

CHAPTER 86

PUBLIC UTILITIES

HOUSE BILL 93-1153

BY REPRESENTATIVES Snyder, Blue, Fleming, R. Hernandez, June, Nichol, and Williams;
also SENATORS Johnson and Casey.

AN ACT

CONCERNING THE AUTHORITY OF THE COLORADO PUBLIC UTILITIES COMMISSION TO EXEMPT FROM REGULATION CERTAIN OPERATORS OF MASTER METERS OF UTILITY SERVICE OTHER THAN WATER SERVICE.

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

SECTION 1. Article 1 of title 40, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

40-1-103.5. Limited exemption of master meter operators - conditions - rules. (1) UPON ITS OWN MOTION OR UPON APPLICATION BY ANY PERSON WHO PURCHASES GAS OR ELECTRIC SERVICE FROM A REGULATED PUBLIC UTILITY FOR THE PURPOSE OF DELIVERY OF SUCH SERVICE TO END USERS WHOSE AGGREGATE USAGE IS TO BE MEASURED BY A MASTER METER OR OTHER COMPOSITE MEASUREMENT DEVICE, THE COMMISSION MAY EXEMPT SUCH PERSON FROM REGULATION OF RATES UNDER THE "PUBLIC UTILITIES LAW", ARTICLES 1 TO 7 OF THIS TITLE, AS THE COMMISSION DEEMS APPROPRIATE, SO LONG AS ALL OF THE FOLLOWING CONDITIONS ARE MET:

(a) SUCH PERSON, REFERRED TO IN THIS SECTION AS A "MASTER METER OPERATOR" OR "MMO", DOES NOT CHARGE THE END USERS, AS PART OF ITS BILLING FOR UTILITY SERVICE, FOR ANY COSTS IN ADDITION TO THE ACTUAL COST BILLED TO THE MMO BY THE SERVING UTILITY, INCLUDING WITHOUT LIMITATION COSTS OF CONSTRUCTION, MAINTENANCE, FINANCING, ADMINISTRATION, METERING, OR BILLING FOR THE UTILITY DISTRIBUTION SYSTEM OWNED BY THE MMO;

(b) IF THE MMO BILLS THE END USERS SEPARATELY FOR SERVICE, THE SUM OF SUCH BILLINGS DOES NOT EXCEED THE AMOUNT BILLED TO THE MMO BY THE SERVING UTILITY;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(c) IF THE MMO BILLS THE END USERS SEPARATELY FOR SERVICE, THE MMO PASSES ON TO THE END USERS ANY REFUNDS, REBATES, RATE REDUCTIONS, OR SIMILAR ADJUSTMENTS IT RECEIVES FROM THE SERVING UTILITY;

(d) ANY OTHER CONDITIONS DEEMED NECESSARY BY THE COMMISSION.

(2) IN PASSING ON REFUNDS, REBATES, RATE REDUCTIONS, OR SIMILAR ADJUSTMENTS TO END USERS, THE MMO SHALL NOTIFY ITS CURRENT END USERS, EITHER BY FIRST CLASS MAIL WITH A CERTIFICATE OF MAILING OR BY INCLUSION IN ANY MONTHLY OR MORE FREQUENT REGULAR WRITTEN COMMUNICATION, OF SUCH ADJUSTMENTS AND INFORM THE END USERS THAT THEY MAY CLAIM THE ADJUSTMENTS WITHIN NINETY DAYS AFTER RECEIPT OF THE NOTICE. THE MMO MAY RETAIN ANY PORTION OF SUCH ADJUSTMENTS WHICH RIGHTFULLY BELONGS TO THE MMO. UPON THE EXPIRATION OF THE NINETY-DAY CLAIMS PERIOD, THE MMO SHALL IDENTIFY ANY SUCH ADJUSTMENTS WHICH ARE UNCLAIMED AND, IF THE AGGREGATE AMOUNT UNCLAIMED EXCEEDS ONE HUNDRED DOLLARS, THE MMO SHALL CONTRIBUTE SUCH UNCLAIMED AMOUNT TO THE FUND ESTABLISHED BY THE COMMISSION ON LOW-INCOME ENERGY ASSISTANCE PURSUANT TO SECTION 40-8.5-104.

(3) THE COMMISSION SHALL ADOPT SUCH RULES AS IT DEEMS NECESSARY TO IMPLEMENT THIS SECTION.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 1993