

First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0705.01 Duane Gall x4335

HOUSE BILL 19-1313

---

HOUSE SPONSORSHIP

Becker,

SENATE SPONSORSHIP

Winter,

---

House Committees  
Health & Insurance

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING PLANS TO REDUCE CARBON DIOXIDE EMISSIONS BY  
102 QUALIFYING RETAIL UTILITIES, AND, IN CONNECTION  
103 THEREWITH, ENCOURAGING THE ACHIEVEMENT OF ZERO  
104 CARBON DIOXIDE EMISSIONS BY 2050.

---

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>.)*

**Section 1** of the bill repeals laws that allow an electric utility to own, as rate-based property, new eligible energy resources without competitive bidding if certain conditions are satisfied.

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.

**Section 2** supplements the existing renewable energy standards statute by establishing targets for the reduction of carbon dioxide emissions from electricity generation by utilities serving more than 500,000 customers, with the opportunity for other utilities to opt in. The targets are:

- ! By 2030, an 80% reduction in carbon dioxide emission levels compared to 2005 levels; and
- ! For 2050 and thereafter, a goal of a 100% reduction in carbon dioxide emission levels.

Section 2 also directs qualifying retail utilities to submit plans to the public utilities commission (PUC) as part of their ongoing resource acquisition planning process to address the clean energy targets. A clean energy plan must detail the actions and investments the utility intends to undertake, including specifying the new resources and infrastructure proposed to be used; the anticipated effects of the plan on the safety, reliability, and resilience of the overall electric system; the methods proposed for measuring carbon dioxide reductions; and the costs of implementation, which must be reasonable.

The approval process also includes participation by the division of administration within the department of public health and environment regarding the measurement of carbon dioxide emission reductions and predictions as to whether the clean energy plan will achieve the desired reductions.

A utility implementing a clean energy plan may recover its costs of implementation through rates, as approved by the PUC, and own any generating resources and infrastructure necessary to effectuate the plan. The utility is required to use a competitive bidding process to fill the cumulative resource need identified in its next electric resource plan that includes a clean energy plan filed after January 1, 2020.

Each utility that receives approval of a clean energy plan is required to report to the governor, the PUC, and the air quality control commission on a list of matters, including its progress in implementing the plan and in reducing carbon dioxide emissions.

The bill strengthens an existing provision requiring electric resource acquisition decisions to be made with consideration of "best value" employment metrics and the use of Colorado labor by requiring a utility to obtain and provide to the PUC relevant documentation on these topics, including the availability of apprenticeship programs registered with the United States department of labor.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-124, **amend** (1)

1 introductory portion; and **repeal** (1)(f)(I) as follows:

2 **40-2-124. Renewable energy standards - qualifying retail and**  
3 **wholesale utilities - definitions - net metering - legislative declaration.**

4 (1) Each provider of retail electric service in the state of Colorado, other  
5 than municipally owned utilities that serve forty thousand customers or  
6 fewer, is a qualifying retail utility. Each qualifying retail utility, with the  
7 exception of cooperative electric associations that have voted to exempt  
8 themselves from commission jurisdiction pursuant to section 40-9.5-104  
9 and municipally owned utilities, is subject to the rules established under  
10 this ~~article~~ ARTICLE 2 by the commission. No additional regulatory  
11 authority is provided to the commission other than that specifically  
12 contained in this section. In accordance with article 4 of title 24, ~~C.R.S.~~,  
13 the commission shall revise or clarify existing rules to establish the  
14 following:

15 (f) Policies for the recovery of costs incurred with respect to these  
16 standards for qualifying retail utilities that are subject to rate regulation  
17 by the commission. These policies must provide incentives to qualifying  
18 retail utilities to invest in eligible energy resources and must include:

19 ~~(I) Allowing a qualifying retail utility to develop and own as~~  
20 ~~utility rate-based property up to twenty-five percent of the total new~~  
21 ~~eligible energy resources the utility acquires from entering into power~~  
22 ~~purchase agreements and from developing and owning resources after~~  
23 ~~March 27, 2007, if the new eligible energy resources proposed to be~~  
24 ~~developed and owned by the utility can be constructed at reasonable cost~~  
25 ~~compared to the cost of similar eligible energy resources available in the~~  
26 ~~market. The qualifying retail utility shall be allowed to develop and own~~  
27 ~~as utility rate-based property more than twenty-five percent but not more~~

1 ~~than fifty percent of total new eligible energy resources acquired after~~  
2 ~~March 27, 2007, if the qualifying retail utility shows that its proposal~~  
3 ~~would provide significant economic development, employment, energy~~  
4 ~~security, or other benefits to the state of Colorado. The qualifying retail~~  
5 ~~utility may develop and own these resources either by itself or jointly with~~  
6 ~~other owners, and, if owned jointly, the entire jointly owned resource~~  
7 ~~shall count toward the percentage limitations in this subparagraph (I). For~~  
8 ~~the resources addressed in this subparagraph (I), the qualifying retail~~  
9 ~~utility shall not be required to comply with the competitive bidding~~  
10 ~~requirements of the commission's rules; except that nothing in this~~  
11 ~~subparagraph (I) shall preclude the qualifying retail utility from bidding~~  
12 ~~to own a greater percentage of new eligible energy resources than~~  
13 ~~permitted by this subparagraph (I). In addition, nothing in this~~  
14 ~~subparagraph (I) shall prevent the commission from waiving, repealing,~~  
15 ~~or revising any commission rule in a manner otherwise consistent with~~  
16 ~~applicable law.~~

17       **SECTION 2.** In Colorado Revised Statutes, **add** 40-2-125.5 as  
18 follows:

19       **40-2-125.5. Carbon dioxide emission reductions - goal to**  
20 **eliminate by 2050 - legislative declaration - interim targets -**  
21 **submission and approval of plans - definitions - cost recovery -**  
22 **reports. (1) Legislative declaration.** THE GENERAL ASSEMBLY FINDS  
23 AND DECLARES THAT:

24       (a) IT IS A MATTER OF STATEWIDE IMPORTANCE TO PROMOTE THE  
25 DEVELOPMENT OF COST-EFFECTIVE CLEAN ENERGY AND NEW  
26 TECHNOLOGIES AND REDUCE THE CARBON DIOXIDE EMISSIONS FROM THE  
27 COLORADO ELECTRIC GENERATING SYSTEM;

1 (b) THE CREATION OF A LOW-COST, RELIABLE, AND CLEAN  
2 ELECTRICITY SYSTEM IS CRITICAL TO ACHIEVING THE LEVEL OF  
3 GREENHOUSE GAS EMISSIONS NECESSARY TO AVOID THE WORST IMPACTS  
4 OF CLIMATE CHANGE AND ADVANCING A ROBUST AND EFFICIENT  
5 LOW-CARBON ECONOMY FOR THE STATE OF COLORADO AND THE NATION;

6 (c) TECHNOLOGY ADVANCEMENT HAS ALREADY ALLOWED  
7 COLORADO TO ACHIEVE REDUCTIONS IN CARBON DIOXIDE EMISSIONS FROM  
8 THE ELECTRIC UTILITY SECTOR, AND CONTINUED TECHNOLOGY  
9 DEVELOPMENT IS KEY TO EXTEND PROGRESS TOWARD A RELIABLE,  
10 LOW-COST, CLEAN ENERGY FUTURE; AND

11 (d) A BOLD CLEAN ENERGY POLICY WILL SUPPORT THIS PROGRESS  
12 AND ALLOW COLORADANS TO ENJOY THE BENEFITS OF RELIABLE CLEAN  
13 ENERGY AT AN AFFORDABLE COST.

14 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
15 OTHERWISE REQUIRES:

16 (a) "CLEAN ENERGY RESOURCE" MEANS ANY  
17 ELECTRICITY-GENERATING TECHNOLOGY THAT GENERATES OR STORES  
18 ELECTRICITY WITHOUT EMITTING CARBON DIOXIDE INTO THE ATMOSPHERE.  
19 CLEAN ENERGY RESOURCES INCLUDE, WITHOUT LIMITATION, ELIGIBLE  
20 ENERGY RESOURCES AS DEFINED IN SECTION 40-2-124 (1)(a).

21 (b) "QUALIFYING RETAIL UTILITY" MEANS A RETAIL UTILITY  
22 PROVIDING ELECTRIC SERVICE TO MORE THAN FIVE HUNDRED THOUSAND  
23 CUSTOMERS IN THIS STATE OR ANY OTHER ELECTRIC UTILITY THAT OPTS IN  
24 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION.

25 (3) **Clean energy targets.** (a) IN ADDITION TO THE OTHER  
26 REQUIREMENTS OF THIS SECTION, A QUALIFYING RETAIL UTILITY SHALL  
27 MEET THE FOLLOWING CLEAN ENERGY TARGETS:

1 (I) BY 2030, THE QUALIFYING RETAIL UTILITY SHALL REDUCE THE  
2 CARBON DIOXIDE EMISSIONS ASSOCIATED WITH ELECTRICITY SALES TO THE  
3 QUALIFYING RETAIL UTILITY'S RETAIL ELECTRICITY CUSTOMERS BY EIGHTY  
4 PERCENT FROM 2005 LEVELS.

5 (II) FOR THE YEARS 2050 AND THEREAFTER, OR SOONER IF  
6 PRACTICABLE, THE QUALIFYING RETAIL UTILITY SHALL SEEK TO ACHIEVE  
7 THE GOAL OF PROVIDING ITS RETAIL CUSTOMERS WITH ENERGY  
8 GENERATED FROM ONE-HUNDRED-PERCENT CLEAN ENERGY RESOURCES SO  
9 LONG AS DOING SO IS TECHNICALLY AND ECONOMICALLY FEASIBLE, IN THE  
10 PUBLIC INTEREST, AND CONSISTENT WITH THE REQUIREMENTS OF THIS  
11 SECTION.

12 (III) THE QUALIFYING RETAIL UTILITY SHALL RETIRE RENEWABLE  
13 ENERGY CREDITS ESTABLISHED UNDER SECTION 40-2-124 (1)(d), IN THE  
14 YEAR GENERATED, BY ANY ELIGIBLE ENERGY RESOURCES USED TO COMPLY  
15 WITH THE REQUIREMENTS OF THIS SECTION.

16 (b) ANY OTHER ELECTRIC PUBLIC UTILITY MAY OPT INTO THE FULL  
17 TERMS OF THIS ENTIRE SECTION UPON NOTIFICATION TO THE COMMISSION.

18 (4) **Submission and approval of plans.** (a) THE FIRST ELECTRIC  
19 RESOURCE PLAN THAT A QUALIFYING RETAIL UTILITY FILES WITH THE  
20 COMMISSION AFTER JANUARY 1, 2020, MUST INCLUDE A CLEAN ENERGY  
21 PLAN THAT WILL ACHIEVE THE CLEAN ENERGY TARGET SET FORTH IN  
22 SUBSECTION (3)(a)(I) OF THIS SECTION AND MAKE PROGRESS TOWARD THE  
23 ONE-HUNDRED-PERCENT CLEAN ENERGY GOAL SET FORTH IN SUBSECTION  
24 (3)(a)(II) OF THIS SECTION IN ACCORDANCE WITH THE FOLLOWING:

25 (I) THE ELECTRIC RESOURCE PLAN CONTAINING THE CLEAN  
26 ENERGY PLAN MUST UTILIZE A RESOURCE ACQUISITION PERIOD THAT  
27 EXTENDS THROUGH 2030.

1           (II) THE CLEAN ENERGY PLAN SUBMITTED TO THE COMMISSION  
2 MUST SET FORTH A PLAN OF ACTIONS AND INVESTMENTS BY THE  
3 QUALIFYING RETAIL UTILITY PROJECTED TO ACHIEVE COMPLIANCE WITH  
4 THE CLEAN ENERGY TARGETS IN SUBSECTIONS (3)(a)(I) AND (3)(a)(II) OF  
5 THIS SECTION AND THAT RESULT IN AN AFFORDABLE, RELIABLE, AND  
6 CLEAN ELECTRIC SYSTEM.

7           (III) IN THE ELECTRIC RESOURCE PLAN THAT INCLUDES THE CLEAN  
8 ENERGY PLAN, THE QUALIFYING RETAIL UTILITY SHALL CLEARLY  
9 DISTINGUISH BETWEEN THE SET OF RESOURCES NECESSARY TO MEET  
10 CUSTOMER DEMANDS IN THE RESOURCE ACQUISITION PERIOD AND THE  
11 ADDITIONAL CLEAN ENERGY PLAN ACTIVITIES THAT MAY BE UNDERTAKEN  
12 TO MEET THE CLEAN ENERGY TARGET IN SUBSECTION (3)(a)(I) OF THIS  
13 SECTION, WHICH MAY CREATE AN ADDITIONAL RESOURCE NEED FOR THE  
14 CLEAN ENERGY PLAN. THESE ACTIVITIES MAY INCLUDE RETIREMENT OF  
15 EXISTING GENERATING FACILITIES, CHANGES IN SYSTEM OPERATION, OR  
16 ANY OTHER NECESSARY ACTIONS.

17           (IV) AFTER CONDUCTING ANY PROCUREMENT PROCESS PURSUANT  
18 TO SUBSECTION (5)(b) OF THIS SECTION OR OTHERWISE, THE QUALIFYING  
19 RETAIL UTILITY SHALL SET FORTH THE ACTIONS AND INVESTMENTS  
20 REQUIRED TO FILL THE ADDITIONAL RESOURCE NEED IDENTIFIED FOR THE  
21 CLEAN ENERGY PLAN TO SATISFY THE CLEAN ENERGY TARGET IN  
22 SUBSECTION (3)(a)(I) OF THIS SECTION. THESE ACTIONS AND INVESTMENTS  
23 MAY INCLUDE DEVELOPMENT OF NEW CLEAN ENERGY RESOURCES,  
24 DEVELOPMENT OF NEW TRANSMISSION AND OTHER SUPPORTING  
25 INFRASTRUCTURE, AND CLEAN ENERGY RESOURCE ACQUISITIONS.

26           (V) THE CLEAN ENERGY PLAN MUST DESCRIBE THE EFFECT OF THE  
27 ACTIONS AND INVESTMENTS INCLUDED IN THE CLEAN ENERGY PLAN ON

1 THE SAFETY, RELIABILITY, RENEWABLE ENERGY INTEGRATION, AND  
2 RESILIENCE OF ELECTRIC SERVICE IN THE STATE OF COLORADO.

3 (VI) THE CLEAN ENERGY PLAN MUST SET FORTH THE PROJECTED  
4 COST OF ITS IMPLEMENTATION AND ANTICIPATED REDUCTIONS IN CARBON  
5 DIOXIDE AND OTHER EMISSIONS.

6 (VII) IF THE CLEAN ENERGY PLAN INCLUDES ACCELERATED  
7 RETIREMENT OF ANY EXISTING GENERATING FACILITIES, THE CLEAN  
8 ENERGY PLAN MUST INCLUDE A WORKFORCE TRANSITION PLAN FOR  
9 UTILITY WORKERS IMPACTED BY ANY CLEAN ENERGY PLAN, AND THE  
10 QUALIFYING RETAIL UTILITY MAY PROPOSE A COST-RECOVERY MECHANISM  
11 TO RECOVER THE PRUDENTLY INCURRED COSTS OF ANY WORKFORCE  
12 TRANSITION PLAN. THE WORKFORCE TRANSITION PLAN MUST INCLUDE, TO  
13 THE EXTENT FEASIBLE, ESTIMATES OF:

14 (A) THE NUMBER OF WORKERS EMPLOYED BY THE UTILITY OR A  
15 CONTRACTOR OF THE UTILITY AT THE ELECTRIC GENERATING FACILITY,  
16 WHICH NUMBER MUST INCLUDE ALL WORKERS THAT DIRECTLY DELIVER  
17 FUEL TO THE GENERATING FACILITY;

18 (B) THE TOTAL NUMBER OF EXISTING WORKERS WITH JOBS THAT  
19 WILL BE RETAINED AND THE TOTAL NUMBER OF EXISTING WORKERS WITH  
20 JOBS THAT WILL BE ELIMINATED DUE TO THE RETIREMENT OF THE  
21 ELECTRIC GENERATING FACILITY;

22 (C) WITH RESPECT TO THE EXISTING WORKERS WITH JOBS THAT  
23 WILL BE ELIMINATED DUE TO THE RETIREMENT OF THE ELECTRIC  
24 GENERATING FACILITY, THE TOTAL NUMBER AND NUMBER BY JOB  
25 CLASSIFICATION OF WORKERS FOR WHOM: EMPLOYMENT WILL END  
26 WITHOUT BEING OFFERED OTHER EMPLOYMENT BY THE UTILITY; THE  
27 WORKERS WILL RETIRE AS PLANNED, BE OFFERED EARLY RETIREMENT, OR

1 LEAVE VOLUNTARILY; THE WORKERS WILL BE RETAINED BY BEING  
2 TRANSFERRED TO OTHER ELECTRIC GENERATING FACILITIES OR OFFERED  
3 OTHER EMPLOYMENT BY THE UTILITY; AND THE WORKERS WILL BE  
4 RETAINED TO CONTINUE TO WORK FOR THE UTILITY IN A NEW JOB  
5 CLASSIFICATION;

6 (D) IF THE UTILITY IS REPLACING THE ELECTRIC GENERATING  
7 FACILITY BEING RETIRED WITH A NEW ELECTRIC GENERATING FACILITY:  
8 THE NUMBER OF WORKERS FROM THE RETIRED ELECTRIC GENERATING  
9 FACILITY THAT WILL BE OFFERED EMPLOYMENT AT THE NEW ELECTRIC  
10 GENERATING FACILITY; AND THE NUMBER OF JOBS AT THE NEW ELECTRIC  
11 GENERATING FACILITY THAT WILL BE OUTSOURCED TO SUBCONTRACTORS.  
12 THE UTILITY SHALL DEVELOP A TRAINING OR APPRENTICESHIP PROGRAM,  
13 UNDER THE TERMS OF AN APPLICABLE COLLECTIVE BARGAINING  
14 AGREEMENT, IF ANY, FOR THE MAINTENANCE AND OPERATION OF ANY NEW  
15 COMBINATION GENERATION AND STORAGE FACILITY OWNED BY THE  
16 UTILITY THAT DOES NOT EMIT CARBON DIOXIDE, TO WHICH FACILITY  
17 DISPLACED WORKERS MAY TRANSFER AS APPROPRIATE.

18 (VIII) IF THE MINIMUM AMOUNTS OF ELECTRICITY FROM ELIGIBLE  
19 ENERGY RESOURCES SET FORTH IN SECTION 40-2-124 (1)(c) ARE  
20 SATISFIED, A QUALIFYING RETAIL UTILITY MAY USE FUNDS COLLECTED  
21 UNDER SECTION 40-2-124 (1)(g) TO RECOVER THE INCREMENTAL COST OF  
22 CLEAN ENERGY RESOURCES AND THEIR DIRECTLY RELATED  
23 INTERCONNECTION FACILITIES. THE UTILITY MAY ACCOUNT FOR THESE  
24 FUNDS IN CALCULATING THE COST OF THE PLAN.

25 (b) THE DIVISION OF ADMINISTRATION IN THE DEPARTMENT OF  
26 PUBLIC HEALTH AND ENVIRONMENT SHALL PARTICIPATE IN ANY  
27 PROCEEDING SEEKING APPROVAL OF A CLEAN ENERGY PLAN DEVELOPED

1 BY A QUALIFYING RETAIL UTILITY PURSUANT TO THIS SECTION. THE  
2 DIVISION SHALL DESCRIBE THE METHODS OF MEASURING CARBON DIOXIDE  
3 EMISSIONS AND SHALL VERIFY THE PROJECTED CARBON DIOXIDE EMISSION  
4 REDUCTIONS AS A RESULT OF THE CLEAN ENERGY PLAN.

5 (c) AFTER CONSULTING WITH THE AIR QUALITY CONTROL  
6 COMMISSION, THE DIVISION OF ADMINISTRATION SHALL DETERMINE  
7 WHETHER A CLEAN ENERGY PLAN AS FILED UNDER THIS SECTION WILL  
8 RESULT IN AN EIGHTY-PERCENT REDUCTION, RELATIVE TO 2005 LEVELS,  
9 IN CARBON DIOXIDE EMISSIONS FROM THE QUALIFYING RETAIL UTILITY'S  
10 COLORADO ELECTRICITY SALES BY 2030 AND IS OTHERWISE CONSISTENT  
11 WITH ANY GREENHOUSE GAS EMISSION REDUCTION GOALS ESTABLISHED  
12 BY THE STATE OF COLORADO. THE DIVISION SHALL PUBLISH, AND SHALL  
13 REPORT TO THE PUBLIC UTILITIES COMMISSION, THE DIVISION'S  
14 CALCULATION OF CARBON DIOXIDE EMISSION REDUCTIONS ATTRIBUTABLE  
15 TO ANY APPROVED CLEAN ENERGY PLAN. NOTHING IN THE DIVISION'S  
16 ENGAGEMENT IN THIS PROCESS SHALL BE CONSTRUED TO DIMINISH OR  
17 OVERRIDE THE COMMISSION'S AUTHORITY UNDER THIS TITLE 40.

18 (d) THE COMMISSION SHALL APPROVE THE CLEAN ENERGY PLAN IF  
19 THE COMMISSION FINDS IT TO BE IN THE PUBLIC INTEREST AND CONSISTENT  
20 WITH THE CLEAN ENERGY TARGET IN SUBSECTION (3)(a)(I) OF THIS  
21 SECTION, AND THE COMMISSION MAY MODIFY THE PLAN IF THE  
22 MODIFICATION IS NECESSARY TO ENSURE THAT THE PLAN IS IN THE PUBLIC  
23 INTEREST. IN EVALUATING WHETHER A CLEAN ENERGY PLAN SUBMITTED  
24 TO THE COMMISSION IS IN THE PUBLIC INTEREST, THE COMMISSION SHALL  
25 CONSIDER, AMONG OTHER RELEVANT FACTORS:

26 (I) REDUCTIONS IN CARBON DIOXIDE AND OTHER EMISSIONS THAT  
27 WILL BE ACHIEVED THROUGH THE CLEAN ENERGY PLAN AND THE

1 ENVIRONMENTAL AND HEALTH BENEFITS OF THOSE REDUCTIONS;

2 (II) THE FEASIBILITY OF THE CLEAN ENERGY PLAN AND THE CLEAN  
3 ENERGY PLAN'S IMPACT ON THE RELIABILITY AND RESILIENCE OF THE  
4 ELECTRIC SYSTEM. THE COMMISSION SHALL NOT APPROVE ANY PLAN THAT  
5 DOES NOT PROTECT SYSTEM RELIABILITY.

6 (III) WHETHER THE CLEAN ENERGY PLAN WILL RESULT IN A  
7 REASONABLE COST TO CUSTOMERS, AS EVALUATED ON A NET PRESENT  
8 VALUE BASIS. IN EVALUATING THE COST IMPACTS OF THE CLEAN ENERGY  
9 PLAN, THE COMMISSION SHALL CONSIDER THE EFFECT ON CUSTOMERS OF  
10 THE PROJECTED COSTS ASSOCIATED WITH THE PLAN AS SET FORTH IN  
11 SUBSECTION (4)(a)(VI) OF THIS SECTION AS WELL AS ANY PROJECTED  
12 SAVINGS ASSOCIATED WITH THE PLAN, INCLUDING PROJECTED AVOIDED  
13 FUEL COSTS.

14 (e) IF THE COMMISSION FINDS THAT APPROVAL OF THE CLEAN  
15 ENERGY PLAN IS NOT IN THE PUBLIC INTEREST, OR IF THE COMMISSION  
16 MODIFIES THE PLAN, THE UTILITY MAY CHOOSE TO SUBMIT AN AMENDED  
17 PLAN TO THE COMMISSION FOR APPROVAL IN LIEU OF HAVING NO PLAN OR  
18 IMPLEMENTING THE MODIFIED PLAN. NO CLEAN ENERGY PLAN IS  
19 EFFECTIVE WITHOUT COMMISSION APPROVAL, AND A QUALIFYING RETAIL  
20 UTILITY SHALL NOT BE REQUIRED TO SUBMIT MORE THAN ONE PLAN FOR  
21 COMMISSION APPROVAL.

22 (5) **Regulatory matters.** (a) THE COMMISSION SHALL ALLOW A  
23 QUALIFYING RETAIL UTILITY TO FULLY RECOVER, THROUGH A SEPARATE  
24 RATE ADJUSTMENT CLAUSE, THE COSTS THAT IT PRUDENTLY INCURS  
25 IMPLEMENTING ANY CLEAN ENERGY PLAN APPROVED BY THE COMMISSION  
26 UNDER THIS SECTION. THE COMMISSION MAY TERMINATE THE RATE  
27 ADJUSTMENT CLAUSE IF ALL THE COSTS ASSOCIATED WITH THE CLEAN

1 ENERGY PLAN HAVE BEEN INCLUDED IN THE QUALIFYING RETAIL UTILITY'S  
2 BASE RATES AS A RESULT OF A RATE CASE FILED AFTER THE CLEAN ENERGY  
3 PLAN HAS BEEN FULLY IMPLEMENTED.

4 (b) THE QUALIFYING RETAIL UTILITY SHALL UTILIZE A  
5 COMPETITIVE BIDDING PROCESS TO PROCURE ANY ENERGY RESOURCES TO  
6 FILL THE CUMULATIVE RESOURCE NEED DERIVED FROM THE ELECTRIC  
7 RESOURCE PLAN AND THE CLEAN ENERGY PLAN IN SUBSECTION (4)(a)(III)  
8 OF THIS SECTION. THE COMMISSION SHALL ALLOW THE QUALIFYING RETAIL  
9 UTILITY, INCLUSIVE OF ANY OWNERSHIP BY ITS AFFILIATES, TO OWN A  
10 TARGET OF FIFTY PERCENT OF THE ENERGY AND CAPACITY ASSOCIATED  
11 WITH THE CLEAN ENERGY RESOURCES AND ANY OTHER ENERGY  
12 RESOURCES DEVELOPED OR ACQUIRED TO MEET THE RESOURCE NEED, AS  
13 WELL AS ALL ASSOCIATED INFRASTRUCTURE, IF THE COST OF UTILITY OR  
14 AFFILIATE OWNERSHIP OF THE GENERATION ASSETS IS REASONABLE.  
15 UTILITY OWNERSHIP MAY COME FROM UTILITY OR AFFILIATE SELF-BUILDS,  
16 BUILD-TRANSFERS FROM INDEPENDENT POWER PRODUCERS, OR SALES OF  
17 EXISTING ASSETS FROM INDEPENDENT POWER PRODUCERS OR SIMILAR  
18 COMMERCIAL ARRANGEMENTS. THE COST OF ENERGY RESOURCES OWNED  
19 BY THE UTILITY ARE PRESUMED REASONABLE IF THE UTILITY HAS  
20 PROCURED THE ENERGY RESOURCES THROUGH A COMPETITIVE BIDDING  
21 PROCESS.

22 (c) ANY ACTIONS, INCLUDING TRANSMISSION DEVELOPMENT,  
23 TAKEN BY THE QUALIFYING RETAIL UTILITY SHALL BE PRESUMED PRUDENT  
24 TO THE EXTENT THOSE ACTIONS ARE CONSISTENT WITH THE  
25 IMPLEMENTATION OF AN APPROVED CLEAN ENERGY PLAN.

26 (d) FOR THE PURPOSES OF THIS SECTION, THE CLEAN ENERGY  
27 TARGET EVALUATION WILL BE BASED UPON THE QUALIFYING RETAIL

1 UTILITY'S RETAIL SALES WITHIN ITS ELECTRIC SERVICE TERRITORY AS IT  
2 EXISTED ON JANUARY 1, 2019. IN THE EVENT OF A SIGNIFICANT  
3 ACQUISITION, THE QUALIFYING RETAIL UTILITY MAY FILE WITHIN ONE  
4 YEAR AFTER THE ACQUISITION AN ADDITIONAL CLEAN ENERGY PLAN TO  
5 ADDRESS THAT ACQUISITION, AND THE COMMISSION SHALL CONSIDER THE  
6 ADDITIONAL CLEAN ENERGY PLAN CONSISTENT WITH THE GOALS OF THIS  
7 SECTION.

8 (e) THE COMMISSION MAY, ON ITS OWN MOTION OR UPON  
9 APPLICATION BY A QUALIFYING RETAIL UTILITY, AMEND AN APPROVED  
10 CLEAN ENERGY PLAN IF AMENDMENT IS NECESSARY TO ENSURE THE  
11 RELIABILITY AND RESILIENCE OF THE ELECTRIC SYSTEM.

12 (6) **Reports.** ONE YEAR AFTER APPROVAL OF ANY ELECTRIC  
13 RESOURCE PLAN THAT INCORPORATES A CLEAN ENERGY PLAN, THE  
14 QUALIFYING RETAIL UTILITY SHALL PREPARE A REPORT TO THE GOVERNOR,  
15 THE PUBLIC UTILITIES COMMISSION, AND THE AIR QUALITY CONTROL  
16 COMMISSION OUTLINING PROGRESS TOWARD THE CLEAN ENERGY TARGETS  
17 SET FORTH IN THIS SECTION. THE REPORT MUST SET FORTH THE CLEAN  
18 ENERGY RESOURCES DEVELOPED UNDER ANY CLEAN ENERGY PLAN, THE  
19 COST AND CUSTOMER IMPACT OF THOSE CLEAN ENERGY RESOURCES, THE  
20 EFFECT OF ANY APPROVED CLEAN ENERGY PLAN ON SYSTEM RELIABILITY,  
21 AND ANY OTHER RELEVANT INFORMATION. THE REPORT MUST ALSO  
22 IDENTIFY THE NEED FOR NEW OR ADDITIONAL TECHNOLOGY DEVELOPMENT  
23 NECESSARY TO ACHIEVE THE CLEAN ENERGY TARGETS OF THIS SECTION.

24 (7) **Future electric resource plans.** ANY ELECTRIC RESOURCE  
25 PLAN SUBMITTED TO THE COMMISSION AFTER APPROVAL OF THE CLEAN  
26 ENERGY PLAN MUST INCLUDE AN UPDATE ON THE PROGRESS MADE  
27 TOWARD THE APPROVED CLEAN ENERGY PLAN, AS WELL AS ACTIONS AND

1 INVESTMENTS BY THE QUALIFYING RETAIL UTILITY PROJECTED TO ACHIEVE  
2 COMPLIANCE WITH THE EMISSION REDUCTION TARGET IDENTIFIED IN  
3 SUBSECTION (3)(a)(I) OF THIS SECTION AND MAKE PROGRESS TOWARD THE  
4 ONE-HUNDRED-PERCENT CLEAN ENERGY GOAL SET FORTH IN SUBSECTION  
5 (3)(a)(II) OF THIS SECTION. THE COMMISSION MAY SOLICIT INPUT FROM  
6 THE DIVISION OF ADMINISTRATION FOR ASSISTANCE IN EVALUATING THE  
7 EMISSION REDUCTIONS ASSOCIATED WITH ANY FUTURE ELECTRIC  
8 RESOURCE PLAN AND CONSISTENT WITH THE CLEAN ENERGY TARGETS OF  
9 THIS SECTION. THE COMMISSION SHALL REVIEW THE QUALIFYING RETAIL  
10 UTILITY'S ACTIONS AND INVESTMENTS IN ACCORDANCE WITH THE  
11 STANDARDS SET FORTH IN SUBSECTION (4)(d) OF THIS SECTION.

12 **SECTION 3.** In Colorado Revised Statutes, **amend** 40-2-129 as  
13 follows:

14 **40-2-129. New resource acquisitions - factors in determination**  
15 **- local employment - "best value" metrics.** (1) (a) When evaluating  
16 electric resource acquisitions and requests for a certificate of convenience  
17 and necessity for construction or expansion of generating facilities,  
18 including but not limited to pollution control or fuel conversion upgrades  
19 and conversion of existing coal-fired plants to natural gas plants, the  
20 commission shall consider, ~~on a qualitative basis, factors that affect~~  
21 ~~employment and~~ IN ALL DECISIONS INVOLVED IN ELECTRIC RESOURCE  
22 ACQUISITION PROCESSES, BEST VALUE REGARDING EMPLOYMENT OF  
23 COLORADO LABOR, AS DEFINED IN SECTION 8-17-101 (2)(a), AND POSITIVE  
24 IMPACTS ON the long-term economic viability of Colorado communities.  
25 To this end, the commission shall require utilities to ~~request~~ OBTAIN AND  
26 PROVIDE TO THE COMMISSION the following information regarding "best  
27 value" employment metrics: The availability of training programs,

1 including training through apprenticeship programs registered with the  
2 United States department of ~~labor~~, LABOR'S office of apprenticeship and  
3 training OR BY STATE APPRENTICESHIP COUNCILS RECOGNIZED BY THAT  
4 OFFICE; employment of Colorado ~~workers~~ LABOR as compared to  
5 importation of out-of-state workers; long-term career opportunities; and  
6 industry-standard wages, health care, and pension benefits. When a utility  
7 proposes to construct new facilities of its own, the utility shall supply  
8 similar information to the commission.

9 (b) ANY ELECTRIC RESOURCE ACQUISITION DECISION MUST BE  
10 BASED IN PART ON REVIEW OF THE BEST VALUE EMPLOYMENT METRICS  
11 CRITERIA SET FORTH IN ANY SOLICITATION DOCUMENT. THE COMMISSION  
12 SHALL NOT APPROVE ANY ELECTRIC RESOURCE PLAN, ACQUISITION, OR  
13 POWER PURCHASE AGREEMENT THAT FAILS TO EITHER:

14 (I) PROVIDE THE BEST VALUE EMPLOYMENT METRICS  
15 DOCUMENTATION SPECIFIED IN THE SOLICITATION DOCUMENT; OR

16 (II) IN THE ALTERNATIVE, CERTIFY COMPLIANCE WITH OBJECTIVE  
17 BEST VALUE EMPLOYMENT METRICS PERFORMANCE STANDARDS SET FORTH  
18 IN THE SOLICITATION DOCUMENT.

19 (c) THE COMMISSION MAY WAIVE THE REQUIREMENTS OF THIS  
20 SECTION IF A UTILITY AGREES TO USE A PROJECT LABOR AGREEMENT FOR  
21 CONSTRUCTION OR EXPANSION OF A GENERATING FACILITY.

22 (2) FOLLOWING DEVELOPMENT OR ACQUISITION OF A GENERATING  
23 FACILITY BY A UTILITY, FOR ALL GENERATING FACILITIES OWNED BY THE  
24 UTILITY THAT DO NOT EMIT CARBON DIOXIDE, THE UTILITY SHALL USE  
25 UTILITY EMPLOYEES OR QUALIFIED CONTRACTORS IF THE CONTRACTORS'  
26 EMPLOYEES HAVE ACCESS TO AN APPRENTICESHIP PROGRAM REGISTERED  
27 WITH THE UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF

1 APPRENTICESHIP AND TRAINING OR BY A STATE APPRENTICESHIP COUNCIL  
2 RECOGNIZED BY THAT OFFICE; EXCEPT THAT THIS APPRENTICESHIP  
3 REQUIREMENT DOES NOT APPLY TO:

4 (a) THE DESIGN, PLANNING, OR ENGINEERING OF THE  
5 INFRASTRUCTURE;

6 (b) MANAGEMENT FUNCTIONS TO OPERATE THE INFRASTRUCTURE;

7 OR

8 (c) ANY WORK INCLUDED IN A WARRANTY.

9 **SECTION 4. Applicability.** This act applies to conduct,  
10 including power purchase agreements entered into and utility rate-based  
11 property development, occurring on or after the effective date of this act.

12 **SECTION 5. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, and safety.