



DETERMINING WHETHER YOUR UTILITY PROBLEM IS REGULATED BY THE PUC

Are you wondering if a utility company is regulated by the Colorado Public Utilities Commission (PUC)? If you've been told it isn't, are you wondering why?

After reading this information, you should better understand what kinds of utilities the PUC can or can't regulate. And, if the utility you have a question about isn't regulated, you'll have more guidance as to what agency, if any, might better be able to help you.

BASIC INFORMATION

You should first know that the Colorado Legislature has given the PUC authority to regulate certain rates and services only of investor-owned electric utilities, investor-owned gas utilities, telecommunications companies, some types of transportation companies, and some types of water companies.

Like any other state regulatory agency, the PUC can help solve consumer problems only if the legislature gives the agency the authority to do that.

You can probably imagine that the PUC receives many calls or letters from consumers about types of utility companies or issues the legislature has not given us permission to regulate. Some of the most common calls are about consolidated apartment utility billings, cable television, collection agencies, internet service providers, propane, RTD buses and light rail, rural electric associations, passenger and property transportation, and water utilities.

You'll find helpful information about all those types of utilities, listed alphabetically, in this publication.

If you have questions about unregulated telephone services, that information is included in another information piece, PUC FYI T-4, *"Solving Problems and Answering Questions about Unregulated Telephone Services."*

APARTMENT UTILITY BILLINGS

The PUC has no authority over billing systems used by the management of apartment buildings, mobile home parks or condominiums to pass along gas and electricity costs to tenants as long as the

To reach PUC Consumer Affairs:

1560 Broadway, Suite 250, Denver, CO 80202
303-894-2070 (local); 1-800-456-0858 (toll-free)
PUCConsumer.Complaints@dora.state.co.us

landlord does not charge the tenants more than the total utility bill for the complex. The management may design any method it chooses to allocate gas or electricity costs to individual units. The PUC also does not regulate charges for "heat," "hot water" or "air conditioning."

WHO CAN HELP? Look for organizations in your community that provide assistance in dealing with landlord/tenant relationships. (Example: a tenants and landlords referral service.)

CABLE TELEVISION

The state of Colorado has never regulated cable television firms. Prior to 1996, the Federal Communications Commission (FCC) established rates for cable TV companies. However, the Telecommunications Act of 1996 eliminated the FCC's rate control. Some municipalities have offices to receive local complaints about quality of service.

WHO CAN HELP? Cities that have granted franchises to cable firms do retain an interest in how the companies perform. Complaints can be directed to those city governments. (Example: The City and County of Denver has an office which oversees the performance of Comcast.)

COLLECTION AGENCIES

In some situations, a utility company will turn debts from past due utility accounts over to a collection agency. The PUC has no jurisdiction over collection agencies or collection services. The PUC cannot assist customers in resolving collection issues, and it has no oversight over collection agency conduct.

WHO CAN HELP? See Other Assistance Suggestions.

INTERNET ACCESS PROVIDERS

The PUC does not have authority over companies that provide access to the Internet; for example, AOL, MSN, NetZero, etc. These companies operate in a competitive market and can establish their own rates and services.

WHO CAN HELP? See the Other Assistance Suggestions on Page 5.

MUNICIPAL UTILITIES

Many cities and towns in Colorado have chosen to operate their own electric, natural gas or water utilities. These are called municipal utilities. Municipal utilities by law are exempt from PUC regulation, except in very limited circumstances. That means the PUC does not establish rates or terms of service for municipal utilities, and cannot resolve consumer complaints concerning municipal utilities.

The only circumstance in which the PUC becomes involved with a municipal utility is when the municipal utility provides services to consumers outside its own territorial boundaries. In those situations, the PUC has the authority to regulate the rates and conditions of service just for those customers outside the city limits.

WHO CAN HELP? For complaints about municipal utilities, contact the city utility department or the city council.

PROPANE

The PUC can regulate the rates of a propane distribution system when it is determined to be a public utility. These are companies that use a pipeline distribution system to deliver to end users.

The PUC also regulates safety standards of underground propane systems that transport petroleum gas (propane, butane or mixtures of these gases) in a system that serves 10 or more customers, or when any portion of the system is located in a public place. Truck-delivered propane is an unregulated business.

WHO CAN HELP? The Oil Inspector in the Division of Labor handles safety requirements for propane tanks that serve less than 10 customers. See the Other Assistance Suggestions on Page 5.

REGIONAL TRANSPORTATION DISTRICT (RTD)

RTD buses and light-rail trains are operated by the Regional Transportation District, a special district created by the Colorado Legislature to provide local transportation service in the Denver metropolitan area.

RTD buses are under the PUC's regulation only when the vehicles are used in charter service outside the district. Neither RTD's regular routes nor the regular routes served by private companies under contract with the RTD are under the jurisdiction of the PUC. The district is the governing body.

The PUC has safety oversight over RTD's light rail system in two areas – public railroad crossings and system safety and security. For more information about PUC oversight of light rail, see PUC FYI TR-1, "*PUC Oversight of RTD Light Rail.*"

WHO CAN HELP? For questions about RTD bus or light rail service, call the RTD at 303-628-9000, or visit www.rtd-denver.com.

RURAL ELECTRIC ASSOCIATIONS

Colorado law allows rural electric associations (REAs) or cooperatives to exempt themselves from PUC regulation by a vote of their members. Currently, only one REA remains under PUC

jurisdiction – Wheatland Electric Cooperative of Scott City, Kansas, which serves some customers in eastern Colorado.

All other REAs are governed by their own boards of directors and are outside of PUC authority for most rate and service issues. The law does allow members of deregulated co-ops to bring certain matters before the PUC through the complaint process. See PUC FYI EG-2, “*Deregulated Electric Cooperatives in Colorado*,” or contact the PUC External Affairs office for more information about those specific situations.

The PUC does not regulate Tri-State Generation and Transmission Association because it serves member co-ops in three states and has been held by the federal court to be exempt from state regulation because it is engaged in interstate commerce.

WHO CAN HELP? If you are a member/customer of an unregulated electric cooperative, your board of directors is the final authority for solving most problems.

TRANSPORTATION OF PASSENGERS (INTRASTATE)

Motor carriers providing the transportation of passengers, for-hire, within Colorado are regulated by the PUC to varying degrees depending on the type of service provided. Taxicab and scheduled shuttle operations are fully regulated with regards to obtaining authority to serve, service territory, and rates charged. Motor carriers providing charter service using buses with a seating capacity of 32 passengers or more, luxury limousines, or vehicles operated off of the paved roads are subject only to registration, insurance, and safety oversight by the PUC.

WHO CAN HELP? For questions or complaints about a motor carrier’s registration, insurance, or safety information, call the PUC at 303-894-2070 (Denver metro area) or 1-800-456-0858 (outside the Denver metro area.) Complaints may also be filed via the PUC website (www.dora.colorado.gov/puc) by clicking on the “Consumers” tab.

Motor carrier information is also available by going to the PUC’s website (www.dora.colorado.gov/puc) and clicking on the “Transportation” tab.

TRANSPORTATION OF PROPERTY (INTRASTATE)

Motor carriers providing the transportation of property, except trash and garbage, on a for-hire basis within Colorado are required to register with and provide proper proof of insurance to the PUC. Property carriers are subject to the safety regulations of the PUC and the Colorado State Patrol (CSP) working in conjunction with one another.

Motor carriers of hazardous materials are required to register with and provide proper proof of insurance to the PUC. The CSP regulates the safety and routing of motor carriers of hazardous material.

Towing carriers' rates are regulated by the PUC for non-consensual tows, but not for consensual tows. Towing carriers must also register with and provide proper proof of insurance to the PUC. The CSP has safety jurisdiction over towing carriers.

Motor carriers of trash and garbage are not regulated by the PUC but may be regulated by the County Commissioners in the county in which they operate.

WHO CAN HELP? See the section on Transportation of Passengers. CSP Motor Carrier Safety Section can be contacted at 303-273-1875 and the CSP Hazardous Materials Section can be contacted at 303-293-4546.

TRANSPORTATION OF PROPERTY AND PASSENGERS (INTERSTATE)

Motor carriers providing the transportation of passengers and property in interstate commerce are subject to regulation by the Federal Motor Carrier Safety Administration (FMCSA). In addition, interstate motor carriers may have to register their interstate operations with the PUC.

WHO CAN HELP? First, contact the FMCSA at 303-969-6748, extension 388, for assistance regarding registration requirements and complaints. Second, contact the PUC at 303-894-2866 or 800-888-0170, extension 2866, to register your interstate operation, if needed.

WATER UTILITIES

The PUC only regulates water companies that have been determined to be public utilities under Colorado law. There are a small number of these throughout Colorado.

Other types of water providers, which are not under the jurisdiction of the PUC, include:

- Municipal water utilities, which are governed by city councils in some Colorado cities and in other instances by elected boards. Denver Water is an example of an unregulated municipal water utility.
- Water districts and sanitation (sewer) districts, which are governed by their own by-laws, and their own elected boards of directors.

WHO CAN HELP? If you have a question about whether your water company is or should be regulated by the PUC, call the Consumer Affairs office. For complaints about municipal water utilities, call the city utility department or the city council. For water and sanitation districts, contact the management or the elected board members.

OTHER ASSISTANCE SUGGESTIONS

As a consumer, you should deal with unregulated utility-type services as you do with other retail businesses in general.

- Questions and complaints should be addressed first to the businesses themselves.

- If you are not satisfied with the response, the agencies and organizations mentioned in this publication may be able to help.
- Another possible source of help is your local Better Business Bureau.
- For situations involving possible fraud or violations of consumer protection laws, contact the Consumer Protection Section of the Colorado Attorney General's Office at 303-222-4444 (Denver metro area) or 1-800-222-4444 (outside the Denver metro area), or your local District Attorney's office.