A BILL FOR AN ACT

CONCERNING INCREASED CONSUMER PROTECTIONS FOR CUSTOMERS

OF INVESTOR-OWNED UTILITIES, AND, IN CONNECTION

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...
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).

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

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

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

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

(3) If the commission determines that a means test is necessary for the medical exemption, the commission shall use no less than two
hundred fifty percent of the federal poverty level for the customer's household as the maximum income to be eligible for the medical exemption.

(5) On and after September 1, 2020, the Commission shall require utilities periodically to report, pursuant to Section 40-3-110, the number of their customers who receive the medical exemption under this section and to describe the efforts the utilities have made during each reporting period to facilitate the enrollment of qualified persons in their medical exemption programs.

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

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

(a) Resources to support customers in multiple languages, as appropriate to the geographic areas served;

(b) Limiting shut-off times to reasonable hours of the day Monday through Friday, excluding holidays, so that customers can attempt to reconnect on the same day;

(c) Prescribed terms and conditions for payment plans to cure delinquency;

(d) Referral of delinquent customers to energy payment
ASSISTANCE RESOURCES SUCH AS ENERGY OUTREACH COLORADO, CHARITIES, NONPROFITS, AND STATE AGENCIES THAT PROVIDE, OR THAT ADMINISTER FEDERAL FUNDS FOR, LOW-INCOME ENERGY ASSISTANCE;

(e) FOR EACH UTILITY, STANDARDIZED METHODOLOGY TO BE USED IN DETERMINING RECONNECTION FEES AND DEPOSIT REQUIREMENTS FOR RECONNECTION:

(f) PROTECTION POLICIES FOR CUSTOMERS FOR WHOM ELECTRICITY IS MEDICALLY NECESSARY;

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

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

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

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

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

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

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

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

(2) Nothing in articles 1 to 7 of this title shall be taken to prohibit a public utility engaged in the production, generation, transmission, or furnishing of heat, light, gas, water, power, or telephone service from establishing a graduated scale of charges subject to the provisions of this title; except that, for rates approved by the commission on or after September 1, 2020, the commission shall require utility revenue or billing adjustment mechanisms to ensure that a utility's change in rate design does not result in an increase in aggregated customer bills or the utility's annual net revenue. In adopting new rate designs for residential customers, the commission shall consider that higher bills due to changes in rate design that negatively impact low-income customers and families on fixed incomes are not in the public interest.

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

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

(1) Every public utility shall furnish to the commission, at such time and in such form as the commission may require, a report.

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

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

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

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

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

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

(3) This section is repealed, effective July 1, 2022.

SECTION 6. Appropriation. For the 2020-21 state fiscal year,
$16,545 is appropriated to the department of regulatory agencies for use
by the public utilities commission. This appropriation is from the public
utilities commission fixed utilities cash fund created in section 40-2-114
(1)(b)(II), C.R.S., and is based on an assumption that the commission will
require an additional 0.2 FTE. To implement this act, the commission
may use this appropriation for personal services.

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