

CHAPTER 292

PUBLIC UTILITIES

SENATE BILL 13-282

BY SENATOR(S) Guzman, Aguilar, Carroll, Giron, Heath, Jones, Kefalas, Kerr, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Ulibarri, Morse;
also REPRESENTATIVE(S) Pabon and Levy, Tyler, Fields, Fischer, Hamner, Hullinghorst, Lebsock, Lee, Mitsch Bush, Peniston, Pettersen, Williams, Young.

AN ACT**CONCERNING A MEDICAL EXEMPTION FROM TIERED ELECTRICITY RATES.**

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

SECTION 1. In Colorado Revised Statutes, **amend** 40-3-103.5 as follows:

40-3-103.5. Medical exemption - tiered electricity rates - rules. ~~The commission may adopt rules creating an exemption from any tiered electricity rate plan based on a customer's medical condition or use of an essential life support device.~~ (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.

(2) THE COMMISSION MAY DETERMINE THE DEFINITION OF "MEDICAL CONDITION"; EXCEPT THAT THE DEFINITION MUST INCLUDE MULTIPLE SCLEROSIS, EPILEPSY, QUADRIPLÉGIA, AND PARAPLEGIA. THE MEDICAL EXEMPTION IS FOR INDIVIDUALS WHO HAVE THE VERIFICATION OF A PHYSICIAN LICENSED IN COLORADO OF A HEAT-SENSITIVE MEDICAL CONDITION OR THE NEED FOR THE USE OF AN ESSENTIAL LIFE SUPPORT DEVICE.

(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

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

AS THE MAXIMUM INCOME TO BE ELIGIBLE FOR THE MEDICAL EXEMPTION.

(4) IF THE LOW-INCOME ENERGY ASSISTANCE PROGRAM IS USED TO CERTIFY ELIGIBILITY, THE MEDICAL EXEMPTION UNDER THIS SECTION MUST BE DISTINGUISHABLE FROM THE HEAT ASSISTANCE BENEFITS OFFERED UNDER THE LOW-INCOME ENERGY ASSISTANCE PROGRAM BECAUSE THESE PROGRAMS MAY HAVE DIFFERENT ELIGIBILITY REQUIREMENTS.

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 28, 2013