

CHAPTER 137

PUBLIC UTILITIES

SENATE BILL 05-001

BY SENATOR(S) Sandoval, Bacon, Fitz-Gerald, Gordon, Groff, Hanna, Isgar, Keller, Kester, McElhany, Shaffer, Spence, Tapia, Tochtrop, Tupa, Veiga, Wiens, Williams, Windels, and Johnson;
 also REPRESENTATIVE(S) Buescher, Berens, Borodkin, Boyd, Carroll M., Carroll T., Coleman, Frangas, Gallegos, Green, Madden, Marshall, McFadyen, Merrifield, Paccione, Pommer, Riesberg, Solano, Todd, and Weissmann.

AN ACT

CONCERNING CREATION OF THE "LOW-INCOME ENERGY ASSISTANCE ACT".

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

SECTION 1. Title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 8.7
Low-income Energy Assistance

40-8.7-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "LOW-INCOME ENERGY ASSISTANCE ACT".

40-8.7-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT, IN ORDER TO SERVE THE BEST INTERESTS OF THE CITIZENS OF COLORADO, AND IN PARTICULAR, TO AID LOW-INCOME CITIZENS OF COLORADO, THERE IS A NEED FOR AN ENERGY ASSISTANCE PROGRAM TO COLLECT AN OPTIONAL LOW-INCOME ENERGY ASSISTANCE CONTRIBUTION FROM UTILITY CUSTOMERS IN COLORADO.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE MOST EFFICIENT WAY TO SUPPORT SUCH A PROGRAM IS FOR GAS AND ELECTRIC UTILITIES TO PROVIDE THE OPPORTUNITY FOR EACH UTILITY CUSTOMER TO CONTRIBUTE AN OPTIONAL AMOUNT ON THE CUSTOMER'S BILLING STATEMENT FOR LOW-INCOME ENERGY ASSISTANCE THAT WILL BE DISPLAYED MONTHLY ON THE UTILITY BILL UNTIL THE CUSTOMER INDICATES OTHERWISE, AND THAT THE MONEYS COLLECTED SHALL BE MOST ECONOMICALLY AND EQUITABLY DISBURSED THROUGH A SYSTEM IN WHICH THE

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

CONTRIBUTIONS COLLECTED BY ELECTRIC UTILITIES AND GAS UTILITIES ARE TRANSMITTED TO ENERGY OUTREACH COLORADO.

40-8.7-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ALTERNATIVE ENERGY ASSISTANCE PROGRAM" MEANS A PROGRAM OPERATED BY A MUNICIPALLY OWNED ELECTRIC AND GAS UTILITY OR RURAL ELECTRIC COOPERATIVE THAT IS NOT PART OF THE ENERGY ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

(2) "CUSTOMER" MEANS THE NAMED HOLDER OF AN INDIVIDUALLY METERED ACCOUNT UPON WHICH CHARGES FOR ELECTRICITY OR GAS ARE PAID TO A UTILITY. "CUSTOMER" SHALL NOT INCLUDE A CUSTOMER THAT RECEIVES ELECTRICITY OR GAS FOR THE SOLE PURPOSE OF RESELLING THE ELECTRICITY OR GAS TO OTHERS.

(3) "ENERGY ASSISTANCE PROGRAM" OR "PROGRAM" MEANS THE LOW-INCOME ENERGY ASSISTANCE PROGRAM CREATED BY SECTION 40-8.7-104 AND DESIGNED TO PROVIDE FINANCIAL ASSISTANCE, RESIDENTIAL ENERGY EFFICIENCY, AND ENERGY CONSERVATION ASSISTANCE.

(4) "ORGANIZATION" MEANS ENERGY OUTREACH COLORADO, A COLORADO NONPROFIT CORPORATION, FORMERLY KNOWN AS THE COLORADO ENERGY ASSISTANCE FOUNDATION.

(5) "REMITTANCE DEVICE" MEANS THE SECTION OF A CUSTOMER'S UTILITY BILLING STATEMENT THAT IS RETURNED TO THE UTILITY COMPANY FOR PAYMENT.

(6) "UTILITY" MEANS A CORPORATION, ASSOCIATION, PARTNERSHIP, COOPERATIVE ELECTRIC ASSOCIATION, OR MUNICIPALLY OWNED ENTITY THAT PROVIDES RETAIL ELECTRIC SERVICE OR RETAIL GAS SERVICE TO CUSTOMERS IN COLORADO. "UTILITY" DOES NOT MEAN A PROPANE COMPANY.

40-8.7-104. Energy assistance program - creation - energy assistance charge - rules. (1) THERE IS HEREBY CREATED THE LOW-INCOME ENERGY ASSISTANCE PROGRAM TO COLLECT AND DISBURSE AN OPTIONAL ENERGY ASSISTANCE CONTRIBUTION IN COLORADO IN ACCORDANCE WITH THIS ARTICLE.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, EVERY UTILITY DOING BUSINESS IN COLORADO SHALL PARTICIPATE IN THE ENERGY ASSISTANCE PROGRAM AND SHALL PROVIDE THE OPPORTUNITY FOR UTILITY CUSTOMERS TO MAKE AN OPTIONAL ENERGY ASSISTANCE CONTRIBUTION ON THE MONTHLY REMITTANCE DEVICE ON THEIR UTILITY BILLING STATEMENT BEGINNING SEPTEMBER 1, 2006. EACH UTILITY SHALL PROVIDE THE OPPORTUNITY FOR CUSTOMERS TO DONATE THE OPTIONAL ENERGY ASSISTANCE CONTRIBUTION AS PROVIDED IN SECTION 40-8.7-105 (2).

(3) ANY REASONABLE COSTS THAT A UTILITY INCURS IN CONNECTION WITH THE PROGRAM, INCLUDING THE INITIAL COSTS OF SETTING UP THE COLLECTION MECHANISM AND REFORMATTING ITS BILLING SYSTEMS TO SOLICIT THE OPTIONAL CONTRIBUTION, SHALL BE REIMBURSED FROM THE MONEYS COLLECTED BY THE

PROGRAM, AND THIS AMOUNT SHALL BE APPROVED FOR EACH UTILITY BY THE PUBLIC UTILITIES COMMISSION. THE REIMBURSED AMOUNTS SHALL BE TRANSMITTED TO THE UTILITIES BEFORE THE REMAINING MONEYS ARE DISTRIBUTED TO THE ORGANIZATION.

40-8.7-105. Customer opt-in provision. (1) THE PUBLIC UTILITIES COMMISSION SHALL DETERMINE THE MECHANISM FOR AN OPT-IN PROVISION WHEREBY THE ENERGY ASSISTANCE CONTRIBUTIONS DESCRIBED IN SECTION 40-8.7-104 WILL BE COLLECTED FROM THOSE CUSTOMERS WHO GIVE NOTICE OF THEIR INTENT TO PARTICIPATE IN THE ENERGY ASSISTANCE PROGRAM.

(2) EACH UTILITY SHALL SOLICIT VOLUNTARY DONATIONS THROUGH A CHECK-OFF MECHANISM DISPLAYED ON THE MONTHLY REMITTANCE DEVICE. RECOMMENDED CHECK-OFF CATEGORIES OF FIVE DOLLARS, TEN DOLLARS, TWENTY DOLLARS, AND "OTHER AMOUNT" SHALL BE DISPLAYED.

(3) ONCE A CUSTOMER VOLUNTARILY OPTS INTO THE PROGRAM, THE APPROPRIATE CONTRIBUTION SHALL BE ASSESSED ON A MONTHLY BASIS UNTIL THE CUSTOMER NOTIFIES THE UTILITY OF HIS OR HER DESIRE TO REMOVE THE CONTRIBUTION. EACH UTILITY SHALL ESTABLISH PROCEDURES TO NOTIFY CUSTOMERS ABOUT THEIR ABILITY TO CANCEL ANY VOLUNTARY CONTRIBUTION.

(4) ONCE THE UTILITY CUSTOMER OPTS INTO THE PROGRAM, THE ENERGY ASSISTANCE CONTRIBUTION SHALL APPEAR AS A SEPARATE LINE ITEM AND SHALL BE IDENTIFIED IN THE BILLING STATEMENT AS A CONTRIBUTION. THE LINE ITEM SHALL IDENTIFY THE OPTIONAL LOW-INCOME CONTRIBUTION, STATE THE AMOUNT OF THE OPTIONAL CONTRIBUTION, AND BE INCLUDED IN THE TOTAL AMOUNT DUE.

(5) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24 C.R.S., ON OR BEFORE NOVEMBER 1, 2005, THE PUBLIC UTILITIES COMMISSION SHALL INITIATE AT LEAST ONE RULE-MAKING PROCEEDING TO ACCOMPLISH THE FOLLOWING:

(a) ESTABLISH A PROGRAM WHEREBY CUSTOMERS WILL BE SOLICITED TO CONTRIBUTE A FLAT AMOUNT ON THE MONTHLY REMITTANCE DEVICE ON THE UTILITY BILLING STATEMENT.

(b) ENCOURAGE EACH UTILITY TO PROVIDE NOTIFICATION, WHERE FEASIBLE, TO CUSTOMERS PARTICIPATING IN THE PROGRAM ABOUT THE CUSTOMER'S ABILITY TO CONTINUE TO CONTRIBUTE WHEN THE CUSTOMER CHANGES HIS OR HER ADDRESS WITHIN THE SERVICE TERRITORY.

(c) REQUIRE THE UTILITY TO MAKE ADDITIONAL EFFORTS TO INFORM UTILITY CUSTOMERS ABOUT THE PROGRAM TO ENSURE THAT ADEQUATE NOTICE OF THE OPT-IN PROVISION IS GIVEN TO ALL CUSTOMERS.

(d) IN ADDITION TO NOTIFICATION ON THE MONTHLY REMITTANCE DEVICE ON THE BILLING STATEMENT, REQUIRE EACH UTILITY TO NOTIFY ITS CUSTOMERS ABOUT THE OPT-IN PROVISION PRIOR TO SEPTEMBER 1, 2006, AND REQUIRE EACH UTILITY TO PROVIDE CLEAR, PERIODIC NOTICE OF THE OPT-IN PROVISION AT LEAST TWICE PER YEAR THROUGH BILL INSERTS, IN A STATEMENT ON THE BILL OR ENVELOPE, OR IN OTHER UTILITY COMMUNICATION PIECES OR THROUGH AN ALTERNATIVE METHOD APPROVED BY THE COMMISSION. THE COSTS OF THE INSERT AND ANY OTHER

NOTIFICATION EFFORTS WILL BE CONSIDERED IN THE UTILITY'S COST OF SERVICE;

(e) REQUIRE EACH UTILITY TO CONSIDER THE MOST COST-EFFECTIVE METHOD POSSIBLE WHEN IMPLEMENTING THE PROGRAM; AND

(f) ENSURE THAT THERE IS A MECHANISM FOR CUSTOMERS WHO MAKE ELECTRONIC PAYMENTS TO THE UTILITY TO REMOVE THE OPTIONAL CHARGE FROM THEIR MONTHLY PAYMENTS.

40-8.7-106. Municipally owned gas, electric, and gas and electric utilities and cooperative electric associations. (1) IF A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR A COOPERATIVE ELECTRIC ASSOCIATION OPERATES AN ALTERNATIVE ENERGY ASSISTANCE PROGRAM TO SUPPORT ITS LOW-INCOME CUSTOMERS WITH THEIR HOME ENERGY NEEDS, THEN THE GOVERNING BODY OF THE MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION MAY SELF-CERTIFY ITS ALTERNATIVE ENERGY ASSISTANCE PROGRAM AND UPON SELF-CERTIFICATION SHALL HAVE NO OBLIGATIONS UNDER THIS ARTICLE. THE MUNICIPALLY OWNED UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION SHALL SUBMIT A STATEMENT TO THE ORGANIZATION THAT SUCH UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION HAS AN ALTERNATIVE ENERGY ASSISTANCE PROGRAM. IN ORDER FOR SUCH UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION TO SELF-CERTIFY, SUCH ALTERNATIVE ENERGY ASSISTANCE PROGRAM SHALL MEET THE FOLLOWING CRITERIA:

(a) THE AMOUNT AND METHOD FOR FUNDING OF THE PROGRAM SHALL BE DETERMINED BY THE GOVERNING BODY;

(b) PROGRAM MONEYS SHALL BE COLLECTED AND DISTRIBUTED IN A MANNER AND UNDER ELIGIBILITY CRITERIA DETERMINED BY THE GOVERNING BODY FOR THE PURPOSE OF RESIDENTIAL ENERGY ASSISTANCE TO CUSTOMERS WHO ARE CHALLENGED WITH PAYING ENERGY BILLS FOR FINANCIAL REASONS, INCLUDING TO SENIORS ON FIXED INCOMES, INDIVIDUALS WITH DISABILITIES, AND LOW-INCOME INDIVIDUALS.

(2) IF THE GOVERNING BODY OF A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR A COOPERATIVE ELECTRIC ASSOCIATION DETERMINES THAT THE SERVICE AREA OF SUCH UTILITY OR COOPERATIVE HAS A LIMITED NUMBER OF PEOPLE WHO QUALIFY FOR ENERGY ASSISTANCE, SUCH UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION MAY BE EXEMPT FROM THE OBLIGATIONS OF THIS ARTICLE.

(3) IF A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION HAS NOT SELF-CERTIFIED AN ALTERNATIVE ENERGY ASSISTANCE PROGRAM PURSUANT TO SUBSECTION (1) OF THIS SECTION, OR HAS NOT EXEMPTED ITSELF PURSUANT TO SUBSECTION (2) OF THIS SECTION, SUCH UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION SHALL COLLECT AN OPTIONAL ENERGY ASSISTANCE CHARGE FROM ITS CUSTOMERS AS PROVIDED IN SECTION 40-8.7-104 (1) AND (2), OR PURSUANT TO A PROCEDURE APPROVED BY THE GOVERNING MUNICIPAL UTILITY OR COOPERATIVE, WHICH PROCEDURE SHALL BE DESIGNED TO NOTIFY ALL CUSTOMERS AT LEAST TWICE EACH YEAR OF THE OPTION TO CONTRIBUTE BY MEANS OF A MONTHLY ENERGY ASSISTANCE CHARGE AND SHALL PROVIDE A CONVENIENT MEANS FOR CUSTOMERS TO EXERCISE THAT OPTION. IN SUCH CIRCUMSTANCES, THE GOVERNING BODY OF SUCH UTILITY OR COOPERATIVE SHALL

DETERMINE THE DISPOSITION AND DELIVERY OF THE OPTIONAL ENERGY ASSISTANCE CHARGE THAT IT COLLECTS ON THE FOLLOWING BASIS:

(a) THE GOVERNING BODY MAY ELECT TO DELIVER THE OPTIONAL CHARGE THAT IT COLLECTS TO THE ORGANIZATION FOR DISTRIBUTION IN ACCORDANCE WITH THIS ARTICLE.

(b) IF THE GOVERNING BODY DOES NOT MAKE SUCH ELECTION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE ENERGY ASSISTANCE MONEYS COLLECTED SHALL BE DISTRIBUTED UNDER ELIGIBILITY CRITERIA DETERMINED BY THE GOVERNING BODY FOR THE PURPOSE SET FORTH IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION.

(4) A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION MAY PROVIDE FUNDING FOR ENERGY ASSISTANCE TO THE ORGANIZATION BY USING A SOURCE OF FUNDING OTHER THAN THE OPTIONAL CUSTOMER CONTRIBUTION ON EACH BILL. IF THE AMOUNT OF SUCH ASSISTANCE APPROXIMATES THE AMOUNT REASONABLY EXPECTED TO BE COLLECTED FROM AN OPTIONAL CHARGE ON CUSTOMER BILLS, A MUNICIPAL UTILITY OR COOPERATIVE NEED NOT CERTIFY ITS OWN PROGRAM PURSUANT TO SUBSECTION (1) OF THIS SECTION AND NEED NOT COLLECT AN OPTIONAL ENERGY ASSISTANCE CHARGE, BUT SHALL BE ENTITLED TO PARTICIPATE IN THE ORGANIZATION'S PROGRAM.

(5) ANY REASONABLE COSTS THAT A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION INCURS IN CONNECTION WITH THE PROGRAM, INCLUDING THE INITIAL COSTS OF SETTING UP THE COLLECTION MECHANISM, MAY BE REIMBURSED AT THE DISCRETION OF THE GOVERNING BODY FROM THE ENERGY ASSISTANCE MONEYS COLLECTED.

40-8.7-107. Disposition of moneys. (1) EACH GAS AND ELECTRIC UTILITY SHALL TRANSFER THE MONEYS FROM THE ENERGY ASSISTANCE CONTRIBUTIONS COLLECTED UNDER THIS ARTICLE TO THE ORGANIZATION ON THE FOLLOWING SCHEDULE:

(a) FOR THE MONEYS COLLECTED DURING THE PERIOD OF JANUARY 1 TO MARCH 31 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE COLLECTED MONEYS TO THE ORGANIZATION BEFORE MAY 1 OF SUCH YEAR;

(b) FOR THE MONEYS COLLECTED DURING THE PERIOD OF APRIL 1 TO JUNE 30 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE COLLECTED MONEYS TO THE ORGANIZATION BEFORE AUGUST 1 OF SUCH YEAR;

(c) FOR MONEYS COLLECTED DURING THE PERIOD OF JULY 1 TO SEPTEMBER 30 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE COLLECTED MONEYS TO THE ORGANIZATION BEFORE NOVEMBER 1 OF SUCH YEAR; AND

(d) FOR MONEYS COLLECTED DURING THE PERIOD OF OCTOBER 1 TO DECEMBER 31 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE COLLECTED MONEYS TO THE ORGANIZATION BEFORE FEBRUARY 1 OF THE NEXT YEAR.

(2) EACH UTILITY SHALL PROVIDE THE ORGANIZATION WITH A SUMMARY OF HOW THE MONEYS COLLECTED WERE GENERATED, INCLUDING THE NUMBER OF CUSTOMERS

PARTICIPATING IN THE PROGRAM.

(3) THE ORGANIZATION SHALL PAY THE PUBLIC UTILITIES COMMISSION FROM THE MONEYS TRANSFERRED TO THE ORGANIZATION PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR ANY ADMINISTRATIVE COSTS INCURRED PURSUANT TO THIS ARTICLE.

40-8.7-108. Energy outreach Colorado - administration of the energy assistance charge. (1) THE ORGANIZATION SHALL HOLD AND ADMINISTER ALL MONEYS COLLECTED PURSUANT TO THIS ARTICLE DELIVERED TO IT BY THE UTILITIES PURSUANT TO SECTION 40-8.7-107 IN A SEPARATELY IDENTIFIABLE ACCOUNT, WHICH SHALL BE RESTRICTED TO THE PURPOSES SET FORTH IN THIS ARTICLE. THE ORGANIZATION SHALL MAINTAIN ITS BOOKS AND RECORDS PERTAINING TO THE ENERGY ASSISTANCE CONTRIBUTIONS IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND, IN ADDITION, SHALL MAINTAIN RECORDS ADEQUATE TO IDENTIFY THE MONEYS COLLECTED BY EACH UTILITY. IF THE ORGANIZATION COMMINGLES THE MONEYS COLLECTED AND DELIVERED WITH OTHER ASSETS OF THE ORGANIZATION FOR INVESTMENT PURPOSES, THE ORGANIZATION SHALL MAINTAIN ACCURATE ACCOUNTS OF THE INVESTMENT MONEYS AND SHALL CREDIT OR CHARGE A PRO RATA PORTION OF ALL INVESTMENT EARNINGS, GAINS, OR LOSSES TO THE ACCOUNT THAT HOLDS THE ENERGY ASSISTANCE CHARGES.

(2) THE ORGANIZATION SHALL USE THE ENERGY ASSISTANCE CONTRIBUTION TO PROVIDE LOW-INCOME ENERGY ASSISTANCE AND TO IMPROVE ENERGY EFFICIENCY. THE FINANCIAL ASSISTANCE MONEYS SHALL BE PAID TO EACH UTILITY AS VENDOR PAYMENTS. THE MONEYS SHALL NOT BE USED FOR PROPANE, GAS, OR ELECTRIC ASSISTANCE FOR CUSTOMERS WHOSE PROPANE, GAS, ELECTRIC, OR GAS AND ELECTRIC COMPANIES OR COOPERATIVE ELECTRIC ASSOCIATIONS DO NOT PARTICIPATE IN THE PROGRAM. THE ORGANIZATION MAY USE UP TO FIVE PERCENT OF THE MONEYS COLLECTED FOR ADMINISTRATION OF THE ENERGY ASSISTANCE PROGRAM IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

(3) THE ORGANIZATION SHALL, ON AN ANNUAL BASIS, DEVELOP A BUDGET FOR THE ENERGY ASSISTANCE PROGRAM TO DETERMINE THE ALLOCATION OF THE ENERGY ASSISTANCE CONTRIBUTIONS COLLECTED UNDER THIS ARTICLE.

40-8.7-109. Low-income energy assistance program. (1) THE ORGANIZATION SHALL PROVIDE ENERGY ASSISTANCE TO INDIVIDUALS AND ORGANIZATIONS IN COLORADO. SUCH ASSISTANCE SHALL GIVE PRIORITY TO HOUSEHOLDS WHERE ONE OR MORE PERSONS ARE RECIPIENTS OF:

- (a) AN OLD AGE PENSION AS SET FORTH IN SECTION 26-2-111 (2), C.R.S.;
- (b) AID TO THE NEEDY DISABLED AS SET FORTH IN SECTION 26-2-111 (4), C.R.S.;
- (c) AID TO THE BLIND AS SET FORTH IN SECTION 26-2-111 (5), C.R.S.;
- (d) SUPPLEMENTAL SOCIAL SECURITY DISABILITY BENEFITS UNDER 42 U.S.C. SEC. 1396 ET SEQ.;
- (e) COLORADO WORKS ASSISTANCE AS SET FORTH IN SECTION 26-2-706 AND 26-2-707, C.R.S.

40-8.7-110. Reports. (1) THE ORGANIZATION SHALL SUBMIT A WRITTEN REPORT TO THE GENERAL ASSEMBLY, THE LEGISLATIVE AUDIT COMMITTEE, AND THE OFFICE OF THE STATE AUDITOR ON OR BEFORE MARCH 31 OF EACH YEAR, BEGINNING IN 2007, THAT COVERS THE IMMEDIATELY PRECEDING CALENDAR YEAR. THE REPORT SHALL INCLUDE:

(a) AN ITEMIZED ACCOUNT OF MONEYS RECEIVED BY THE ORGANIZATION FROM EACH UTILITY;

(b) THE AMOUNT OF MONEYS DISTRIBUTED, THE TYPE OF ASSISTANCE PROVIDED, THE GEOGRAPHIC AREA OF THE STATE SERVED, AND AN ITEMIZATION OF THE PROGRAMS THROUGH WHICH THE MONEYS ARE EXPENDED;

(c) THE NUMBER OF LOW-INCOME HOUSEHOLDS SERVED, BY UTILITY AND BY TYPE OF ASSISTANCE PROVIDED;

(d) AN AUDITED FINANCIAL STATEMENT FROM THE ORGANIZATION; AND

(e) A SUMMARY OF HOW THE MONEYS COLLECTED WERE GENERATED, INCLUDING THE NUMBER OF CUSTOMERS PARTICIPATING IN THE PROGRAM.

(2) THE REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC FOR REVIEW.

40-8.7-111. Jurisdiction of the public utilities commission. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO EXPAND OR ALTER THE JURISDICTION OF THE PUBLIC UTILITIES COMMISSION.

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: May 5, 2005