

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 12-0903.01 Jennifer Berman x3286

**SENATE BILL 12-183**

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**SENATE SPONSORSHIP**

**Boyd,**

**HOUSE SPONSORSHIP**

**Tyler,**

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**Senate Committees**

Health and Human Services  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING RESTRICTIONS ON A UTILITY'S ABILITY TO DISCONNECT**  
102 **CERTAIN RESIDENTIAL CUSTOMERS' UTILITY SERVICE, AND, IN**  
103 **CONNECTION THEREWITH, DIRECTING THE COMMISSION ON**  
104 **LOW-INCOME ENERGY ASSISTANCE TO REVIEW AND REPORT ON**  
105 **THE EFFECTIVENESS OF EXISTING MEASURES CONCERNING**  
106 **DISCONTINUANCE OF SERVICE AND LOW-INCOME RATE RELIEF.**

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**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://www.leg.state.co.us/billsummaries>.)*

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

SENATE  
Amended 3rd Reading  
May 8, 2012

SENATE  
Amended 2nd Reading  
May 7, 2012

Currently, utilities providing gas and electric services to residential customers are prohibited from terminating service during certain periods if the termination would be especially dangerous to the health or safety of the customer.

The bill adds additional circumstances under which utilities providing gas or electric heating services for residential customers may not disconnect a residential customer's service between the months of November and March if the customer demonstrates that he or she is a member of a low-income household or that he or she, or a member of his or her household, is in the military and has been deployed on active duty. In addition to demonstrating his or her income eligibility, a residential customer who is a member of a low-income household must apply for a payment plan with the utility and demonstrate his or her eligibility, and application, for low-income energy assistance to be exempt from disconnection between the months of November and March.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-108, **add** (3) as  
3 follows:

4 **40-2-108. Rules - repeal.** (3) (a) THE COMMISSION SHALL  
5 REQUIRE NATURAL GAS AND ELECTRIC UTILITIES SUBJECT TO ITS  
6 JURISDICTION TO PROVIDE THE COMMISSION ON LOW-INCOME ENERGY  
7 ASSISTANCE, CREATED IN SECTION 40-8.5-103.5, DATA CONCERNING  
8 NOTIFICATION AND DISCONTINUANCE OF UTILITY SERVICE TO RESIDENTIAL  
9 CUSTOMERS AND TERMS AND COLLECTION METHODS FOR PAYMENT PLANS  
10 ENTERED INTO WITH RESIDENTIAL CUSTOMERS TO ASSIST WITH THE  
11 ASSESSMENT AND REVIEW REQUIRED BY SECTION 40-8.5-103.5 (5).

12 (b) FOR PURPOSES OF THIS SUBSECTION (3), "UTILITY" DOES NOT  
13 INCLUDE COOPERATIVE ELECTRIC ASSOCIATIONS AND MUNICIPALLY  
14 OWNED UTILITIES.

15 (c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2014.

16 **SECTION 2.** In Colorado Revised Statutes, 40-8.5-103.5, **add** (5)  
17 as follows:

1           **40-8.5-103.5. Commission created - duties - repeal. (5) (a)** ON  
2           OR BEFORE DECEMBER 15, 2013, THE COMMISSION SHALL MAKE  
3           RECOMMENDATIONS TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF  
4           REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE HOUSE  
5           COMMITTEE ON HEALTH AND ENVIRONMENT AND THE SENATE COMMITTEE  
6           ON HEALTH AND HUMAN SERVICES, OR THEIR SUCCESSOR COMMITTEES,  
7           CONCERNING ANY NECESSARY LEGISLATIVE CHANGES TO EXISTING  
8           MEASURES INTENDED TO PREVENT THE DISCONTINUANCE OF RESIDENTIAL  
9           ELECTRIC AND NATURAL GAS SERVICE DURING PERIODS OF EXTREME  
10          WEATHER. THE COMMISSION SHALL CONSIDER CURRENT PRACTICES,  
11          POLICIES, AND RULES THAT ADDRESS THE DISCONTINUANCE OF SERVICE TO  
12          LOW-INCOME HOUSEHOLDS, INCLUDING VENDOR AGREEMENT  
13          REQUIREMENTS OF THE LOW-INCOME ENERGY ASSISTANCE PROGRAM,  
14          CREATED IN SECTION 40-8.7-104, RULES OF THE COLORADO PUBLIC  
15          UTILITIES COMMISSION CONCERNING DISCONTINUANCE OF NATURAL GAS  
16          AND ELECTRIC UTILITY SERVICE AND LOW-INCOME RATE RELIEF, AND  
17          CURRENT UTILITY PRACTICES.

18           (b) THE COMMISSION SHALL ALSO REVIEW AND, PURSUANT TO  
19          PARAGRAPH (a) OF THIS SUBSECTION (5), MAKE ANY NECESSARY  
20          LEGISLATIVE RECOMMENDATIONS WITH RESPECT TO:

21           (I) THE FINANCIAL IMPACTS THAT RISING ENERGY COSTS HAVE ON  
22          RESIDENTIAL UTILITY CUSTOMERS; AND

23           (II) UTILITY PAYMENT PLANS, INCLUDING THE TERMS OF EXISTING  
24          PAYMENT PLANS, THE MEANS BY WHICH A UTILITY MAY ENFORCE THE  
25          TERMS OF A PAYMENT PLAN, AND THE LIKELIHOOD THAT A CUSTOMER  
26          WILL FULLY COMPLY WITH A PAYMENT PLAN.

27           (c) THE COMMISSION SHALL REVIEW DATA PROVIDED BY UTILITIES

1 PURSUANT TO SECTION 40-2-108 (3) TO ASSESS THE IMPACT THAT  
2 EXISTING UTILITY RULES, AGREEMENTS, AND POLICIES HAVE ON  
3 LOW-INCOME RESIDENTIAL CUSTOMERS.

4 (d) THE COMMISSION MAY ACCEPT AND EXPEND PUBLIC AND  
5 PRIVATE FUNDING TO ASSIST IN THE CONDUCT OF THE ASSESSMENT AND  
6 REVIEW REQUIRED BY PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (5),  
7 INCLUDING ASSISTANCE FROM THE EXISTING RESOURCES OF THE  
8 DEPARTMENT OF HUMAN SERVICES, CREATED IN SECTION 24-1-120, C.R.S.,  
9 THE EXISTING RESOURCES OF THE COLORADO PUBLIC UTILITIES  
10 COMMISSION, AND THE RESOURCES OF ENERGY OUTREACH COLORADO, A  
11 COLORADO NONPROFIT CORPORATION, AS DESCRIBED IN SECTION  
12 40-8.7-112 (2) (a). THE COMMISSION SHALL DEPOSIT ALL FUNDING IT  
13 RECEIVES PURSUANT TO THIS PARAGRAPH (d) INTO THE HUMAN SERVICES  
14 LOW-INCOME ENERGY ASSISTANCE FUND CREATED IN SECTION 40-8.7-112  
15 (1) (a).

16 (e) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2014.

17 **SECTION 3. In Colorado Revised Statutes, 40-8.7-112, add (1)**  
18 **(f) as follows:**

19 **40-8.7-112. Department of human services low-income energy**  
20 **assistance fund - creation - energy outreach Colorado low-income**  
21 **energy assistance fund - creation - governor's energy office**  
22 **low-income energy assistance fund - creation - definitions.**

23 **(1) (f) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS**  
24 **SUBSECTION (1) TO THE CONTRARY, THE DEPARTMENT OF HUMAN**  
25 **SERVICES MAY ACCEPT AND EXPEND PUBLIC AND PRIVATE GIFTS, GRANTS,**  
26 **AND DONATIONS FOR DEPOSIT INTO THE FUND FOR PURPOSES OF THE**  
27 **ASSESSMENT AND REVIEW REQUIRED BY SECTION 40-8.5-103.5 (5).**

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