

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0254.01 Duane Gall x4335

SENATE BILL 20-030

SENATE SPONSORSHIP

Garcia and Rodriguez,

HOUSE SPONSORSHIP

(None),

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

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

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 tiered rates due to a medical condition or the use of medical

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.

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 **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

1 40-3-110, THE NUMBER OF THEIR CUSTOMERS WHO RECEIVE THE MEDICAL
2 EXEMPTION UNDER THIS SECTION AND TO DESCRIBE THE EFFORTS THE
3 UTILITIES HAVE MADE DURING EACH REPORTING PERIOD TO FACILITATE
4 THE ENROLLMENT OF QUALIFIED PERSONS IN THEIR MEDICAL EXEMPTION
5 PROGRAMS.

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

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

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

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

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

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

26 (e) STANDARDIZED RECONNECTION FEES;

27 (f) STANDARD PRACTICES FOR THE IMPOSITION OF DEPOSIT

1 REQUIREMENTS FOR RECONNECTION;

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

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

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

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

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

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

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

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

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

27 (2) Nothing in articles 1 to 7 of this title shall be taken to prohibit TITLE

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

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

11 **40-3-110. Information furnished commission - reports.**

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

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

25 (3) THE COMMISSION SHALL REQUIRE EVERY PUBLIC UTILITY THAT
26 REPORTS INFORMATION ON DISCONNECTIONS AND DELINQUENCIES
27 PURSUANT TO SECTION 40-3-103.6 (1)(j) TO ALSO FILE AN ANNUAL

1 NARRATIVE CONTAINING THE UTILITY'S ANALYSIS OF ANY TRENDS OR
2 INCONSISTENCIES REVEALED BY THE DATA.

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

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

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

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

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

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.