

RESOLUTION NO. 188 - 23

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

WHEREAS, Colorado Springs Utilities (Utilities) proposed modifications to the Utilities Rules and Regulations; and

WHEREAS, Utilities proposed modification of various trip related fees to update to current cost and standardize into one fee by customer type; and

WHEREAS, Utilities proposed revision of the additional charge for after-hours service restorations to reflect current cost; and

WHEREAS, Utilities proposed additional references for Trip Fee applicability in circumstances including but not limited to failure to provide access and tampering with Utilities equipment; and

WHEREAS, Utilities proposed modification of the Opt-Out Program quarterly manual read charge to update to current cost; and

WHEREAS, in accordance with City Code, Utilities proposed the addition of a Standby Service Fee, applicable to, but not limited to standby service and relocations associated with excavations near underground facilities; and

WHEREAS, Utilities proposed the addition of Renewable Energy System Interconnection Application Review Fees based on renewable system size; and

WHEREAS, Utilities proposed Modifications to the Water Leak Adjustment program to clarify program limitation of two adjustments per customer per premise in any 36-month period; and

WHEREAS, Utilities proposed corrections to paragraph references relating to the Water Regional System Availability Fee provisions; and

WHEREAS, Utilities proposed to make the tariff changes effective January 1, 2024; and

WHEREAS, the details of the changes noted above are reflected in Utilities' 2024 Rate Case; and

WHEREAS, City Council finds Utilities' proposed modifications prudent; and

WHEREAS, Utilities provided public notice of the proposed changes and complied with the requirements of the City Code for changing its utilities rules and regulations; and

WHEREAS, specific fees, policy changes, and changes to any terms and conditions of service are set out in the attached tariffs for adoption with the final City Council Decision and Order in this case.

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

Section 1. That Colorado Springs Utilities Tariff, City Council Volume No. 6, Utilities Rules and Regulations shall be revised as follows:

Effective January 1, 2024

City Council Vol. No. 6		
Sheet No.	Title	Cancels Sheet No.
Second Revised Sheet No. 13	GENERAL	First Revised Sheet No. 13
Second Revised Sheet No. 14	GENERAL	First Revised Sheet No. 14
Second Revised Sheet No. 19	GENERAL	First Revised Sheet No. 19
First Revised Sheet No. 20	GENERAL	Original Sheet No. 20
Original Sheet No. 20.1	GENERAL	
Second Revised Sheet No. 28	GENERAL	First Revised Sheet No. 28
First Revised Sheet No. 37	GENERAL	Original Sheet No. 37
First Revised Sheet No. 38	GENERAL	Original Sheet No. 38
Second Revised Sheet No. 39	GENERAL	First Revised Sheet No. 39
Original Sheet No. 67.1	ELECTRIC	
Second Revised Sheet No. 102.2	WATER	First Revised Sheet No. 102.2

Section 2. The attached Tariff Sheets, Council Decision and Order, and other related matters are hereby approved and adopted.

Dated at Colorado Springs, Colorado, this 14th day of November 2023.


Randy Helms, Council President

ATTEST:


Sarah B. Johnson, City Clerk



BEFORE THE CITY COUNCIL OF
THE CITY OF COLORADO SPRINGS

IN THE MATTER OF THE REVISION)
OF THE UTILITIES RULES AND) DECISION & ORDER 23-04 (URR)
REGULATIONS OF COLORADO)
SPRINGS UTILITIES)

1. Colorado Springs Utilities, an enterprise of the City of Colorado Springs (“City”), a Colorado home-rule city and municipal corporation (“Utilities”), conducted a review of its Utilities Rules and Regulations (“URR”). During that review, Utilities identified needed changes. Utilities’ rate case filing contains all of these revisions and changes.
2. Utilities’ 2024 Rate Case filing includes proposed Cost of Service (“COS”) driven rate changes for Electric and Natural Gas services, and proposes changes to the Electric, Natural Gas, and Water Rate Schedules and URR.
3. Utilities’ URR is a part of the collective Tariffs that govern Utilities in accordance with the Colorado Springs City Code. The URR establishes terms and conditions for all Utilities Customers across all utility services, and also provides service specific terms and conditions. Utilities proposes the following URR changes in its filing:
 - a) **Fees** – Utilities filing proposes to update a number of fees to current costs. The fees are:
 - i. Modifications of various trip related fees to update to current cost and standardize into one fee by customer type. Existing Return Trip (\$30.00), Field Collection and Credit (\$20.00), Restoration of Service (\$30.00) fees were last changed in 2004, 2003, and 1997 respectively. Utilities proposes Residential and Non-Residential Trip Fees of \$70.00.
 - ii. Revision of additional charge for after-hours service restorations to reflect current cost. The existing after-hours charge of \$10.00, was last changed in 2003. To reflect current cost, Utilities proposes modifying this fee to \$40.00.
 - iii. Addition of references for Trip Fee applicability. Utilities proposes the addition of references for general Trip Fee applicability and specific references including, but not limited to, failure to provide access to and tampering with Utilities’ equipment.
 - iv. Revision of Opt-Out Program Quarterly manual read fee to update to current cost. The existing Quarterly manual read fee of \$20.00, was last

changed in 2012. To reflect current cost, Utilities proposes modifying this fee to \$35.00.

- v. Standby Service Fee Addition. In accordance with City Code, Utilities proposes the addition of a Standby Service Fee of \$250.00, applicable to, but not limited to, standby services and relocations associated with excavations near underground facilities.
 - vi. Addition of Renewable Energy System Interconnection Application Review Fees. Utilities proposes a fee of \$100.00 for systems less than or equal to 150 kW and a fee of \$1,000.00 for systems greater than 150 kW.
- b) **Water Leak Adjustment Program** – Modifications to the Water Leak Adjustment Program to clarify program limitations of two adjustments per customer per premise in any 36-month period.
 - c) **Water Regional System Availability Fee (“WRSF”)** – Administrative corrections to paragraph references relating to WRSF provisions.
4. In addition to the proposed URR revisions, Utilities’ 2024 Rate Case filing also proposes changes to the Electric, Natural Gas, and Water Rate Schedules.
 5. The proposed effective date for Utilities’ tariff changes is January 1, 2024.
 6. Utilities filed its tariff changes with the City Auditor, Mrs. Jacqueline Rowland on August 11, 2023, and with the City Attorney on September 5, 2023. Utilities then filed the enterprise’s formal proposals on September 12, 2023, with the City Clerk, Ms. Sarah Johnson, and a complete copy of the proposals was placed in the City Clerk’s Office for public inspection. Notice of the filing was published on-line at www.csu.org on September 12, 2023, and in *The Gazette* on September 15, 2023. These various notices and filings comply with the requirements of §12.1.108 of the City Code and the applicable provision of the Colorado Revised Statutes. Copies of the published and mailed notices are contained within the record. Additional public notice was provided through Utilities’ website, www.csu.org, and a complete copy of the proposals was placed on that website for public inspection.
 7. The information provided to City Council and held open for public inspection at the City Clerk’s Office was supplemented by Utilities on October 17, 2023. The supplemental materials contained:
 - a) Revised information regarding (1) correction of clerical errors, (2) a reduction of the proposed Nonresidential trip fee from \$100 to \$70 to avoid complex system configurations, and (3) a clarification on the proposed after-hours fee of \$40;
 - b) The Office of the City Auditor’s audit report;

- c) The legal notice affidavit of publication; and
 - d) Public outreach information.
8. The City Auditor issued her findings on the proposed tariff changes prior to the rate hearing, dated October 2023, which found Utilities accurately calculated its proposed rates and offered one recommendation, that a new load study be performed in 2024 using new data. Utilities agreed to the recommendation and will select load study samples by March 31, 2024, for the 2024 load study. A copy of that report is contained within the record.
 9. On October 24, 2023, the City Council held a public hearing concerning the proposed changes to the Electric, Natural Gas, and Water Rate Schedules and URR. This hearing was conducted in accordance with §12.1.108 of the City Code, the procedural rules adopted by City Council, and the applicable provisions of state law.
 10. City Council President Randy Helms commenced the rate hearing.
 11. The presentations started with Mr. Christopher Bidlack, a Senior Attorney with the City Attorney's Office – Utilities Division. Mr. Bidlack first presented the rate hearing agenda.
 12. Mr. Bidlack then briefed City Council on its power to establish rates, charges, and regulations for Utilities' services. In setting rates, charges, and regulations for Utilities' services, City Council is sitting as a legislative body because the setting of rates, charges, and regulations is necessary to carry out existing legislative policy of operating the various utility systems. However, unlike other legislative processes, the establishment of rates, charges, and regulations is analogous to a quasi-judicial proceeding and requires a decision based upon evidence in the record and the process is not subject to referendum or initiative. Mr. Bidlack provided information on the statutory and regulatory requirements on rate changes. Rates for Water service must be reasonable and appropriate in light of all circumstances, City Code §12.1.108(F). Rates for Natural Gas and Electric service must be just, reasonable, sufficient, and not unduly discriminatory, City Code §12.1.108(E).
 13. At the conclusion of his presentation, Mr. Bidlack polled the City Council Members concerning any *ex parte* communication that they may have had during the pendency of this proceeding. City Council indicated that no *ex parte* communications were received.
 14. Mr. Tristan Gearhart, Utilities' Chief Planning and Finance Officer, provided the enterprise's proposals.
 15. Mr. Gearhart started by summarizing Utilities' rate case procedural compliance and then provided an overview of Utilities' 2024 Rate Case. He reported that the 2024 Rate Case filing is based on 2024 Sources & Uses Budget Ordinances and that Rate Case filing includes proposed changes to: (1) Electric, Natural Gas, and certain Water Rate Tables; (2) Electric and Natural Gas tariff provisions; and (3) the URR. The effective date of proposed

changes is January 1, 2024. Additionally, the 2024 Rate Case filing contains the comprehensive proposed changes, reports, resolutions, Tariffs, COS, and other supporting materials.

16. Next, Mr. Gearhart walked through Utilities' Sample Total Service Bill table which provides a summary of the impact of the proposed rate changes to Residential, Commercial, and Industrial rate classes across Electric, Natural Gas, Water, and Wastewater Services, and compares those changes to the sample bills from January 1, 2023, and January 1, 2022.
17. Mr. Gearhart then addressed Electric Service changes specifically. He explained that the Electric base rate drivers are: (1) Funding infrastructure investments, which includes (a) Advanced Metering Infrastructure and sustainable energy plan projects, (b) Generation replacement, and (c) Supporting growth and resiliency; and (2) Inflationary increases in labor, benefits, and system maintenance. The total Electric proposed revenue from rates is \$370.5 million which is \$27.3 million higher than revenue under current rates and represents an overall system increase 8.0%. The percentage of net revenue requirement and the percent revenue changes for each Electric rate were also presented. In addition to the COS based rate changes, Utilities proposes limited rate changes for the Commercial Service – Non-Metered, Enhanced Power Service, Community Solar Garden (Pilot and Standard), and Electric Vehicle Public Charging rates.
18. Mr. Gearhart then spoke to Utilities' proposed changes to the Natural Gas Service. The Natural Gas base rate drivers are: (1) Funding infrastructure investments, including supporting growth and resiliency; and (2) Inflationary increases in labor, benefits, and system maintenance. The total Natural Gas proposed revenue from rates is \$88.9 million which is \$5.0 million higher than revenue under current rates and represents an overall system increase 6.0%. The percentage of net revenue requirement and the percent revenue changes for each Natural Gas rate were also presented. In addition to the COS based rate changes, Utilities proposes limited rate changes for the Industrial Service – Interruptible Prescheduled and Industrial Transportation Service – Firm rate classes.
19. To conclude his discussion on Natural Gas rates, Mr. Gearhart explained Utilities' proposed Colorado Clean Heat Plan bill rider. The Colorado Clean Heat Plan requires gas utilities to adopt programs to reduce greenhouse gas emissions; with 4% carbon emission reduction by 2025 and a 2% cost cap (\$2.7 million for 2024) and 22% carbon emission reduction by 2030 and a 2.5% cost cap. Utilities' rate filing includes a new bill component to transparently recover cost of complying with Clean Heat Plan requirements. The revenue collected through the charge will be used to fund energy efficiency programs that help reduce greenhouse gas emissions. The programs include customer rebates for (1) energy efficient water heaters and furnaces, (2) insulation, and (3) heat pumps.
20. Council Member Brian Risley commented on the proposed Colorado Clean Heat Plan bill rider; explaining that he disagrees with the approach taken by the Colorado Clean Heat Plan in setting State mandates for Colorado Springs and thinks it is important to be clear

that the increased costs associated with the Colorado Clean Heat Plan for Utilities' customers are a direct result of the State mandate and are not driven by Utilities' desires.

21. Mr. Gearhart reiterated that Utilities' bill rider approach is designed to show customers that the cost is directly related to the State mandate.
22. Mr. Gearhart then summarized the impact of the proposed rate changes to a sample residential, monthly bill.
23. To conclude his substantive presentation, Mr. Gearhart addressed the additional tariff changes proposed in Utilities' filing.
24. Within the Electric tariff, Utilities proposes to modify: (1) the Contract Service – Military rate to update the On-site, Direct-Service Solar Contract Service – USAFA Charge table to reflect additional years under this service; and (2) Renewable Energy Net Metering rate to increase limitation on commercial renewable energy system size from 25 kW to 150 kW; and (3) Interruptible Service rate to increase customer's required minimum demand from 500 kW to 4,000 kW.
25. Additionally, Utilities proposes changes to continue the multi-year phase in of rate increases in the Water tariff to the Nonpotable (4.9% increase) and Augmentation (4.5% increase) rates.
26. Utilities' proposed changes to the URR are: (1) modifications to Utilities' Trip Fees to update currently outdated costs and to standardize the structure in a simple format of Residential and Non-Residential fees, which are proposed to be \$70 for each; (2) an update to the Quarterly manual meter read fee from \$20 to \$35; (3) the addition of general and specific references for Trip Fee applicability; (4) the addition of \$250 fee related to Standby Service and relocations in accordance with City Code (Underground Damage Prevention Safety Program); (5) the addition of Renewable Energy System Interconnection Application Review Fee; (6) clarification of Water Leak Adjustment Program limitations; and (7) an administrative corrections to Water Regional System Availability Fee paragraph numbering.
27. Mr. Gearhart concluded by summarizing the outreach Utilities performed in making customers aware of the proposed rate changes and the resources that are available to customers facing difficulty in paying their utility bills, both in terms of immediate assistance and long-term utility service usage reduction.
28. Next, the City Auditor, Mrs. Rowland, stated that her office reviewed Utilities filing and supports its accuracy. As noted in her report, the Office of the City Auditor found one note for future improvement for Utilities.
29. After Utilities' presentation, President Helms opened the floor for public comment. No public comments were given.

30. Following the opportunity for public comment, President Helms opened the floor to questions or comments from City Council.
31. Council Member Dave Donelson spoke first. He noted that the proposed Electric and Natural Gas rate increases are reasonable and restrained given the lack of an Electric rate increase since 2018 and the lack of a Natural Gas rate increase since 2021. He also emphasized that if the proposed rates are accepted, customers will have a lower bill than they had the prior year.
32. Council Member Mike O'Malley commented that while factors such as geopolitical instability can impact rates and fuel costs, he believes that Utilities is taking the correct steps to deal with future uncertainty. He then asked Mr. Gearhart for the status of future costs projections. Mr. Gearhart answered that geopolitical instability, weather, and other factors all play a role in natural gas prices. The current market projections show a typical winter forecast for natural gas rates, with expected price increases over the winter months. He explained that Utilities is working to mitigate uncertainty as much as possible, with tools such as physical hedging and the PACE gas prepay. He also noted that the current projections for the Electric Cost Adjustment and Gas Cost Adjustment show a slight increase in the January time frame.
33. Council Member Nancy Henum was the last council member to speak and commented that while the Colorado Clean Heat Plan mandates do come from the State, she believes planning for clean energy in the future is necessary. She then noted her appreciation for the Utilities staff and the role they play in providing the benefit of a municipal utility to the City of Colorado Springs.
34. Based on the lack of questions or comments, President Helms determined that neither a break nor executive session were necessary.
35. Mr. Bidlack then polled City Council regarding the issues central to the Electric, Natural Gas, and Water Rate Schedules and the URR. Per City Council's request, Mr. Bidlack did not present every Issue for Decision, but instead asked that City Council indicate approval of Utilities' proposals as a whole, while noting any exceptions. City Council indicated approval and did not note any exceptions.
36. Mr. Bidlack then restated the future schedule for Utilities' rate filing, with the draft Decisions and Orders being presented to City Council for review on November 13, 2023, and for final approval on November 14, 2023.
37. The following are the proposed changes and the votes by City Council addressing the URRs:
 - a) Should charges for the following Utilities Rules and Regulations fees be revised as proposed:

- i. Residential and Non- Residential Trip Fees;
- ii. After-hours service restorations;
- iii. Opt-Out Program quarterly manual read fee;
- iv. Additional Trip Fee references and applicability;
- v. A Standby Service fee; and
- vi. A renewable Energy Interconnection Application Review Fee?

The City Council held that the following Utilities Rules and Regulations fees shall be revised as proposed: 1) Residential and Non-Residential Trip Fees; 2) After-hours service restorations; 3) Opt-Out Program quarterly manual read fee; 4) Additional Trip Fee references and applicability; 5) A Standby Service fee; and 6) A renewable Energy Interconnection Application Review Fee.

- b) Should Utilities modify the Water Leak Adjustment Program to clarify program limitations of two adjustments per customer per premise in any 36-month period?

The City Council held that Utilities shall modify the Water Leak Adjustment Program to clarify program limitations of two adjustments per customer per premise in any 36-month period.

- c) Should Utilities make an administrative correction to the paragraph references in the Water Regional System Availability Fee (“WRSFAF”)?

The City Council held that Utilities shall make an administrative correction to the paragraph references in the WRSFAF.

38. President Helms then concluded the 2024 Rate Case Hearing.

ORDER

THEREFORE, IT IS HEREBY ORDERED that:

The Utilities Rules and Regulations sheets as attached to the Resolution are adopted and will be effective on and after January 1, 2024. Such tariff sheets shall be published and held open for public review and shall remain effective until changed by subsequent Resolution duly adopted by the City Council.

Dated this 14th day of November, 2023.

CITY OF COLORADO SPRINGS

Council President

ATTEST:

City Clerk

**Utilities Rules and Regulations
(URR)**

Final Tariff Sheets



UTILITIES RULES AND REGULATIONS

GENERAL

B. Fees

1. Utilities may charge and collect fees as described in the below table, by contract, or as established by City Code Section 14.8.109 for Stormwater service fees. For fees associated with the Development process, see Section I.C., Development Fees.

DESCRIPTION	AMOUNT	REFERENCE
GENERAL		
Trip Fee and/or Restoration of Service Fee <ul style="list-style-type: none"> • Residential • Nonresidential • Additional charge for after-hours restorations (outside of Utilities normal working business hours) 	\$70.00 \$70.00 \$40.00	General, Sheet No. 19 General, Sheet No. 20 General, Sheet No. 37 General, Sheet No. 38 General, Sheet No. 40
Returned Payment Fee (whether returned/refused payment was attempted by check, EFT, debit/credit card or other means).	\$30.00	General, Sheet No. 24
Opt-Out Program Fee (for nonstandard meters) <ul style="list-style-type: none"> • One-time fee to enter program • Quarterly manual read charge 	\$109.00 \$35.00	General, Sheet No. 45
Standby Service Fee	\$250.00	General, Sheet No. 20
ELECTRIC LINE EXTENSIONS		
Residential Electric Fees (Single Service only) <ul style="list-style-type: none"> • Inspection and Connection Fee • Return Trip Fee (including late appointment cancellations) • Distribution Charge (Contribution in Aid of Construction) <ul style="list-style-type: none"> ○ Single-phase primary distribution line ○ 3-phase main line, 22-75 circuit feet ○ 3-phase main line, 75-175 circuit feet ○ 3-phase underground main line, >175 circuit feet 	\$401.94 \$299.98 (sum the following:) \$19.78/linear foot \$12.22/circuit foot \$24.45/circuit foot \$58.85/circuit foot	Electric, Sheet No. 64-65
Electric Temporary Service Connection Fee	\$130.00	Electric, Sheet No. 66
Pedestal Damage Fee	Cost of Repairs	Electric, Sheet No. 66

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UTILITIES RULES AND REGULATIONS

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Fees – cont'd

DESCRIPTION	AMOUNT	REFERENCE
ELECTRIC LINE EXTENSION AND EXTENSION OF NATURAL GAS MAINS		
Residential Natural Gas Fees (Single Service only)		Natural Gas, Sheet No. 81
<ul style="list-style-type: none"> • Inspection and Connection Fee 	\$389.17	
<ul style="list-style-type: none"> • Return Trip Fee 	\$319.97	
<ul style="list-style-type: none"> • Inspection and Connection Fee for other polyethylene services less than 2" in diameter (Per Stub) 	\$332.97	Natural Gas, Sheet No. 81
Residential Electric and Gas Fees (Joint Service)		Electric, Sheet No. 64 Natural Gas, Sheet No. 79
<ul style="list-style-type: none"> • Inspection and Connection Fee 	\$603.14	
<ul style="list-style-type: none"> • Inspection and Connection Fee for other polyethylene services less than 2" in diameter (Per Stub) 	\$522.26	
<ul style="list-style-type: none"> • Return Trip Fee (including late appointment cancellations) 	\$491.89	
<ul style="list-style-type: none"> • Distribution Charge (Contribution in Aid of Construction) <ul style="list-style-type: none"> ○ Single-phase primary distribution line ○ 3-phase main line, 22-75 circuit feet ○ 3-phase main line, 75-175 circuit feet ○ 3-phase underground main line, >175 circuit feet 	(sum the following:) \$16.71/linear foot \$12.22/circuit foot \$24.45/circuit foot \$58.85/circuit foot	Electric, Sheet No. 65
Commercial and Industrial Electric, Contribution in Aid of Construction	(sum the following:)	Electric, Sheet No. 65
<ul style="list-style-type: none"> • Primary distribution line • 3-phase main line, 6-20 circuit feet • 3-phase main line, 20-50 circuit feet • 3-phase underground main line, >50 circuit feet 	Customer paid* \$12.22/circuit foot \$24.45/circuit foot \$58.85/circuit foot	
*Customer installed, with all trenching, compaction, etc.; all circuit-feet lengths are as estimated by Utilities		
Cancellation Fees (Reduced in certain circumstances per Utilities' policy)	% of Applicable Return Trip Fee	Electric, Sheet No. 65 Natural Gas, Sheet No. 81
<ul style="list-style-type: none"> • Step One Fee • Step Two Fee • Step Three Fee 	<ul style="list-style-type: none"> • 10% • 25% • 50% 	
ELECTRIC		
Renewable Energy System Interconnection Application Review Fee		Electric Sheet No. 67.1
<ul style="list-style-type: none"> • Less than or equal to 150 kW • Greater than 150 kW 	\$100.00 \$1,000.00	

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GENERAL

Development Fees – cont'd

FEE	AMOUNT	PAYABLE AT TIME OF:
<ul style="list-style-type: none"> Utilities' preparation of Hydraulic Analysis Reports – Basic Application 	<ul style="list-style-type: none"> \$1,600.00 for sites 30 acres or less and located within a single pressure zone (Revisions will be billed at \$200.00 per hour) 	Prior to Development Plan approval or upon invoicing
<ul style="list-style-type: none"> Fire flow reports 	<p>New Development*</p> <ul style="list-style-type: none"> Initial two fire flow reports – no charge (within twelve-month period). Additional reports charged \$200.00 per hour with minimum one-hour charge <p>Existing Hydrant Reports*</p> <ul style="list-style-type: none"> First request, per site, no charge. Thereafter, all requests, per site, will be assessed \$50.00 per instance <p>* Refer to current edition of the <i>Line Extension and Service Standards - Water</i> for more detailed information pertaining to fire flow report charges</p>	Prior to construction plan approval or upon invoicing

D. Trip Fee

Utilities will charge a Trip fee as defined in these Utilities Rules and Regulations for purposes including but not limited to: inspection, connection, reinspection, field collection, restoration, and other instances requiring a trip by Utilities. See Section I.B. Fee Table.

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E. Failed Reinspection

All new gas and water meter loops must meet the standards set forth in Utilities' service applicable *Line Extension and Service Standards*. If a gas or water meter loop fails to pass the initial inspection, the meter loop will be tagged with a rejection notice. All deficiencies must be corrected before a reinspection is requested or Trip fee will be charged for each failed reinspection return trip by Utilities. See Section I.B. Fee Table.

F. Convenience Fees

Third parties who process bill payments to Utilities for Customers' convenience may determine and collect from Customers any reasonable fee for their services.

G. Development – Financial Responsibility for New Premises

The contractor or builder of a new or renovated Premises requesting or using utility services for that Premises will remain solely responsible for such services until both of the following occur: (i) a Certificate of Occupancy is issued by the Pikes Peak Regional Building Department for the Premises and (ii) another Customer assumes responsibility for the services for that Premises or the services for that Premises are terminated at the request of the contractor or builder.

H. Standby Service Fee

In accordance with City Code, a Standby Service Fee, applicable to, but not limited to standby services and relocations, will be charged associated with excavations near underground facilities. See Section I.B. Fee Table.

II. STARTING SERVICE

A. Application and Financial Responsibility

1. Application

- a. Persons requesting utility service must complete an application for service by contacting Utilities.
- b. A natural person requesting utility service must be of full legal age. Utilities shall require some form of identification.

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- c. Utilities' acceptance of an application constitutes a binding contractual agreement between Utilities and the Customer, including all applicable provisions of Utilities' Tariffs.
 - d. Applicable fees must be paid at the start of service. See Section I.B. Fee Table.
2. Financial Responsibility

Each Financially Responsible Person—which, as defined in these Utilities Rules and Regulations, includes the Customer, all Users as defined in the City Code, or any Person who is liable because of the effect of other applicable laws or court orders shall

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GENERAL

Receiving Service – cont'd

E. Water Leak Adjustment

1. General

- a. The Water Leak Adjustment Program is intended to provide financial relief to Customers who experience extremely high water use as a result of a leak. The Water Leak Adjustment Program is not available prior to issuance of Certificate of Occupancy by the Regional Building Department. Water leak adjustments are limited to two per Customer per Premises in any 36-month period. Water leak adjustments may span a maximum of two billing periods.
- b. Within the context of the program, a water leak shall be defined as “an unintentional water loss caused by broken or damaged plumbing fixtures, pipes, or irrigation equipment, at a Customer’s residence or nonresidential site that results in a Customer’s bill(s) being higher than the Customer’s typical bill for water services.”
- c. Upon application for a water leak adjustment in accordance with a Customer’s type of water service, as discussed below, a Customer must verify that a water leak occurred, the estimated time frame of the water leak, and that the water leak was repaired. Utilities will accept reasonable documentation that the water leak was repaired, such as a receipt for repairs, parts, or a signed affirmation of the Customer. Utilities shall have the right to deny an application for a water leak adjustment or reduce the adjusted quantity of water that passed through the billing meter as a result of the water leak for a water leak adjustment if, in Utilities’ sole discretion, the leak or its magnitude is the result of negligence or malicious acts by the Customer.

2. Residential Service

- a. Residential Customers who have experienced a water leak that has resulted in an increase in their water bill may apply for a water leak adjustment by submitting a completed Water Leak Adjustment Request Form to Utilities at the address listed on the Form. The Water Leak Adjustment Request Form and documentation of repairs must be received by Utilities within 60 days of the due date listed on the Customer’s utility bill for the period in which the leak occurred.

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Ending Service – cont'd

c. Denying Right of Access

In the event any Person refuses or fails to allow Utilities entry and/or access to its equipment at any Premises, service to that Premises may be discontinued until Utilities is permitted access and reconnection of service is approved by Utilities. Applicable fees, including Trip fees, will be assessed, and must be paid prior to restoration of service. See Section I.B Fee Table.

d. Violation of Ordinances, Resolutions, Tariffs, Rules and Regulations or *Line Extension and Service Standards*

i. Service may be discontinued upon giving 10 days prior written notice of discontinuance, in the event that a Customer violates an ordinance, resolution, Tariff, rule or regulation, or *Line Extension and Service Standards* concerning utility service. If the violation concerns a particular utility service, only that service may be discontinued; however, if the violation concerns wastewater service, then wastewater and/or water service may be terminated for that violation.

ii. The City Code includes specific penalties and/or enforcement actions for certain classified Wastewater violations. In the event that enforcement action charges imposed against any nonresidential (commercial/industrial) account are not paid when due, the Premises may be disconnected from the wastewater treatment system.

5. Tampering, Bypassing or Unauthorized Metering

a. Tampering, bypassing and unauthorized metering, the receipt of utility services by these means, and the distortion of electric wave shapes to cause a meter to register inaccurately are unlawful acts as defined in Section 12.1.113 of the City Code. These illegal acts constitute an Unsafe Condition as set forth above. Service will not be reconnected until any and all deficiencies in wiring, connections, meters, piping, and/or facilities of the Premises have been repaired or corrected to conform to the requirements of the City Code, all applicable ordinances, rules and regulations.

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Ending Service – cont'd

- b. Utilities may impose charges specified by the City Code for tampering, bypassing or unauthorized metering of utility facilities and services. These charges are in addition to all other applicable charges, including Trip fees, and must be paid prior to restoration of services. See Section I.B. Fee Table. Criminal charges may also be filed.

6. Subterfuge

Any Person's utility service may be discontinued, without prior notice, for any action by which service is obtained or liability avoided by deception, concealment, or fraud.

B. Notice and Procedure of Discontinuance

- 1. In general, Utility service will not be discontinued between 5:00 p.m. on Friday and 8:00 a.m. the following Monday, or between 12:00 noon on the day prior to and 8:00 a.m. on the day following any holiday observed by Utilities.
- 2. If notice is required, written Notice of Discontinuance of Service must be sent or delivered at least 10 days in advance of the proposed discontinuance date. A notice of discontinuance will be conspicuous and in easily understood language. Unintentional error in the information contained in the notice does not render the notice void. The notice will clearly state, in English and in Spanish, that this is a final notice of discontinuance of service. A message in Spanish will also indicate that Customers who do not read English should request the help of a translator.
- 3. In addition, at a minimum, the notice will advise the Customer:
 - a. that service may be discontinued on a particular date;
 - b. the amount past due (if applicable) or other reason for discontinuance; if the discontinuance is due to illegal activity, the notice shall identify or describe the ordinance, resolution, rules or regulation, Tariff or Service Standards manual that is being violated;
 - c. how a Customer may avoid discontinuance of service, including by correction of a violation or illegality;

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UTILITIES RULES AND REGULATIONS

GENERAL

Ending Service – cont'd

- d. of agencies, known to Utilities, which provide Customer assistance or benefits to help pay utility bills (if applicable); and
 - e. that a review may be provided to resolve any dispute concerning the discontinuance of utility service if the request is made in writing before the discontinuance date unless a hearing has already been conducted in regard to the dispute. (See Section V.I. below).
4. In addition to the reasons set forth within these tariffs, the requirements for notice to Customers prior to discontinuance may also be waived for the following reasons:
- a. Discontinuance is ordered by any properly constituted governmental authority;
 - b. Service, having been discontinued in accordance with this section, is restored by someone other than authorized Utilities' personnel or those persons authorized by the Pikes Peak Regional Building Department; or
 - c. Payments made to Utilities for service reconnection or to avoid service disconnection are dishonored, declined, or otherwise not processed.
5. Where the utility service is recorded on Master Meters
- a. Utilities will make a reasonable effort to deliver or mail a written notice to each sub-premises at least 30 days prior to the proposed date of discontinuance, advising that the party responsible for payment of utility bills has been sent a notice of discontinuance.
 - b. A notice to the occupants will be posted, to the extent possible, in at least one of the common areas of the multi-unit dwelling.
 - c. Service may not be discontinued if the party responsible for payment pays the amount on the notice, including any applicable fees. See Section I.B. Fee Table.

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UTILITIES RULES AND REGULATIONS

ELECTRIC

Electric – cont'd

I. Renewable Energy System Interconnection Application Review Fee

All interconnections of new renewable energy systems must meet the standards set forth in Utilities' Electric Rate Schedules and *Line Extension and Service Standards*. Utilities will assess a fee to review applications to interconnect renewable energy systems. See Section I.B. Fee Table.

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UTILITIES RULES AND REGULATIONS
WATER

Water – cont’d

3. Standby Service Option WRSAF

Regional Customers contracting for the Standby Service Option to help meet their water needs, on a temporary basis, when their normal operations are disrupted will pay the Standby Service Option WRSAF per contracted:

	<u>Total</u>	<u>Annual</u>
Acre Foot	\$2,263.00.....	\$128.00
MGD	\$2,799,374.00.....	\$158,309.00

4. Additional WRSAF Due

An additional WRSAF charge is applicable to:

- a. any increase in size of an existing meter, or
- b. any increased consumption that results in damage to Utilities’ facilities or exceeds the capacity of the meter.

The Customer shall pay the cost to upgrade the service and replace the meter and applicable WRSAF. The additional WRSAF will be assessed for any such increase in meter size in an amount representing the difference between the charge which would be imposed for the existing meter size and the charge which would be imposed for the size of the new meter. Payment for the additional WRASF will be collected:

- c. at the time the meter size is increased in relation to Section VIII.K.4.a and
- d. in accordance with Utilities’ billing requirements in relation to Section VIII.K.4.b.

Any request for a change in water service type shall be administered as a new application for service and is subject to all requirements of the City Code and tariffs. If the change in use does not result in an increase in meter size, no additional WRSAF is due.

5. Non-waiver of the WRSAF

The applicable WRSAF will not be waived for any entity requesting connection to Utilities’ water supply system.

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