

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 22-0553.01 Jennifer Berman x3286

HOUSE BILL 22-1018

HOUSE SPONSORSHIP

Kennedy,

SENATE SPONSORSHIP

Winter,

House Committees

Energy & Environment
Finance
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.

HOUSE
Amended 2nd Reading
March 4, 2022

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** (1.5) and (3) as follows:

1 **40-3-103.6. Disconnection due to nonpayment - connection and**
2 **reconnection fees - deposits - standard practices - rules - definitions.**

3 (1) ~~On or before September 1, 2020,~~ The commission shall commence
4 a rule-making proceeding to adopt standard practices for gas and electric
5 utilities to use when disconnecting service due to nonpayment. ~~At a~~
6 ~~minimum,~~ The rules must address the following subjects:

7 (b) (I) ~~Limiting~~ PROHIBITING shut-off times: ~~to reasonable hours~~
8 ~~of the day Monday through Friday, excluding~~

9 (A) ON FRIDAYS, SATURDAYS, SUNDAYS, OR STATE OR FEDERAL
10 holidays; ~~so that customers can attempt to reconnect on the same day;~~ OR

11 (B) TO THE GREATEST EXTENT PRACTICABLE, AFTER 11:59 A.M. ON
12 A MONDAY THROUGH THURSDAY THAT IS NOT A HOLIDAY; OR

13 (C) DURING AN EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE;
14 AND

15 (II) IF, BY MAKING A PAYMENT OR PAYMENT ARRANGEMENT IN
16 ACCORDANCE WITH THE UTILITY'S POLICIES, A CUSTOMER MAKES A
17 REQUEST FOR RECONNECTION OF SERVICE ON A MONDAY THROUGH
18 FRIDAY THAT IS NOT A HOLIDAY, REQUIRING THE UTILITY TO RECONNECT
19 THE CUSTOMER'S SERVICE ON THE SAME DAY AS THE CUSTOMER REQUESTS
20 RECONNECTION OF SERVICE IF ONE OF THE CIRCUMSTANCES SET FORTH
21 IN SUBSECTION (1.5) OF THIS SECTION IS MET.

22 (1.5) A UTILITY SHALL RECONNECT A CUSTOMER'S SERVICE ON THE
23 SAME DAY AS THE CUSTOMER REQUESTS RECONNECTION PURSUANT TO
24 SUBSECTION (1)(b)(II) OF THIS SECTION IF:

25 (a) THE CUSTOMER IS AN ELECTRIC UTILITY CUSTOMER WITH
26 ADVANCED METERING INFRASTRUCTURE AND HAS REQUESTED
27 RECONNECTION OF SERVICE AT LEAST ONE HOUR BEFORE THE CLOSE OF

1 BUSINESS FOR THE ELECTRIC UTILITY'S CUSTOMER SERVICE DIVISION;
2 EXCEPT THAT THE ELECTRIC UTILITY MAY RECONNECT SERVICE ON THE
3 DAY FOLLOWING A DISCONNECTION OF SERVICE IF THERE ARE INTERNET
4 CONNECTIVITY, TECHNICAL, OR MECHANICAL PROBLEMS OR EMERGENCY
5 CONDITIONS THAT REASONABLY PREVENT THE UTILITY FROM REMOTELY
6 RECONNECTING THE CUSTOMER'S SERVICE; OR

7 (b) THE CUSTOMER IS EITHER AN ELECTRIC UTILITY CUSTOMER
8 WITHOUT ADVANCED METERING INFRASTRUCTURE OR A GAS UTILITY
9 CUSTOMER AND HAS REQUESTED RECONNECTION OF SERVICE ON OR
10 BEFORE 12:59 P.M.; EXCEPT THAT, AN ELECTRIC UTILITY OR GAS UTILITY
11 MAY RECONNECT THE CUSTOMER'S SERVICE ON THE DAY FOLLOWING A
12 DISCONNECTION IF:

13 (I) PRIOR TO DISCONNECTION OF THE CUSTOMER'S SERVICE, THE
14 UTILITY HAS MADE A QUALIFYING COMMUNICATION WITH THE CUSTOMER;
15 OR

16 (II) AN EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE ARISES
17 AFTER DISCONNECTION OF SERVICE THAT RENDERS THE UTILITY'S STAFF
18 TEMPORARILY UNAVAILABLE TO SAFELY RECONNECT SERVICE. IF
19 NEXT-DAY RECONNECTION OF SERVICE IS NOT POSSIBLE DUE TO THE
20 CONTINUATION OF THE EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE,
21 THE UTILITY SHALL RECONNECT THE CUSTOMER'S SERVICE AS SOON AS
22 POSSIBLE.

23 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) "ADVANCED METERING INFRASTRUCTURE" MEANS AN
26 INTEGRATED SYSTEM OF SMART ELECTRIC UTILITY METERS AND
27 COMMUNICATION NETWORKS THAT ENABLES TWO-WAY COMMUNICATION

1 BETWEEN AN ELECTRIC UTILITY'S DATA SYSTEMS AND THE METER'S
2 INTERNET PROTOCOL ADDRESS AND ALLOWS THE ELECTRIC UTILITY TO
3 MEASURE ELECTRICITY USAGE OR CONNECT OR DISCONNECT SERVICE
4 REMOTELY.

5 (b) (I) "EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE" MEANS
6 A MANMADE OR NATURAL EMERGENCY EVENT OR SAFETY CIRCUMSTANCE:

7 (A) THAT PREVENTS UTILITY STAFF FROM BEING ABLE TO SAFELY
8 TRAVEL TO OR WORK AT A CUSTOMER'S RESIDENCE OR PLACE OF BUSINESS
9 FOR PURPOSES OF RECONNECTING UTILITY SERVICE; OR

10 (B) FOR WHICH A UTILITY HAS DISPATCHED UTILITY STAFF
11 MEMBERS TO HELP RESPOND TO THE EMERGENCY OR SAFETY EVENT OR
12 CIRCUMSTANCE AND, DUE TO THE TIMING OR NUMBER OF UTILITY STAFF
13 DISPATCHED, THE UTILITY LACKS SUFFICIENT TRAINED STAFF TO
14 RECONNECT UTILITY SERVICE AT A CUSTOMER'S RESIDENCE OR PLACE OF
15 BUSINESS.

16 (II) "EMERGENCY OR SAFETY EVENT OR CIRCUMSTANCE" INCLUDES
17 A SEVERE WEATHER EVENT THAT ONE OR MORE REPUTABLE WEATHER
18 FORECASTING SOURCES FORECASTS TO OCCUR IN THE FOLLOWING
19 TWENTY-FOUR HOURS AND THAT IS MORE LIKELY THAN NOT TO RESULT IN
20 DANGEROUS TRAVEL OR ON-SITE OUTDOOR OR INDOOR WORK CONDITIONS
21 FOR INDIVIDUALS IN THE PATH OF THE WEATHER EVENT.

22 (c) "QUALIFYING COMMUNICATION" MEANS ONE OF THE
23 FOLLOWING METHODS OF COMMUNICATING WITH A UTILITY CUSTOMER
24 ABOUT A POSSIBLE UPCOMING DISCONNECTION OF SERVICE:

25 (I) A PHYSICAL VISIT TO THE CUSTOMER'S PREMISES DURING WHICH
26 A UTILITY REPRESENTATIVE SPEAKS WITH THE CUSTOMER AND PROVIDES
27 THE CUSTOMER UTILITY ASSISTANCE INFORMATION OR, IF THE CUSTOMER

1 IS NOT AVAILABLE TO SPEAK, LEAVES UTILITY ASSISTANCE INFORMATION
2 FOR THE CUSTOMER'S REVIEW; OR

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

5 (A) THE UTILITY REPRESENTATIVE PROVIDES THE CUSTOMER WITH
6 UTILITY ASSISTANCE INFORMATION; AND

7 (B) THE UTILITY REPRESENTATIVE EITHER SPEAKS DIRECTLY WITH
8 THE CUSTOMER OVER THE TELEPHONE OR THE CUSTOMER RECEIVES THE
9 UTILITY REPRESENTATIVE'S TEXT OR E-MAIL.

10 (d) "UTILITY ASSISTANCE INFORMATION" MEANS INFORMATION
11 THAT A UTILITY REPRESENTATIVE PROVIDES A CUSTOMER INFORMING THE
12 CUSTOMER THAT THE CUSTOMER MAY CONTACT 1-866-HEAT-HELP TO
13 DETERMINE IF THE CUSTOMER QUALIFIES FOR UTILITY BILL PAYMENT
14 ASSISTANCE.

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

17 **40-3-106. Advantages prohibited - graduated schedules -**
18 **consideration of household income and other factors - definitions.**

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

1 undue discrimination.

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

7 (A) Has a household income at or below ~~one hundred eighty-five~~
8 TWO HUNDRED percent of the current federal poverty line; ~~or~~

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

12 ~~(B)~~ (C) Otherwise meets the income eligibility criteria set forth in
13 rules of the department of human services adopted pursuant to section
14 40-8.5-105.

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

20 (IV) A COMMISSION-APPROVED GAS OR ELECTRIC UTILITY RATE,
21 CHARGE, SERVICE, CLASSIFICATION, OR FACILITY THAT MAKES OR GRANTS
22 A REASONABLE PREFERENCE OR ADVANTAGE TO INCOME-QUALIFIED
23 UTILITY CUSTOMERS MAY APPLY TO INCOME-QUALIFIED UTILITY
24 CUSTOMERS ON A YEAR-ROUND BASIS.

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