

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0254.01 Duane Gall x4335

SENATE BILL 20-030

SENATE SPONSORSHIP

Garcia and Rodriguez,

HOUSE SPONSORSHIP

Esgar, Kennedy

Senate Committees

Transportation & Energy
Appropriations

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 (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 DISCONNECTION OF SERVICE REMOTELY,
13 THROUGH ADVANCED METERING INFRASTRUCTURE OR OTHERWISE,
14 WITHOUT A REASONABLE ATTEMPT TO MAKE CONTACT WITH THE
15 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 APPROVED BY THE COMMISSION ON OR AFTER SEPTEMBER 1, 2020, THE
15 COMMISSION SHALL REQUIRE UTILITY REVENUE OR BILLING ADJUSTMENT
16 MECHANISMS TO ENSURE THAT A UTILITY'S CHANGE IN RATE DESIGN DOES
17 NOT RESULT IN AN INCREASE IN AGGREGATED CUSTOMER BILLS OR THE
18 UTILITY'S ANNUAL NET REVENUE. IN ADOPTING NEW RATE DESIGNS FOR
19 RESIDENTIAL CUSTOMERS, THE COMMISSION SHALL CONSIDER THAT
20 HIGHER BILLS DUE TO CHANGES IN RATE DESIGN THAT NEGATIVELY IMPACT
21 LOW-INCOME CUSTOMERS AND FAMILIES ON FIXED INCOMES ARE NOT IN
22 THE PUBLIC INTEREST.

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

25 **40-3-110. Information furnished commission - reports.**

26 (1) Every public utility shall furnish to the commission, at such time and
27 in such form as the commission may require, ~~a report~~ ONE OR MORE

1 REPORTS in which the utility shall specifically answer all questions
2 propounded by the commission upon or concerning which the
3 commission may desire information. ALL REPORTS MUST BE MADE UNDER
4 OATH OR AFFIRMATION.

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

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

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

19 **40-3-119. Credit reporting - nonadjudicatory proceeding -**
20 **definition - report - repeal.** (1) THE COMMISSION SHALL OPEN A
21 NONADJUDICATORY PROCEEDING TO CONSIDER THE MERITS,
22 RAMIFICATIONS, COSTS, AND BENEFITS OF REQUIRING PUBLIC UTILITIES TO
23 REPORT POSITIVE INFORMATION ABOUT CUSTOMER PAYMENT HISTORY TO
24 CREDIT REPORTING AGENCIES.

25 (2) ON OR BEFORE MARCH 15, 2021, THE COMMISSION SHALL FILE
26 A REPORT WITH THE HOUSE OF REPRESENTATIVES ENERGY AND
27 ENVIRONMENT COMMITTEE AND THE SENATE TRANSPORTATION AND

1 ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, DESCRIBING THE
2 RESULTS OF THE NONADJUDICATORY PROCEEDING, INCLUDING THE SCOPE
3 OF ANALYSIS CONDUCTED, POTENTIAL SOLUTIONS CONSIDERED, AND ANY
4 RECOMMENDATIONS REGARDING CREDIT REPORTING BY PUBLIC UTILITIES.

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

6 **SECTION 6. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2020 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.