

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 19-0692.01 Duane Gall x4335

HOUSE BILL 19-1003

HOUSE SPONSORSHIP

Hansen and Valdez A.,

SENATE SPONSORSHIP

Foote and Story,

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING COMMUNITY SOLAR GARDENS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends the current statute authorizing the creation of community solar gardens (CSGs) by:

- ! Increasing the maximum size of a CSG from 2 megawatts to 10 megawatts; and
- ! Removing the requirement that a CSG subscriber's identified physical location be in the same county as, or a county adjacent to, that of the CSG, while retaining the requirement that it be within the service territory of the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 29, 2019

same electric utility.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-127, **amend**
3 (2)(b)(I)(A) and (2)(b)(II); and **add** (3.5) as follows:

4 **40-2-127. Community energy funds - community solar**
5 **gardens - definitions - rules - legislative declaration. (2) Definitions.**

6 As used in this section, unless the context otherwise requires:

7 (b) In addition:

8 (I) (A) "Community solar garden" means a solar electric
9 generation facility with a nameplate rating of ~~two~~ **FIVE** megawatts or less
10 that is located in or near a community served by a qualifying retail utility
11 where the beneficial use of the electricity generated by the facility
12 belongs to the subscribers to the community solar garden. There shall be
13 at least ten subscribers. The owner of the community solar garden may be
14 the qualifying retail utility or any other for-profit or nonprofit entity or
15 organization, including a subscriber organization organized under this
16 section, that contracts to sell the output from the community solar garden
17 to the qualifying retail utility. A community solar garden shall be deemed
18 to be "located on the site of customer facilities".

19 (II) "Subscriber" means a retail customer of a qualifying retail
20 utility who owns a subscription and who has identified one or more
21 physical locations to which the subscription is attributed. Such physical
22 locations must be within the service territory of the same qualifying retail
23 utility ~~and also in the same county as, or a county adjacent to, that of AS~~
24 the community solar garden. The subscriber may change from time to
25 time the premises to which the community solar garden electricity

1 generation shall be attributed, so long as the premises are within the
2 ~~geographical limits allowed for a subscriber~~ SAME SERVICE TERRITORY.

3 **(3.5) Standards for construction and operation.** THE
4 FOLLOWING REQUIREMENTS APPLY TO ANY COMMUNITY SOLAR GARDEN
5 EXCEEDING TWO MEGAWATTS:

6 (a) THE PERFORMANCE OF ALL PHOTOVOLTAIC ELECTRICAL WORK,
7 INCLUDING THE ELECTRICAL INSTALLATION OF PHOTOVOLTAIC MODULES,
8 INTERCONNECTION OF THE MODULES, GROUNDING OF THE MODULES, AND
9 THE CUSTOMER-SIDE POINT OF CONNECTION TO THE UTILITY GRID, IS
10 SUBJECT TO ON-SITE SUPERVISION BY A LICENSED MASTER ELECTRICIAN,
11 LICENSED JOURNEYMAN ELECTRICIAN, OR LICENSED RESIDENTIAL
12 WIREMAN, AS THOSE TERMS ARE DEFINED IN SECTION 12-23-101, AND
13 MUST COMPLY WITH ALL APPLICABLE REQUIREMENTS OF ARTICLE 23 OF
14 TITLE 12, INCLUDING SECTIONS 12-23-105 AND 12-23-110.5, AND ALL
15 APPLICABLE RULES OF THE STATE ELECTRICAL BOARD.

16 (b) THE INITIAL INSTALLATION OF ANY PHOTOVOLTAIC MODULE OR
17 OTHER ELECTRICAL EQUIPMENT LISTED IN SUBSECTION (3.5)(a) OF THIS
18 SECTION IS SUBJECT TO FINAL INSPECTION AND APPROVAL IN ACCORDANCE
19 WITH SECTION 12-23-116.

20 (c) IF A QUALIFYING RETAIL UTILITY OWNS ALL OR PART OF A
21 COMMUNITY SOLAR GARDEN, THE UTILITY SHALL USE ITS OWN EMPLOYEES
22 TO OPERATE AND MAINTAIN THE MODULES AND OTHER ELECTRICAL
23 EQUIPMENT THAT THE UTILITY OWNS.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2020 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.