

GENERAL RULES AND REGULATIONS  
Rules, Regulations or Extension Policy

III. REGULATIONS GOVERNING CONSUMER COMPLAINTS AND RELATED MATTERS

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A. SCOPE

The purpose of these Regulations is to set forth the procedures which will govern changes in rates, rules and regulations; appeals from the application of any immediate shut-off policy; the handling of complaints of consumers of this Association; and certain related matters including the opportunity for such persons to be heard on said matters.

These Regulations are established in the best interests of this Association and its consumers and in accordance with 40-9.5-101, C.R.S. 1973, as amended (S.B. 224, 1983 General Assembly), which statute provides as follows:


“Prior to November 1, 1983, the Board of Directors of each cooperative electric association will adopt regulations which specify a procedure for consumers to register complaints about and be given an opportunity to be heard by the Board on the rates charged by such association, the manner in which the electric service is provided, and proposed changes in the rates or regulations. Such regulations may be amended whenever deemed appropriate by the Board.”

These Regulations will be liberally construed to secure the just, speedy and inexpensive determination of matters presented under the foregoing statute and these Regulations.

So long as not contrary to law, deviation from these Regulations may be permitted for good cause shown or if compliance therewith is found to be impossible, impracticable or unreasonable.

B. FORMS

The attached forms are not considered to be part of these Regulations, but they should be followed whenever possible.

  
Signature of Issuing Officer

Issue Date August 29, 1983

Newly Incorporated Into Tariffs April 18, 2006

Decision or Authority No. \_\_\_\_\_

General Manager

Effective Date June 1, 2006

Title

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C. TIME

In computing a period of days, the first day is excluded and the last day is included. If the last day of a period is a Saturday, Sunday or State of Colorado legal holiday, the period will be extended to include the next day which is not a Saturday, Sunday or State of Colorado legal holiday.

D. CHANGE OF TARIFF

When this Association proposes to increase a rate or change any tariff, rule or regulation which has the effect of increasing any rate of this Association, it will proceed substantially as follows:

1. At least thirty (30) days before the effective date of the change of rate, tariff, rule or regulation, a written notice, substantially in the form set forth as Form 1 attached to these Regulations, will be: (a) sent by United States mail, with postage prepaid, or personally delivered, to each of the Association's consumers affected by the change; or (b) published in local newspaper(s) having general circulation in the area(s) of the consumers affected by the change; or (c) published in Colorado Country Life.
2. The notice will provide that any consumer who desires to comment on the proposed change shall file written comments with the Association at 1655 5<sup>th</sup> Street, P. O. Box 1600, Limon, Colorado, 80828, on or before the date set forth in the notice, which date will be no less than twenty (20) days after mailing or publication of the notice and no less than fifteen (15) days prior to the effective date of the change.

  
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3. If any written comments are submitted, and after the deadline for comments set forth in the notice but before the effective date of the change, the Board of Directors will review any comments received. Following review of the comments and on its own motion, the Board of Directors will: (a) reaffirm the change; or (b) delay the effective date of the change until after a hearing to be held in accordance with these Rules, which hearing will be held no sooner than twenty (20) days after such motion. Any consumer that has filed written comments to the change, or that has requested notice of any hearing concerning the change, shall be notified in writing of the Board's action, and will be allowed to participate in any hearing that is scheduled in accordance with the procedures set forth in these Rules.

E. IMMEDIATE SHUT OFFS

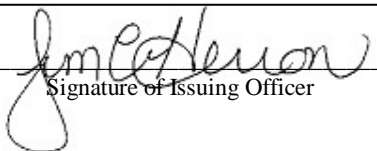
When this Association voluntarily disconnects service to a consumer without prior notice, such consumer may immediately appeal such action to the Board by filing a Formal Complaint as provided herein. If the Board is in session, it will immediately hear and determine said Complaint.

The Board President may from time to time designate one or more Directors to hear and determine complaints filed for immediate shut offs at a time when the Board is not in session, and said Director(s) will immediately determine any such complaint, subject to the right of the consumer to seek further review of said determination, which review will be conducted and determined by the Board at its next meeting.

F. DISPUTE RESOLUTION

In the course of doing business, it is inevitable that a consumer may disagree with the Association's policies or procedures. All employees will follow the Association's policies and procedures, and in the absence of clear-cut policy or procedure, will use their own good judgment to solve a disagreement.

1. The Association employee dealing with the consumer will make a reasonable effort to resolve the difference of opinion. However, in the event that this is not possible, the consumer will be referred to the immediate supervisor of the employee.

  
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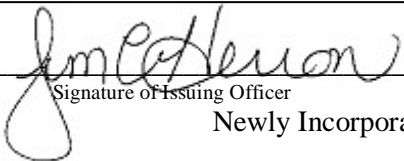
III. REGULATIONS GOVERNING CONSUMER COMPLAINTS AND RELATED MATTERS (cont.)

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- 2. If the consumer insists, the disagreement can be directly referred to the General Manager, or if the supervisor cannot solve the disagreement, the consumer will be referred to the Department Head or the General Manager.
- 3. Disputes reaching the level of General Manager may be oral or in writing, stating the facts and other information forming the basis for the disagreement, and setting forth the relief the consumer seeks. The General Manager may request additional information from the consumer. The General Manager will provide the consumer with an oral or written response to the disagreement within thirty (30) days of receipt of the disagreement, or within thirty (30) days of receipt of the additional information requested. If the consumer is not satisfied with the General Manager's Response, then the consumer may file a Formal Complaint.
- 4. The General Manager, or his/her designee, may seek input from the Board at his/her discretion.

G. FORMAL COMPLAINTS

- 1. When a consumer desires to meet with the Board of Directors to offer a suggestion for a change in Association tariffs, practices or general rules and regulations of general application, the procedures of Association Board Policy B-011 will control.
- 2. When a consumer objects to an action taken by the Association that directly affects their service or account, and where the consumer alleges either (a) that the Association, by some act or failure to act by the Association, is contrary to any rule of law, tariff, or rule or regulation of the Association; (b) that a variance from Association tariffs, rules or regulations of general applications should be given to that consumer; or (c) that the Association has taken an arbitrary or discriminatory action where there is no tariff, rule or regulation of the Association applicable to their situation, then the Formal Complaint procedures set forth herein shall be followed.

  
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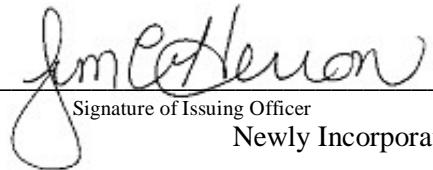
H. PROCEDURE FOR FORMAL COMPLAINTS AND HEARINGS ON OBJECTIONS TO CHANGES OF TARIFFS

1. Filing the Formal Complaint -The Formal Complaint must be addressed to Mountain View Electric Association, Inc., c/o Board of Directors, P. O. Box 1600, Limon, Colorado, 80828, and signed by the Complainant. The Formal Complaint must be in writing generally conforming to Form No. 2 attached to these Regulations, must state a clear and concise statement of the facts supporting the Complaint, and set forth the relief the Complainant seeks. The Formal Complaint will include the General Manager's response to the dispute resolution as supplemental documents, if applicable. The Complainant must provide copies of the Formal Complaint to any other party.

2. Presiding Officer - The words "Presiding Officer" will mean the President of this Association or such other person(s) as may be designated by the Board to preside over a hearing under these Regulations. The Presiding Officer need not be a Director or consumer of the Association.

The Presiding Officer may permit any pleadings to be amended or corrected or any omission therein to be supplied. Defects which do not affect substantive rights of a party will be disregarded. The Presiding Officer may order any redundant, immaterial, impertinent or scandalous matter stricken from any pleading, document or other paper filed with the Association.

3. Setting of Hearing - A Formal Complaint will be set for hearing at the earliest practicable time, typically at the next regularly scheduled Board Meeting conforming with the Notice of Hearing requirements. It may be dismissed by the Complainant at any time, and it will be dismissed where it has been set for hearing and the Complainant fails to appear at the time, place and date set for hearing without just cause.



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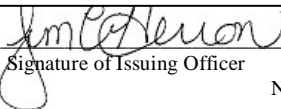
- 4. Notice of Hearing - The Association will give written notice of a hearing on the Formal Complaint by mailing a copy of the notice setting the matter for hearing, at least fifteen (15) days before the first day of the hearing, to (i) each party to the proceeding as of the date of mailing, and (ii) any person who has asked to receive notice of the hearing. The Notice of Hearing will state the time, place and date of the hearing. In addition to the above described notice, the Association will give public notice of the hearing by posting a notice containing the time, place and date of the hearing in a prominent public place in the offices of the Association not less than fifteen (15) days prior to the hearing.
- 5. Representation of Parties/Withdrawal of Attorneys - An individual who is a party to a proceeding and who wishes to appear on his/her own behalf may represent only his/her own individual interest in said proceeding. A business entity of any type may be represented by its owner, officer, manager or duly authorized employee.

A party may be represented by an attorney at law, currently in good standing before the Supreme Court of the State of Colorado.

A pleading of a party represented by an attorney will be signed by said attorney, and will set forth the attorney's registration number, address and telephone number. The signature of an attorney is a certification that he/she has read the pleading; that to the best of his/her knowledge, information and belief there are good grounds to support it; and that it is not interposed for purposes of delay. Complaints will be verified unless signed by an attorney; other pleadings need not be verified.

An attorney of record may withdraw from a proceeding only upon motion, and notice to all parties of record and to the party represented by such attorney.

The Association attorney is usually present at the hearings; his purpose is to advise the Board of Directors on procedural issues and to prepare the Hearing Report and Record of Decision. While he may ask clarifying questions, he will not advocate the position of the Complainant. He will advocate the position of the Association staff in the hearing process, only if the Complainant is represented by counsel.

  
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- 6. Consolidation/Pre-Hearing Conferences - Two or more proceedings may be consolidated where it appears that the issues are substantially similar and that the rights of the parties will not be prejudiced by such consolidation.

At any time before the commencement of a proceeding, the Presiding Officer, with or without motion, and after consideration of the probability of beneficial results to be derived therefrom, may order that a pre-hearing conference be held to expedite the hearing or settle issues, or both.

- 7. Conduct of Hearings/Limitations on Participation/Absence From Hearings/Continuances - Hearings will be conducted by the Board of Directors, or by one or more individual Directors or any other person(s) designated by the Board. Hearings will be held at this Association's principal place of business at 1655 - 5th Street, Limon, Colorado, or at such place or places in the State of Colorado as may be designated in the Notice of Hearing. All hearings will be open to the public. Any person who is disruptive, abusive, or disorderly at a hearing may be excluded from the hearing. Any hearing will be recorded at the request of any party, including this Association; the cost of such recording will be borne by the party who requested that the hearing be recorded.

At the commencement of a hearing, the Presiding Officer will call the hearing to order, take appearances, and act upon any pending motions, petitions or preliminary matters. The parties may then make opening statements or reserve them to a later time in the proceeding. A witness, before being permitted to testify, will be required to swear or affirm that the testimony he is about to give is true. A witness who refuses to so swear or affirm will not be permitted to testify.

Where two or more parties have substantially similar interests and positions, the Presiding Officer may at any time during the hearing, in order to expedite the hearing, limit the number of parties who will be permitted to cross-examine witnesses or argue motions or objections.

  
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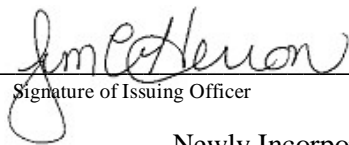
III. REGULATIONS GOVERNING CONSUMER COMPLAINTS AND RELATED MATTERS (cont.)

If after notice, any party to a proceeding does not appear at a hearing either in person or by counsel, or if after making an appearance at any hearing absents himself therefrom the matter may be heard in the absence of such party. For good cause shown, the Presiding Officer may grant continuances.

When a hearing will be expedited and the interests of the party will not be substantially prejudiced thereby, a person conducting a hearing may receive all or part of the evidence in written form.

- 8. Admissibility of Evidence - Neither the Board, nor one or more individual Directors or any other person(s) designated by the Board to conduct a hearing, will be bound by the technical rules of evidence, and no informality in a proceeding or in the manner of taking testimony will invalidate any order, decision, rule or regulation made, approved or confirmed. However, to the extent practicable, the Colorado Rules of Evidence applicable in civil, non-jury cases in the district courts of Colorado will be followed in order to promote uniformity in the admission of evidence. Notwithstanding the foregoing, when necessary to ascertain facts affecting the substantial rights of parties to the proceeding, evidence not admissible under such rules may be received and considered if such evidence possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. Unless the context otherwise requires, whenever the words "court", "judge" or "jury" appear in any of the Colorado Rules of Evidence, such words will be construed to mean the Association's Board of Directors, or one or more individual Directors or other person(s) designated by the Board to conduct a hearing, as the case may be.
- 9. Complaints/Burden of Going Forward/Burden of Proof - The burden of going forward and the burden of proof will be on the Complainant. After the Complainant has gone forward, any party who appears in support of the position of the Complainant will go forward. Then the Association or its representative, followed by any party who appears in support of the position of the Association will go forward. The Complainant will then have the right to present rebuttal evidence.

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In proceedings other than complaint proceedings, the burden of going forward and the burden of proof will be as determined by the Presiding Officer.

In consolidated proceedings, the Presiding Officer will determine the order in which the parties will present their evidence; in all other respects, the burden of going forward and the burden of proof will be as above set forth.

- 10. Stipulations - Any two or more parties, including this Association, may stipulate as to any fact at issue, or otherwise reach agreement as to matters at issue, of substance or procedure, by written stipulation or agreement offered into evidence as an exhibit. The Presiding Officer will enter a decision approving or not approving any such stipulation or agreement or recommending modification thereof as a condition to approval. An oral stipulation or agreement may be made upon the record, subject to the terms and conditions of this Regulation.
- 11. Documentary Evidence - Except as otherwise provided herein, a party sponsoring an exhibit will furnish a copy thereof to each party present and to the Presiding Officer at the hearing. The Presiding Officer may limit the number of copies required to be furnished where reproduction is impossible, extremely difficult or unduly burdensome.
- 12. Interim Orders - The Presiding Officer, during the course of proceeding and prior to entering a decision or order, may issue one or more written interim orders. Any party aggrieved by an interim order may file a written motion to set aside or modify or stay such order.
- 13. Briefs or Statements of Position - At the conclusion of the presentation of evidence at any hearing, the Presiding Officer, upon his/her own motion or upon request by a party, may order written briefs or statements of position to be filed. Where the hearing was conducted by one or more individual Directors or by some other person(s) designated by the Board, copies of the brief or statement of position will be filed with said Director(s) or person(s) as well as with the Association. A copy of said brief or statement of position also will be served on each party.

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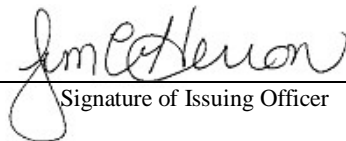
14. Reopening of The Hearing - The Presiding Officer, upon his/her own motion or upon motion of a party for good cause shown, may order that the hearing be reopened for further proceedings, any time after a matter is taken under advisement after a hearing and before a decision is entered on the merits.

15. Decision/Reconsideration/Appeal/Further Complaint - The Board or the Director(s) or the other person(s) designated by the Board who conducted the hearing, will proceed with reasonable dispatch to decide the matter presented. The decision will include a statement of findings and conclusions upon all the material issues of fact, law, or discretion presented by the evidence and the appropriate order, sanction, relief, or denial thereof. The decision will be issued as soon as practicable, and in any event within forty five (45) days after the hearing is closed.

The decision will be served on each party by personal service or by mailing by first-class mail to the last address furnished to the Association by such party or its representative, and will be effective as to such party on the date mailed or such later date as is stated in the decision.

If a party considers itself to be aggrieved by any such decision, he/she may request the Board or the Director(s) or other person(s) designated by the Board who issued the decision, to reconsider the same by filing a written request therefore with the Association or the Director(s) or other person(s) who issued the decision. Such request must be filed within twenty (20) days after the decision is issued, and it will specify each ground upon which the request is based. The request will be determined within thirty (30) days after it is filed, and if not so determined reconsideration will be deemed denied.

If reconsideration has been denied by other than the Board, and if a party still considers itself to be aggrieved by such decision, it may appeal such decision to the Board by filing a written notice thereof with the Association. Such request must be filed within twenty (20) days after the decision denying reconsideration was issued, and it will specify each ground upon which the appeal is based. The request will be determined by the Board within thirty (30) days after it is filed, and if not so determined the appeal will be deemed denied.

  
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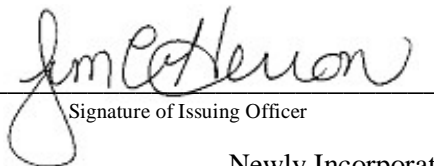
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**GENERAL RULES AND REGULATIONS**  
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No consumer may make complaint to any agency or court about any matter within the scope of these Regulations without first following the procedures and exhausting his/her remedies set forth in these Regulations.

  
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FORM OF NOTICE TO CHANGE TARIFFS  
AS DEFINED IN REGULATION H.

NOTICE

Date of Notice: \_\_\_\_\_, 20\_\_\_\_

NOTICE OF A CHANGE IN THE TARIFFS  
OF  
MOUNTAIN VIEW ELECTRIC ASSOCIATION, INC.  
1655 – 5<sup>th</sup> Street  
P O Box 1600  
Limon, Colorado 80828-1600

You are hereby notified that the above named Association proposes to make the following changes in its tariffs, to become effective \_\_\_\_\_:  
(Date)

(Note: 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 such association, stating the address of each such office. In the event changes in rates are involved, the notice also will state the dollar changes (or ranges thereof) or percentage increases (or ranges thereof) for each class or type of service.)

Anyone who desires to comment on the proposed change will file a written response with the Association at 1655 – 5<sup>th</sup> Street, P O Box 1600, Limon, Colorado 80828, no later than twenty (20) days from the date of this notice.

The Association may hold a hearing to determine whether the proposed change will be authorized. Anyone who desires to receive notice of hearing, if any, will make written request therefore to the Association, at the above address, no later than twenty (20) days from the date of this notice.

MOUNTAIN VIEW ELECTRIC  
ASSOCIATION, INC.

By: JIM C. HERRON  
General Manager

STATE OF COLORADO )  
 ) SS.  
COUNTY OF LINCOLN )

A F F I D A V I T

\_\_\_\_\_, of lawful age, being first duly sworn upon his oath, states:

1. That his/her title is \_\_\_\_\_ of Mountain View Electric Association, Inc. (Mountain View).
  
2. That on \_\_\_\_\_, 20\_\_\_\_, he/she mailed true copies of the attached Notice to all of Mountain View’s customers, (first class), postage prepaid, at the addresses as shown on Mountain View’s records.

OR

2. (3.) That he/she caused the attached Notice to be published in newspapers of general circulation in Mountain View’s service territory as follows:

Name of Paper

Date Published

DATED: \_\_\_\_\_, 20\_\_\_\_\_

The foregoing Affidavit was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by\_\_\_\_\_.

WITNESS my hand and official seal.

My commission Expires: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(NOTARIAL SEAL)

Notary’s Street Address

FORM OF FORMAL COMPLAINT

\_\_\_\_\_ )  
 \_\_\_\_\_ )  
 (Name of Each Complainant) )  
 )  
 Complainant(s) ) CASE NO. \_\_\_\_\_  
 )  
 vs. )  
 )  
 MOUNTAIN VIEW ELECTRIC )  
 ASSOCIATION, INC., )  
 Respondent. )

FORMAL COMPLAINT

The Complainant(s) state:

1. The name and address and telephone number of each person making this Complaint are as follows:

\_\_\_\_\_  
 \_\_\_\_\_

(Names)

\_\_\_\_\_  
 \_\_\_\_\_

(Address)

\_\_\_\_\_

(Telephone)

2. The Complainant(s) will appear at the hearing on this Complaint.
3. The specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation complained of are as follows:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FORMAL COMPLAINT FORM (continued)

Wherefore, Complainant(s) request the Board of Directors of Mountain View Electric Association, Inc. to grant the Complaint(s) the following relief:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(State what you want the Board to do)

DATED: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_

(Signature of Each Complainant)

VERIFICATION

STATE OF COLORADO        )  
  ) SS.  
COUNTY OF \_\_\_\_\_ )

The undersigned, being first duly sworn upon oath, deposes and says that he/she has read the above and foregoing Complaint and any attachments thereto and believes the facts stated herein to be true.

\_\_\_\_\_

(Signature of Each Complainant)

Acknowledged and sworn to before me this \_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by \_\_\_\_\_.

WITNESS my hand and official seal.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_

NOTARY PUBLIC

(NOTARIAL SEAL)

## FORMAL COMPLAINT INSTRUCTIONS

1. A Formal Complaint may be filed with the Association by any consumer of this Association.
2. The Complaint should include a specific statement of expected relief.
3. The Complaint must be signed by an attorney licensed in the State of Colorado or must be verified before a Notary Public.
4. The Complaint will not be refused because of technicalities or because the Complaint is worded informally.
5. The Complaint will be adjudicated in a hearing scheduled by the Association Board of Directors, typically at the next regularly scheduled Board Meeting conforming with the Notice of Hearing requirements. You may also present exhibits and bring witnesses if you wish. The Association staff may testify and present exhibits in opposition to your complaint. You and all witnesses will be sworn and you will be given the opportunity to question anyone who testifies.
6. You will have the Burden of Proof at the hearing; therefore, it will be necessary for you to present a plausible explanation of events, and your explanation of events will need to be more convincing than whatever evidence is presented by the Association staff.
7. You may be represented by an attorney if you wish, but you need not have an attorney. The Association attorney is usually present at the hearings; his purpose is to advise the Board of Directors on procedural issues and to prepare the Hearing Report and Record of Decision. While he may ask clarifying questions, he will not advocate the position of the Complainant. He will advocate the position of the Association staff in the hearing process, only if the Complainant is represented by counsel.
8. If you need assistance in completing the Complaint, call or contact:  
  

Ms. Ellen L. Copley  
Administrative Manager  
Mountain View Electric Association, Inc.  
PO Box 1600  
1655 – 5<sup>th</sup> Street  
Limon, Colorado 80828  
Telephone: (719) 775-2861  
Fax: (719) 775-0610
9. Mail or deliver your Formal Complaint to Mountain View Electric Association, Inc., at the above address. In order to be placed on the agenda for the Board Meeting, it is necessary the complaint be received by the Association fifteen (15) days prior to the scheduled Board Meeting.
10. If you desire a complete copy of the Association's "Regulations Governing Consumer Complaints" call Ms. Copley and a free copy will be sent to you. These regulations cover complaint hearing procedures as well as procedures for appeal of the formal decision on your complaint.