

CHAPTER 109

PUBLIC UTILITIES

HOUSE BILL 22-1018

BY REPRESENTATIVE(S) Kennedy, Bernett, Bird, Boesenecker, Cutter, Duran, Esgar, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jodeh, Kipp, Lindsay, Michaelson Jenet, Ricks, Sirota, Titone, Valdez A., Weissman; also SENATOR(S) Winter and Hinrichsen, Bridges, Buckner, Danielson, Gonzales, Jaquez Lewis, Lee, Moreno, Pettersen, Story, Zenzinger.

AN ACT

CONCERNING A STATE REGULATED UTILITY'S PRACTICES REGARDING A CUSTOMER'S ABILITY TO PAY THE CUSTOMER'S UTILITY BILL.

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

SECTION 1. In Colorado Revised Statutes, 26-2-307, **amend** (1)(f) introductory portion and (1)(f)(II) as follows:

26-2-307. Fuel assistance payments - eligibility for federal standard utility allowance - supplemental utility assistance fund established - definitions - repeal. (1) (f) On or before October 1, ~~2021~~ 2022, the state department shall submit a budget to the organization and the commission to cover the state department's administrative costs to set up the program. Based on the budget that the state department submits, the organization shall:

(II) Transmit the money to the state department on or before ~~January 1, 2022~~ MARCH 1, 2023.

SECTION 2. In Colorado Revised Statutes, 40-3-103.6, **amend** (1) introductory portion and (1)(b); and **add** (1.5) and (3) as follows:

40-3-103.6. Disconnection due to nonpayment - connection and reconnection fees - deposits - standard practices - rules - definitions. (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:

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.

(b) (I) ~~Limiting~~ PROHIBITING shut-off times: ~~to reasonable hours of the day Monday through Friday, excluding~~

(A) ON FRIDAYS, SATURDAYS, SUNDAYS, OR STATE OR FEDERAL HOLIDAYS; ~~so that customers can attempt to reconnect on the same day;~~ OR

(B) TO THE GREATEST EXTENT PRACTICABLE, AFTER 11:59 A.M. ON A MONDAY THROUGH THURSDAY THAT IS NOT A HOLIDAY; OR

(C) DURING AN EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE; AND

(II) IF, BY MAKING A PAYMENT OR PAYMENT ARRANGEMENT IN ACCORDANCE WITH THE UTILITY'S POLICIES, A CUSTOMER MAKES A REQUEST FOR RECONNECTION OF SERVICE ON A MONDAY THROUGH FRIDAY THAT IS NOT A HOLIDAY, REQUIRING THE UTILITY TO RECONNECT THE CUSTOMER'S SERVICE ON THE SAME DAY AS THE CUSTOMER REQUESTS RECONNECTION OF SERVICE IF ONE OF THE CIRCUMSTANCES SET FORTH IN SUBSECTION (1.5) OF THIS SECTION IS MET.

(1.5) A UTILITY SHALL RECONNECT A CUSTOMER'S SERVICE ON THE SAME DAY AS THE CUSTOMER REQUESTS RECONNECTION PURSUANT TO SUBSECTION (1)(b)(II) OF THIS SECTION IF:

(a) THE CUSTOMER IS AN ELECTRIC UTILITY CUSTOMER WITH ADVANCED METERING INFRASTRUCTURE AND HAS REQUESTED RECONNECTION OF SERVICE AT LEAST ONE HOUR BEFORE THE CLOSE OF BUSINESS FOR THE ELECTRIC UTILITY'S CUSTOMER SERVICE DIVISION; EXCEPT THAT THE ELECTRIC UTILITY MAY RECONNECT SERVICE ON THE DAY FOLLOWING A DISCONNECTION OF SERVICE IF THERE ARE INTERNET CONNECTIVITY, TECHNICAL, OR MECHANICAL PROBLEMS OR EMERGENCY CONDITIONS THAT REASONABLY PREVENT THE UTILITY FROM REMOTELY RECONNECTING THE CUSTOMER'S SERVICE; OR

(b) THE CUSTOMER IS EITHER AN ELECTRIC UTILITY CUSTOMER WITHOUT ADVANCED METERING INFRASTRUCTURE OR A GAS UTILITY CUSTOMER AND HAS REQUESTED RECONNECTION OF SERVICE ON OR BEFORE 12:59 P.M.; EXCEPT THAT, AN ELECTRIC UTILITY OR GAS UTILITY MAY RECONNECT THE CUSTOMER'S SERVICE ON THE DAY FOLLOWING A DISCONNECTION IF:

(I) PRIOR TO DISCONNECTION OF THE CUSTOMER'S SERVICE, THE UTILITY HAS MADE A QUALIFYING COMMUNICATION WITH THE CUSTOMER; OR

(II) AN EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE ARISES AFTER DISCONNECTION OF SERVICE THAT RENDERS THE UTILITY'S STAFF TEMPORARILY UNAVAILABLE TO SAFELY RECONNECT SERVICE. IF NEXT-DAY RECONNECTION OF SERVICE IS NOT POSSIBLE DUE TO THE CONTINUATION OF THE EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE, THE UTILITY SHALL RECONNECT THE CUSTOMER'S SERVICE AS SOON AS POSSIBLE.

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADVANCED METERING INFRASTRUCTURE" MEANS AN INTEGRATED SYSTEM

OF SMART ELECTRIC UTILITY METERS AND COMMUNICATION NETWORKS THAT ENABLES TWO-WAY COMMUNICATION BETWEEN AN ELECTRIC UTILITY'S DATA SYSTEMS AND THE METER'S INTERNET PROTOCOL ADDRESS AND ALLOWS THE ELECTRIC UTILITY TO MEASURE ELECTRICITY USAGE OR CONNECT OR DISCONNECT SERVICE REMOTELY.

(b)(I) "EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE" MEANS A MANMADE OR NATURAL EMERGENCY EVENT OR SAFETY CIRCUMSTANCE:

(A) THAT PREVENTS UTILITY STAFF FROM BEING ABLE TO SAFELY TRAVEL TO OR WORK AT A CUSTOMER'S RESIDENCE OR PLACE OF BUSINESS FOR PURPOSES OF RECONNECTING UTILITY SERVICE; OR

(B) FOR WHICH A UTILITY HAS DISPATCHED UTILITY STAFF MEMBERS TO HELP RESPOND TO THE EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE AND, DUE TO THE TIMING OR NUMBER OF UTILITY STAFF DISPATCHED, THE UTILITY LACKS SUFFICIENT TRAINED STAFF TO RECONNECT UTILITY SERVICE AT A CUSTOMER'S RESIDENCE OR PLACE OF BUSINESS.

(II) "EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE" INCLUDES A SEVERE WEATHER EVENT THAT ONE OR MORE REPUTABLE WEATHER FORECASTING SOURCES FORECASTS TO OCCUR IN THE FOLLOWING TWENTY-FOUR HOURS AND THAT IS MORE LIKELY THAN NOT TO RESULT IN DANGEROUS TRAVEL OR ON-SITE OUTDOOR OR INDOOR WORK CONDITIONS FOR INDIVIDUALS IN THE PATH OF THE WEATHER EVENT.

(c) "QUALIFYING COMMUNICATION" MEANS ONE OF THE FOLLOWING METHODS OF COMMUNICATING WITH A UTILITY CUSTOMER ABOUT A POSSIBLE UPCOMING DISCONNECTION OF SERVICE:

(I) A PHYSICAL VISIT TO THE CUSTOMER'S PREMISES DURING WHICH A UTILITY REPRESENTATIVE SPEAKS WITH THE CUSTOMER AND PROVIDES THE CUSTOMER UTILITY ASSISTANCE INFORMATION OR, IF THE CUSTOMER IS NOT AVAILABLE TO SPEAK, LEAVES UTILITY ASSISTANCE INFORMATION FOR THE CUSTOMER'S REVIEW; OR

(II) A TELEPHONE CALL, TEXT, OR E-MAIL TO THE CUSTOMER IN WHICH:

(A) THE UTILITY REPRESENTATIVE PROVIDES THE CUSTOMER WITH UTILITY ASSISTANCE INFORMATION; AND

(B) THE UTILITY REPRESENTATIVE EITHER SPEAKS DIRECTLY WITH THE CUSTOMER OVER THE TELEPHONE OR THE CUSTOMER RECEIVES THE UTILITY REPRESENTATIVE'S TEXT OR E-MAIL.

(d) "UTILITY ASSISTANCE INFORMATION" MEANS INFORMATION THAT A UTILITY REPRESENTATIVE PROVIDES A CUSTOMER INFORMING THE CUSTOMER THAT THE CUSTOMER MAY CONTACT 1-866-HEAT-HELP TO DETERMINE IF THE CUSTOMER QUALIFIES FOR UTILITY BILL PAYMENT ASSISTANCE.

SECTION 3. In Colorado Revised Statutes, 40-3-106, **amend** (1)(d) as follows:

40-3-106. Advantages prohibited - graduated schedules - consideration of household income and other factors - definitions. (1) (d) (I) Notwithstanding any provision of articles 1 to 7 of this title TITLE 40 to the contrary, the commission may approve any rate, charge, service, classification, or facility of a gas or electric utility that makes or grants a reasonable preference or advantage to ~~low-income~~ INCOME-QUALIFIED UTILITY CUSTOMERS, EVEN IF THE REASONABLE PREFERENCE OR ADVANTAGE APPLIES ON A YEAR-ROUND BASIS, and the implementation of such commission-approved rate, charge, service, classification, or facility by a public utility shall not be deemed to subject any ~~person~~ INDIVIDUAL or corporation to any prejudice, disadvantage, or undue discrimination.

(II) As used in this subsection (1)(d), a ~~"low-income~~ AN "INCOME-QUALIFIED utility customer" means a utility customer who THE DEPARTMENT OF HUMAN SERVICES, CREATED IN SECTION 26-1-105; THE ORGANIZATION DEFINED IN SECTION 40-8.7-103 (4); OR THE COLORADO ENERGY OFFICE, CREATED IN SECTION 24-38.5-101, HAS DETERMINED:

(A) Has a household income at or below ~~one hundred eighty-five~~ TWO HUNDRED percent of the current federal poverty line; ~~or~~

(B) HAS A HOUSEHOLD INCOME AT OR BELOW EIGHTY PERCENT OF THE AREA MEDIAN INCOME, AS PUBLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; OR

~~(B)~~ (C) Otherwise meets the income eligibility criteria set forth in rules of the department of human services adopted pursuant to section 40-8.5-105.

(III) When considering whether to approve a rate that makes or grants a reasonable preference or advantage to ~~low-income~~ INCOME-QUALIFIED utility customers, the commission shall take into account the potential impact on, and cost-shifting to, utility customers other than ~~low-income~~ INCOME-QUALIFIED utility customers.

(IV) A COMMISSION-APPROVED GAS OR ELECTRIC UTILITY RATE, CHARGE, SERVICE, CLASSIFICATION, OR FACILITY THAT MAKES OR GRANTS A REASONABLE PREFERENCE OR ADVANTAGE TO INCOME-QUALIFIED UTILITY CUSTOMERS MAY APPLY TO INCOME-QUALIFIED UTILITY CUSTOMERS ON A YEAR-ROUND BASIS.

SECTION 4. 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: April 21, 2022