

City Attorney Briefing Utilities' 2017 Utilities Rules and Regulations ("URR") Rate Case

August 8, 2017

The City Council's authority to establish rates, charges and regulations for utility services is contained within the Colorado Constitution, Colorado Statutes, the Colorado Springs City Charter, the City Code and the City Council's Rules and Procedures.

REGULATION SETTING STANDARDS

Article 20 of the Colorado Constitution provides the City Council with the authority to establish electric, natural gas, water, and wastewater rates, charges and regulations. Article 6 of the City Charter provides authority to operate the electric, natural gas, water, and wastewater systems.

The power to establish tariff rules and regulations for utility service lies with the City Council. City Code § 12.1.107 authorizes the City Council to establish rules and regulations for utility service that are just, reasonable, sufficient and not unduly discriminatory.

QUASI-JUDICIAL ROLE

Part 4 of the Rules and Procedures of City Council, together with § 12.1.107 of the City Code, set forth the process that governs the City Council's hearing today. In revising the Utilities Rules and Regulations, City Council is acting in a quasi-judicial role. Unlike actions taken in your legislative role, such as adoption of an ordinance, your decision to establish rates must be based on the record before you. The written materials you have received, as well as the oral presentations and testimony at this public hearing will constitute the record of the proceeding.

Today, you will hear the 2017 Utilities Rules and Regulations Rate Case, which involves a proposal to modify the Utilities Rules and Regulations applicable to utility services.

At the conclusion of the public hearing, I will assist you in determining what issues you have identified and ask for your preliminary decision as to those issues. The draft decisions and orders for these proposals will be reviewed at your City Council Work Session of August 21, 2017. You will be asked to adopt resolutions at your Regular Meeting of August 22, 2017, in order to implement the rate proposals effective September 1, 2017.

CITY ATTORNEY EX PARTE POLL

At this point in the proceedings, if City Council members have received any Ex Parte communications, I would ask that you indicate those communications for the record.

(THE CITY COUNCIL MEMBERS MAY GIVE YOU COPIES, WHICH WILL BE PLACED INTO THE RECORD AFTER THE HEARING.)

UTILITIES' PRESENTATION BEGINS