

Board of Directors Policy

Subject: Regulation Governing Change of Tariffs, Rules, and Regulations			Policy No: 364
Original Issue: 11/19/08	Last Revised: 1/16/19	Last Reviewed: 1/16/19	Page 1 of 2

I. OBJECTIVE

This Policy establishes a Regulation for La Plata Electric Association, Inc. (Cooperative), which sets forth a procedure regarding notification of proposed changes in the Tariffs, rules and regulations, in compliance with § 40-9.5-106, C.R.S. and § 40-9.5-109, C.R.S., as the same may be amended, superseded, or replaced.

II. SCOPE AND PURPOSE

This Regulation is promulgated in the best interest of this Cooperative and its Members and Consumers. This Regulation shall be liberally construed to secure the just, speedy and inexpensive determination of matters related to the Tariffs imposed by the Cooperative.

III. DEFINITIONS

- A. As used in this Regulation, the following words shall have the meanings indicated, unless the context otherwise requires:
1. “Board” shall mean the Board of Directors of the Cooperative.
 2. “Cooperative” shall mean La Plata Electric Association, Inc.
 3. “Consumer” shall mean any Person who is not a Member but who directly receives and is billed for electric service from the Cooperative.
 4. “Local Newspaper” shall mean a newspaper of general circulation within the certificated service territory of the Cooperative affected by the matter for which notice is given.
 5. “Member” shall mean any person who has executed an application for membership with the Cooperative, whose application has been accepted, and who directly receives electric service from the Cooperative.
 6. “Person” shall mean any natural person, firm, partnership, corporation, company, cooperative, joint venture, or any other legal entity.
 7. “Tariff” shall mean and include any rate, fare, toll, charge, classification, rule, or regulation relating to or affecting any rate, classification, or service, or any privilege or facility.

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IV. REGULATION

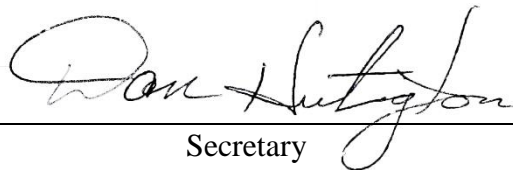
- A. When the Cooperative changes any Tariff hereof, it shall provide prior written or printed notice (substantially in the Form of Notice attached as Exhibit 1 to this Policy) setting forth the change and the effective date by posting on the Cooperative's website and using either, or both, of the following methods:
1. Through a notice sent by United States mail with postage prepaid, or personally delivered, at least 30 days before said effective date, to each of the Cooperative's Members and Consumers.
 2. Causing the same to be published in one or more Local Newspapers.
- B. The Cooperative may hold a hearing to obtain or evaluate comments from Members or Consumers regarding any changes to a Tariff. The changes ultimately authorized may or may not be the same as those provided in the original notice and may include changes different than those Tariffs provided in the original notice or currently in effect. Members and Consumers will be given notice of the hearing as part of the notice set forth in Section IV.A.
- C. Following the hearing, if one is conducted pursuant to Section IV.B, or if no hearing is conducted, any Consumer or Member who desires to register opposition to the proposed change of Tariff shall follow the procedure set forth in Board Policy No. 363 (Regulation Governing Complaints).
- D. If the Cooperative elects not to implement a change to a Tariff, or any part of a Tariff, prior to the effective date of the change, the prior Tariff, or the portion of the Tariff, shall remain in effect. Any future changes to any Tariff shall be addressed pursuant to this Policy.

V. RESPONSIBILITY

The President of the Board shall be responsible for administration of this Policy.

1/16/2019

Date



Secretary

Exhibit 1

NOTICE

NOTICE OF A CHANGE IN THE TARIFFS OF LA PLATA ELECTRIC ASSOCIATION, INC.

You are hereby notified that the above-named Cooperative has made the following changes in its tariffs which will become effective _____ (Date).

[State fully the changes to be put into effect and the present tariff provision(s) to be changed; or if too lengthy, call attention to the effect of the changes and state that the proposed and present tariff provisions are available for examination and explanation at each business office of the Cooperative, stating the address of each such office. In the event changes in rates are involved, the notice also shall state the dollar changes (or ranges thereof) or percentage changes (or ranges thereof) for each class or type of service.]

Anyone who desires to submit comments about the changes shall file a written complaint with the Cooperative at 45 Stewart Street, Durango, Colorado, 81303, at least 10 days before the proposed effective date.

The Cooperative may hold a hearing to address any changes or take comments. The changes ultimately authorized may or may not be the same as those proposed and may include changes different than those tariffs proposed or currently in effect. Anyone who desires to receive notice of hearing, if any, shall make a written request therefore to the Cooperative, at the above address, at least 10 days before the effective date.

By _____
Chief Executive Officer

AFFIDAVIT OF MAILING OR PUBLICATION

STATE OF COLORADO)

) ss.

COUNTY OF _____)

_____, being of lawful age and being first duly sworn, upon oath deposes and says:

1) That he/she is the _____ of _____
(Title) (Name of Cooperative)

2) That in accordance with the Cooperative's Regulations, he/she caused the foregoing Notice to be mailed to the Cooperative's members and consumers, at their addresses as shown on the Cooperative's records, by depositing the same in the United States Mail, postage prepaid on the _____ day of _____ 20_____.

OR

2) That in accordance with the Cooperative's Regulations, he/she caused the foregoing Notice to be published in one or more local newspaper(s) of general circulation in the Cooperative's service area, to-wit:

_____, on the _____ day of _____ 20__

(Name(s) of Newspapers(s))

(Name of Affiant)

Subscribed and sworn to before me this _____ day of _____ 20__, by

(Name of Affiant)

My commission expires _____ day _____ 20__.

(SEAL)

(Notary Public)

Address: