

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 27, 2020

Committee on Energy & Environment.

After consideration on the merits, the Committee recommends the following:

HB20-1225 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 4, line 2, after "SYSTEMS" insert "THAT ARE
2 CONNECTED TO THE COOPERATIVE ELECTRIC ASSOCIATION'S ELECTRICAL
3 SYSTEM AND WILL NOT, AT ANY TIME, FLOW ONTO THE TRANSMISSION
4 FACILITIES OF A WHOLESALE ELECTRIC COOPERATIVE OR OTHER THIRD
5 PARTY WITHOUT PRIOR AGREEMENT".

6 Page 4, after line 21 insert:

7 "SECTION 4. In Colorado Revised Statutes, 40-3-101, **add** (3)
8 as follows:

9 **40-3-101. Reasonable charges - adequate service.** (3) (a) IF A
10 RETAIL COOPERATIVE ELECTRIC ASSOCIATION, IN CONJUNCTION WITH THE
11 PAYMENT OF AN APPLICABLE CHARGE, WITHDRAWS FROM MEMBERSHIP IN
12 A WHOLESALE ELECTRIC COOPERATIVE, AS DEFINED IN SECTION 40-2-136
13 (3)(c), THAT WITHDRAWAL IS DEEMED TO BE A MATTER OF STATEWIDE
14 CONCERN, AND, IN RELATION TO SUCH WITHDRAWAL:

15 (I) THE WHOLESALE ELECTRIC COOPERATIVE WILL ACT IN
16 ACCORDANCE WITH THE OBLIGATION OF GOOD FAITH AND FAIR DEALING
17 IN IMPLEMENTING THE WITHDRAWAL AND SHALL NOT REQUIRE OR IMPOSE
18 COMMERCIALY UNREASONABLE CONTRACTUAL TERMS ON THE RETAIL
19 COOPERATIVE ELECTRIC ASSOCIATION IN RELATION TO THE WITHDRAWAL;
20 AND

21 (II) THE WHOLESALE ELECTRIC COOPERATIVE SHALL, UPON
22 REQUEST FROM THE WITHDRAWING RETAIL COOPERATIVE ELECTRIC
23 ASSOCIATION, FACILITATE THE RETAIL COOPERATIVE ELECTRIC

1 ASSOCIATION'S TRANSITION FROM NATIVE LOAD TO A FIRM SERVICE
2 TRANSMISSION CUSTOMER WITHOUT DIMINISHING THE WITHDRAWING
3 RETAIL COOPERATIVE ELECTRIC ASSOCIATION'S NATIVE ELECTRIC LOAD
4 PRIORITY FOR ACCESSING FIRM TRANSMISSION CAPACITY.

5 (b) THE COMMISSION HAS THE AUTHORITY TO ADJUDICATE
6 COMPLAINTS ABOUT THE TERMS ON WHICH A WHOLESAL E ELECTRIC
7 COOPERATIVE IMPLEMENTS WITHDRAWAL PURSUANT TO THIS SUBSECTION
8 (3).".

9 Renumber succeeding section accordingly.

10 Strike "COOPERATIVE ELECTRIC ASSOCIATION" and substitute "ELECTRIC
11 COOPERATIVE" on: **Page 3**, lines 7 and 10.

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