

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-3

PART 1 RULES OF PRACTICE AND PROCEDURE

BASIS, PURPOSE, AND STATUTORY AUTHORITY.

The basis and purpose of these rules is to advise the public, regulated entities, attorneys, and any other person of the Commission's rules of practice and procedure. These rules of practice and procedure are promulgated in order to properly administer and enforce the provisions of Title 40 of the Colorado Revised Statutes and in order to regulate proceedings before the Commission.

The statutory authority for these rules is found in §§ 40-2-108, 40-6-101(1), 40-6-108(2), 40-6-109(5), 40-6-109.5, 40-6-114(1), and 40-6-122(4), C.R.S.

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[indicates omission of unaffected rules]

1207. Utility Notice.

- (a) A utility, other than a rail carrier, motor carrier, or intrastate telecommunications provider, filing to change, **either through an advice letter and tariff filing** on thirty days' notice **or through an application filed pursuant to § 40-6-109, C.R.S.**, any rate, fare, toll, rental, charge, classification, or in any rule, regulation, or contract relating to or affecting any rate, fare, toll, rental, charge, classification, or service or in any privilege or facility shall provide notice in accordance with the requirements of § 40-3-104(1)(c)(I), C.R.S.
 - (I) A utility, other than a rail carrier, motor carrier, or intrastate telecommunications provider filing to change any rate, fare, toll, rental, charge, classification, or service on less than statutory notice shall provide notice in accordance with the requirements of § 40-3-104(2), C.R.S.
 - (II) A utility that provides regulated intrastate telecommunications services filing to change any rate, charge, term, or condition for any regulated telecommunications service shall provides notice in accordance with the requirements of § 40-3-104(1)(c)(V), C.R.S.
- (b) A utility may also file a request for an alternative form of notice pursuant to § 40-3-104(1)(c)(I)(E), C.R.S. Such request shall be in the form of a motion filed as a separate pleading within the proceeding in which the utility is proposing a change to its rates or schedules. The utility's motion shall address each of the forms of notice set forth in § 40-3-104(1)(c)(I)(A) through (D), C.R.S., and explain why the utility seeks an alternative. No responses to such motions shall be allowed,

except if Trial staff or the UCA opposes a motion requesting an alternative form of notice, they each may file a response within two business days of the filing of the motion.

- (c) A utility that files an application to make a refund shall, within three days of filing the application, publish notice of the application in a newspaper of general circulation. The notice shall include the following information:
- (I) the name and address of the utility;
 - (II) a statement that the utility has filed an application with the Colorado Public Utilities Commission for approval of its proposed refund plan;
 - (III) a statement summarizing the amount of the refund, the date for making the refund, the date the refund is anticipated to be completed, and the manner in which the refund is proposed to be made;
 - (IV) a statement that the application is available for inspection at each local office of the utility and at the Colorado Public Utilities Commission;
 - (V) a statement that any person may file with the Commission a written objection to the application, or may file to intervene to participate as a party, and an explanation that a mere objection without an intervention shall not be adequate to permit participation as a party; and
 - (VI) a statement that written objections and interventions must be filed by the time listed in the notice separately given by the Colorado Public Utilities Commission.
- (d) All persons who are required to provide notice shall, within 15 days of providing notice, file an affidavit with the Commission stating the date notice was completed and the method used to provide it, accompanied by a copy of the notice or notices provided.
- (e) The Commission may order an applicant or a petitioner to provide such additional notice as the Commission deems appropriate as provided pursuant to § 40-3-104, C.R.S.
- (f) In all cases, notice shall contain adequate information to enable interested persons to be reasonably informed of the purpose of the matter noticed.
- (g) Unless the Commission orders otherwise, a utility shall be permitted to file tariffs complying with a decision of the Commission or updating adjustment clauses previously approved by the Commission on not less than two business days' notice. A tariff filing is considered to be a compliance filing when a draft proposed tariff is in the record of the original proceeding, the tariff is the subject of a Commission decision, and the tariff agrees in both substance and timing as determined in that decision. All compliance filings shall be made as a new advice letter proceeding. A notification shall also be filed on the same date as the compliance filing in the proceeding authorizing the compliance filing that identifies the compliance filing (e.g., advice letter number and date). No additional notice shall be required.