

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0661.01 Jennifer Berman x3286

SENATE BILL 22-090

SENATE SPONSORSHIP

Story,

HOUSE SPONSORSHIP

Hooton,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT ENERGY UTILITIES NOTIFY THEIR
102 CUSTOMERS OF CERTAIN SEVERE WEATHER EVENTS.

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>.)

The bill requires an electric or gas utility to determine if a forecasted severe weather event (event) warrants notification to its customers located in the path of the event. If the utility determines notification is warranted, the utility shall send notification to its customers to inform customers of the event, provide specific suggestions for how to conserve energy, alert customers to the potential electricity or

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.

fuel price increase resulting from the event, and provide customer service contact information for the utility. A utility shall send notification to customers by 2 or more types of immediate communication, including text messages or alerts, e-mails, or telephone calls. Additionally, the utility may issue a public service announcement on one or more television or radio stations.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 40-3-119 as
3 follows:

4 **40-3-119. Customer notification of severe weather events -**
5 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "DIRECTORS" MEANS THE DIRECTOR OF THE OFFICE OF THE
8 UTILITY CONSUMER ADVOCATE APPOINTED PURSUANT TO SECTION
9 40-6.5-102 (1) AND THE DIRECTOR OF THE PUBLIC UTILITIES COMMISSION
10 APPOINTED PURSUANT TO SECTION 40-2-103.

11 (b) "NOTIFICATION" MEANS A COMMUNICATION THAT A UTILITY
12 SENDS TO SOME OR ALL OF ITS CUSTOMERS TO ALERT CUSTOMERS THAT A
13 SEVERE WEATHER EVENT IS FORECASTED IN ONE OR MORE COUNTIES IN
14 THE UTILITY'S SERVICE TERRITORY, WHICH COMMUNICATION MAY BE SENT
15 BY ANY TWO OR MORE OF THE FOLLOWING METHODS:

- 16 (I) TEXT MESSAGE;
17 (II) TEXT ALERT;
18 (III) E-MAIL;
19 (IV) INSTANT MESSAGE;
20 (V) TELEPHONE CALL; OR
21 (VI) VOICE MAIL MESSAGE.

1 (c) "SEVERE WEATHER EVENT" IS A WEATHER EVENT FORECASTED
2 BY ONE OR MORE REPUTABLE WEATHER FORECASTING SOURCES THAT IS
3 MORE LIKELY THAN NOT TO RESULT IN AN INCREASED PRICE PER UNIT FOR
4 THE COMMODITY OR FUEL SOURCE THAT THE UTILITY PROVIDES ITS
5 CUSTOMERS IN AN AMOUNT OF FIFTEEN PERCENT OR MORE PER UNIT PRICE.

6 (d) "UTILITY" MEANS AN ELECTRIC OR GAS UTILITY IN THE STATE.

7 (2) (a) (I) ON AND AFTER JULY 1, 2022, IF A UTILITY DETERMINES
8 THAT A SEVERE WEATHER EVENT IS FORECASTED FOR ONE OR MORE
9 COUNTIES OF THE STATE THAT THE UTILITY SERVES, OR A COUNTY IN
10 ANOTHER STATE THAT BORDERS A COUNTY THAT THE UTILITY SERVES IN
11 THE STATE, THE UTILITY SHALL PROVIDE NOTIFICATION OF THE SEVERE
12 WEATHER EVENT WITHIN TWENTY-FOUR HOURS AFTER MAKING ITS
13 DETERMINATION. THE UTILITY MAY EITHER LIMIT NOTIFICATION TO ITS
14 CUSTOMERS IN THE COUNTY OR COUNTIES FORECASTED TO BE AFFECTED
15 BY THE SEVERE WEATHER EVENT OR PROVIDE NOTIFICATION TO ALL OF ITS
16 CUSTOMERS. IF THE UTILITY CHOOSES TO PROVIDE NOTIFICATION TO ALL
17 OF ITS CUSTOMERS, THE UTILITY MUST SPECIFY WHICH COUNTY OR
18 COUNTIES ARE FORECASTED TO BE AFFECTED BY THE SEVERE WEATHER
19 EVENT.

20 (II) IN ADDITION TO SENDING NOTIFICATION PURSUANT TO
21 SUBSECTION (2)(a)(I) OF THIS SECTION, A UTILITY MAY PROVIDE FURTHER
22 NOTICE TO ITS CUSTOMERS OF A SEVERE WEATHER EVENT BY ISSUING A
23 TELEVISION OR RADIO PUBLIC SERVICE ANNOUNCEMENT MADE ON ONE OR
24 MORE STATIONS THAT BROADCAST IN THE COUNTY OR COUNTIES FOR
25 WHICH THE SEVERE WEATHER EVENT IS FORECASTED.

26 (b) IN MAKING NOTIFICATIONS PURSUANT TO SUBSECTION (2)(a)
27 OF THIS SECTION, A UTILITY SHALL MAINTAIN ITS CUSTOMERS' PERSONAL

1 CONTACT INFORMATION IN A SECURE MANNER AND SHALL NOT SELL TO
2 ANY THIRD PARTY A CUSTOMER'S PERSONAL CONTACT INFORMATION
3 OBTAINED FOR PURPOSES OF THIS SECTION.

4 (3) NOTIFICATIONS THAT A UTILITY SENDS TO CUSTOMERS
5 PURSUANT TO THIS SECTION MUST INFORM CUSTOMERS OF THE
6 FOLLOWING:

7 (a) DETAILS ABOUT THE SEVERE WEATHER EVENT FORECASTED,
8 INCLUDING INFORMATION REGARDING THE TIME, DAY, AND GEOGRAPHIC
9 AREAS FOR WHICH THE SEVERE WEATHER EVENT IS FORECASTED;

10 (b) SPECIFIC SUGGESTIONS FOR HOW CUSTOMERS CAN CONSERVE
11 ENERGY LEADING UP TO, DURING, AND IMMEDIATELY AFTER THE SEVERE
12 WEATHER EVENT, INCLUDING SUGGESTIONS REGARDING THERMOSTAT
13 SETTINGS, USE OF ENERGY-INTENSIVE APPLIANCES, AND HOME
14 WEATHERIZATION;

15 (c) INFORMATION REGARDING THE ANTICIPATED PER-UNIT PRICE
16 INCREASE FOR THE COMMODITY OR FUEL SOURCE THAT THE UTILITY
17 PROVIDES ITS CUSTOMERS, INCLUDING INFORMATION ON HOW THE
18 ANTICIPATED PER-UNIT PRICE INCREASE WOULD AFFECT CUSTOMERS IN
19 THE FUTURE; AND

20 (d) THE UTILITY'S CUSTOMER SERVICE CONTACT INFORMATION.

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