

RESOLUTION NO. 9-16

A RESOLUTION REGARDING CERTAIN CHANGES TO
COLORADO SPRINGS UTILITIES' UTILITIES RULES AND
REGULATIONS

WHEREAS, Colorado Springs Utilities (Utilities) evaluated the current standards relating to the inactive and abandoned status and the associated reconnection charges associated with unused Water and Wastewater service lines; and

WHEREAS, Utilities determined that the inactive/abandoned process has failed to meet the intended goal of cost recovery and that in actual practice the inactive/abandoned process has caused customer dissatisfaction and significant administrative costs while failing to recover significant costs; and

WHEREAS, Utilities proposes to eliminate inactive and abandoned status and reconnection charges for previously classified inactive and abandoned services lines for Water and Wastewater services; and

WHEREAS, this change is proposed in tandem with changes made to Colorado Springs City Code; and

WHEREAS, any Premises that were previously inactive/abandoned or that ceases to receive Water or Wastewater service in the future would be subject to applicable service fees and charges and rules and regulations upon a request to reconnect service; and

WHEREAS, City Code section 12.1.107(D)(2)(f) provides that the City Council may change any tariff provision which City Council, in its discretion, deems to be appropriate without public notice and a public hearing; provided that the change has no adverse impact on customers; and

WHEREAS, the City Council finds that the proposed modifications to the Utilities Rules and Regulations will not adversely impact any customers; and

WHEREAS, the proposed modifications to the Utilities Rules and Regulations are just, reasonable, sufficient, and not unduly discriminatory and allow Colorado Springs Utilities to collect revenues that enable Utilities to continue to operate in the best interest of all of its customers; and

WHEREAS, Utilities has proposed to make the Utilities Rules and Regulations changes effective February 10, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

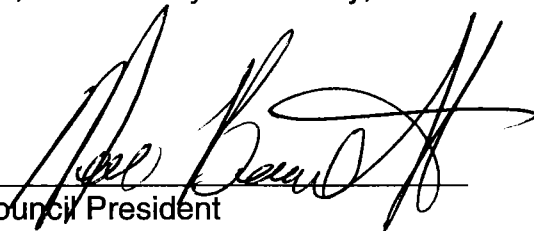
Section 1: That the Utilities Rules and Regulations sheets should be revised as follows:

Effective February 10, 2016

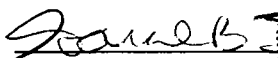
City Council Vol. No. 5		
Sheet No.	Title	Cancels Sheet No.
Third Revised Sheet No. 21	URR - General	Second Revised Sheet No. 21
Fourth Revised Sheet No. 36	URR - General	Third Revised Sheet No. 36
Fifth Revised Sheet No. 69	URR - Wastewater	Fourth Revised Sheet No. 69
Seventh Revised Sheet No. 69.1	URR - Wastewater	Sixth Revised Sheet No. 69.1
Fourth Revised Sheet No. 83.1	URR - Water	Third Revised Sheet No. 83.1
Fourth Revised Sheet No. 83.2	URR - Water	Third Revised Sheet No. 83.2
Seventh Revised Sheet No. 84	URR - Water	Sixth Revised Sheet No. 84

Section 2: The attached Sheets are hereby approved and adopted.

Dated at Colorado Springs, Colorado, this 26th day of January, 2016.


 Council President

ATTEST:


 Sarah B. Johnson, City Clerk



UTILITIES RULES AND REGULATIONS

GENERAL

12. SERVICE INTERRUPTIONS OR CURTAILMENTS

Utilities' goal is to provide reliable service; however, continuous uninterrupted service is not guaranteed. Utility services may be interrupted without notice for emergency repairs, events, occurrences, accidents, strikes, force majeure or other circumstances beyond the Utilities' control. Curtailments of service due to supply or system capacity constraints may also occur without prior notice. Utilities generally intends to provide prior notice to affected Customers and users if utility services will be interrupted for scheduled repairs or extensions to the utility supply systems; however, interruptions caused by these activities may occur without prior notice.

13. DISCONTINUANCE OF SERVICE

A. Discontinuance of service can occur for the following reasons.

1. Failure to pay when due

- a. Utilities will determine the amount due and payable from each Customer and will produce a billing statement to the Customer through the mail unless another method of delivery has been agreed upon. All charges not paid by the due date will be considered delinquent with the exception of any specific charges currently being disputed through the Dispute Resolution Procedure contained in this tariff.
- b. When charges for electric, gas, water, or wastewater services are not paid when due, any one (1) or all services furnished under the delinquent account may be discontinued upon Utilities giving notice of discontinuance of service.
- c. When charges for non-utility services provided and billed to the Customer are not paid when due, any one (1) or all utility or non-utility services furnished to the Customer on any other active utility or non-utility accounts may be discontinued.
- d. If charges are not paid when due, Utilities may seek to recover such charges in an action at law against the delinquent Customer.
- e. In cases where one or more services have been temporarily discontinued for non-payment and the account remains active, the customer shall continue to be charged the Per Day Access and Facilities or Service Charges for all services, during the entire period until restoration occurs. In those cases where restoration does not occur, and all utility service for the Premises is terminated, the Customer will not be charged the Per Day Access and Facilities Charges for those service points as of the date the individual meter was disconnected.

Approval Date: January 26, 2016
Effective Date: February 10, 2016
Resolution No. _____

UTILITIES RULES AND REGULATIONS

GENERAL

12. SERVICE INTERRUPTIONS OR CURTAILMENTS

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- d. If charges are not paid when due, Utilities may seek to recover such charges in an action at law against the delinquent Customer.
- e. In cases where one or more services have been temporarily discontinued for non-payment and the account remains active, the customer shall continue to be charged the Per Day Access and Facilities or Service Charges for all services, during the entire period until restoration occurs. In those cases where restoration does not occur, and ~~the account becomes inactive~~all utility service for the Premises is terminated, the Customer will not be charged the Per Day Access and Facilities Charges for those service points as of the date the individual meter was disconnected.

Approval Date: ~~December 13, 2011~~ January 26, 2016

Effective Date: ~~January 1, 2012~~ February 10, 2016

Resolution No. ~~231-11~~

UTILITIES RULES AND REGULATIONS

GENERAL

16. USE, ACCOUNT ACCESS, DISCLOSURE, AND RELEASE OF INFORMATION

A. Use of Account Information

1. As a condition of service, Utilities collects certain Personally Identifiable Information from Customers and others. Utilities is entitled to use all information collected by it and otherwise created and compiled by it for Utilities' legitimate business purposes. Utilities may also use and/or disclose information necessary to calculating any Development Charges, or any other fees necessary to establish service under Utilities' Tariff.
2. As it deems reasonable and necessary, Utilities may also provide to permit issuers or contracted vendors any such information, or allow its contracted vendors performing Utilities' legitimate business purposes to use any such information, in accordance with Utilities' documented procurement and compliance policies as they are amended from time to time, including terms and conditions that prohibit release of such information by the recipient.

B. Account Access

1. Utilities is committed to protecting the confidentiality of its Customer account information. Therefore, Customer account information will not be accessed or disclosed except as indicated herein or as otherwise provided in any applicable law or court order.
2. A customer may provide, change or obtain his/her own Customer account information upon review and proof of identification, and may release information or authorize others to have Account Access.
3. A Person may have Account Access to a Customer's information, excluding PII, if that Person is specifically authorized on the Customer's account.
4. A "person in interest" as defined by applicable law may obtain certain items of information, excluding Personally Identifiable Information, within a Customer's account, in accordance with Utilities' documented customer information policies and programs.

Approval Date: January 26, 2016
Effective Date: February 10, 2016
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UTILITIES RULES AND REGULATIONS

GENERAL

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2. As it deems reasonable and necessary, Utilities may also provide to permit issuers or contracted vendors any such information, or allow its contracted vendors performing Utilities' legitimate business purposes to use any such information, in accordance with Utilities' documented procurement and compliance policies as they are amended from time to time, including terms and conditions that prohibit release of such information by the recipient.

B. Account Access

1. Utilities is committed to protecting the confidentiality of its Customer account information. Therefore, Customer account information will not be accessed or disclosed except as indicated herein or as otherwise provided in any applicable law or court order.
2. A customer may provide, change or obtain his/her own Customer account information upon review and proof of identification, and may release information or authorize others to have Account Access.
3. A Person may have Account Access to a Customer's information, excluding PII, if that Person is specifically authorized on the Customer's account.
4. A "person in interest" as defined by applicable law may obtain certain items of information, excluding Personally Identifiable Information, within a Customer's account, in accordance with Utilities' documented customer information policies and programs.

Approval Date: ~~November 27, 2012~~ January 26, 2016
Effective Date: January 1, 2013 February 10, 2016
Resolution No. 162-12

UTILITIES RULES AND REGULATIONS

WASTEWATER

34. WASTEWATER DEVELOPMENT CHARGE - cont'd

G. Credit for Prior WWDC Payment

Credit for the WWDC paid for a prior development may be given for reuse of existing connections, or for new connections to a land parcel where the WWDC charge was paid. Credit for Multi-Family Residential dwelling units and nonresidential service must be determined by inspection by Utilities before any remodeling, moving or demolition of the structure occurs. No refund for excess credit will be given.

Credit for the WWDC may only be transferred between Premises if all of the conditions listed below are met to Utilities' satisfaction. Any sale of credit for the WWDC is expressly prohibited. Credit for a WWDC can only be transferred one time. Any paid recovery agreement charges shall remain with the donor Premises and are not eligible to be transferred. No refund of excess credits, if any, will be given.

Conditions:

1. There must be common ownership of the donor Premises and recipient Premises; the party requesting the transfer of credit for the WWDC must provide Utilities with proof of common ownership, which may include, but is not limited to evidence of common ownership at a parent company level;
2. Both the donor Premises and the recipient Premises must be Nonresidential, Multi-Family or Mixed Use;
3. The donor Premises must be a vacant parcel without structure(s);
4. The recipient Premises must meet and comply with all then current infill descriptions and/or criteria established by City of Colorado Springs;
5. The recipient Premises must have an approved development plan, in accordance with applicable laws and regulations, prior to Utilities' approval of a transfer of the WWDC credit;
6. All service line ordinances, regulations, and policies shall apply to transferred WWDC credits and any applicable charges and/or fees shall be paid; and
7. The party requesting the credit transfer shall pay to Utilities a fee of \$100.00 and shall commit to be responsible for all costs associated with the transfer, including but not limited to, title commitment, processing, and recording fees.

Approval Date: January 26, 2016
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Resolution No. _____

UTILITIES RULES AND REGULATIONS

WASTEWATER

34. WASTEWATER DEVELOPMENT CHARGE - cont'd

Upon the completion of a transfer of credit for the WWDC, the transfer will be effectuated by recording a notice to the El Paso County Clerk and Recorder for both the donor Premises and the recipient Premises, which recording fees shall be paid by the owner of the donor and recipient Premises. The notice shall include the credits transferred and remaining, and applicable service dates associated with each Premises.

H. Request for WWDC Refund

Requests for a refund of the WWDC for connections not constructed must be made in writing to Utilities within two (2) years of payment of the WWDC. No refunds of any such charges will be made unless a request is received by Utilities within two (2) years of payment and no service has been connected. Any charges which are not refunded are retained by Utilities as a contribution-in-aid of construction. Payments for WWDC may be applied within twenty (20) years as a credit towards the payment of the WWDC for connection of the same land parcel, which may become due thereafter.

In any event, no credit will be given after twenty (20) years or more from the date of discontinuance of use of the existing connection or payment of the unused WWDC.

I. Inactive Wastewater Service

In the event that a service line was classified as abandoned and/or inactive through prior Utilities' Rules and Regulations standards and/or City Code provisions (prior to March 1, 2016), the property Owner(s) may request to reestablish utility service from Utilities and Utilities shall reestablish the service upon payment of applicable fees and compliance with applicable rules and regulations.

Approval Date: January 26, 2016
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Resolution No. _____

UTILITIES RULES AND REGULATIONS

WASTEWATER

34. WASTEWATER DEVELOPMENT CHARGE - cont'd

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Conditions:

1. There must be common ownership of the donor Premises and recipient Premises; the party requesting the transfer of credit for the WWDC must provide Utilities with proof of common ownership, which may include, but is not limited to evidence of common ownership at a parent company level;
2. Both the donor Premises and the recipient Premises must be Nonresidential, Multi-Family or Mixed Use;
3. The donor Premises must be a vacant parcel without structure(s);
4. The recipient Premises must meet and comply with all then current infill descriptions and/or criteria established by City of Colorado Springs;
5. The recipient Premises must have an approved development plan, in accordance with applicable laws and regulations, prior to Utilities' approval of a transfer of the WWDC credit;
6. All ~~inactive or abandoned~~ service line ordinances, regulations, and policies shall apply to transferred WWDC credits and any applicable ~~Reconnection Charges~~ charges and/or fees shall be paid; and
7. The party requesting the credit transfer shall pay to Utilities a fee of \$100.00 and shall commit to be responsible for all costs associated with the transfer, including but not limited to, title commitment, processing, and recording fees.

Approval Date: ~~December 8, 2015~~ January 26, 2016
Effective Date: ~~January 1, 2016~~ February 10, 2016
Resolution No. ~~141-15~~ _____

UTILITIES RULES AND REGULATIONS

WASTEWATER

34. WASTEWATER DEVELOPMENT CHARGE - cont'd

Upon the completion of a transfer of credit for the WWDC, the transfer will be effectuated by recording a notice to the El Paso County Clerk and Recorder for both the donor Premises and the recipient Premises, which recording fees shall be paid by the owner of the donor and recipient Premises. The notice shall include the credits transferred and remaining, and applicable service dates associated with each Premises.

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In any event, no credit will be given after twenty (20) years or more from the date of discontinuance of use of the existing connection or payment of the unused WWDC.

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Approval Date: ~~December 8, 2015~~ January 26, 2016
Effective Date: ~~January 1, 2016~~ February 10, 2016
Resolution No. 141-15

UTILITIES RULES AND REGULATIONS

WATER

41. WATER DEVELOPMENT CHARGE - cont'd

A non-profit entity may submit an application to Utilities for WDC deferral for the purposes of a Community Garden. The WDC may be deferred for qualifying Community Gardens until such time as use of the service line is no longer solely for a Community Garden or is not for non-profit use. Upon a change of use from a Community Garden, if the Premise requires a permanent water service connection, the WDC shall be due in accordance with the then current Tariffs for a new connection.

H. Credit for Prior WDC Payment

Credit for the WDC paid for a prior development may be given for reuse of existing connections or for new connections to a land parcel where the WDC charge was paid. Credit for Multi-Family Residential dwelling units and nonresidential service must be determined by inspection by Utilities before any remodeling, moving or demolition of the structure occurs. No refund for excess credits will be given.

Credit for the WDC may only be transferred between Premises if all of the conditions listed below are met to Utilities' satisfaction. Any sale of credit for the WDC is expressly prohibited. Credit for a WDC can only be transferred one time. Any paid recovery agreement charges shall remain with the donor Premises and are not eligible to be transferred. No refund of excess credits, if any, will be given.

Conditions:

1. There must be common ownership of the donor Premises and recipient Premises; the party requesting the transfer of credit for the WDC must provide Utilities with proof of common ownership, which may include, but is not limited to evidence of common ownership at a parent company level;
2. Both the donor Premises and the recipient Premises must be Nonresidential, Multi-Family or Mixed Use;
3. The donor Premises must be a vacant parcel without structure(s);
4. The recipient Premises must meet and comply with all then current infill descriptions and/or criteria established by City of Colorado Springs;
5. The recipient Premises must have an approved development plan, in accordance with applicable laws and regulations, prior to Utilities' approval of a transfer of the WDC credit;

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UTILITIES RULES AND REGULATIONS

WATER

41. WATER DEVELOPMENT CHARGE - cont'd

6. If the donor Premises will be left without any remaining WDC credits, the Owner shall remove the water service line to the donor Premises in accordance with City Code and Utilities' Water Line Extension & Service Standards;
7. All service line ordinances, regulations, and policies shall apply to transferred WDC credit and any applicable charges and/or fees shall be paid; and
8. The party requesting the credits transfer shall pay to Utilities a fee of \$100.00 and shall commit to be responsible for all costs associated with the transfer, including but not limited to, title commitment, processing, and recording fees.

Upon the completion of a transfer of credit for the WDC, the transfer will be effectuated by recording a notice to the El Paso County Clerk and Recorder for both the donor Premises and the recipient Premises, which recording fees shall be paid by the owner of the donor and recipient Premises. The notice shall include the credits transferred and remaining, and applicable service dates associated with each Premises.

I. Request for WDC Refund

Requests for a refund of the WDC for connections not constructed must be made in writing to Utilities within two (2) years of payment of the WDC. No refunds of any such charges will be made unless a request is received by Utilities within two (2) years of payment and no service has been connected. Any charges which are not refunded are retained by Utilities as a contribution-in-aid of construction. Payment for WDC may be applied within nineteen (19) years as a credit towards the payment of the WDC for connection of the same land parcel, which may become due thereafter.

In any event, no credit will be given after nineteen (19) years or more from the date of discontinuance of use of the existing connection or payment of the unused WDC.

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Resolution No. _____

UTILITIES RULES AND REGULATIONS

WATER

41. WATER DEVELOPMENT CHARGE - cont'd

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1. There must be common ownership of the donor Premises and recipient Premises; the party requesting the transfer of credit for the WDC must provide Utilities with proof of common ownership, which may include, but is not limited to evidence of common ownership at a parent company level;
2. Both the donor Premises and the recipient Premises must be Nonresidential, Multi-Family or Mixed Use;
3. The donor Premises must be a vacant parcel without structure(s);
4. The recipient Premises must meet and comply with all then current infill descriptions and/or criteria established by City of Colorado Springs;
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Effective Date: ~~January 1, 2016~~ February 10, 2016
Resolution No. 141-15

UTILITIES RULES AND REGULATIONS

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41. WATER DEVELOPMENT CHARGE - cont'd

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Upon the completion of a transfer of credit for the WDC, the transfer will be effectuated by recording a notice to the El Paso County Clerk and Recorder for both the donor Premises and the recipient Premises, which recording fees shall be paid by the owner of the donor and recipient Premises. The notice shall include the credits transferred and remaining, and applicable service dates associated with each Premises.

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In any event, no credit will be given after nineteen (19) years or more from the date of discontinuance of use of the existing connection or payment of the unused WDC.

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Effective Date: ~~January 1, 2016~~ February 10, 2016
Resolution No. 141-15

UTILITIES RULES AND REGULATIONS

WATER

41. WATER DEVELOPMENT CHARGE - cont'd

J. Inactive Water Service

In the event that a service line was classified as abandoned and/or inactive through prior Utilities' Rules and Regulations standards and/or City Code provisions (prior to March 1, 2016), the property Owner(s) may request to reestablish utility service from Utilities and Utilities shall reestablish the service upon payment of applicable fees and compliance with applicable rules and regulations..

K. Timing of Payment of the WDC and related Connection Charges

Payment for a new connection or increased service level as provided in section 41.E:

1. Shall be due in full in cash or check prior to the issuance of a building permit, or
2. The WDC may be deferred until the time prior to the installation of a meter to serve a Premise. The deferred WDC, Recovery Agreement Charges or any other fees – shall be paid at the then current rates plus an additional charge equal to a 5% annual interest rate, calculated per day, of the deferred amount and shall be paid in full in cash or check prior to the installation of meters and prior to the provision of service.

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UTILITIES RULES AND REGULATIONS

WATER

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~~The Reconnection Charge for service outside of the city shall be calculated at one and one half (1 1/2) times the inside city rate.~~

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2. The WDC may be deferred until the time prior to the installation of a meter to serve a Premise. The deferred WDC, Recovery Agreement Charges or any other fees – shall be paid at the then current rates plus an additional charge equal to a 5% annual interest rate, calculated per day, of the deferred amount and shall be paid in full in cash or check prior to the installation of meters and prior to the provision of service.

Approval Date: ~~November 26, 2013~~ January 26, 2016
Effective Date: ~~January 1, 2014~~ February 10, 2016
Resolution No. ~~117-13~~ _____