on the notice and enters into an installment payment plan with the utility, as provided in rule 3404.
 - (III) If it is 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.
 - (IV) Medical emergencies.
 - (A) A utility shall postpone discontinuance of electric service to a residential customer for 90 days from the date of a medical certificate issued by a Colorado-licensed physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients which evidences that service discontinuance will aggravate an existing medical emergency or create a medical emergency for the customer or a permanent resident of the customer's household. A customer may invoke this subparagraph only once in any twelve consecutive months.

- (B) As a condition of obtaining a new installment payment plan on or before the last day covered by a medical certificate, a customer who has already entered into a payment arrangement, but broke the arrangement prior to seeking a medical certificate, may be required to pay all amounts that were due up to the date of the original medical certificate as a condition of obtaining a new payment arrangement. At no time shall a payment from the customer be required as a condition of honoring a medical certificate.
- (C) The medical certificate must be in writing (which includes electronic certificates and signatures and those provided electronically), sent to the utility from the office of a licensed physician or health care practitioner licensed to prescribe and treat patients, and clearly show the name of the customer or individual whose illness is at issue; the Colorado medical identification number, phone number, name, and signature of the physician, health care practitioner acting under a physician's authority, or health care practitioner licensed to prescribe and treat patients certifying the medical emergency. Such certificate is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.
- (D) A utility may accept notification by telephone from the office of a licensed physician, or health care practitioner licensed to prescribe and treat patients, but a written medical certificate must be sent to the utility within ten days.
- (V) Weather provisions.
 - (A) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 32 degrees Fahrenheit (32°F) or lower at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are warmer than these criteria.
 - (B) A utility shall postpone service discontinuance to a residential customer on any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 a.m. predicts that the temperature will be 95 degrees Fahrenheit (95°F) or higher at any time in the following 24 hours, or during any additional period in which utility personnel will not be available to restore utility service in accordance with rule 3409. Nothing prohibits a utility from postponing service discontinuance when temperatures are cooler than these criteria.
- (f) In addition to its tariffs, a utility shall publish information related to its practices around delinquency, disconnection for nonpayment, and reconnection on its website. This information should be written in a manner that promotes customer understanding and must be produced in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information. A utility must include at least the following information:

- (I) the customer's rights related to service disconnection, including medical and weather-based protections, timing restrictions on service disconnection, and options and hours to contact the utility for support relating to service disconnection;
 - (II) a summary of a customer's options to prevent service disconnection for nonpayment, including installment payment plan options, utility energy assistance and affordability programs, and eligibility requirements for such programs;
 - (III) referrals to organizations that provide energy payment assistance, including energy efficiency services, such as Energy Outreach Colorado, charities, nonprofits, and governmental entities that provide or administer funds for such assistance;
 - (IV) the customer's rights related to service restoration, including restoration timelines, actions customers may take to restore service; and options and hours to contact the utility for support relating to service restoration;
 - (V) a summary of charges, fees, and deposits to which a customer may be subject under paragraphs 3404(a) and 3403(j), with a description of how those amounts are calculated, explained in a way that enables a customer to estimate the full costs they may be assessed;
 - (VI) a description of the customer's options in the event of a dispute regarding billing or disconnection practices;
 - (VII) a description of the options available to an occupant of a service address who is not a customer of record and who has a court-ordered protection order against a customer of record for the service address, relating to past-due balances, service disconnection, restoration, and continuance at the service address, including initiating new service, transferring service, and the utility's practices, policies, and criteria for determining benefit of service for purposes of transferring a customer's balance to an occupant; and
 - (VIII) a description of the utility's Demand Side Management programs, including requirements to participate, the benefits of participating, and utility contact information relating to such programs.
- (g) Reporting requirements.
- (I) Annual Report. No later than March 1 of each calendar year, each utility shall file a report covering the prior calendar year in the miscellaneous proceeding for utility disconnection filings, using the form available on the Commission's website. The report shall provide data on residential customers by class and zip code and must also break down such data by low-income customers, defined as customers participating in low-income programs authorized by rule 3412 and the Low-Income Energy Assistance Program. For data provided in this report, paragraph 3033(b) shall not apply. The report shall contain the following information, displayed by quarter:
 - (A) total number of unique customers;
 - (B) total dollar amount billed;

- (C) total number of customers charged a late payment charge;
 - (D) total dollar amount of late payment charges collected;
 - (E) number of customers with an arrearage balance by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (F) dollar amount of arrearages by vintage (1-30 days, 31-60 days, 61-90 days, 91+ days);
 - (G) total number of disconnection notices sent;
 - (H) total number of disconnections for nonpayment;
 - (I) total number of service restorations after disconnections for nonpayment;
 - (J) average duration of disconnection for nonpayment by hours, measured from when the customer completes an action in paragraph 3409(b) to when service is restored;
 - (K) total dollar amount of deposits collected for restoring service that was disconnected for nonpayment;
 - (L) total number of deposits collected for restoring service that was disconnected for nonpayment;
 - (M) total number of new installment payment plans entered into;
 - (N) average repayment term of new installment payment plans entered into;
 - (O) total dollar amount of fees collected for disconnecting service for nonpayment;
 - (P) total dollar amount of fees collected for restoring service that was disconnected for nonpayment;
 - (Q) total dollar amount of collection fees collected from customers whose service was disconnected for nonpayment; and
 - (R) total dollar amount of any other tariff-authorized charges or fees collected resulting from past due amounts, service disconnection for nonpayment, and restoring service that was disconnected for nonpayment.
- (II) Along with the items in subparagraph (g)(I), each utility shall file the following additional items.
- (A) A narrative containing the utility's analysis of any trends or inconsistencies revealed by the data in the prior year including, at minimum, an analysis of:

- (i) the total number of residential customers who were disconnected for nonpayment in the prior calendar year and percent of those customers who were disconnected for nonpayment multiple times; and
 - (ii) the total number of residential installment payment plans entered into in the prior calendar year, the average length of those installment payment plans, the number of residential installment payment plans completed, and the number of residential installment payment plans that were broken.
- (B) Information about how the utility is working to reduce delinquencies and disconnections, including any actions the utility is taking specific to residential customers experiencing multiple disconnections in a calendar year, and a description of the efforts made to identify entities to which the utility refers customers for energy bill assistance.

3408. Notice of Discontinuance of Service.

- (a) Except as provided in paragraphs (g) and (h) of this rule, prior to discontinuing service, a utility shall provide a customer, and any third party the customer has designated in writing or electronically, with the following forms of notice:
 - (I) upon a bill becoming past due, and at least five business days before issuing a notice of discontinuance, a utility must provide notice of late payment;
 - (II) at least 12 business days before any proposed service discontinuance, written notice of discontinuance as further described in paragraphs (b) and (c), by first class mail or hand delivery;
 - (III) at least 24 hours in advance of any proposed discontinuance of service, the utility must make a reasonable attempt to provide notice in person or by telephone; and
 - (IV) if the utility will implement service discontinuance remotely, in addition to subparagraphs (I) through (III), the utility must undertake at least one additional attempt to notify the customer of record at their provided telephone number or in person at least 72 hours before discontinuing service.
- (b) The written notice of discontinuance under subparagraph (a)(II) shall be conspicuous and in easily understood language, and the heading shall contain, in bold font and capital letters, the following warning:

**THIS IS A FINAL NOTICE OF DISCONTINUANCE OF UTILITY SERVICE AND
CONTAINS IMPORTANT INFORMATION ABOUT YOUR LEGAL RIGHTS AND
REMEDIES. YOU MUST ACT PROMPTLY TO AVOID UTILITY SHUT OFF.**
- (c) The body of the notice of discontinuance under subparagraph (a)(II) of this rule shall advise the customer of the following:
 - (I) the reason for the discontinuance of service;

- (II) the amount past due for utility service, deposits, or other regulated charges, if any;
 - (III) the date by which an installment payment plan must be entered into or full payment must be received in order to avoid discontinuance of service;
 - (IV) how and where the customer can pay or enter into an installment payment plan prior to the discontinuance of service;
 - (V) that the customer may avoid discontinuance of service by entering into an installment payment plan with the utility pursuant to rule 3404 and the utility's applicable tariff;
 - (VI) that the customer has certain rights if the customer or a member of the customer's household is seriously ill or has a medical emergency;
 - (VII) that the customer has the right to dispute the discontinuance directly with the utility by contacting the utility, and how to contact the utility toll-free from within the utility's service area;
 - (VIII) that the customer has the right to make an informal complaint to the External Affairs section of the Commission in writing, by telephone, or in person, along with the Commission's address and local and toll-free telephone number;
 - (IX) that the customer has the right to file a formal complaint, in writing, with the Commission pursuant to rule 1302 and that this formal complaint process may involve a formal hearing;
 - (X) that in conjunction with the filing of a formal complaint, the customer has a right to file a motion for a Commission order ordering the utility not to disconnect service pending the outcome of the formal complaint process and that the Commission may grant the motion upon such terms as it deems reasonable, including but not limited to the posting of a deposit or bond with the utility or timely payment of all undisputed regulated charges;
 - (XI) that if service is discontinued for non-payment, the customer may be required, as a condition of restoring service, to pay reconnection and collection charges in accordance with the utility's tariff; and
 - (XII) that customers may be able to obtain financial assistance to assist with the payment of the utility bill and that more detailed information on that assistance may be obtained by calling the utility toll-free. The utility shall state its toll-free telephone number.
- (d) A notice of discontinuance shall be printed in English and a specific language or languages other than English where the utility's entire service territory contains a population of at least ten percent who speak a specific language other than English as their primary language as determined by the latest U.S. Census information.
- (e) A utility shall explain and shall offer the terms of an installment payment plan to each customer who contacts the utility in response to a notice of discontinuance of service.

- (f) If the utility attempts to notify the customer in person or by telephone but fails to do so, it shall leave written or recorded notice of the attempted contact and its purpose.
- (g) If a customer has entered into an installment payment plan and has defaulted or allowed a new bill to remain unpaid past its due date, a utility shall provide, by first class mail or by hand-delivery, a written notice to the customer. The notice shall contain:
 - (I) a heading as follows: NOTICE OF BROKEN ARRANGEMENT;
 - (II) statements that advise the customer:
 - (A) that the utility may discontinue service if it does not receive the monthly installment payment within ten days after the notice is mailed or hand-delivered;
 - (B) that the utility may discontinue service if it does not receive payment for the current bill within 30 days after its due date;
 - (C) that, if service is discontinued, the utility may refuse to restore service until the customer pays all amounts for regulated service more than 30 days past due and any collection or reconnection charges; and
 - (D) that the customer has certain rights if the customer or a member of the customer's household is seriously ill or has a medical emergency.
- (h) A utility is not required to provide notice under this rule if one of the following applies:
 - (I) the situation involves safety concerns or exigent circumstances;
 - (II) discontinuance is ordered by any appropriate governmental authority;
 - (III) either paragraph 3407(c) or 3407(d) applies; or
 - (IV) service, having been already properly discontinued, has been restored by someone other than the utility and the original cause for discontinuance has not been cured.
- (i) Where a utility knows that the service to be discontinued is used by customers in multi-unit dwellings, in places of business, or in a cluster of dwellings or places of business and the utility service is recorded on a single meter used either directly or indirectly by more than one unit, the utility shall issue notice as required in paragraphs (a) and (b) of this rule, except that:
 - (I) the notice period shall be 30 days;
 - (II) such notice may include the current bill;
 - (III) the utility shall provide written notice to each individual unit, stating that a notice of discontinuance has been sent to the party responsible for the payment of utility bills for the unit and that the occupants of the units may avoid discontinuance by paying the next new bill in full within 30 days of its issuance and successive new bills within 30 days of issuance; and

- (IV) the utility shall post the notice in at least one of the common areas of the affected location.

3409. Restoration of Service.

- (a) Unless prevented from doing so by safety concerns or exigent circumstances, a utility shall restore, without additional fee or charge, any discontinued service which was not properly discontinued or restored as provided in rules 3407, 3408, and 3409.
- (b) A utility shall restore service if the customer does any of the following:
 - (I) pays in full the amount for regulated charges shown on the notice and any deposit and/or fees as may be specifically required by the utility's tariff in the event of discontinuance of service;
 - (II) pays any reconnection and collection charges specifically required by the utility's tariff, enters into an installment payment plan, and makes the first installment payment, unless the cause for discontinuance was the customer's breach of such an arrangement;
 - (III) presents a medical certificate, as provided in subparagraph 3407(e)(IV); or
 - (IV) demonstrates to the utility that the cause for discontinuance, if other than non-payment, has been cured.
- (c) Unless prevented by safety concerns or exigent circumstances, a utility shall restore service to a customer who has completed an action in paragraph (b) within 24 hours (excluding weekends and holidays) of the time that the customer completes an action in paragraph (b), or within 12 hours of the time that the customer completes an action in paragraph (b) if the customer pays applicable after-hours charges and fees established in tariffs. The utility must exercise its best efforts to restore service for customers meeting requirements of paragraph (b) on the same day of a service discontinuance.
- (d) The utility must resolve doubts as to whether a customer has met the requirements for service restoration under paragraph (b) in favor of restoration.

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[indicates omission of unaffected rules]

3413. Medical Exemption Program.

- (a) Scope and Applicability.
 - (I) Any electric utility that has a Commission approved Medical Exemption Program 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 essential medical equipment and whose household income is less than or equal to 400 percent of federal poverty guidelines, which may be self-certified by

the customer. 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.

(b) Definitions.

- (I) "Essential medical equipment" means any medical device used in the home to sustain life or which is relied upon for mobility, as determined by a physician currently licensed and in good standing in the state of Colorado.
- (II) "Federal poverty guidelines" means the poverty measures published annually by the U.S. Department of Health and Human Services.
- (III) "Non-participant" means a utility customer who is not participating in the Medical Exemption Program.
- (IV) "Participant" means a residential utility customer who is billed according to the utility's alternative rate plan.
- (V) "Qualifying medical condition" includes heat-sensitive medical conditions including, but not limited to, multiple sclerosis, epilepsy, quadriplegia, and paraplegia, or the need for the use of essential medical equipment, as determined by a physician licensed in the state of Colorado, or other health care practitioner licensed to prescribe and treat patients.

(c) A certificate of a qualifying medical condition and/or use of essential medical equipment shall be valid for one year. Once certified by a physician, or other health care practitioner licensed to prescribe and treat patients, customers with qualifying medical conditions lasting longer than one year may submit an annual attestation as to the continued condition and the current address of residency. A certificate of a qualifying medical condition and/or use of essential medical equipment shall:

- (I) be in writing (which includes electronic certificates and signatures and those provided electronically);
- (II) be sent from the office of a currently licensed physician in good standing in the state of Colorado, or other health care practitioner licensed to prescribe and treat patients to either the utility or a Commission approved third party with whom the utility contracts pursuant to rule 3209;
- (III) clearly state the name of the customer or individual whose medical condition and/or use of essential medical equipment is at issue; and
- (IV) clearly state the Colorado medical identification number, phone number, name, and signature of the physician or health care practitioner acting under a physician's authority, or other health care practitioner licensed to prescribe and treat patients certifying the existence of a qualifying medical condition and/or use of essential medical equipment.

- (d) Such certification is not contestable by the utility as to the medical judgment, although the utility may use reasonable means to verify the authenticity of such certificate.
- (e) Verification of the authenticity of the certificate of a qualifying medical condition or use of essential medical equipment shall be done by the utility or a Commission approved third party with which the utility contracts the medical verification activities.
- (f) If the utility or Commission approved third party deems it reasonably necessary, verification of household income may be done by the utility or Commission approved third party with which the utility contracts the income verification activities.
- (g) The Commission may, with cause, conduct an audit of the income verification process employed by the utility or an entity with which the utility contracts for that purpose.
- (h) Cost recovery.
 - (I) Each utility shall address in its filing how costs of the alternative rate plan will be recovered.
 - (II) Each utility shall provide information regarding impacts on the various participant classes and on participants within a class.
 - (III) The following costs are eligible for recovery by a utility as alternative rate plan costs:
 - (A) lost revenues based on the difference between the expected monthly revenues and revenues under the alternate rate plan for the months during which the Medical Exemption Program is in place; and
 - (B) alternative rate plan administrative costs.
- (i) Annual Report.
 - (I) No later than December 15 each year, each utility shall file an annual report, based on the previous summer cooling period the Medical Exemption Program was in effect, containing the following information:
 - (A) monthly information including number of participants, individual household electricity usage, and individual household incomes;
 - (B) the total number of applicants for the alternative rate plan;
 - (C) the number of applicants who qualified for the rate plan;
 - (D) total cost of the program and the average rate impact of non-participants by rate class; and
 - (E) a description of the efforts made to facilitate the enrollment of qualified persons in the alternative rate plan.

- (II) To the extent that the annual report may disclose individual customer information, the utility is authorized to file that portion of the annual report as confidential pursuant to 4 CCR 723-1-1102, Procedures Relating to Confidential Information Submitted to the Commission Outside of a Formal Proceeding.

3414. - 3499. [Reserved].

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[indicates omission of unaffected rules]

3976. Regulated Electric Utility Rule Violations, Civil Enforcement, and Civil Penalties.

An admission to or Commission adjudication for liability for an intentional violation of the following may result in the assessment of a civil penalty of up to \$2,000.00 per offense. Fines shall accumulate up to, but shall not exceed, the applicable statutory limits set in § 40-7-113.5, C.R.S.

Citation	Description	Maximum Penalty Per Violation
	Articles 1-7 of Title 40, C.R.S.	\$2000
	Commission Order	\$2000
Rule 3005(a)-(c);(f)	Records and Record Retention	\$2000
Rule 3027(a)	Collection and Use of Customer Data	\$1000
Rule 3027(b)	Disclosure of Customer Data	\$2000
Rule 3027(c)	Tariff	\$1000
Rule 3027(d)	Disclosure of Customer Data	\$1000
Rule 3028(a)	Customer Notice	\$1000
Rule 3029(a),(b)	Consent Form	\$1000
Rule 3030(a)	Disclosure of Customer Data	\$2000
Rule 3030(b)	Records	\$1000
Rule 3031(a)	Disclosure of Customer Data	\$2000
Rule 3031(b)	Records	\$1000

Rule 3032(a)	Disclosure of Customer Data	\$2000
Rule 3032(c) and (d)	Consent and Records	\$1000
Rule 3033(a)	Disclosure of Aggregated Data	\$2000
Rule 3033(d)	Tariff	\$1000
Rule 3100(a)	Obtaining a Certificate of Public Convenience and Necessity for a Franchise	\$2000
Rule 3101(a)	Obtaining a Certificate of Public Convenience and Necessity or Letter of Registration to Operate in a Service Territory	\$2000
Rule 3102(a)	Obtaining a Certificate of Public Convenience and Necessity for Facilities	\$2000
Rule 3103(a),(c),(d)	Amending a Certificate of Public Necessity for Changes in Service Territory or Facilities	\$2000
Rule 3108(a),(c)	Keeping a Current Tariff on File with the Commission	\$2000
Rule 3109	Filing a New or Changed Tariff with the Commission	\$2000
Rule 3110(b),(c)	Filing an Advice Letter to Implement a Tariff Change	\$2000
Rule 3200(a),(b)	Construction, Installation, Maintenance and Operation of Facilities in Compliance with Accepted Engineering and Industry Standards	\$2000
Rule 3204	Reporting Incidents Resulting in Death, Serious Injury, or Significant Property Damage	\$2000
Rule 3210	Line Extensions	\$2000
Rule 3251	Reporting Major Events	\$2000
Rule 3252	Filing a Report on a Major Event with the Commission	\$2000
Rule 3303(a)-(j)	Meter Testing	\$2000

Rule 3306	Record Retention of Tests and Meters	\$2000
Rule 3309	Provision of Written Documentation of Readings and Identification of When Meters Will be Read	\$2000
Rule 3401	Billing Information, Procedures, and Requirements	\$2000
Rule 3603	Resource Plan Filing Requirements	\$2000
Rule 3654(a),(d)	Renewable Energy Standards	\$2000
Rule 3657(a)	QRU Compliance Plans	\$2000
Rule 3662	Annual Compliance Reports	\$2000
Rule 3803(c)	Master Meter Exemption Requirements	\$2000
Rule 3004(b)-(f)	Disputes and Informal Complaints	\$1000
Rule 3202(a),(b),(f),(g)	Maintaining a Standard Voltage and Frequency	\$1000
Rule 3203(a),(b)	Trouble Report Response, Interruptions and Curtailments of Service	\$1000
Rule 3405	Provision of Service, Rate, and Usage Information to Customers	\$1000
Rule 3406	Provision of Source Information to Customers	\$1000
Rule 3253	Filing a Supplemental Report on a Major Event with the Commission	\$1000
Rule 3208(a)-(c)	Poles	\$500
Rule 3403(a)-(q);(s)	Applications for Service, Customer Deposits, and Third Party Guarantees	\$500
Rule 3658	Standard Rebate Offer	\$500
Rule 3006(a),(b),(e)-(m)	Annual Reporting Requirements	\$100
Rule 3304	Scheduled Meter Testing	\$100
Rule 3305	Meter Testing Upon Request	\$100
Rule 3402(a),(c),(d)	Meter and Billing Error Adjustments	\$100

Rule 3404(a)-(h)	Availability of Installation Payments to Customers	\$1000
Rule 3407	Discontinuance of Service	\$2000
Rule 3408(a)-(g);(i)	Notice of Discontinuation of Service	\$2000
Rule 3409	Restoration of Service	\$2000
Rule 3411(c)(IV),(d)(I), (d)(II),(e)	Low-Income Energy Assistance Act	\$100
Rule 3618	Filing of Electric Resource Planning Reports	\$100

3977 – 3999. [Reserved].