

Decision No. R19-0054

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 18R-0784ALL

IN THE MATTER OF PROPOSED RULES UPDATING INCORPORATIONS BY
REFERENCE.

**RECOMMENDED DECISION OF
ADMINISTRATIVE LAW JUDGE
ROBERT I. GARVEY
AMENDING RULES**

Mailed Date: January 16, 2019

I. STATEMENT

1. The Colorado Public Utilities Commission (Commission) issued a Notice of Proposed Rulemaking (NOPR) to amend Rules Regulating Telecommunications Services and Providers of Telecommunications Services contained in 4 *Code of Colorado Regulations* (CCR) 723-2, Rules Regulating Electric Utilities contained in 4 CCR 723-3, Rules Regulating Gas Utilities and Pipeline Operators contained in 4 CCR 723-4, Rules Regulating Water, and Combined Water and Sewer Utilities contained in 4 CCR 723-5, and Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings contained in 4 CCR 723-7, on November 14, 2018.

2. Sections 24-4-103(12.5)(a)(I) through (V), C.R.S., permits incorporation by reference within adopted rules, subject to specific criteria. The rule language proposed through this NOPR makes clear where copies of the code, standard, guideline, or rule incorporated is available from the originally issuing organization or association, including specific, online Uniform Resource Locator (URL) addresses where incorporated documents can be found.

3. The rulemaking was narrow in scope and included only five specific Commission rules that address incorporations by reference. This includes Rule 2008, 4 CCR 723-2, of the Rules Regulating Telecommunications Services and Providers of Telecommunications Services; Rule 3008, 4 CCR 723-3, of the Rules Regulating Electric Utilities; Rule 4008, 4 CCR 723-4, of the Rules Regulating Gas Utilities and Pipeline Operators; Rule 5008, 4 CCR 723-5, of the Rules Regulating Water, and Combined Water and Sewer Utilities; and Rules 7008 and 7342, 4 CCR 723-7, of the Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings. Each of these rules incorporates complex regulations that would be both unduly cumbersome and inexpedient to repeat verbatim in the Commission's rules. The references identify the incorporated regulations, including the specific year published, and identify all incorporated information as available at the Commission.

4. The Commission's Rules Regulating Transportation by Motor Vehicle Rule 6000, 4 CCR 723-6, *et seq.*, are updated through a separate rulemaking and recently proposed language consistent with the suggested revisions in this rulemaking for incorporations by reference. *See* Proceeding No. 17R-0796TR.

5. Other industry rules do not include incorporations by reference.

6. The Commission proposed rule amendments as follows: Rules 723-2-2008, 723-3-3008, 723-4-4008, 723-5-5008, and 723-7-7008 and 7342 to include the website URL address of the organization or association that originally issued any regulations incorporated into Commission rules.

7. The Commission invited comments from interested participants and suggested rule revisions included in legislative format.

8. The matter was set for a hearing to be held on December 17, 2018 and referred to an Administrative Law Judge (ALJ) for a recommended decision.

9. No comments to the proposed rules were filed.

10. A hearing was held on December 17, 2018. No one appeared at the hearing.

11. The ALJ did not believe further hearings were necessary.

12. Being fully advised in this matter and consistent with the discussion below, in accordance with § 40-6-109, C.R.S., the ALJ now transmits to the Commission the record and exhibits in this proceeding along with a written recommended decision.

13. With no comments either filed or presented at the hearing, the proposed rules shall be adopted without any change.

II. ORDER

A. The Commission Orders That:

1. The Rules Regulating Telecommunications Services and Providers of Telecommunications Services contained in 4 *Code of Colorado Regulations* (CCR) 723-2, Rules Regulating Electric Utilities contained in 4 CCR 723-3, Rules Regulating Gas Utilities and Pipeline Operators contained in 4 CCR 723-4, Rules Regulating Water, and Combined Water and Sewer Utilities contained in 4 CCR 723-5, and Rules Regulating Railroads, Rail Fixed Guideways, Transportation by Rail, and Rail Crossings contained in 4 CCR 723-7, contained in redline and strikeout format attached to this Recommended Decision as Attachment A are adopted.

2. The proposed rules in legislative (strikeout and underline) format (Attachment A), are available through the Commission’s E-Filings system¹ at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=18R-0784ALL.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if that is the case, and is entered as of the date above.

4. As provided by § 40-6-109, C.R.S., copies of this Recommended Decision shall be served upon the parties, who may file exceptions to it.

5. If no exceptions are filed within 20 days after service or within any extended period of time authorized, or unless the decision is stayed by the Commission upon its own motion, the recommended decision shall become the decision of the Commission and subject to the provisions of § 40-6-114, C.R.S.

6. If a party seeks to amend, modify, annul, or reverse basic findings of fact in its exceptions, that party must request and pay for a transcript to be filed, or the parties may stipulate to portions of the transcript according to the procedure stated in § 40-6-113, C.R.S. If no transcript or stipulation is filed, the Commission is bound by the facts set out by the administrative law judge and the parties cannot challenge these facts. This will limit what the Commission can review if exceptions are filed.

¹ From the *Electronic Filings* (E-Filings) system page (<https://www.dora.state.co.us/pls/efi/EFI.homepage>), the rules can also be accessed by selecting “*Search*” and entering this proceeding number (18R-0784ALL) in the “*Proceeding Number*” box and then selecting “*Search*”.

7. If exceptions to this Decision are filed, they shall not exceed 30 pages in length, unless the Commission for good cause shown permits this limit to be exceeded.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ROBERT I. GARVEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES

2008. Incorporations by Reference.

- (a) The Commission incorporates by reference 47 C.F.R., Parts 32, 36, 54, 68, 69 and Part 64 Subparts I and K (as published February 4, 2015). No later amendments to or editions of these regulations are incorporated in these rules.
- (b) The Commission incorporates by reference the regulations published in 47 C.F.R. Part 64 Subpart U as revised on June 8, 2007. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (c) The Commission incorporates by reference the National Electrical Safety Code, C2-2007 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (d) The Commission incorporates by reference the regulations published in 47 C.F.R. 51.307 through 51.319, as revised on January 28, 2013. No later amendments to or editions of these regulations are incorporated into these rules.
- (e) The Commission incorporates by reference the rule promulgated by the FCC's *LNP First Report and Order*, Decision No. FCC 96-286 in CC Docket No. 95-116, released July 2, 1996. No later amendments to or editions of these requirements are incorporated into these rules.
- (f) The Commission incorporates by reference the FCC's Truth in Billing Rules found at 47 C.F.R. § 64.2401, et seq. revised on November 30, 2012. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (g) The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; Federal Communications Commission: www.fcc.gov; and National Electrical Safety Code: www.standards.ieee.org.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-3

PART 3

RULES REGULATING ELECTRIC UTILITIES

3008. Incorporation by Reference.

- (a) The Commission incorporates by reference 18 C.F.R. Part 101 (as published on April 1, 2014) regarding the Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act. No later amendments to or editions of 18 C.F.R. Part 101 are incorporated into these rules.
- (b) The Commission incorporates by reference 7 C.F.R. Part 1767 (as published on May 27, 2008) regarding the Uniform System of Accounts Prescribed for RUS Electric Borrowers. No later amendments to or editions of 7 C.F.R. Part 1767 are incorporated into these rules.
- (c) The Commission incorporates by reference 18 C.F.R. Part 125 (as published on August 7, 2000) regarding the Preservation of Records of Public Utilities and Licensees. No later amendments to or editions of 18 C.F.R. Part 125 are incorporated into these rules.
- (d) The Commission incorporates by reference RUS Bulletin 180-2 (as published on June 26, 2003) regarding Record Retention Recommendations for RUS Electric Borrowers. No later amendments to or editions of RUS Bulletin 180-2 are incorporated into these rules.
- (e) The Commission incorporates by reference the National Electrical Safety Code, 2012 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (f) The Commission incorporates by reference 18 C.F.R., Subchapter K, Part 292, Subparts A, B and C (as published on February 21, 2012) regarding §§ 201 and 210 of the Public Utility Regulatory Policies Act of 1978. No later amendments to or editions of 18 C.F.R., Subchapter K, Part 292, Subparts A, B and C are incorporated into these rules.
- (g) Any material incorporated by reference in this Part 3 may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. Certified copies of the incorporated standards shall be provided at cost upon request. The Director or the

Director's designee will provide information regarding how the incorporated standards may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; United States Department of Agriculture Rural Development: www.rd.usda.gov/publications/regulations-guidelines/bulletins/electric; and National Electrical Safety Code: www.standards.ieee.org.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-4

PART 4

RULES REGULATING GAS UTILITIES AND PIPELINE OPERATORS

4008. Incorporation by Reference.

- (a) The Commission incorporates by reference 18 C.F.R. Part 201 (as published on April 1, 2012) regarding the Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act. No later amendments to or editions of 18 C.F.R. Part 201 are incorporated into these rules.
- (b) The Commission incorporates by reference 18 C.F.R. Part 225 (as published on April 1, 2012) regarding the Preservation of Records of Natural Gas Companies. No later amendments to or editions of 18 C.F.R. Part 225 are incorporated into these rules.
- (c) Any material incorporated by reference in this Part 4 may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. Certified copies of the incorporated standards shall be provided at costs upon request. The Director or the Director's designee will provide information regarding how the incorporated standards may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-5

PART 5

RULES REGULATING WATER, AND COMBINED WATER AND SEWER UTILITIES

5008. Incorporation by Reference.

- (a) The Commission incorporates by reference the 1996 editions of the Uniform System of Accounts for Class A, B, and C Water Utilities, and the Uniform System of Accounts for Class A, B, and C Wastewater Utilities, published by the National Association of Regulatory Utility Commissioners. No later amendments to or editions of the Uniform System of Accounts are incorporated into these rules.
- (b) The Commission incorporates by reference the American Water Works Association Standards, Volume 5, Number 1, revised as of April 1, 2002. No later amendments to or editions of the American Water Works Standards are incorporated into these rules.
- (c) Any material incorporated by reference in this Part 5 may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. Certified copies of the incorporated standards shall be provided at costs upon request. The Director or the Director's designee will provide information regarding how the incorporated standards may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: National Association of Regulatory Utility Commissions: www.naruc.org; and American Water Works Association: www.awwa.org/publications/standards.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-7

PART 7

RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL, AND RAIL CROSSINGS

7008. Incorporation by Reference.

- (a) The Commission incorporates by reference the Sections 1A.13, 4L.03, and 8 of the 2009 Edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and the Colorado Supplement to the Federal Manual on Uniform Traffic Control Devices 2009 (collectively MUTCD) as adopted by the Transportation Commission of Colorado on December 15, 2011 and updated February 26, 2016. No later amendments to or editions of the MUTCD are incorporated into these rules. The Commission also incorporates by reference Chapter 1 (Highway Functions) of the 2011 edition of the American Association of State Highway and Transportation Officials A Policy on Geometric Design of Highways and Streets (AASHTO Green Book). No later amendments to or editions of the AASHTO Green Book are incorporated into these rules. The Commission also incorporates by reference the National Electrical Safety Code, 2012 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (b) The Commission incorporates by reference the Colorado Department of Transportation Staff Bridge Design Manual adopted October 1987 with all updates up to and including the effective date of January 6, 2017 published by the Colorado Department of Transportation Staff Bridge Section (CDOT Bridge Design Manual) for purposes of the design of the theoretical structure defined in rule 7201(o) for grade separation cost allocation only. No later amendments to or editions of the CDOT Bridge Design Manual are incorporated into these rules.
- (c) Any person seeking information regarding how the incorporated material may be obtained or examined may contact the Director or his/her designee, Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202. Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. The material incorporated by reference may be examined at any state publications depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: US Department of Transportation: www.mutcd.fhwa.dot.gov and www.fhwa.dot.gov/design/standards/151112.cfm; and Colorado Department of Transportation: www.codot.gov/library/bridge/bridge-manuals/lfd-bridge-design-manual.

[indicates omission of unaffected rules]

7342. Incorporation by Reference.

References in these rules to 49 C.F.R. 659.19 and Part 674 are rules issued by the FTA and are hereby incorporated by reference in these rules. These rules may be found at 49 C.F.R. 659.19 and Part 674 revised as of March 16, 2016. References to 49 C.F.R. 659.19 and Part 674 do not include later amendments to, or editions of, 49 C.F.R. 659.19, and Part 674. The Commission also incorporates by reference in these rules the severity categories (Table I), probability levels (Table II), and risk assessment matrix (Table III) from the Department of Defense Standard Practice System Safety MIL-STD-882E dated May 11, 2012. A copy of all material that has been incorporated by reference is maintained at the offices of the Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, and is available for inspection during normal business hours. ~~Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. Copies of the incorporated rules shall be provided at cost upon request.~~ The Director of the Commission will provide information regarding how 49 C.F.R. 659.19 and Part 674, and the MIL-STD-882E may be obtained or examined. This incorporated material may be examined at any state publications depository library. ~~The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr/; and Department of Defense System Safety: https://www.acq.osd.mil/se/initiatives/init_safety.html.~~

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-2

PART 2

RULES REGULATING TELECOMMUNICATIONS SERVICES AND PROVIDERS OF TELECOMMUNICATIONS SERVICES

2008. Incorporations by Reference.

- (a) The Commission incorporates by reference 47 C.F.R., Parts 32, 36, 54, 68, 69 and Part 64 Subparts I and K (as published February 4, 2015). No later amendments to or editions of these regulations are incorporated in these rules.
- (b) The Commission incorporates by reference the regulations published in 47 C.F.R. Part 64 Subpart U as revised on June 8, 2007. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (c) The Commission incorporates by reference the National Electrical Safety Code, C2-2007 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (d) The Commission incorporates by reference the regulations published in 47 C.F.R. 51.307 through 51.319, as revised on January 28, 2013. No later amendments to or editions of these regulations are incorporated into these rules.
- (e) The Commission incorporates by reference the rule promulgated by the FCC's *LNP First Report and Order*, Decision No. FCC 96-286 in CC Docket No. 95-116, released July 2, 1996. No later amendments to or editions of these requirements are incorporated into these rules.
- (f) The Commission incorporates by reference the FCC's Truth in Billing Rules found at 47 C.F.R. § 64.2401, et seq. revised on November 30, 2012. No later amendments to or editions of the C.F.R. are incorporated into these rules.
- (g) The standards and regulations incorporated by reference may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. The Director or the Director's designee will provide information regarding how the incorporated standards and regulations may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; Federal Communications Commission: www.fcc.gov; and National Electrical Safety Code: www.standards.ieee.org.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-3

PART 3

RULES REGULATING ELECTRIC UTILITIES

3008. Incorporation by Reference.

- (a) The Commission incorporates by reference 18 C.F.R. Part 101 (as published on April 1, 2014) regarding the Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act. No later amendments to or editions of 18 C.F.R. Part 101 are incorporated into these rules.
- (b) The Commission incorporates by reference 7 C.F.R. Part 1767 (as published on May 27, 2008) regarding the Uniform System of Accounts Prescribed for RUS Electric Borrowers. No later amendments to or editions of 7 C.F.R. Part 1767 are incorporated into these rules.
- (c) The Commission incorporates by reference 18 C.F.R. Part 125 (as published on August 7, 2000) regarding the Preservation of Records of Public Utilities and Licensees. No later amendments to or editions of 18 C.F.R. Part 125 are incorporated into these rules.
- (d) The Commission incorporates by reference RUS Bulletin 180-2 (as published on June 26, 2003) regarding Record Retention Recommendations for RUS Electric Borrowers. No later amendments to or editions of RUS Bulletin 180-2 are incorporated into these rules.
- (e) The Commission incorporates by reference the National Electrical Safety Code, 2012 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (f) The Commission incorporates by reference 18 C.F.R., Subchapter K, Part 292, Subparts A, B and C (as published on February 21, 2012) regarding §§ 201 and 210 of the Public Utility Regulatory Policies Act of 1978. No later amendments to or editions of 18 C.F.R., Subchapter K, Part 292, Subparts A, B and C are incorporated into these rules.
- (g) Any material incorporated by reference in this Part 3 may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. . Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. The Director or the Director's designee will provide information regarding how the incorporated standards may be examined at any state public depository library The standards and regulations are also available from the agency, organization or association originally issuing the code,

standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr;
United States Department of Agriculture Rural Development:
www.rd.usda.gov/publications/regulations-guidelines/bulletins/electric; and National Electrical
Safety Code: www.standards.ieee.org.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-4

PART 4

RULES REGULATING GAS UTILITIES AND PIPELINE OPERATORS

4008. Incorporation by Reference.

- (a) The Commission incorporates by reference 18 C.F.R. Part 201 (as published on April 1, 2012) regarding the Uniform System of Accounts Prescribed for Natural Gas Companies Subject to the Provisions of the Natural Gas Act. No later amendments to or editions of 18 C.F.R. Part 201 are incorporated into these rules.
- (b) The Commission incorporates by reference 18 C.F.R. Part 225 (as published on April 1, 2012) regarding the Preservation of Records of Natural Gas Companies. No later amendments to or editions of 18 C.F.R. Part 225 are incorporated into these rules.
- (c) Any material incorporated by reference in this Part 4 may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. . Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. The Director or the Director's designee will provide information regarding how the incorporated standards may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-5

PART 5

RULES REGULATING WATER, AND COMBINED WATER AND SEWER UTILITIES

5008. Incorporation by Reference.

- (a) The Commission incorporates by reference the 1996 editions of the Uniform System of Accounts for Class A, B, and C Water Utilities, and the Uniform System of Accounts for Class A, B, and C Wastewater Utilities, published by the National Association of Regulatory Utility Commissioners. No later amendments to or editions of the Uniform System of Accounts are incorporated into these rules.
- (b) The Commission incorporates by reference the American Water Works Association Standards, Volume 5, Number 1, revised as of April 1, 2002. No later amendments to or editions of the American Water Works Standards are incorporated into these rules.
- (c) Any material incorporated by reference in this Part 5 may be examined at the offices of the Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, during normal business hours, Monday through Friday, except when such days are state holidays. . Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. The Director or the Director's designee will provide information regarding how the incorporated standards may be examined at any state public depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: National Association of Regulatory Utility Commissions: www.naruc.org; and American Water Works Association: www.awwa.org/publications/standards.

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-7

PART 7

RULES REGULATING RAILROADS, RAIL FIXED GUIDEWAYS, TRANSPORTATION BY RAIL, AND RAIL CROSSINGS

7008. Incorporation by Reference.

- (a) The Commission incorporates by reference the Sections 1A.13, 4L.03, and 8 of the 2009 Edition of the Manual on Uniform Traffic Control Devices for Streets and Highways and the Colorado Supplement to the Federal Manual on Uniform Traffic Control Devices 2009 (collectively MUTCD) as adopted by the Transportation Commission of Colorado on December 15, 2011 and updated February 26, 2016. No later amendments to or editions of the MUTCD are incorporated into these rules. The Commission also incorporates by reference Chapter 1 (Highway Functions) of the 2011 edition of the American Association of State Highway and Transportation Officials A Policy on Geometric Design of Highways and Streets (AASHTO Green Book). No later amendments to or editions of the AASHTO Green Book are incorporated into these rules. The Commission also incorporates by reference the National Electrical Safety Code, 2012 edition, published by the Institute of Electrical and Electronics Engineers and endorsed by the American National Standards Institute. No later amendments to or editions of the National Electrical Safety Code are incorporated into these rules.
- (b) The Commission incorporates by reference the Colorado Department of Transportation Staff Bridge Design Manual adopted October 1987 with all updates up to and including the effective date of January 6, 2017 published by the Colorado Department of Transportation Staff Bridge Section (CDOT Bridge Design Manual) for purposes of the design of the theoretical structure defined in rule 7201(oo) for grade separation cost allocation only. No later amendments to or editions of the CDOT Bridge Design Manual are incorporated into these rules.
- (c) Any person seeking information regarding how the incorporated material may be obtained or examined may contact the Director or his/her designee, Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202. . Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. The material incorporated by reference may be examined at any state publications depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: US Department of Transportation: www.mutcd.fhwa.dot.gov and www.fhwa.dot.gov/design/standards/151112.cfm; and Colorado Department of Transportation: www.codot.gov/library/bridge/bridge-manuals/lfd-bridge-design-manual.

[indicates omission of unaffected rules]

7342. Incorporation by Reference.

References in these rules to 49 C.F.R. 659.19 and Part 674 are rules issued by the FTA and are hereby incorporated by reference in these rules. These rules may be found at 49 C.F.R. 659.19 and Part 674 revised as of March 16, 2016. References to 49 C.F.R. 659.19 and Part 674 do not include later amendments to, or editions of, 49 C.F.R. 659.19, and Part 674. The Commission also incorporates by reference in these rules the severity categories (Table I), probability levels (Table II), and risk assessment matrix (Table III) from the Department of Defense Standard Practice System Safety MIL-STD-882E dated May 11, 2012. A copy of all material that has been incorporated by reference is maintained at the offices of the Colorado Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202, and is available for inspection during normal business hours. . Incorporated standards shall be available electronically and provided in certified copies, at cost, upon request. Restrictions on the provision of physical copies due to copyright protections may apply. The Director of the Commission will provide information regarding how 49 C.F.R. 659.19 and Part 674, and the MIL-STD-882E may be obtained or examined. This incorporated material may be examined at any state publications depository library. The standards and regulations are also available from the agency, organization or association originally issuing the code, standard, guideline or rule as follows: Code of Federal Regulations: www.govinfo.gov/help/cfr; and Department of Defense System Safety: https://www.acq.osd.mil/se/initiatives/init_safety.html.