

Board of Directors Policy

Subject: Regulation Governing Change of Tariffs, Rules, and Regulations			Policy No: 364
Original Issue: 11/19/08	Last Revised: 7/19/17	Last Reviewed: 7/19/17	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 rates, rules and regulations, in compliance with § 40-9.5-106, C.R.S. and § 40-9.5-109, C.R.S., as the same may be amended, superseded, or replaced.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 and Rates 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. “Rate” shall mean and include any rate, fare, toll, or charge.

LA PLATA ELECTRIC ASSOCIATION, INC.
DURANGO, COLORADO

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8. "Tariff" shall mean and include any rate, classification, rule, or regulation relating to or affecting any rate, classification, or service, or any privilege or facility.

IV. REGULATION

- A. When the Cooperative proposes to change any Tariff or Rate hereof, it shall provide written or printed notice (substantially in the Form of Notice attached as Exhibit 1 to this Policy) setting forth the proposed change and the effective date 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 determine what changes will be authorized. The changes authorized may or may not be the same as those proposed and may include changes different than those Tariffs or Rates proposed 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 and anyone who proposes to make a verbal statement at the hearing must provide the Cooperative with a written request at least five days before the hearing will be conducted, otherwise Members and Consumers may submit only written statements to the Cooperative to be considered at the hearing.
- 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 or Rate shall follow the procedure set forth in Board Policy No. 363 (Regulation Governing Complaints).

V. RESPONSIBILITY

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

7/19/2017

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 proposes to make the following changes in its tariffs, to 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 complain about the proposed 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 determine what changes will be authorized. 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 proposed 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: