

## CHAPTER 48

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**PUBLIC UTILITIES**


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**HOUSE BILL 16-1091**

BY REPRESENTATIVE(S) Thurlow and Mitsch Bush, Arndt, Coram, Melton, Nordberg, Sias, Tyler, Wist, Carver, Fields, Ginal, Lontine, Priola, Vigil, Williams, Winter;  
also SENATOR(S) Sonnenberg, Hodge, Cooke, Jones, Scott.

**AN ACT**

**CONCERNING A CHANGE TO THE BIENNIAL FILING DATE FOR RATE-REGULATED ELECTRIC UTILITIES TO SUBMIT THEIR PLANS FOR TRANSMISSION FACILITIES TO THE PUBLIC UTILITIES COMMISSION, AND, IN CONNECTION THEREWITH, DELETING THE REQUIREMENT THAT THE COMMISSION ISSUE A FINAL ORDER WITHIN ONE HUNDRED EIGHTY DAYS AFTER AN APPLICATION FOR THE CONSTRUCTION OR EXPANSION OF TRANSMISSION FACILITIES IS FILED.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 40-2-126, **amend** (2) introductory portion and (2) (d); and **repeal** (4) as follows:

**40-2-126. Transmission facilities - biennial review - energy resource zones - definitions - plans - approval - cost recovery.** (2) ~~On or before October 31 of each odd-numbered year, commencing in 2007~~ BIENNIALY, ON OR BEFORE A DATE DETERMINED BY THE COMMISSION, COMMENCING IN 2016, each Colorado electric utility subject to rate regulation by the commission shall:

(d) Submit proposed plans, designations, and applications for certificates of public convenience and necessity to the commission for ~~simultaneous~~ review pursuant to subsection (3) of this section.

(4) ~~Notwithstanding any other provision of law, in any application for a certificate of public convenience and necessity for the construction or expansion of transmission facilities pursuant to paragraph (b) of subsection (2) of this section, the commission shall issue a final order within one hundred eighty days after the application is filed. If the commission does not issue a final order within that period, the application shall be deemed approved.~~

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 23, 2016