

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

BILL C

LLS NO. 20-0254.01 Duane Gall x4335

SENATE BILL

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SENATE SPONSORSHIP

Garcia and Rodriguez,

HOUSE SPONSORSHIP

(None),

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Senate Committees

House Committees

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A BILL FOR AN ACT

101 CONCERNING INCREASED CONSUMER PROTECTIONS FOR CUSTOMERS  
102 OF INVESTOR-OWNED UTILITIES.

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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/>.)*

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 tiered rates due to a medical condition or the use of medical equipment requiring higher amounts of electricity than

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.

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**).

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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 **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 (5) ON AND AFTER SEPTEMBER 1, 2020, THE COMMISSION SHALL  
13 REQUIRE UTILITIES PERIODICALLY TO REPORT, PURSUANT TO SECTION  
14 40-3-110, THE NUMBER OF THEIR CUSTOMERS WHO RECEIVE THE MEDICAL

1 EXEMPTION UNDER THIS SECTION AND TO DESCRIBE THE EFFORTS THE  
2 UTILITIES HAVE MADE DURING EACH REPORTING PERIOD TO FACILITATE  
3 THE ENROLLMENT OF QUALIFIED PERSONS IN THEIR MEDICAL EXEMPTION  
4 PROGRAMS.

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

7 **40-3-103.6. Disconnection due to nonpayment - connection and**  
8 **reconnection fees - deposits - standard practices - rules.** (1) ON OR  
9 BEFORE SEPTEMBER 1, 2020, THE COMMISSION SHALL COMMENCE A  
10 RULE-MAKING PROCEEDING TO ADOPT STANDARD PRACTICES FOR GAS AND  
11 ELECTRIC UTILITIES TO USE WHEN DISCONNECTING SERVICE DUE TO  
12 NONPAYMENT. AT A MINIMUM, THE RULES MUST ADDRESS THE FOLLOWING  
13 SUBJECTS:

14 (a) A REQUIREMENT TO PROVIDE SHUT-OFF NOTICES IN MULTIPLE  
15 LANGUAGES, AS APPROPRIATE TO THE GEOGRAPHIC AREA SERVED;

16 (b) LIMITING SHUT-OFF TIMES TO BETWEEN 6 A.M. AND 2 P.M.  
17 MONDAY THROUGH FRIDAY, EXCLUDING HOLIDAYS, SO THAT CUSTOMERS  
18 CAN ATTEMPT TO RECONNECT ON THE SAME DAY;

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

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

25 (e) STANDARDIZED RECONNECTION FEES;

26 (f) STANDARD PRACTICES FOR THE IMPOSITION OF DEPOSIT  
27 REQUIREMENTS FOR RECONNECTION;

1 (g) PROTECTION POLICIES FOR CUSTOMERS FOR WHOM  
2 ELECTRICITY IS MEDICALLY NECESSARY;

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

6 (i) A PROHIBITION ON THE DISCONNECTION OF SERVICE REMOTELY,  
7 THROUGH ADVANCED METERING INFRASTRUCTURE OR OTHERWISE,  
8 WITHOUT FIRST ENGAGING IN A PERSONAL, PHYSICAL VISIT TO THE  
9 PREMISES OR A LIVE TELEPHONE CONVERSATION WITH THE CUSTOMER OF  
10 RECORD; AND

11 (j) REPORTING REQUIREMENTS, NO LESS FREQUENTLY THAN  
12 QUARTERLY, TO PROVIDE THE COMMISSION WITH STANDARDIZED  
13 INFORMATION FROM ALL UTILITIES ABOUT DISCONNECTIONS AND  
14 DELINQUENCIES.

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

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

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

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

24 **40-3-106. Advantages prohibited - graduated schedules -**  
25 **consideration of household income and other factors - definitions.**

26 (2) Nothing in articles 1 to 7 of this ~~title shall be taken to prohibit~~ TITLE  
27 40 PROHIBITS a public utility engaged in the production, generation,

1 transmission, or furnishing of heat, light, gas, water, power, or telephone  
2 service from establishing a graduated scale of charges subject to ~~the~~  
3 ~~provisions of this title~~ THIS TITLE 40; EXCEPT THAT, ON OR AFTER  
4 SEPTEMBER 1, 2020, THE UTILITY SHALL NOT EMPLOY A NEW TIME-OF-USE,  
5 INVERTED BLOCK, FLAT, OR OTHER NONSTANDARD RATE FOR ANY  
6 CUSTOMER THAT HAS NOT EXPLICITLY OPTED IN TO THE USE OF THAT  
7 NONSTANDARD RATE.

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

10 **40-3-110. Information furnished commission - reports.**

11 (1) Every public utility shall furnish to the commission, at such time and  
12 in such form as the commission may require, ~~a report~~ ONE OR MORE  
13 REPORTS in which the utility shall specifically answer all questions  
14 propounded by the commission upon or concerning which the  
15 commission may desire information. ALL REPORTS MUST BE MADE UNDER  
16 OATH OR AFFIRMATION.

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

24 (3) THE COMMISSION SHALL REQUIRE EVERY PUBLIC UTILITY THAT  
25 REPORTS INFORMATION ON DISCONNECTIONS AND DELINQUENCIES  
26 PURSUANT TO SECTION 40-3-103.6 (1)(j) TO ALSO FILE AN ANNUAL  
27 NARRATIVE CONTAINING THE UTILITY'S ANALYSIS OF ANY TRENDS OR

1 INCONSISTENCIES REVEALED BY THE DATA.

2           **SECTION 5.** In Colorado Revised Statutes, **add** 40-3-119 as  
3 follows:

4           **40-3-119. Credit reporting - nonadjudicatory proceeding -**  
5 **definition - report - repeal.** (1) THE COMMISSION SHALL OPEN A  
6 NONADJUDICATORY PROCEEDING TO CONSIDER THE MERITS,  
7 RAMIFICATIONS, COSTS, AND BENEFITS OF REQUIRING PUBLIC UTILITIES TO  
8 REPORT POSITIVE INFORMATION ABOUT CUSTOMER PAYMENT HISTORY TO  
9 CREDIT REPORTING AGENCIES.

10           (2) ON OR BEFORE MARCH 15, 2021, THE COMMISSION SHALL FILE  
11 A REPORT WITH THE HOUSE OF REPRESENTATIVES ENERGY AND  
12 ENVIRONMENT COMMITTEE AND THE SENATE TRANSPORTATION AND  
13 ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, DESCRIBING THE  
14 RESULTS OF THE NONADJUDICATORY PROCEEDING, INCLUDING THE SCOPE  
15 OF ANALYSIS CONDUCTED, POTENTIAL SOLUTIONS CONSIDERED, AND ANY  
16 RECOMMENDATIONS REGARDING CREDIT REPORTING BY PUBLIC UTILITIES.

17           (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.

18           **SECTION 6. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly (August  
21 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
22 referendum petition is filed pursuant to section 1 (3) of article V of the  
23 state constitution against this act or an item, section, or part of this act  
24 within such period, then the act, item, section, or part will not take effect  
25 unless approved by the people at the general election to be held in  
26 November 2020 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.