

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0254.01 Duane Gall x4335

SENATE BILL 20-030

SENATE SPONSORSHIP

Garcia and Rodriguez, Cooke, Danielson, Fenberg, Fields, Ginal, Gonzales, Hansen, Hisey, Lee, Moreno, Story, Todd, Winter

HOUSE SPONSORSHIP

Esgar, Kennedy, Becker, 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

Senate Committees

Transportation & Energy
Appropriations

House Committees

Energy & Environment

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Investor-owned Utility Review Interim Study Committee. The bill directs the public utilities commission (PUC) to exercise its existing authority to require information from regulated public utilities in the areas of:

! The number of utility customers who are exempted from

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 3rd Reading
June 3, 2020

HOUSE
Amended 2nd Reading
June 1, 2020

SENATE
3rd Reading Unamended
February 28, 2020

SENATE
Amended 2nd Reading
February 27, 2020

tiered rates due to a medical condition or the use of medical equipment requiring higher amounts of electricity than other customers, and the efforts the public utilities are taking to ensure that customers entitled to the exemption are able to do so (**section 1** of the bill); and

! Disconnections and delinquencies, including the number of disconnections and a narrative analysis of any trends or inconsistencies revealed by the data (**sections 2 and 4**).

The bill directs the PUC to open rule-making proceedings to:

! Prescribe standard practices for disconnection due to nonpayment, including the provision of shutoff notices in languages other than English, where appropriate; standard terms for repayment plans to cure delinquencies; and a prohibition on remote disconnection without a personal visit or live telephone call with the customer of record (**section 2**); and

! Investigate whether to require public utilities to report positive information about customers' payment history to credit reporting agencies (**section 5**).

Finally, beginning September 1, 2020, the bill requires an "opt-in" by customers before a public utility may employ a new nonstandard rate such as a time-of-use, inverted block, or flat rate (**section 3**).

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

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

4 **40-3-103.5. Medical exemption - tiered electricity rates - rules.**

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

12 (3) If the commission determines that a means test is necessary for
13 the medical exemption, the commission shall use no less than two FOUR

1 hundred fifty percent of the federal poverty level for the customer's
2 household as the maximum income to be eligible for the medical
3 exemption.

4 (5) ON AND AFTER SEPTEMBER 1, 2020, THE COMMISSION SHALL
5 REQUIRE UTILITIES PERIODICALLY TO REPORT, PURSUANT TO SECTION
6 40-3-110, THE NUMBER OF THEIR CUSTOMERS WHO RECEIVE THE MEDICAL
7 EXEMPTION UNDER THIS SECTION AND TO DESCRIBE THE EFFORTS THE
8 UTILITIES HAVE MADE DURING EACH REPORTING PERIOD TO FACILITATE
9 THE ENROLLMENT OF QUALIFIED PERSONS IN THEIR MEDICAL EXEMPTION
10 PROGRAMS.

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

13 **40-3-103.6. Disconnection due to nonpayment - connection and**
14 **reconnection fees - deposits - standard practices - rules.** (1) ON OR
15 BEFORE SEPTEMBER 1, 2020, THE COMMISSION SHALL COMMENCE A
16 RULE-MAKING PROCEEDING TO ADOPT STANDARD PRACTICES FOR GAS AND
17 ELECTRIC UTILITIES TO USE WHEN DISCONNECTING SERVICE DUE TO
18 NONPAYMENT. AT A MINIMUM, THE RULES MUST ADDRESS THE FOLLOWING
19 SUBJECTS:

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

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

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

27 (d) REFERRAL OF DELINQUENT CUSTOMERS TO ENERGY PAYMENT

1 ASSISTANCE RESOURCES SUCH AS ENERGY OUTREACH COLORADO,
2 CHARITIES, NONPROFITS, AND STATE AGENCIES THAT PROVIDE, OR THAT
3 ADMINISTER FEDERAL FUNDS FOR, LOW-INCOME ENERGY ASSISTANCE;

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

7 (f) PROTECTION POLICIES FOR CUSTOMERS FOR WHOMELECTRICITY
8 IS MEDICALLY NECESSARY;

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

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

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

25 (2) THE COMMISSION SHALL PUBLISH ON ITS WEBSITE, OR REQUIRE
26 UTILITIES TO PUBLISH ON THEIR WEBSITES:

27 (a) INFORMATION REGARDING THE STANDARD PRACTICES AND FEES

1 SPECIFIED IN RULES ADOPTED PURSUANT TO SUBSECTION (1) OF THIS
2 SECTION; AND

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

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

7 **40-3-106. Advantages prohibited - graduated schedules -**
8 **consideration of household income and other factors - definitions.**

9 (2) Nothing in articles 1 to 7 of this ~~title shall be taken to prohibit~~ TITLE
10 40 PROHIBITS a public utility engaged in the production, generation,
11 transmission, or furnishing of heat, light, gas, water, power, or telephone
12 service from establishing a graduated scale of charges subject to ~~the~~
13 ~~provisions of this title~~ THIS TITLE 40; EXCEPT THAT, FOR RATES
14 RESULTING FROM A RATE DESIGN CHANGE APPROVED BY THE COMMISSION
15 ON OR AFTER SEPTEMBER 1, 2020, THE COMMISSION SHALL REQUIRE
16 UTILITY REVENUE OR BILLING ADJUSTMENT MECHANISMS TO ENSURE THAT
17 A UTILITY'S CHANGE IN RATE DESIGN RESULTS IN A REVENUE-NEUTRAL
18 OUTCOME. IN ADOPTING NEW RATE DESIGNS FOR RESIDENTIAL
19 CUSTOMERS, THE COMMISSION SHALL EVALUATE THE POTENTIAL FOR
20 HIGHER BILLS DUE TO CHANGES IN RATE DESIGN. RATE DESIGNS THAT
21 DISPROPORTIONATELY NEGATIVELY IMPACT LOW-INCOME RESIDENTIAL
22 CUSTOMERS COMPARED TO OTHER RESIDENTIAL CUSTOMERS OF THE
23 UTILITY ARE PRESUMED TO BE CONTRARY TO THE PUBLIC INTEREST.

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

26 **40-3-110. Information furnished commission - reports.**

27 (1) Every public utility shall furnish to the commission, at such time and

1 in such form as the commission may require, ~~a report~~ ONE OR MORE
2 REPORTS in which the utility shall specifically answer all questions
3 propounded by the commission upon or concerning which the
4 commission may desire information. ALL REPORTS MUST BE MADE UNDER
5 OATH OR AFFIRMATION.

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

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

18 ==
19 **SECTION 5. Appropriation.** For the 2020-21 state fiscal year,
20 \$16,545 is appropriated to the department of regulatory agencies for use
21 by the public utilities commission. This appropriation is from the public
22 utilities commission fixed utilities cash fund created in section 40-2-114
23 (1)(b)(II), C.R.S., and is based on an assumption that the commission will
24 require an additional 0.2 FTE. To implement this act, the commission
25 may use this appropriation for personal services.

26 
27 **SECTION 6. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.