



Subject: Regulations Governing Consumer Complaints and Related Matters

Policy No.: R-01
Revision: 1

Original Issue Date: 10/07/83

Last Revised: 05/21/10

Last Reviewed: 05/21/10

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SCOPE:**1. ADOPTION OF EXISTING RULES AND REGULATIONS**

The purpose of these Regulations is to set forth the procedures which shall govern changes in rates, rules and regulations; the handling of complaints of members and patrons of United Power; and certain related matters including the opportunity for such persons to be heard on said matters.

These Regulations are promulgated in the best interests of United Power, Inc., its members and patrons. They are further established in accordance with the provisions of Colorado Revised Statute Statute 40-9.5-109 as amended, which statute provides as follows:

“The board of directors of each cooperative electric association shall adopt regulations which specify a procedure for members and 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 shall be liberally construed to secure the fair, timely and efficient determination of matters presented under the foregoing statute and these Regulations. For purposes of these Regulations, the word “consumers” as used in the above statute shall have the same definition as “patron” as defined in 4. below.

2. FORMS

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

3. DEVIATION FROM 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.

4. COMPUTATION OF TIME/DEFINITIONS

a) Computation of Time. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday or legal holiday, the period shall be extended to include the next day which is not a Saturday, Sunday, or legal holiday.

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b) Definitions. As used in these Regulations, the following words shall have the meanings indicated unless the context otherwise requires:

- (1) The words “the Association” or “this Association” shall mean United Power, Inc., Brighton, Colorado.
- (2) The word “Board” shall mean the Board of Directors of United Power, Inc.
- (3) The word “patron” shall mean any person who uses or has used the Cooperative’s services.
- (4) The word “member” is a patron (a) using or requesting or agreeing to purchase from the Cooperative electric energy; (b) and agreeing to comply with, and be bound by the Governing Documents and such tariffs, rules, regulations and policies as may be adopted by the Board of Directors.
- (5) The word “person” shall mean any human being at least 18 years of age or any legal entity capable of property ownership such as a corporation, partnership, trust, estate, or governmental bodies or entities.
- (6) The words “increase in rates” or “general increase” or similar words, shall include any change in a tariff which has the effect of increasing any rate of United Power, Inc. to an existing member or patron.
- (7) The words “local newspaper” shall mean the *United Newslines* or other publication mailed regularly by United Power to each of its members and patrons or a newspaper of general circulation in the area of the state wherein are located the members and patrons of United Power affected by the matter of which notice is given.
- (8) The words “presiding officer” shall mean the President of the Board or such person(s) as may be designated by the Board to conduct a hearing under the foregoing statute and these Regulations. A presiding officer need not be a director, member or patron of United Power.
- (9) The words “pro se” shall mean any individual appearing on his own behalf in a proceeding under the foregoing statute and these Regulations.
- (10) The word “rate” shall mean and include any rate, fare, toll, rental or charge.



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(11) The word “tariff” shall mean and include any rates, charges, service classifications, or facilities.

5. CHANGE OF TARIFFS/NOTICE/HEARING

When United Power proposes to change any tariff, it shall proceed substantially as follows:

- a) A written or printed notice setting forth the proposed change and the effective date thereof shall be sent by United States mail with postage prepaid, or personally delivered, at least 30 days before said effective date, to each of United Power’s members and patrons, unless United Power elects to proceed in accordance with the following paragraph. The notice shall be substantially in the form set forth as Form No. 1 hereof.
- b) In lieu of using the foregoing method of notice, United Power may give notice of a proposed change by causing the same to be published at least 30 days before said effective date in one or more local newspapers, as defined in Regulation No. 4 hereof. The notice should be substantially in the form set forth as Form No. 1 hereof.
- c) If a member or patron files with the United Power at least ten (10) days prior to the effective date, both a formal complaint to the proposed tariff changes in conformance with Form No. 3 attached hereto, and a request for hearing thereon, United Power shall schedule a hearing on all such complaints which are accompanied with such requests. In order for hearing to be set, the complaint must contain specific, substantive objections and reasons therefore. A generalized complaint such as “rates are too high” will not be sufficient grounds for scheduling a hearing. The complaint shall be in writing. United Power may, but shall not be required to, schedule a hearing on any proposed tariff change. If United Power elects to schedule a hearing without a complaint, United Power shall give notice to all members and patrons in accordance with paragraphs (b) and (c) of this Regulation No. 5. If a hearing is scheduled only because of filed complaints, accompanied by requests for hearing, the complainants shall be deemed parties and United Power shall give notice of hearing in accordance with Regulation No. 11.
- d) A member or patron may also file an informal complaint to the proposed tariff changes in accordance with Regulation No. 6, but is not required to do so as a condition precedent to a formal complaint under paragraph (c) of this Regulation No. 45. An informal complaint shall be considered by United Power in regard to the proposed tariff changes, but will not require that a hearing be scheduled.



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- e) If the hearing is scheduled by United Power without prior formal complaints, United Power shall have the burden of going forward and the ultimate burden of proof. If the hearing is scheduled because of formal complaints, the complainants shall bear the ultimate burden of proof provided however, United Power shall first present the proposed tariff changes, and the reasons therefore, before the complainants shall present their case in chief. United Power may answer the complainants and the complainants shall have the right of rebuttal.
- f) A scheduling of a hearing on the proposed tariff changes shall not postpone the stated effective date of such changes unless United Power elects to suspend the effective date pending hearing and decision, which United Power shall have the right to do. If the effective date is not suspended and the tariff changes are subsequently modified after hearing or otherwise, no adjustments or refunds shall be required on account of the tariff in effect from the original effective date until the date of change or modification.

6. INFORMAL COMPLAINTS

An informal complaint is one that may be resolved without formal order. Members must use the informal complaint procedure before filing a formal complaint, unless a proposed change in tariff is involved. An informal complaint must be in writing and shall contain such facts and other information, including supporting data and documents, to adequately state the circumstances by which any act or thing done or omitted to be done by United Power, including any rule, regulation or charge heretofore established or fixed or proposed to be established or fixed, is in violation or claimed to be in violation, of any provision of law or of any order or rule of United Power. No anonymous informal complaint shall be considered. An informal complaint shall be referred to United Power's Chief Executive Officer (CEO) or his designee, and the CEO or designee shall attempt to resolve such complaint, within the law, orders, rules and regulations of United Power, as soon as reasonably practicable, and if the said informal complaint is not resolved within 30 days after filing, the same shall be deemed denied. Where an informal complaint is not resolved to the satisfaction of the complainant by the CEO or his designee, the complainant may request an opportunity to appear informally before the Board of Directors. In the event an informal complaint is not resolved to the satisfaction of the complainant, the complainant may file a formal complaint as set forth in Regulation No. 7. Nothing said or offered during settlement negotiations of an informal complaint may be used in any formal complaint proceeding against any party who made the statement or offer.

7. FORMAL COMPLAINTS

Prior to filing a formal complaint on a matter other than a tariff change, the complainant must comply with the informal complaint procedures set forth in Regulation No. 6 above.



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A formal complaint shall be in writing, and generally shall conform to Form No. 2 hereof. Said complaint may be amended up to ten days before the hearing, if any.

A formal complaint may be filed with United Power, Inc. by any member or patron of United Power concerning: (1) the rates charged by United Power; (2) the manner in which electric service is provided by United Power; (3) proposed changes in rates or regulations of United Power; or (4) the complainant's dissatisfaction with the resolution of an informal complaint. A formal complaint filed under this Rule shall not be entertained unless it is signed by the member or patron. If a formal complaint does not substantially comply with these Regulations, it may be rejected or dismissed for that reason alone.

8. PROCESS

A response to a complaint may be filed by United Power's staff. It shall be filed within ten (10) days following the filing of the complaint to which it responds; however, the presiding officer, upon a showing of good cause or upon his own motion, may enlarge or shorten the time for filing a response.

Any complaint or paper filed relating to the complaint should be typewritten or legibly handwritten on 8 ½" x 11" paper and signed by an authorized person. Any paper filed shall state the name and address of the party, identify the proceeding, and set forth a clear and concise statement of the matters relied upon as a basis for such pleading, together with a resolution when relief is sought.

The presiding officer may permit any pleading to be amended or corrected or any omission therein to be supplied. Defects which do not affect substantive rights of a party shall be disregarded.

Unless otherwise ordered by the presiding officer, the number of copies of pleadings to be filed is an original and one copy of formal complaints, and an original and one copy of each paper filed.

A paper of a party represented by an attorney shall be signed by said attorney, and shall set forth the attorney registration number, address and telephone number. The signature of an attorney is a certification by him/her that he/she has read the pleading; that to the best of his/her knowledge, information and belief there is good grounds to support it; and that it is not interposed for purposes of delay.

When the subject matter of any desired relief is not specifically covered by these Regulations, a petition seeking such relief and stating the reasons therefor may be filed and will be handled in the same manner as other petitions.

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The presiding officer may order any redundant, immaterial, impertinent or scandalous matter stricken from any pleading, document or other paper filed with United Power.

9. PARTIES/NON-PARTIES

A party to a proceeding is a member or patron who has been made a party by the institution of a proceeding, or a person who has been granted permission to appear as a party.

Any other person, other than the person filing a complaint or United Power's staff (or United Power's counsel), may not become a party unless approved by the presiding officer, who will have sole discretion to accept a person as an additional party.

10. REPRESENTATION OF PARTIES/WITHDRAWAL OF ATTORNEYS

An individual who is a party to a proceeding and who wishes to appear pro se may represent his own individual interest in said proceeding. A party to a proceeding appearing pro se which is a business entity of any type may be represented by its owner or any officer, manager, or duly-authorized employee.

A party to a proceeding, other than a party appearing pro se, may be represented (i) by an attorney at law, currently in good standing before the Supreme Court of the State of Colorado, or (ii) by an attorney at law, currently in good standing before the highest tribunal of another state.

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. Such motion shall contain the last known address of the party represented by the attorney and a succinct statement of the grounds for requesting withdrawal. Withdrawal of an attorney for a party may be accomplished only with the permission of the presiding officer.

11. HEARINGS/NOTICE OF HEARINGS

A formal complaint shall be set for hearing at the earliest practicable time. It may be dismissed by the complainant at any time, and it shall 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.

United Power, Inc. shall give written notice of a hearing on a formal complaint by mailing a copy of the notice setting the matter for hearing at least 10 days before the first day of hearing, unless shortened by the presiding officer, to: (i) each party to the proceeding as of the date of mailing, (ii) any other person who, in the opinion of the presiding officer, would be interested in or affected by the proceeding involved in the hearing, and (iii) any person who has asked to receive notice of the hearing. The Notice



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of Hearing shall state the time, place and date of the hearing. In addition to the above-described notice, United Power shall 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 United Power.

12. 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 after 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.

13. CONDUCT OF HEARINGS/LIMITATIONS ON PARTICIPATION/ ABSENCE FROM HEARINGS/CONTINUANCES

Hearings shall be conducted by the Board of Directors, or by one or more individual directors or any other person(s) designated by the Board. Whenever the hearing is conducted by the Board, the President of the Board ordinarily shall preside. Hearings shall be held at United Power's principal place of business or at such place or places in the service territory of United Power as may be designated in the Notice of Hearing, or at such other place or places in the State of Colorado as may be considered appropriate. All hearings shall be open to the public. Any person who is disruptive, abusive, or disorderly at a hearing may be excluded from the hearing. Any hearing shall be recorded at the request of any party, including United Power; the cost of such recording shall be borne by the party who requested that the hearing be recorded.

At the commencement of a hearing, the presiding officer shall 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, shall be required to swear or affirm that the testimony he/she is about to give is true. No witness who refuses to so swear or affirm shall 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 shall be permitted to cross-examine witnesses or argue motions or objections.

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.

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

The presiding officer shall have the sole discretion in the conduct of the hearing including, but not limited to, the length of the hearing, the order of presentation and questioning, the methods and means of the presentation, the admissibility of any evidence, and any other matter related to the proceeding.

14. ADMISSIBILITY OF EVIDENCE

Neither the Board, nor one or more individual directors nor any other person(s) designated by the Board to conduct a hearing shall be bound by the technical rules of evidence, and no informality in any proceeding or in the manner of taking testimony shall invalidate any order, decision, rule or regulation made, approved or confirmed.

15. COMPLAINTS/BURDEN OF GOING FORWARD/BURDEN OF PROOF

The burden of going forward and the burden of proof shall be on the complainant. After the complainant has gone forward, any party who appears in support of the position of the complainant shall go forward. Then United Power or its representative, followed by any party who appears in support of the position of United Power, shall go forward. The complainant shall then have the right to present rebuttal evidence.

In proceedings other than complaint proceedings, the burden of going forward and the burden of proof shall be as determined by the presiding officer.

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

16. STIPULATIONS

Any two or more parties, including United Power, may stipulate as to any fact in issue, or otherwise reach agreement as to matters in issue, of substance or procedure, by written stipulation or agreement offered into evidence as an exhibit. The presiding officer shall 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.



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17. DOCUMENTARY EVIDENCE

Except as otherwise provided herein, a party sponsoring an exhibit shall furnish a copy thereof to each party present and to the presiding officer at the hearing.

18. INTERIM ORDERS

The presiding officer, during the course of a 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.

19. BRIEFS OR STATEMENTS OF POSITION

At the conclusion of the presentation of evidence at any hearing, the presiding officer, upon his 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 shall be filed with said director(s) or person(s) as well as with United Power. A copy of said brief or statement of position also shall be served on each party.

20. 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.

21. DECISION/RECONSIDERATION/APPEAL/FURTHER COMPLAINT

The Board or the director(s) or the other person(s) designated by the Board who conducted the hearing shall proceed with reasonable dispatch to decide the matter presented. The decision shall include a statement of findings and conclusions upon all 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 no later than 45 days after the hearing is closed.

The decision shall be served on each party by personal service or by mailing by first-class mail to the last address furnished to United Power by such party or its representative, and shall 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, it 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



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filing a written request therefore with United Power 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 shall specify each ground upon which the request is based. The request shall be determined within thirty (30) days after it is filed, and if not so determined reconsideration shall 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 United Power. Such request must be filed within twenty (20) days after the decision denying reconsideration was issued, and it shall specify each ground upon which the appeal is based. The request shall be determined by the Board within thirty (30) days after it is filed, and if not so determined the appeal shall be deemed denied.

Members shall follow these procedures and exhaust their remedies as set forth in these Regulations prior to taking other action.

Date Approved: May 21, 2010



President

Date Effective: May 21, 2010



Secretary

FORM NO. 1
Form of Notice to Change Tariffs as Defined in Regulation No. 5
NOTICE

Date of Notice: _____

NOTICE OF A CHANGE IN THE TARIFFS OF UNITED POWER, INC.
500 COOPERATIVE WAY, BRIGHTON, COLORADO 80603

You are hereby notified that UNITED POWER proposes to make the following changes to its tariff 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 United Power, 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.)

The present and proposed tariff provisions are available for examination and explanation at the Coal Creek Branch Office located at 5 Gross Dam Road, Golden, Colorado; the Ft. Lupton Branch office located at 323 Denver Avenue, Ft. Lupton, Colorado; and the headquarters office located at 500 Cooperative Way, Brighton, Colorado.

Anyone who desires to comment about the proposed changes shall file either an informal complaint or a formal complaint with United Power at 500 Cooperative Way, Brighton, Colorado 80603 at least 10 days before the proposed effective date.

An informal complaint shall be in writing and shall contain such facts and other information to adequately state the reason(s) for the complaint. An informal complaint shall be considered by United Power, in regard to the proposed tariff changes, but will not require that a hearing be held.

Anyone who desires a hearing must file a specific and formal complaint to the proposed changes and request a hearing at least 10 days before the proposed effective date. A formal complaint shall be in writing in the form prescribed by United Power's Regulations Governing Consumer Complaints and Related Matters. Upon request, a copy of said regulations is available from United Power.

United Power may hold a hearing to determine what changes will be authorized, regardless of complaints. If proper formal complaints and requests for hearings are timely filed, the Board shall schedule a hearing. 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 therefor to United Power, at the above address at least 10 days before the proposed effective date.

UNITED POWER, INC.
By: Robert Broderick, Chief Executive Officer

AFFIDAVIT OF MAILING OR PUBLICATION

STATE OF COLORADO)
) ss.
COUNTY OF ADAMS)

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

1. That he or she is the _____ of United Power, Inc. (“Association”). (Title)
2. That in accordance with United Power’s Regulations, he or she caused the foregoing Notice to be mailed to United Power’s members and patrons, at their addresses as shown on United Power’s records, by depositing the same in the United States Mail, postage prepaid, on the _____ day of _____, 20__.

OR

That in accordance with the United Power’s Regulations, he or she caused the foregoing Notice to be published in one or more local newspaper(s) of general circulation in United Power’s service area, to wit:

_____, on the _____ day of _____, 20__.
Name(s) of Newspaper(s)

(Name of Affiant)

SUBSCRIBED and sworn to before me this _____ day of _____,
_____, by _____.
(Name of Affiant)

(SEAL)

Notary Public

Address:

My Commission expires: _____.

(In lieu of this form, an affidavit of publication from the Newspaper is acceptable or, in the case of an in-house newsletter, a copy of the page in the newsletter containing the legal notice and indicating the date of the notice is acceptable.)

FORM NO. 2
Form of Formal Complaint

(Name of each Complainant),)
)
COMPLAINANT(S),)
)
vs.) ss. Matter No. _____
)
UNITED POWER, INC.)
)
RESPONDENT.)

COMPLAINT

The Complainant(s) make(s) a complaint against United Power, Inc. and in support thereof, respectfully state(s):

1. The name, business, if any, business or residence address, and telephone number of each Complainant are as follows: _____

_____.
2. Each Complainant is a member or consumer of United Power.
3. The Complainant(s) will pursue this Complaint in accordance with the United Power's Regulations and will appear at any hearing thereon if this Complaint is set for hearing.
4. The specific act or thing complained of, together with such facts as are necessary to give a full understanding of the situation, is as follows:

_____.

(Note: Each allegation of this paragraph should be stated in a separately numbered or lettered sub-paragraph.)

WHEREFORE, Complainant(s) respectfully ask(s) that the Board of United Power enter its Order granting to Complainant(s) the following relief: _____
_____.

DATED at _____, Colorado, this _____ day of _____,
_____.

Signature of Each Complainant if filed
pro se, or of Attorney for Complainant(s)

(Name, Attorney Registration Number,
Address and Telephone Number of Attorney)

Form of Formal Complaint to Proposed Tariff Changes

In the matter of the Proposed Changes)
in the Tariff of United Power, Inc. to)
become effective on _____,)
_____, 20 ____.

Matter No. _____

COMPLAINT

The Complainant object(s) to the proposed tariff changes of United Power, Inc. and in support thereof, respectfully state(s):

1. The name, business, if any, business or residence address, and telephone number of each complainant are as follows: _____

2. Each Complainant is a member or patron of United Power.

3. The Complainant(s) do (does) (not) request a hearing on this complaint.

4. The Complainant(s) will pursue this Complaint in accordance with United Power's Regulations and will appear at any hearing thereon if this Complaint is set for hearing.

5. Complainant's objections to the proposed tariff changes, together with such facts as are necessary to give a full understanding of the situation, are as follows:

(Note: The objections should be specific and of substance. A general complaint such as "Rates are too high" will not suffice and a hearing need not be scheduled for such general complaints.)

(Note: Each allegation of this paragraph should be stated in a separately numbered or lettered sub-paragraph.)

WHEREFORE, Complaint(s) respectfully ask(s) that the Board of United Power (1) schedule a hearing on the proposed tariff changes and this Complaint (strike if inapplicable) and (2) enter its Order concerning the proposed tariff changes as follows:

DATED at _____, Colorado, this ____ day of _____, 20 ____.

Signature of each Complainant if filed
pro-se, or of Attorney for Complainant(s)

(Name, Attorney Registration Number,
Address and Telephone Number of Attorney)

VERIFICATION

STATE OF COLORADO)
) ss.
COUNTY OF)

The undersigned, first being duly sworn under oath, deposes and says that he has read the above and foregoing complaint and that he has personal knowledge that the facts contained therein are true.

Signature(s) of Complainant(s)

The above and foregoing was subscribed and sworn to before me this _____ day of _____, 20____, by _____.
(Name of Each Complainant)

My Commission Expires: _____.

(SEAL)

Notary Public

Address: _____
