

CHAPTER 148

PUBLIC UTILITIES

SENATE BILL 20-030

BY SENATOR(S) Garcia and Rodriguez, Cooke, Danielson, Fenberg, Fields, Ginal, Gonzales, Hansen, Hisey, Lee, Moreno, Story, Todd, Winter;
also REPRESENTATIVE(S) Esgar, Kennedy, Buentello, Cutter, Duran, Exum, Froelich, Gonzales-Gutierrez, Herod, Hooton, Jackson, Jaquez Lewis, Kipp, McCluskie, Melton, Michaelson Jenet, Roberts, Singer, Sirota, Titone, Valdez A., Valdez D., Weissman, Woodrow, Becker.

AN ACT

CONCERNING INCREASED CONSUMER PROTECTIONS FOR CUSTOMERS OF INVESTOR-OWNED UTILITIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 40-3-103.5, **amend** (1) and (3); and **add** (5) as follows:

40-3-103.5. Medical exemption - tiered electricity rates - rules.

(1) Notwithstanding any provision of articles 1 to 7 of this ~~title~~ TITLE 40 to the contrary, the commission shall adopt rules ~~by January 31, 2014~~, to create an exemption from any tiered electricity rate plan based on a customer's medical condition. ~~The rules must implement the medical exemption by June 1, 2014.~~ The commission's rules must provide a mechanism for the recovery of costs associated with implementing and providing the medical exemption.

(3) If the commission determines that a means test is necessary for the medical exemption, the commission shall use no less than ~~two~~ FOUR hundred ~~fifty~~ percent of the federal poverty level for the customer's household as the maximum income to be eligible for the medical exemption.

(5) ON AND AFTER SEPTEMBER 1, 2020, THE COMMISSION SHALL REQUIRE UTILITIES PERIODICALLY TO REPORT, PURSUANT TO SECTION ~~40-3-110~~, THE NUMBER OF THEIR CUSTOMERS WHO RECEIVE THE MEDICAL EXEMPTION UNDER THIS SECTION AND TO DESCRIBE THE EFFORTS THE UTILITIES HAVE MADE DURING EACH REPORTING PERIOD TO FACILITATE THE ENROLLMENT OF QUALIFIED PERSONS IN THEIR MEDICAL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

EXEMPTION PROGRAMS.

SECTION 2. In Colorado Revised Statutes, **add** 40-3-103.6 as follows:

40-3-103.6. Disconnection due to nonpayment - connection and reconnection fees - deposits - standard practices - rules. (1) ON OR BEFORE SEPTEMBER 1, 2020, THE COMMISSION SHALL COMMENCE A RULE-MAKING PROCEEDING TO ADOPT STANDARD PRACTICES FOR GAS AND ELECTRIC UTILITIES TO USE WHEN DISCONNECTING SERVICE DUE TO NONPAYMENT. AT A MINIMUM, THE RULES MUST ADDRESS THE FOLLOWING SUBJECTS:

(a) RESOURCES TO SUPPORT CUSTOMERS IN MULTIPLE LANGUAGES, AS APPROPRIATE TO THE GEOGRAPHIC AREAS SERVED;

(b) LIMITING SHUT-OFF TIMES TO REASONABLE HOURS OF THE DAY MONDAY THROUGH FRIDAY, EXCLUDING HOLIDAYS, SO THAT CUSTOMERS CAN ATTEMPT TO RECONNECT ON THE SAME DAY;

(c) PRESCRIBED TERMS AND CONDITIONS FOR PAYMENT PLANS TO CURE DELINQUENCY;

(d) REFERRAL OF DELINQUENT CUSTOMERS TO ENERGY PAYMENT ASSISTANCE RESOURCES SUCH AS ENERGY OUTREACH COLORADO, CHARITIES, NONPROFITS, AND STATE AGENCIES THAT PROVIDE, OR THAT ADMINISTER FEDERAL FUNDS FOR, LOW-INCOME ENERGY ASSISTANCE;

(e) FOR EACH UTILITY, STANDARDIZED METHODOLOGY TO BE USED IN DETERMINING RECONNECTION FEES AND DEPOSIT REQUIREMENTS FOR RECONNECTION;

(f) PROTECTION POLICIES FOR CUSTOMERS FOR WHOM ELECTRICITY IS MEDICALLY NECESSARY;

(g) PROHIBITIONS ON THE DISCONNECTION OF SERVICE DURING PERIODS OF EXTREME HEAT OR COLD, AS APPROPRIATE TO THE GEOGRAPHIC AREA SERVED;

(h) A PROHIBITION ON THE REMOTE DISCONNECTION OF SERVICE FOR NONPAYMENT, THROUGH ADVANCED METERING INFRASTRUCTURE OR OTHERWISE, WITHOUT A REASONABLE ATTEMPT TO MAKE CONTACT WITH THE CUSTOMER OF RECORD BY TELEPHONE OR ENGAGING IN A PERSONAL, PHYSICAL VISIT TO THE PREMISES; AND

(i) REPORTING REQUIREMENTS, NO LESS FREQUENTLY THAN ANNUALLY, TO PROVIDE THE COMMISSION WITH STANDARDIZED INFORMATION FROM ALL UTILITIES ABOUT DISCONNECTIONS AND DELINQUENCIES. FOR THE PURPOSE OF TREND ANALYSIS, UTILITIES MAY DISAGGREGATE DATA BY MONTH OR BY QUARTER, AS THE COMMISSION DEEMS APPROPRIATE. REPORTING REQUIREMENTS MUST TAKE INTO CONSIDERATION EXISTING UTILITY REPORTING AND MUST ALLOW THE UTILITIES A REASONABLE ABILITY TO ASCERTAIN DATA.

(2) THE COMMISSION SHALL PUBLISH ON ITS WEBSITE, OR REQUIRE UTILITIES TO

PUBLISH ON THEIR WEBSITES:

(a) INFORMATION REGARDING THE STANDARD PRACTICES AND FEES SPECIFIED IN RULES ADOPTED PURSUANT TO SUBSECTION (1) OF THIS SECTION; AND

(b) THE INFORMATION PERIODICALLY REPORTED IN ACCORDANCE WITH SUBSECTION (1)(i) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 40-3-106, **amend** (2) as follows:

40-3-106. Advantages prohibited - graduated schedules - consideration of household income and other factors - definitions. (2) Nothing in articles 1 to 7 of this title shall be taken to prohibit TITLE 40 PROHIBITS a public utility engaged in the production, generation, transmission, or furnishing of heat, light, gas, water, power, or telephone service from establishing a graduated scale of charges subject to the provisions of this title THIS TITLE 40; EXCEPT THAT, FOR RATES RESULTING FROM A RATE DESIGN CHANGE APPROVED BY THE COMMISSION ON OR AFTER SEPTEMBER 1, 2020, THE COMMISSION SHALL REQUIRE UTILITY REVENUE OR BILLING ADJUSTMENT MECHANISMS TO ENSURE THAT A UTILITY'S CHANGE IN RATE DESIGN RESULTS IN A REVENUE-NEUTRAL OUTCOME. IN ADOPTING NEW RATE DESIGNS FOR RESIDENTIAL CUSTOMERS, THE COMMISSION SHALL EVALUATE THE POTENTIAL FOR HIGHER BILLS DUE TO CHANGES IN RATE DESIGN. RATE DESIGNS THAT DISPROPORTIONATELY NEGATIVELY IMPACT LOW-INCOME RESIDENTIAL CUSTOMERS COMPARED TO OTHER RESIDENTIAL CUSTOMERS OF THE UTILITY ARE PRESUMED TO BE CONTRARY TO THE PUBLIC INTEREST.

SECTION 4. In Colorado Revised Statutes, **amend** 40-3-110 as follows:

40-3-110. Information furnished commission - reports. (1) Every public utility shall furnish to the commission, at such time and in such form as the commission may require, a report ONE OR MORE REPORTS in which the utility shall specifically answer all questions propounded by the commission upon or concerning which the commission may desire information. ALL REPORTS MUST BE MADE UNDER OATH OR AFFIRMATION.

(2) The commission ~~has the authority to~~ MAY require ~~any~~ A public utility to file monthly reports of earnings and expenses and to file periodical or special REPORTS, or both periodical and special reports, concerning any matter about which the commission is authorized by articles 1 to 7 of this title TITLE 40 or in any other law to inquire or to keep itself informed or which it is required to enforce. ~~All reports shall be under oath.~~

(3) THE COMMISSION SHALL REQUIRE EVERY PUBLIC UTILITY THAT REPORTS INFORMATION ON DISCONNECTIONS AND DELINQUENCIES PURSUANT TO SECTION 40-3-103.6 (1)(i) TO ALSO FILE AN ANNUAL NARRATIVE CONTAINING THE UTILITY'S ANALYSIS OF ANY TRENDS OR INCONSISTENCIES REVEALED BY THE DATA.

SECTION 5. Appropriation. For the 2020-21 state fiscal year, \$16,545 is appropriated to the department of regulatory agencies for use by the public utilities commission. This appropriation is from the public utilities commission fixed utility fund created in section 40-2-114 (1)(b)(II), C.R.S., and is based on an assumption

that the commission will require an additional 0.2 FTE. To implement this act, the commission may use this appropriation for personal services.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 29, 2020