

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0553.01 Jennifer Berman x3286

HOUSE BILL 22-1018

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

(None),

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A STATE REGULATED UTILITY'S PRACTICES REGARDING
102 A CUSTOMER'S ABILITY TO PAY THE CUSTOMER'S UTILITY BILL.

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>.)

Section 1 of the bill changes the date on which Energy Outreach Colorado disburses to the department of human services a portion of the energy assistance system benefit charges that investor-owned electric and gas utilities collect from January 1, 2022, to March 1, 2023.

Section 2 requires the public utilities commission (commission) to adopt rules prohibiting electric and gas utilities from disconnecting a

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

customer's service:

- On weekends;
- On state or federal holidays; or
- After 11:59 a.m. on a weekday that is not a holiday.

Additionally, the commission's rules must require that, under certain circumstances in which a customer makes a request for reconnection of service on a Monday through Friday that is not a holiday, the utility is required to reconnect the customer's service that same day.

Section 3 establishes 3 income standards for determining a household's eligibility for utility assistance as follows:

- A household income at or below 200% of the federal poverty line;
- A household income at or below 80% of the area median income; or
- A household income that meets the income eligibility criteria that the department sets by rule.

Section 3 also clarifies that the commission may approve a year-round utility preference or advantage given to income-eligible customers.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-2-307, **amend**
3 (1)(f) introductory portion and (1)(f)(II) as follows:

4 **26-2-307. Fuel assistance payments - eligibility for federal**
5 **standard utility allowance - supplemental utility assistance fund**
6 **established - definitions - repeal.** (1) (f) On or before October 1, ~~2021~~
7 2022, the state department shall submit a budget to the organization and
8 the commission to cover the state department's administrative costs to set
9 up the program. Based on the budget that the state department submits,
10 the organization shall:

11 (II) Transmit the money to the state department on or before
12 ~~January 1, 2022~~ MARCH 1, 2023.

13 **SECTION 2.** In Colorado Revised Statutes, 40-3-103.6, **amend**
14 (1) introductory portion and (1)(b); and **add** (3) as follows:

1 THAT A GAS UTILITY MAY RECONNECT THE CUSTOMER'S SERVICE ON THE
2 DAY FOLLOWING A DISCONNECTION OF SERVICE IF, PRIOR TO
3 DISCONNECTION OF SERVICE, THE UTILITY HAS MADE A QUALIFYING
4 COMMUNICATION WITH THE CUSTOMER OR AN EMERGENCY SITUATION
5 RENDERS THE UTILITY'S STAFF TEMPORARILY UNAVAILABLE TO
6 RECONNECT SERVICE.

7 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "ADVANCED METERING INFRASTRUCTURE" MEANS AN
10 INTEGRATED SYSTEM OF SMART ELECTRIC UTILITY METERS AND
11 COMMUNICATION NETWORKS THAT ENABLES TWO-WAY COMMUNICATION
12 BETWEEN AN ELECTRIC UTILITY AND ITS CUSTOMERS AND ALLOWS THE
13 ELECTRIC UTILITY TO MEASURE ELECTRICITY USAGE OR CONNECT OR
14 DISCONNECT SERVICE REMOTELY.

15 (b) "QUALIFYING COMMUNICATION" MEANS ONE OF THE
16 FOLLOWING METHODS OF COMMUNICATING WITH A UTILITY CUSTOMER
17 ABOUT A POSSIBLE UPCOMING DISCONNECTION OF SERVICE:

18 (I) A PHYSICAL VISIT TO THE CUSTOMER'S PREMISES DURING WHICH
19 A UTILITY REPRESENTATIVE SPEAKS WITH THE CUSTOMER AND PROVIDES
20 THE CUSTOMER UTILITY ASSISTANCE INFORMATION OR, IF THE CUSTOMER
21 IS NOT AVAILABLE TO SPEAK, LEAVES UTILITY ASSISTANCE INFORMATION
22 FOR THE CUSTOMER'S REVIEW; OR

23 (II) A TELEPHONE CALL, TEXT, OR E-MAIL TO THE CUSTOMER IN
24 WHICH:

25 (A) THE UTILITY REPRESENTATIVE PROVIDES THE CUSTOMER WITH
26 UTILITY ASSISTANCE INFORMATION; AND

27 (B) THE UTILITY REPRESENTATIVE EITHER SPEAKS DIRECTLY WITH

1 THE CUSTOMER OVER THE TELEPHONE OR THE CUSTOMER CONFIRMS
2 RECEIPT OF THE UTILITY REPRESENTATIVE'S TEXT OR E-MAIL.

3 (c) "UTILITY ASSISTANCE INFORMATION" MEANS INFORMATION
4 THAT A UTILITY REPRESENTATIVE PROVIDES A CUSTOMER INFORMING THE
5 CUSTOMER THAT THE CUSTOMER MAY CONTACT 1-866-HEAT-HELP TO
6 DETERMINE IF THE CUSTOMER QUALIFIES FOR UTILITY BILL PAYMENT
7 ASSISTANCE.

8 **SECTION 3.** In Colorado Revised Statutes, 40-3-106, **amend**
9 (1)(d) as follows:

10 **40-3-106. Advantages prohibited - graduated schedules -**
11 **consideration of household income and other factors - definitions.**

12 (1) (d) (I) Notwithstanding any provision of articles 1 to 7 of this ~~title~~
13 TITLE 40 to the contrary, the commission may approve any rate, charge,
14 service, classification, or facility of a gas or electric utility that makes or
15 grants a reasonable preference or advantage to ~~low-income~~
16 INCOME-QUALIFIED UTILITY customers, EVEN IF THE REASONABLE
17 PREFERENCE OR ADVANTAGE APPLIES ON A YEAR-ROUND BASIS, and the
18 implementation of such commission-approved rate, charge, service,
19 classification, or facility by a public utility shall not be deemed to subject
20 any ~~person~~ INDIVIDUAL or corporation to any prejudice, disadvantage, or
21 undue discrimination.

22 (II) As used in this subsection (1)(d), a ~~"low-income~~ AN
23 "INCOME-QUALIFIED utility customer" means a utility customer who THE
24 DEPARTMENT OF HUMAN SERVICES, CREATED IN SECTION 26-1-105; THE
25 ORGANIZATION DEFINED IN SECTION 40-8.7-103 (4); OR THE COLORADO
26 ENERGY OFFICE, CREATED IN SECTION 24-38.5-101, HAS DETERMINED:

27 (A) Has a household income at or below ~~one hundred eighty-five~~

1 TWO HUNDRED percent of the current federal poverty line; ~~or~~

2 (B) HAS A HOUSEHOLD INCOME AT OR BELOW EIGHTY PERCENT OF
3 THE AREA MEDIAN INCOME, AS PUBLISHED ANNUALLY BY THE UNITED
4 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; OR

5 ~~(B)~~ (C) Otherwise meets the income eligibility criteria set forth in
6 rules of the department of human services adopted pursuant to section
7 40-8.5-105.

8 (III) When considering whether to approve a rate that makes or
9 grants a reasonable preference or advantage to ~~low-income~~
10 INCOME-QUALIFIED utility customers, the commission shall take into
11 account the potential impact on, and cost-shifting to, utility customers
12 other than ~~low-income~~ INCOME-QUALIFIED utility customers.

13 (IV) A COMMISSION-APPROVED GAS OR ELECTRIC UTILITY RATE,
14 CHARGE, SERVICE, CLASSIFICATION, OR FACILITY THAT MAKES OR GRANTS
15 A REASONABLE PREFERENCE OR ADVANTAGE TO INCOME-QUALIFIED
16 UTILITY CUSTOMERS MAY APPLY TO INCOME-QUALIFIED UTILITY
17 CUSTOMERS ON A YEAR-ROUND BASIS.

18 **SECTION 4. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.