

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 15-0954.01 Jennifer Berman x3286

SENATE BILL 15-261

SENATE SPONSORSHIP

Sonnenberg, Baumgardner, Hodge, Scott

HOUSE SPONSORSHIP

Young,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING A MODIFICATION TO THE STATUTE THAT SPECIFIES THE**
102 **FORMS OF PUBLIC NOTICE THAT A PUBLIC UTILITY MAY PROVIDE**
103 **REGARDING A CHANGE IN THE PUBLIC UTILITY'S SCHEDULE OF**
104 **CHARGES TO ALLOW A REQUEST FOR AN ALTERNATIVE FORM OF**
105 **NOTICE WITHIN THE SAME FORMAL APPLICATION THAT THE**
106 **PUBLIC UTILITY FILES WITH THE PUBLIC UTILITIES COMMISSION**
107 **WHEN APPLYING FOR A CHANGE IN THE PUBLIC UTILITY'S**
108 **SCHEDULE OF CHARGES.**

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

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
2nd Reading Unamended
April 23, 2015

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

Public utilities other than rail carriers must provide notice to the public utilities commission (commission) and the public of any change in a rate, fare, toll, rental, charge, classification, service, privilege, or facility by filing with the commission a new schedule stating the changes to be made and the time when the changes will go into effect. Additionally, a public utility that is required to provide such notice, other than a transportation or water utility, must provide an additional form of notice to the public concerning the change.

Currently, if the public utility wishes to provide additional public notice by a method other than newspaper publication, a bill insert for affected customers, or a separate mailing to affected customers, the public utility must apply to the commission for approval of such other manner of additional notice. An application for approval invokes a new proceeding before the commission. The bill, in changing the word "application" to "request", would not invoke a new commission proceeding to effectuate a public utility's request for an alternative method of providing additional public notice. It would permit the public utility to file a motion seeking an alternative method of providing additional public notice within the existing proceeding.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-3-104, **amend** (1)

3 (c) (I) introductory portion and (1) (c) (I) (D) as follows:

4 **40-3-104. Changes in rates - notice.** (1) (c) (I) ~~Such~~ A PUBLIC
5 UTILITY SHALL PROVIDE THE notice ~~shall be given~~ REQUIRED UNDER
6 PARAGRAPH (a) OF THIS SUBSECTION (1) by filing with the commission
7 and keeping open for public inspection new schedules stating plainly the
8 changes to be made in the schedules then in force and the time when the
9 changes will go into effect. THE COMMISSION MAY REQUIRE transportation
10 and water utilities ~~may be required~~ to give additional notice in a manner
11 ~~and form set forth by commission order or commission rules~~ SET FORTH
12 BY ORDER OR RULE. For public utilities other than transportation and water
13 utilities, THE COMMISSION SHALL REQUIRE additional notice ~~shall be~~

1 ~~required~~ prior to an increase or other change in any rate, fare, toll, rental,
2 charge, classification, or service, ~~and~~ WHICH ADDITIONAL NOTICE may be
3 made, at the option of the public utility, by any of the following methods:

4 (D) ~~Upon application by~~ AT THE REQUEST OF the public utility,
5 such other manner as the commission may prescribe.

6 **SECTION 2. Act subject to petition - effective date -**
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
8 the expiration of the ninety-day period after final adjournment of the
9 general assembly (August 5, 2015, if adjournment sine die is on May 6,
10 2015); except that, if a referendum petition is filed pursuant to section 1
11 (3) of article V of the state constitution against this act or an item, section,
12 or part of this act within such period, then the act, item, section, or part
13 will not take effect unless approved by the people at the general election
14 to be held in November 2016 and, in such case, will take effect on the
15 date of the official declaration of the vote thereon by the governor.

16 (2) This act applies to a public utility's notice of schedule changes
17 made on or after the applicable effective date of this act.