

First Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0337.02 Christopher McMichael x4775

HOUSE BILL 25-1234

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HOUSE SPONSORSHIP

Ricks and Joseph,

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Winter F.,

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House Committees  
Energy & Environment

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A BILL FOR AN ACT

101 CONCERNING CONSUMER PROTECTION FOR UTILITY CUSTOMERS.

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 enacts various consumer protection measures to protect electric and gas utility customers in Colorado.

**Section 1** of the bill requires an electric or gas public utility (utility) to protect the personal data of its customers. The utility is prohibited from disclosing, selling, or reselling a customer's personal data to:

- A state or federal government entity, unless the disclosure is necessary for participation in a state or federal assistance

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.

- program; or
- A third party.

Under current law, utilities regulated by the public utilities commission (commission) are prohibited from disconnecting a customer's utility service for nonpayment under certain circumstances. **Sections 2 through 4** add the following circumstances in which disconnection of utility service for nonpayment is prohibited:

- During periods of extreme heat or cold, including during the months of October through May;
- If the air quality index measures over 100; and
- During a period in which a residential customer has a medical emergency, as evidenced by a medical certificate from a licensed physician or health-care provider, and requiring the utility to postpone the disconnection of service for up to 180 days.

The bill also applies the prohibitions regarding disconnection of a utility customer's service due to nonpayment to electric and gas municipal utilities and cooperative electric associations that have not exempted themselves from regulation by the commission.

**Section 5** requires a utility to use money collected from the energy assistance system benefit charge for direct bill payment assistance year-round, including for customers participating in the low-income energy assistance program when assistance through that program is unavailable.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Consumer protection for utility customers is essential to the  
5 well-being of all Coloradans. Utility services, including water, electricity,  
6 and gas, are vital to daily life. Safeguarding vulnerable populations, such  
7 as families with low incomes, seniors, and individuals with disabilities,  
8 is a priority. These groups are at heightened risk of exploitation, including  
9 unfair billing, discrimination, and utility disconnections. The state must  
10 ensure that all residents can access these essential services without fear  
11 of undue harm.

1 (b) In an era of advanced technology, the safeguarding of personal  
2 data, particularly related to utility usage, is necessary. The sharing of  
3 customer data with third parties, especially for purposes of surveillance  
4 or deportation, is a threat to privacy and safety. It is important that  
5 personal information collected by a public utility is not disclosed, sold, or  
6 resold to other governmental entities or third parties. The protection of  
7 data from these potentially harmful practices is essential to the privacy  
8 and security of residents, particularly those in immigrant and other  
9 vulnerable communities.

10 (c) Utility disconnections during extreme weather or medical  
11 emergencies present significant risks to public health and safety. The loss  
12 of essential services, such as electricity, gas, or water, during extreme  
13 heat, cold, or medical crises, can lead to serious harm, especially for  
14 vulnerable individuals. Prohibiting the disconnection of utility service  
15 during these conditions protects the health and safety of all residents.

16 (d) Many families with low incomes struggle to pay utility bills,  
17 especially during extreme weather. By extending the months when utility  
18 bill payment assistance is available to eligible individuals, the state can  
19 provide essential support to those in need, helping to ensure that no one  
20 is forced to choose between their health and keeping essential services  
21 connected.

22 (2) Therefore, the general assembly finds and declares that  
23 promoting consumer protection, safeguarding personal data, ensuring the  
24 uninterrupted provision of essential services, and expanding support for  
25 low-income households are fundamental to the well-being of all  
26 Coloradans.

27 **SECTION 2.** In Colorado Revised Statutes, **add** 40-2-140 as

1 follows:

2 **40-2-140. Protection of customer data - electric and gas public**  
3 **utilities - privacy act - rules - definitions.** (1) (a) AN ELECTRIC OR GAS  
4 PUBLIC UTILITY SHALL PROTECT THE PERSONAL DATA OF ITS CUSTOMERS,  
5 INCLUDING BY PROHIBITING THE DISCLOSURE, SALE, OR RESALE OF  
6 PERSONAL DATA TO:

7 (I) A STATE, FEDERAL, OR LOCAL GOVERNMENT ENTITY, UNLESS  
8 DISCLOSURE OF INFORMATION IS NECESSARY IN ACCORDANCE WITH  
9 SUBSECTION (1)(b) OF THIS SECTION; OR

10 (II) A THIRD PARTY WITHOUT THE CONSENT OF THE CUSTOMER.

11 (b) AN ELECTRIC OR GAS PUBLIC UTILITY THAT PARTICIPATES IN A  
12 STATE OR FEDERAL ASSISTANCE PROGRAM SHALL NOT SHARE ANY MORE  
13 OF A CUSTOMER'S PERSONAL DATA THAN IS NECESSARY TO IMPLEMENT THE  
14 STATE OR FEDERAL ASSISTANCE PROGRAM.

15 (c) AS USED IN THIS SUBSECTION (1), UNLESS THE CONTEXT  
16 OTHERWISE REQUIRES:

17 (I) "CONSENT" HAS THE MEANING SET FORTH IN SECTION 6-1-1303  
18 (5).

19 (II) "PERSONAL DATA" HAS THE MEANING SET FORTH IN SECTION  
20 6-1-1303 (17).

21 (III) "THIRD PARTY" HAS THE MEANING SET FORTH IN SECTION  
22 6-1-1303 (26).

23 (2) THE COMMISSION MAY ADOPT ANY RULES NECESSARY TO  
24 ENSURE THAT A REGULATED ELECTRIC OR GAS PUBLIC UTILITY COMPLIES  
25 WITH SUBSECTION (1) OF THIS SECTION.

26 **SECTION 3.** In Colorado Revised Statutes, 31-15-707, **add** (2)  
27 as follows:

1           **31-15-707. Municipal utilities - disconnection due to**  
2 **nonpayment - definitions.** (2) (a) THE GOVERNING BODY OF A  
3 MUNICIPALITY THAT PROVIDES UTILITY SERVICE TO RESIDENTS OF THE  
4 MUNICIPALITY SHALL ADOPT AN ORDINANCE OR REGULATION THAT  
5 PROHIBITS THE DISCONNECTION OF SERVICE PROVIDED BY THE MUNICIPAL  
6 UTILITY DURING THE FOLLOWING CIRCUMSTANCES:

7           (I) DURING AN EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE  
8 THAT IS OCCURRING WITHIN THE JURISDICTIONAL BOUNDARIES OF THE  
9 MUNICIPALITY;

10          (II) DURING PERIODS OF EXTREME HEAT OR COLD IN THE  
11 JURISDICTIONAL BOUNDARIES OF THE MUNICIPALITY, INCLUDING AT A  
12 MINIMUM A PROHIBITION ON THE DISCONNECTION OF SERVICE BETWEEN  
13 THE MONTHS OF OCTOBER AND MAY;

14          (III) IF THE AIR QUALITY INDEX MEASURES OVER ONE HUNDRED IN  
15 THE JURISDICTIONAL BOUNDARIES OF THE MUNICIPALITY, AS REPORTED BY  
16 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CREATED IN  
17 SECTION 25-1-102; AND

18          (IV) (A) IF A RESIDENTIAL CUSTOMER, OR A MEMBER OF THE  
19 CUSTOMER'S HOUSEHOLD, HAS A MEDICAL EMERGENCY, AS EVIDENCED BY  
20 A MEDICAL CERTIFICATE FROM A LICENSED PHYSICIAN OR HEALTH-CARE  
21 PROVIDER.

22          (B) THE ORDINANCE OR REGULATION SHALL REQUIRE THAT THE  
23 MUNICIPAL UTILITY POSTPONE THE DISCONNECTION OF A RESIDENTIAL  
24 CUSTOMER'S UTILITY SERVICE DUE TO A MEDICAL EMERGENCY PURSUANT  
25 TO THIS SUBSECTION (2)(a)(IV) FOR UP TO ONE HUNDRED EIGHTY DAYS.

26          (b) AS USED IN THIS SUBSECTION (2), UNLESS THE CONTEXT  
27 OTHERWISE REQUIRES, "EMERGENCY OR SAFETY EVENT OR

1 CIRCUMSTANCE" HAS THE MEANING SET FORTH IN SECTION 40-3-103.6  
2 (3)(b).

3 **SECTION 4.** In Colorado Revised Statutes, 40-3-103.6, **amend**  
4 (1)(g), (1)(h), and (3)(b)(II); and **add** (1)(j) and (1)(k) as follows:

5 **40-3-103.6. Disconnection due to nonpayment - connection and**  
6 **reconnection fees - deposits - standard practices - rules - definitions.**

7 (1) The commission shall commence a rule-making proceeding to adopt  
8 standard practices for gas and electric utilities to use when disconnecting  
9 service due to nonpayment. The rules must address the following  
10 subjects:

11 (g) Prohibitions on the disconnection of service during periods of  
12 extreme heat or cold, as appropriate to the geographic area served,  
13 INCLUDING AT A MINIMUM A PROHIBITION ON THE DISCONNECTION OF  
14 SERVICE BETWEEN THE MONTHS OF OCTOBER AND MAY;

15 (h) A prohibition on the remote disconnection of service for  
16 nonpayment, through advanced metering infrastructure or otherwise,  
17 without a reasonable attempt to make contact with the customer of record  
18 by telephone or engaging in a personal, physical visit to the premises; ~~and~~

19 (j) A PROHIBITION ON THE DISCONNECTION OF SERVICE IF THE AIR  
20 QUALITY INDEX MEASURES OVER ONE HUNDRED IN THE GEOGRAPHIC AREA  
21 SERVED, AS REPORTED BY THE DEPARTMENT OF PUBLIC HEALTH AND  
22 ENVIRONMENT CREATED IN SECTION 25-1-102; AND

23 (k) POSTPONING THE DISCONNECTION OF SERVICE FOR UP TO ONE  
24 HUNDRED EIGHTY DAYS IF A RESIDENTIAL CUSTOMER, OR A MEMBER OF  
25 THE CUSTOMER'S HOUSEHOLD, HAS A MEDICAL EMERGENCY, AS  
26 EVIDENCED BY A MEDICAL CERTIFICATE FROM A LICENSED PHYSICIAN OR  
27 HEALTH-CARE PROVIDER.

1 (3) As used in this section, unless the context otherwise requires:

2 (b) (II) "Emergency or safety event or circumstance" includes:

3 (A) A severe weather event that one or more reputable weather  
4 forecasting sources forecasts to occur in the following twenty-four hours  
5 and that is more likely than not to result in dangerous travel or on-site  
6 outdoor or indoor work conditions for individuals in the path of the  
7 weather event; OR

8 (B) A FIRE OR WILDFIRE THAT CAUSES RESIDENTS OF THE  
9 GEOGRAPHIC AREA SERVED TO BE UNDER AN EVACUATION WARNING OR  
10 EVACUATION ORDER OR A FIRE OR WILDFIRE THAT WOULD RESULT IN  
11 DANGEROUS TRAVEL OR WORKING CONDITIONS FOR INDIVIDUALS IN CLOSE  
12 PROXIMITY TO THE FIRE OR WILDFIRE.

13 **SECTION 5.** In Colorado Revised Statutes, 40-9.5-106, **add** (4)  
14 as follows:

15 **40-9.5-106. Prohibited acts - disconnection due to**  
16 **nonpayment. (4) Disconnection due to nonpayment.** THE BOARD OF  
17 DIRECTORS OF A COOPERATIVE ELECTRIC ASSOCIATION SHALL ADOPT  
18 RULES OR REGULATIONS THAT PROHIBIT THE DISCONNECTION OF SERVICE  
19 TO A CUSTOMER OR MEMBER OF THE COOPERATIVE ELECTRIC  
20 ASSOCIATION:

21 (a) DURING AN EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE,  
22 AS DEFINED IN SECTION 40-3-103.6 (3)(b);

23 (b) DURING PERIODS OF EXTREME HEAT OR COLD, INCLUDING AT  
24 A MINIMUM A PROHIBITION ON THE DISCONNECTION OF SERVICE BETWEEN  
25 THE MONTHS OF OCTOBER AND MAY;

26 (c) IF THE AIR QUALITY INDEX MEASURES OVER ONE HUNDRED IN  
27 THE GEOGRAPHIC AREA SERVED, AS REPORTED BY THE DEPARTMENT OF

1 PUBLIC HEALTH AND ENVIRONMENT CREATED IN SECTION 25-1-102; AND

2 (d) (I) IF A RESIDENTIAL CUSTOMER, OR A MEMBER OF THE  
3 CUSTOMER'S HOUSEHOLD, HAS A MEDICAL EMERGENCY, AS EVIDENCED BY  
4 A MEDICAL CERTIFICATE FROM A LICENSED PHYSICIAN OR HEALTH-CARE  
5 PROVIDER.

6 (II) A COOPERATIVE ELECTRIC ASSOCIATION SHALL POSTPONE THE  
7 DISCONNECTION OF A RESIDENTIAL CUSTOMER'S UTILITY SERVICE DUE TO  
8 A MEDICAL EMERGENCY PURSUANT TO THIS SUBSECTION (4)(d) FOR UP TO  
9 ONE HUNDRED EIGHTY DAYS.

10 **SECTION 6.** In Colorado Revised Statutes, 40-8.7-105.5, **amend**  
11 (2) as follows:

12 **40-8.7-105.5. Energy assistance system benefit charge - repeal.**

13 (2) (a) Each investor-owned utility shall use the most cost-effective  
14 method for implementing the program.

15 (b) EACH INVESTOR-OWNED UTILITY SHALL ENSURE THAT THE  
16 MONEY COLLECTED FROM THE ENERGY ASSISTANCE SYSTEM BENEFIT  
17 CHARGE IS USED FOR DIRECT BILL PAYMENT ASSISTANCE YEAR-ROUND,  
18 INCLUDING FOR CUSTOMERS PARTICIPATING IN THE LOW-INCOME ENERGY  
19 ASSISTANCE PROGRAM WHEN ASSISTANCE THROUGH THAT PROGRAM IS  
20 UNAVAILABLE.

21 **SECTION 7.** In Colorado Revised Statutes, 40-8.7-107, **amend**  
22 (1.5)(b) as follows:

23 **40-8.7-107. Disposition of contributions and charges.**

24 (1.5) (b) Except as provided in section 40-8.7-108 (2)(b), the  
25 organization shall use the money collected from each investor-owned  
26 utility pursuant to section 40-8.7-104 (2.5) to help finance YEAR-ROUND  
27 direct utility bill payment assistance and energy retrofits provided to



1 low-income households within that investor-owned utility's service  
2 territory or within the service territory of an affiliated investor-owned  
3 utility.

4 **SECTION 8. Safety clause.** The general assembly finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, or safety or for appropriations for  
7 the support and maintenance of the departments of the state and state  
8 institutions.