

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0353.02 Jennifer Berman x3286

SENATE BILL 19-236

SENATE SPONSORSHIP

Garcia and Fenberg, Foote, Winter

HOUSE SPONSORSHIP

(None),

Senate Committees

Transportation & Energy
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONTINUATION OF THE PUBLIC UTILITIES**
102 **COMMISSION, AND, IN CONNECTION THEREWITH, IMPLEMENTING**
103 **THE RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET**
104 **REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES AND**
105 **MAKING AN APPROPRIATION.**

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/>.)

Sunset Process - Senate Transportation and Energy Committee. The bill implements the recommendations of the department

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.

of regulatory agencies' sunset review and report on the public utilities commission (commission) by:

- ! Authorizing the commission to promulgate rules to delegate routine, administrative transportation matters to staff and clarifying that the commission provides initial review of each case submitted for adjudication and determines whether it wishes to retain the case or to assign it to an administrative law judge or to an individual commissioner (**section 14** of the bill);
- ! Providing for alternate forms of communication that a public utility may utilize to notify its customers of rate changes, including text message and e-mail, and requiring the public utility to post notice of the rate change on its public website (**section 11**);
- ! Transferring the administration of the legal services offset fund from the department of law to the department of regulatory agencies (**section 15**);
- ! Making technical changes regarding criminal history record checks and telecommunications (**sections 17 and 19 through 22**);
- ! Repealing a requirement that an electric utility, as part of the electric utility's plan for acquisition of renewable resources, purchase a certain amount of energy from community solar gardens in the years 2011 through 2013, but delaying the repeal until 2043 to keep the legislation in place until contracts entered into pursuant to the requirement have likely all expired (**section 9**);
- ! Repealing the requirement that the commission, in considering electric utilities' proposals for generation acquisition, give consideration to proposals to propose, fund, and construct integrated gasification combined cycle generation facilities (**section 8**); and
- ! Clarifying that the commission may impose a civil penalty for a violation of railroad crossing safety regulations (**section 13**).

The bill also:

- ! Creates the division of public utilities (division) as if it were transferred by a **type 2** transfer, as a separate entity from the commission (**sections 3 to 7**);
- ! Directs the commission to promulgate rules to require an investor-owned utility to file with the commission, for the commission's approval, a distribution system plan regarding the utility's anticipated distribution system investments (**section 10**);
- ! Requires an investor-owned utility, when submitting a

filing to the commission that includes a proposed retirement of an electric generating facility, to include in the filing a workforce transition plan that provides estimates of workforce transitions that will occur as a result of retiring the electric generating facility (**section 10**);

! Directs the commission to evaluate the cost of carbon dioxide emissions in any proceeding related to a public utility subject to the commission's jurisdiction and to promulgate rules to require those public utilities, when submitting filings related to planning processes, including electric resource plans, to include the cost of carbon dioxide emissions related to the activities proposed in the plan (**section 12**); and

! Authorizes the commission to regulate vehicle booting companies, which are private entities in the business of immobilizing motor vehicles through use of a boot, through issuance of permits and enforcement mechanisms including inspections, imposition of a civil penalty, and revocation of a permit (**sections 16 and 18**).

The bill continues the functions of the commission for and gives the division a life of 7 years, until 2026 (**sections 1 and 2**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-101, **amend**
3 (3)(b) as follows:

4 **40-2-101. Creation - appointment - term - subject to**
5 **termination - repeal of part.** (3) (b) (I) This part 1 is repealed, effective
6 September 1, ~~2019~~ 2026.

7 (II) ~~Prior to its~~ BEFORE THE repeal, the public utilities commission
8 ~~shall be reviewed as provided for in~~ IS SCHEDULED FOR REVIEW IN
9 ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

10 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
11 (17)(a)(I); and **add** (27)(a)(VIII) as follows:

12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for repeal, continuation, or reestablishment - legislative**

1 **declaration - repeal.** (17) (a) The following agencies, functions, or both,
2 are scheduled for repeal on September 1, 2019:

3 (I) ~~The Colorado public utilities commission created in article 2~~
4 ~~of title 40, C.R.S.;~~

5 (27) (a) The following agencies, functions, or both, are scheduled
6 for repeal on September 1, 2026:

7 (VIII) THE COLORADO PUBLIC UTILITIES COMMISSION CREATED
8 IN ARTICLE 2 OF TITLE 40.

9

10 **SECTION 3.** In Colorado Revised Statutes, **repeal** 40-2-123 (2).

11 **SECTION 4.** In Colorado Revised Statutes, 40-2-127, **amend**
12 (3)(b) introductory portion; and **add** (5)(a)(III.5) as follows:

13 **40-2-127. Community energy funds - community solar**
14 **gardens - definitions - rules - legislative declaration - repeal.**

15 (3) **Subscriber organization - subscriber qualifications -**
16 **transferability of subscriptions.** (b) ~~On or before October 1, 2010,~~ The
17 commission shall ~~commence a rule-making proceeding to~~ adopt rules as
18 necessary to implement this section, including ~~but not limited to~~ rules to
19 facilitate the financing of subscriber-owned community solar gardens.
20 ~~Such~~ THE rules ~~shall~~ MUST include:

21 (5) **Purchases of the output from community solar gardens.**

22 (a) (III.5) SUBSECTIONS (5)(a)(II) AND (5)(a)(III) OF THIS SECTION AND
23 THIS SUBSECTION (5)(a)(III.5) ARE REPEALED, EFFECTIVE JULY 1, 2043.

24 **SECTION 5.** In Colorado Revised Statutes, **add** 40-2-132 and
25 40-2-133 as follows:

26 **40-2-132. Distribution system planning - definition - rules.**

27 (1) THE COMMISSION SHALL PROMULGATE RULES ESTABLISHING THE

1 FILING OF A DISTRIBUTION SYSTEM PLAN. THE COMMISSION'S RULES MUST:
2 (a) DEFINE THE FOLLOWING TERMS:
3 (I) DISTRIBUTED ENERGY RESOURCES THAT INCLUDE:
4 (A) DISTRIBUTED RENEWABLE ELECTRIC GENERATION;
5 (B) ENERGY STORAGE SYSTEMS;
6 (C) MICROGRIDS;
7 (D) ENERGY EFFICIENCY MEASURES; AND
8 (E) DEMAND RESPONSE MEASURES; AND
9 (II) NON-WIRES ALTERNATIVES;
10 (b) DEVELOP A METHODOLOGY FOR EVALUATING THE NET
11 BENEFITS TO CUSTOMERS USING DISTRIBUTED ENERGY RESOURCES AS
12 NON-WIRES ALTERNATIVES;
13 (c) DIRECT EACH QUALIFYING RETAIL UTILITY TO FILE A
14 DISTRIBUTION SYSTEM PLAN THAT AT A MINIMUM INCLUDES:
15 (I) INFORMATION REGARDING:
16 (A) SYSTEM AND SUBSTATION HISTORICAL DATA;
17 (B) PEAK DEMAND;
18 (C) ADOPTION OF DISTRIBUTED ENERGY RESOURCES; AND
19 (D) DISTRIBUTION SYSTEM INVESTMENTS;
20 (II) A DESCRIPTION OF THE QUALIFYING RETAIL UTILITY'S
21 ANTICIPATED NEW DISTRIBUTION SYSTEM EXPANSION INVESTMENTS FOR
22 THE YEARS COVERED BY THE PLAN, INCLUDING A GENERAL DISCUSSION OF
23 THE QUALIFYING RETAIL UTILITY'S PROCESS TO EVALUATE THE PLAN'S
24 FEASIBILITY AND THE ECONOMIC IMPACTS OF POTENTIALLY USING
25 NON-WIRES ALTERNATIVES FOR THE PROJECTS. THE QUALIFYING RETAIL
26 UTILITY SHALL PROVIDE ESTIMATES OF THE YEAR IN WHICH PEAK DEMAND
27 GROWTH OR DISTRIBUTED ENERGY RESOURCE GROWTH MAY REQUIRE

1 THESE NEW NON-WIRES ALTERNATIVE PROJECTS:

2 (III) TO PROVIDE NEW ELECTRIC SERVICE TO ANY PLANNED NEW
3 NEIGHBORHOODS OR HOUSING DEVELOPMENTS EXPECTED TO INCLUDE
4 MORE THAN TEN THOUSAND NEW RESIDENCES, A DESCRIPTION OF THE
5 QUALIFYING RETAIL UTILITY'S CONSIDERATION OF NON-WIRES
6 ALTERNATIVES, POTENTIALLY INCLUDING ENERGY EFFICIENCY MEASURES
7 UNDER UTILITY PROGRAMS:

8 (IV) AN UPDATED LOAD FORECAST THAT INCLUDES ANY NEW LOAD
9 RESULTING FROM PROJECTED OR FORECASTED GROWTH FROM BENEFICIAL
10 ELECTRIFICATION PROGRAMS:

11 (V) A FORECAST OF THE GROWTH OF DISTRIBUTED ENERGY
12 RESOURCES FOR THE YEARS COVERED BY THE PLAN:

13 (VI) A HIGH-LEVEL SUMMARY OF ITS PLANNING PROCESS FOR
14 ADDRESSING CYBER AND PHYSICAL SECURITY RISKS. AS PART OF THE
15 SUMMARY, THE QUALIFYING RETAIL UTILITY NEED NOT REPORT ANY
16 CONFIDENTIAL, PROPRIETARY, OR OTHER INFORMATION IN THE PLAN THAT
17 COULD IN ANY WAY COMPROMISE OR DECREASE THE QUALIFYING RETAIL
18 UTILITY'S ABILITY TO PREVENT, MITIGATE, OR RECOVER FROM POTENTIAL
19 SYSTEM DISRUPTIONS CAUSED BY WEATHER EVENTS, PHYSICAL EVENTS,
20 OR CYBER ATTACKS.

21 (VII) ANY OTHER INFORMATION THAT THE COMMISSION DEEMS
22 RELEVANT.

23 (2) THE COMMISSION SHALL APPROVE A QUALIFYING RETAIL
24 UTILITY'S DISTRIBUTION SYSTEM PLAN IF THE COMMISSION FINDS THE PLAN
25 TO BE IN THE PUBLIC INTEREST.

26 (3)(a) IF A QUALIFYING RETAIL UTILITY IS REQUIRED TO SPEND ON
27 DISTRIBUTION INFRASTRUCTURE TO ACCOMPLISH ITS DISTRIBUTION

1 SYSTEM PLAN, THE COST MUST BE PROPOSED AND CONSIDERED BY THE
2 COMMISSION AS PART OF THE QUALIFYING RETAIL UTILITY'S NEXT
3 GENERAL RATE CASE.

4 (b) THE COMMISSION MAY PRESUME THAT ANY SPENDING OUTSIDE
5 THE ORDINARY COURSE OF BUSINESS THAT THE QUALIFYING RETAIL
6 UTILITY IDENTIFIES FOR DISTRIBUTION INFRASTRUCTURE IS PRUDENT IF
7 THE COMMISSION DETERMINES THAT THE QUALIFYING RETAIL UTILITY'S
8 RATEPAYERS WOULD REALIZE NET BENEFITS FROM THE DISTRIBUTION
9 INFRASTRUCTURE AND THAT THE ASSOCIATED COSTS ARE JUST AND
10 REASONABLE.

11 (c) TO EVALUATE THE SUCCESS OF ANY INVESTMENT AUTHORIZED
12 PURSUANT TO A QUALIFYING RETAIL UTILITY'S DISTRIBUTION SYSTEM
13 PLAN, THE COMMISSION MAY ADOPT CRITERIA, BENCHMARKS, OR
14 ACCOUNTABILITY MECHANISMS WITH WHICH THE QUALIFYING RETAIL
15 UTILITY MUST COMPLY.

16 (4) AS USED IN THIS SECTION, "QUALIFYING RETAIL UTILITY" HAS
17 THE MEANING DESCRIBED IN SECTION 40-2-124 (1); EXCEPT THAT THE
18 TERM DOES NOT MEAN A MUNICIPALLY OWNED UTILITY OR A COOPERATIVE
19 ELECTRIC ASSOCIATION. _____

20 **40-2-133. Workforce transition planning filing - definition.**

21 (1) A QUALIFYING RETAIL UTILITY REGULATED BY THE COMMISSION THAT
22 SUBMITS A FILING, INCLUDING A RESOURCE PLAN OR APPLICATION, THAT
23 INCLUDES A PROPOSED RETIREMENT OF AN ELECTRIC GENERATING
24 FACILITY SHALL ALSO INCLUDE A WORKFORCE TRANSITION PLAN AS PART
25 OF ITS FILING.

26 (2) TO THE EXTENT PRACTICABLE, A WORKFORCE TRANSITION
27 PLAN MUST INCLUDE ESTIMATES OF:

1 (a) THE NUMBER OF WORKERS EMPLOYED BY THE QUALIFYING
2 RETAIL UTILITY OR A CONTRACTOR OF THE QUALIFYING RETAIL UTILITY AT
3 THE ELECTRIC GENERATING FACILITY, WHICH NUMBER MUST INCLUDE ALL
4 WORKERS THAT DIRECTLY DELIVER FUEL TO THE ELECTRIC GENERATING
5 UTILITY;

6 (b) THE TOTAL NUMBER OF WORKERS WHOSE EXISTING JOBS, AS A
7 RESULT OF THE RETIREMENT OF THE ELECTRIC GENERATING FACILITY:

8 (I) WILL BE RETAINED; AND

9 (II) WILL BE ELIMINATED;

10 (c) WITH RESPECT TO THE WORKERS WHOSE EXISTING JOBS WILL
11 BE ELIMINATED DUE TO THE RETIREMENT OF THE ELECTRIC GENERATING
12 FACILITY, THE TOTAL NUMBER AND THE NUMBER BY JOB CLASSIFICATION
13 OF WORKERS:

14 (I) WHOSE EMPLOYMENT WILL END WITHOUT THEM BEING
15 OFFERED OTHER EMPLOYMENT;

16 (II) WHO WILL RETIRE AS PLANNED, BE OFFERED EARLY
17 RETIREMENT, OR LEAVE ON THEIR OWN;

18 (III) WHO WILL BE RETAINED BY BEING TRANSFERRED TO OTHER
19 ELECTRIC GENERATING FACILITIES OR OFFERED OTHER EMPLOYMENT BY
20 THE QUALIFYING RETAIL UTILITY; AND

21 (IV) WHO WILL BE RETAINED TO CONTINUE TO WORK FOR THE
22 QUALIFYING RETAIL UTILITY IN A NEW JOB CLASSIFICATION; AND

23 (d) IF THE QUALIFYING RETAIL UTILITY IS REPLACING THE ELECTRIC
24 GENERATING FACILITY BEING RETIRED WITH A NEW ELECTRIC GENERATING
25 FACILITY, THE NUMBER OF:

26 (I) WORKERS FROM THE RETIRED ELECTRIC GENERATING FACILITY
27 WHO WILL BE EMPLOYED AT THE NEW ELECTRIC GENERATING FACILITY;

1 AND

2 (II) JOBS AT THE NEW ELECTRIC GENERATING FACILITY THAT WILL
3 BE OUTSOURCED TO CONTRACTORS OR SUBCONTRACTORS.

4 (3) AS USED IN THIS SECTION, "QUALIFYING RETAIL UTILITY" HAS
5 THE MEANING DESCRIBED IN SECTION 40-2-124 (1); EXCEPT THAT THE
6 TERM DOES NOT MEAN A MUNICIPALLY OWNED UTILITY OR A COOPERATIVE
7 ELECTRIC ASSOCIATION.

8 **SECTION 6.** In Colorado Revised Statutes, 40-3-104, **amend**
9 (1)(c)(I) introductory portion, (1)(c)(I)(C), and (1)(c)(I)(D); and **add**
10 (1)(c)(I)(E), (1)(c)(VI), and (1)(c)(VII) as follows:

11 **40-3-104. Changes in rates - notice.** (1) (c) (I) A public utility
12 shall provide the notice required under ~~paragraph (a) of this subsection~~
13 ~~(I)~~ SUBSECTION (1)(a) OF THIS SECTION by filing with the commission and
14 keeping open for public inspection new schedules stating plainly the
15 changes to be made in the schedules then in force and the time when the
16 changes will go into effect. AT THE TIME OF THE PUBLIC UTILITY'S FILING
17 WITH THE COMMISSION, THE PUBLIC UTILITY SHALL POST THE NOTICE ON
18 ITS PUBLIC WEBSITE, WHICH POSTING MUST BE CONSPICUOUSLY DISPLAYED
19 ON THE WEBSITE FOR AT LEAST THIRTY DAYS. The commission may
20 require transportation and water utilities to give additional notice in a
21 manner set forth by order or rule. For public utilities other than
22 transportation and water utilities, the commission shall require additional
23 notice prior to an increase or other change in any rate, fare, toll, rental,
24 charge, classification, or service, which additional notice may be made,
25 at the option of the public utility, by any of the following methods:

26 (C) Inclusion of an insert in, OR A CLEAR AND CONSPICUOUS
27 STATEMENT ON, the bill mailed to each affected customer of the public

1 utility during a regular billing cycle not later than the twentieth day of the
2 thirty-day period prior to the effective date of the increase or change; or

3 (D) ~~At the request of the public utility, such other manner as the~~
4 ~~commission may prescribe.~~ SUBJECT TO SUBSECTION (1)(c)(VII) OF THIS
5 SECTION, NOT LATER THAN THE TWENTIETH DAY OF THE THIRTY-DAY
6 PERIOD BEFORE THE EFFECTIVE DATE OF THE INCREASE OR CHANGE,
7 SENDING AN E-MAIL OR TEXT MESSAGE TO EACH AFFECTED CUSTOMER OF
8 THE PUBLIC UTILITY FOR WHOM THE UTILITY HAS AN E-MAIL ADDRESS OR
9 A MOBILE TELEPHONE NUMBER; OR

10 (E) AT THE REQUEST OF THE PUBLIC UTILITY, SUCH OTHER MANNER
11 AS THE COMMISSION MAY PRESCRIBE.

12 (VI) A PUBLIC UTILITY THAT PROVIDES ADDITIONAL NOTICE
13 PURSUANT TO SUBSECTION (1)(c)(I) OF THIS SECTION MUST INCLUDE IN
14 THE ADDITIONAL NOTICE:

15 (A) THE PUBLIC UTILITY'S PUBLIC WEBSITE ADDRESS; AND

16 (B) A TOLL-FREE TELEPHONE NUMBER ASSOCIATED WITH THE
17 PUBLIC UTILITY THAT A CUSTOMER MAY CALL FOR ADDITIONAL
18 INFORMATION OR ASSISTANCE. IF A PUBLIC UTILITY SENDS ADDITIONAL
19 NOTICE BY E-MAIL OR TEXT MESSAGE PURSUANT TO SUBSECTION
20 (1)(c)(I)(D) OF THIS SECTION, THE E-MAIL OR TEXT MESSAGE NEED NOT
21 INCLUDE ALL INFORMATION REQUIRED BY THIS SUBSECTION (1)(c)(VI);
22 HOWEVER, THE E-MAIL OR TEXT MESSAGE MUST INCLUDE A LINK TO THE
23 PORTION OF THE PUBLIC UTILITY'S PUBLIC WEBSITE WHERE THAT
24 INFORMATION IS POSTED.

25 (VII) A PUBLIC UTILITY MAY PROVIDE ADDITIONAL NOTICE
26 PURSUANT TO SUBSECTION (1)(c)(I)(D) OF THIS SECTION ONLY IF THE
27 PUBLIC UTILITY PROVIDES ITS CUSTOMERS WITH A MECHANISM BY WHICH

1 A CUSTOMER MAY OPT OUT OF RECEIVING E-MAIL OR TEXT MESSAGE
2 NOTIFICATIONS. FOR ANY CUSTOMER THAT OPTS OUT, THE PUBLIC UTILITY
3 SHALL PROVIDE AN ALTERNATE METHOD OF ADDITIONAL NOTICE
4 AUTHORIZED UNDER SUBSECTION (1)(c)(I) OF THIS SECTION.

5 **SECTION 7. In Colorado Revised Statutes, add 40-3-116 and**
6 **40-3-117 as follows:**

7 **40-3-116. Performance-based rate-making - investigation -**
8 **report - repeal. (1) THE COMMISSION SHALL CONDUCT AN**
9 **INVESTIGATION OF FINANCIAL PERFORMANCE-BASED INCENTIVES AND**
10 **PERFORMANCE-BASED METRIC TRACKING TO IDENTIFY MECHANISMS THAT**
11 **MAY SERVE TO ALIGN REGULATED UTILITY OPERATIONS, EXPENDITURES,**
12 **AND INVESTMENTS WITH PUBLIC BENEFIT GOALS INCLUDING SAFETY,**
13 **RELIABILITY, COST EFFICIENCY, EMISSIONS REDUCTIONS, AND EXPANSION**
14 **OF DISTRIBUTED ENERGY RESOURCES. THE INVESTIGATION, WHICH SHALL**
15 **BE CONDUCTED IN AN INVESTIGATORY PROCEEDING, MUST CONSIST OF A**
16 **REVIEW OF EXISTING AND POTENTIAL METRICS, INCLUDING FUTURE TEST**
17 **YEARS, AND CONSIDERATION OF NEW PERFORMANCE-BASED INCENTIVES.**

18 **(2) (a) WITHIN EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF**
19 **THIS SECTION, THE COMMISSION SHALL REPORT ITS FINDINGS TO THE**
20 **SENATE TRANSPORTATION AND ENERGY COMMITTEE AND THE HOUSE OF**
21 **REPRESENTATIVES ENERGY AND ENVIRONMENT COMMITTEE, OR THEIR**
22 **SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE THE FOLLOWING:**

23 **(I) A GENERAL DETERMINATION AS TO WHETHER A TRANSITION TO**
24 **PERFORMANCE-BASED METRICS REGULATION OF A REGULATED UTILITY**
25 **WOULD BE NET BENEFICIAL TO THE STATE, IN TERMS OF MEETING STATED**
26 **OBJECTIVES OF THE COMMISSION AND OTHER RELATED STATUTORY**
27 **REQUIREMENTS;**

1 (II) ACTIONS THAT THE COMMISSION MAY PURSUE TO GUIDE THE
2 CHANGE TO A PERFORMANCE-BASED METRICS REGULATION;

3 (III) DIRECTIVES TO BE GIVEN TO UTILITIES;

4 (IV) A LIST OF TYPES OF FUTURE LITIGATED PROCEEDINGS WITHIN
5 WHICH THE REPORT COULD BE IMPLEMENTED; AND

6 (V) A PROPOSED TIMELINE FOR TRANSITION TO
7 PERFORMANCE-BASED METRICS REGULATION.

8 (b) THE REPORT MAY INCLUDE ANY RECOMMENDATIONS OF
9 LEGISLATION NEEDED TO FULLY REALIZE THE BENEFITS OF
10 PERFORMANCE-BASED METRICS REGULATION, INCLUDING IDENTIFYING
11 ANY EXISTING STATUTE THAT WOULD SERVE AS AN IMPEDIMENT TO
12 REALIZING THE FULL BENEFITS OF A TRANSITION TO PERFORMANCE-BASED
13 METRICS REGULATION AND SUGGESTED RECOMMENDED CHANGES TO THE
14 EXISTING STATUTE.

15 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

16 **40-3-117. Utility wholesale and retail rates survey -**
17 **nonadjudicatory proceeding - report - repeal.** (1) THE COMMISSION
18 SHALL OPEN A NONADJUDICATORY PROCEEDING TO CONDUCT A SURVEY OF
19 PUBLIC UTILITY WHOLESALE AND RETAIL RATES AND SPECIFICALLY
20 CONSIDER RECOMMENDATIONS THAT WOULD RESULT IN RATE RELIEF IN
21 CERTIFICATED UTILITY TERRITORIES WITH RETAIL RATES MATERIALLY
22 GREATER THAN THE STATE AVERAGE. THE COMMISSION SHALL DETERMINE
23 THE MINIMUM PERCENTAGE BY WHICH A RETAIL RATE THAT EXCEEDS THE
24 STATE AVERAGE RATE QUALIFIES AS A MATERIALLY GREATER RATE.

25 (2) THE COMMISSION SHALL HOLD A PUBLIC HEARING WITHIN ANY
26 CERTIFICATED UTILITY TERRITORY DETERMINED TO HAVE A MATERIALLY
27 GREATER RETAIL RATE THAN THE STATE AVERAGE RATE.

1 (3) ON OR BEFORE FEBRUARY 1, 2021, THE COMMISSION SHALL
2 FILE A REPORT WITH THE HOUSE ENERGY AND ENVIRONMENT COMMITTEE
3 AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR
4 SUCCESSOR COMMITTEES, DESCRIBING THE SCOPE OF ANALYSIS
5 CONDUCTED, POTENTIAL SOLUTIONS CONSIDERED, AND ANY
6 RECOMMENDATIONS THAT COULD PROVIDE RATE RELIEF TO RATEPAYERS.

7 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

8 **SECTION 8.** In Colorado Revised Statutes, **add** 40-3.2-106 as
9 follows:

10 **40-3.2-106. Costs of pollution in utility planning - definitions**

11 - **rules.** (1) THE COMMISSION SHALL REQUIRE AN ELECTRIC PUBLIC
12 UTILITY SUBJECT TO COMMISSION JURISDICTION TO CONSIDER THE COST OF
13 CARBON DIOXIDE EMISSIONS, AS SET FORTH PURSUANT TO SUBSECTION (4)
14 OF THIS SECTION, WHEN DETERMINING THE COST, BENEFIT, OR NET
15 PRESENT VALUE OF ANY PLAN OR PROPOSAL SUBMITTED IN ONE OF THE
16 FOLLOWING PROCEEDINGS:

17 (a) ELECTRIC RESOURCE PLANS OR ANY UTILITY PLAN OR
18 APPLICATION THAT CONSIDERS OR PROPOSES THE ACQUISITION OF NEW
19 ELECTRIC GENERATING RESOURCES OR THE RETIREMENT OF EXISTING
20 UTILITY GENERATION;

21 (b) APPLICATIONS RELATED TO SECTION 40-2-124;

22 (c) APPLICATIONS RELATED TO SECTION 40-3.2-104; OR

23 (d) A PLAN OR APPLICATION FOR TRANSPORTATION
24 ELECTRIFICATION OR OTHER FORMS OF BENEFICIAL ELECTRIFICATION.

25 (2) IN A PROCEEDING LISTED IN SUBSECTION (1)(a) OF THIS
26 SECTION, A UTILITY SHALL:

27 (a) AT A MINIMUM, MODEL AN OPTIMIZATION OF A BASE CASE

1 PORTFOLIO OF RESOURCES USING THE COST OF CARBON DIOXIDE
2 EMISSIONS, AS SET FORTH PURSUANT TO SUBSECTION (4) OF THIS SECTION.
3 THE COST OF CARBON DIOXIDE EMISSIONS MUST APPLY TO THE
4 EVALUATION OF ALL EXISTING ELECTRIC GENERATION RESOURCES AND TO
5 ANY NEW RESOURCES EVALUATED OR PROPOSED AS PART OF THE
6 RESOURCE MODELING. THE COMMISSION MAY REQUIRE A UTILITY TO FILE
7 OR PROPOSE ADDITIONAL BASE CASES. FOR THE PURPOSE OF DEVELOPING
8 ADDITIONAL OPTIMIZED PORTFOLIOS OR FOR SCENARIO ANALYSIS, THE
9 COMMISSION MAY AMEND ITS RULES TO ALLOW A UTILITY TO USE OTHER
10 COSTS FOR CARBON DIOXIDE EMISSIONS IN ADDITION TO THE COST OF
11 CARBON DIOXIDE EMISSIONS SET FORTH PURSUANT TO SUBSECTION (4) OF
12 THIS SECTION.

13 (b) (I) PRESENT A CALCULATION OF THE NET PRESENT VALUE OF
14 REVENUE REQUIREMENT FOR THE RESOURCES IN EACH OPTIMIZED
15 PORTFOLIO. TO SHOW THE NET PRESENT VALUE OF REVENUE REQUIREMENT
16 THAT WOULD BE INCURRED BY THE UTILITY FOR IMPLEMENTING THE
17 PORTFOLIO, IN ADDITION TO PRESENTING THE FULL NET PRESENT VALUE OF
18 REVENUE REQUIREMENT THROUGH A CALCULATION USING THE COST OF
19 CARBON DIOXIDE EMISSIONS SET FORTH PURSUANT TO SUBSECTION (4) OF
20 THIS SECTION, THE UTILITY SHALL ALSO PRESENT THE FULL NET PRESENT
21 VALUE OF REVENUE REQUIREMENT THROUGH A CALCULATION WITHOUT
22 USING THE COST OF CARBON DIOXIDE EMISSIONS SET FORTH PURSUANT TO
23 SUBSECTION (4) OF THIS SECTION.

24 (II) IN ADDITION TO THE NET PRESENT VALUE OF REVENUE
25 REQUIREMENT CALCULATIONS REQUIRED IN SUBSECTION (2)(b)(I) OF THIS
26 SECTION, FOR EACH OPTIMIZED MODEL RUN THE UTILITY MUST PROVIDE A
27 PRESENT VALUE CALCULATION SHOWING THE NET PRESENT VALUE OF THE

1 TOTAL COST OF CARBON DIOXIDE EMISSIONS OF EACH PORTFOLIO,
2 CALCULATED BY MULTIPLYING THE TOTAL EMISSIONS OF THAT PORTFOLIO
3 BY THE COST OF CARBON DIOXIDE SET FORTH PURSUANT TO SUBSECTION
4 (4) OF THIS SECTION.

5 (3) IN APPROVING A RESOURCE PLAN, THE COMMISSION SHALL
6 CONSIDER:

7 (a) THE NET PRESENT VALUE OF THE COST OF CARBON DIOXIDE
8 EMISSIONS;

9 (b) THE NET PRESENT VALUE OF REVENUE REQUIREMENTS THAT
10 WOULD BE INCURRED BY THE UTILITY FOR IMPLEMENTING THE PORTFOLIO;

11 AND

12 (c) OTHER RELEVANT FACTORS, AS DETERMINED BY THE
13 COMMISSION.

14 (4) THE COMMISSION SHALL BASE THE COST OF CARBON DIOXIDE
15 EMISSIONS ON THE MOST RECENT ASSESSMENT OF THE SOCIAL COST OF
16 CARBON DIOXIDE DEVELOPED BY THE FEDERAL GOVERNMENT. STARTING
17 IN 2020, THE COMMISSION SHALL USE A SOCIAL COST OF CARBON DIOXIDE
18 OF NOT LESS THAN FORTY-SIX DOLLARS PER SHORT TON. THE COMMISSION
19 SHALL MODIFY THE COST OF CARBON DIOXIDE EMISSIONS BASED ON
20 ESCALATION RATES OF THE 2020 BASE COST BY AN AMOUNT THAT IS
21 EQUAL TO OR GREATER THAN THE CENTRAL VALUE ESCALATION RATES
22 ESTABLISHED IN THE TECHNICAL SUPPORT DOCUMENT. WHEN
23 CALCULATING THE COST OF CARBON DIOXIDE EMISSIONS FOR ANY
24 PROCEEDING LISTED IN SUBSECTION (1) OF THIS SECTION, THE COMMISSION
25 SHALL USE THE SAME DISCOUNT RATE AS THAT USED TO DEVELOP THE
26 FEDERAL SOCIAL COST OF CARBON DIOXIDE, AS SET FORTH IN THE
27 TECHNICAL SUPPORT DOCUMENT.

1 (5) THE COMMISSION SHALL APPLY A COST OF CARBON DIOXIDE
2 EMISSIONS TO THE NONENERGY BENEFITS FOR PROGRAMS THAT ARE
3 DEFINED TO BE BENEFICIAL ELECTRIFICATION.

4 (6) AS USED IN THIS SECTION:

5 (a) "BENEFICIAL ELECTRIFICATION" MEANS A UTILITY'S CHANGE IN
6 THE ENERGY SOURCE POWERING AN END USE FROM A NONELECTRIC
7 SOURCE TO AN ELECTRIC SOURCE, INCLUDING TRANSPORTATION, WATER
8 HEATING, SPACE HEATING, OR INDUSTRIAL PROCESSES, IF THE CHANGE:

9 (I) REDUCES SYSTEM COSTS FOR THE UTILITY'S CUSTOMERS;

10 (II) REDUCES NET CARBON DIOXIDE EMISSIONS; OR

11 (III) PROVIDES FOR A MORE EFFICIENT UTILIZATION OF GRID
12 RESOURCES.

13 (b) "TECHNICAL SUPPORT DOCUMENT" MEANS THE 2016
14 TECHNICAL SUPPORT DOCUMENT OF THE FEDERAL INTERAGENCY WORKING
15 GROUP ON SOCIAL COST OF GREENHOUSE GASES, ENTITLED "TECHNICAL
16 UPDATE OF THE SOCIAL COST OF CARBON FOR REGULATORY IMPACT
17 ANALYSIS - UNDER EXECUTIVE ORDER 12866".

18 **SECTION 9.** In Colorado Revised Statutes, 40-4-106, **amend** (1)
19 as follows:

20 **40-4-106. Rules for public safety - crossings - civil fines -**
21 **allocation of expenses.** (1) (a) The commission ~~shall have power~~ MAY,
22 after hearing on its own motion or upon complaint, ~~to~~ make general or
23 special orders, PROMULGATE rules, or ~~regulations or otherwise~~ ACT BY
24 OTHER MEANS to require each public utility to maintain and operate its
25 lines, plant, system, equipment, electrical wires, apparatus, tracks, and
26 premises in such A manner as to promote and safeguard the health and
27 safety of its employees, passengers, customers, subscribers, and the public

1 and to require the performance of any other act ~~which~~ THAT the health or
2 safety of its employees, passengers, customers, subscribers, or the public
3 may demand.

4 (b) IF, PURSUANT TO THIS SUBSECTION (1), THE COMMISSION
5 ISSUES AN ORDER OR PROMULGATES A RULE REQUIRING A RAILROAD
6 COMPANY TO COMPLY WITH RAILROAD CROSSING SAFETY REGULATIONS,
7 THE COMMISSION MAY IMPOSE A CIVIL PENALTY PURSUANT TO ARTICLE 7
8 OF THIS TITLE 40, IN AN AMOUNT NOT TO EXCEED THE MAXIMUM AMOUNT
9 SET FORTH IN SECTION 40-7-105 (1), AGAINST A RAILROAD COMPANY THAT
10 FAILS TO COMPLY WITH THE ORDER OR RULE.

11 **SECTION 10.** In Colorado Revised Statutes, 40-6-101, **amend**
12 (2); and **add** (5) as follows:

13 **40-6-101. Proceedings - delegation of duties - rules.**

14 (2) (a) ~~Except as otherwise provided in paragraph (b) of this subsection~~
15 ~~(2)~~; The commission may by order direct that any of its work, business,
16 or functions under any provision of law, except functions vested solely in
17 the commission under this ~~title~~ TITLE 40, be assigned or referred to an
18 individual commissioner or to an administrative law judge to be
19 designated by order for action. ~~thereon, and~~ The commission may by
20 order at any time amend, modify, supplement, or rescind any such
21 assignment or reference. When an individual commissioner or an
22 administrative law judge is unable to act upon any matter ~~so~~ assigned or
23 referred because of absence or other cause, the ~~chairman~~ CHAIR of the
24 commission may designate another commissioner or administrative law
25 judge, as the case may be, to serve temporarily until the commission
26 otherwise orders.

27 (b) Every case submitted to the commission for adjudication ~~shall~~

1 MUST BE HEARD in the first instance, ~~be heard by an administrative law~~
2 ~~judge~~ THE COMMISSION unless, BY RULE, MINUTE ORDER, OR WRITTEN
3 DECISION, the commission ~~by minute order~~, assigns the case to ~~the~~
4 ~~commission~~ AN ADMINISTRATIVE LAW JUDGE or to an individual
5 commissioner for hearing.

6 (5) NOTWITHSTANDING SUBSECTIONS (2) TO (4) OF THIS SECTION,
7 THE COMMISSION MAY PROMULGATE RULES TO AUTHORIZE THE
8 DELEGATION OF ITS ROUTINE ADMINISTRATIVE TRANSPORTATION MATTERS
9 TO COMMISSION STAFF. IF THE COMMISSION PROMULGATES RULES
10 PURSUANT TO THIS SUBSECTION (5), THE COMMISSION SHALL DEFINE IN
11 RULE THE MEANING OF THE TERM "ROUTINE ADMINISTRATIVE
12 TRANSPORTATION MATTER".

13 **SECTION 11. In Colorado Revised Statutes, 40-6-109, amend**
14 **(1) as follows:**

15 **40-6-109. Hearings - orders - record - review - representation**
16 **of entities in nonadjudicatory proceedings. (1) At the time fixed for**
17 **any A hearing before the commission, any A commissioner, or an**
18 **administrative law judge, or, at the time to which the same HEARING may**
19 **have been continued, the applicant, petitioner, complainant; the person,**
20 **firm, or corporation complained of; and such persons, firms, or**
21 **corporations ANY PERSON, FIRM, OR CORPORATION as the commission may**
22 **allow to intervene and such persons, firms, or corporations as will be**
23 **THAT IS interested in or affected by any A COMMISSION order that may be**
24 **made by the commission in such THE proceeding and who shall have**
25 **THAT HAS become parties A PARTY to the proceeding shall be IS entitled**
26 **to be heard, examine and cross-examine witnesses, and introduce**
27 **evidence. AN INDIVIDUAL CUSTOMER OF A REGULATED UTILITY IS**

1 AUTHORIZED TO INTERVENE IN A MATTER BEFORE THE COMMISSION THAT
2 AFFECTS THE CUSTOMER. A full and complete record of all proceedings
3 had before the commission, any A commissioner, or an administrative law
4 judge in any formal hearing and all testimony shall be taken down by any
5 A reporter appointed by the commission or RECORDED ELECTRONICALLY
6 as deemed appropriate by the commission, a commissioner, or an
7 administrative law judge, as applicable. recorded electronically. All
8 parties in interest shall be ARE entitled to be heard in person or TO BE
9 REPRESENTED by attorney.

10 **SECTION 12.** In Colorado Revised Statutes, 40-7-118, **amend**
11 (1)(a) as follows:

12 **40-7-118. Legal services offset fund - creation - exemption**
13 **from maximum reserve.** (1) (a) The legal services offset fund is hereby
14 created in the state treasury. The fund consists of the civil penalties that
15 are collected and credited to the fund pursuant to section 40-7-112 (1)(b)
16 for violations of article 10.1 of this title 40 or commission rules
17 promulgated pursuant to article 10.1 OF THIS TITLE 40. The money in the
18 fund is continuously appropriated to the department of law REGULATORY
19 AGENCIES for use to offset the costs of legal representation of the staff of
20 the commission in proceedings before the commission concerning the
21 enforcement of article 10.1 of this title 40. The department of law
22 REGULATORY AGENCIES shall use the money in the legal services offset
23 fund ~~only to supplement~~ SUPPORT appropriations made to the department
24 of regulatory agencies that are used for legal representation of the staff of
25 the commission in proceedings concerning the enforcement of article 10.1
26 of this title 40. ~~when the appropriations are insufficient to cover the costs~~
27 ~~of such representation.~~

1 **SECTION 13.** In Colorado Revised Statutes, 40-10.1-101, **add**
2 (22) as follows:

3 **40-10.1-101. Definitions.** As used in this article 10.1, unless the
4 context otherwise requires:

5 (22) "VEHICLE BOOTING COMPANY" MEANS A PRIVATE
6 CORPORATION, PARTNERSHIP, OR SOLE PROPRIETOR IN THE BUSINESS OF
7 IMMOBILIZING A MOTOR VEHICLE THROUGH USE OF A BOOT.

8 **SECTION 14.** In Colorado Revised Statutes, 40-10.1-110,
9 **amend** (1) and (2) as follows:

10 **40-10.1-110. Criminal history record check - rules.** (1) (a) An
11 individual who wishes to drive: A taxicab for a motor carrier that is the
12 holder of a certificate to provide taxicab service issued under part 2 of
13 this article 10.1; a motor vehicle for a motor carrier that is the holder of
14 a permit to operate as a charter bus, children's activity bus, luxury
15 limousine, medicaid client transport, or off-road scenic charter under part
16 3 of this article 10.1; or a motor vehicle for a motor carrier that is the
17 holder of a permit to operate as a large-market taxicab service under part
18 7 of this article 10.1 ~~shall submit a set of his or her~~ MUST HAVE THE
19 INDIVIDUAL'S fingerprints ~~to the commission. The commission shall~~
20 ~~forward the fingerprints to~~ TAKEN BY A LOCAL LAW ENFORCEMENT
21 AGENCY OR ANY THIRD PARTY APPROVED BY the Colorado bureau of
22 investigation for the purpose of obtaining a fingerprint-based criminal
23 history record check.

24 (b) IF AN APPROVED THIRD PARTY TAKES THE INDIVIDUAL'S
25 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED
26 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN
27 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE INDIVIDUAL'S

1 INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO
2 BY THE INDIVIDUAL. THE INDIVIDUAL SHALL SUBMIT PAYMENT FOR THE
3 FINGERPRINTS AND FOR ACTUAL COSTS OF THE RECORD CHECK AT THE
4 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF
5 INVESTIGATION.

6 (c) Upon receipt of fingerprints and payment for the costs, the
7 Colorado bureau of investigation shall conduct a state and national
8 fingerprint-based criminal history record check using records of the
9 Colorado bureau of investigation and the federal bureau of investigation
10 ~~The commission is the authorized agency to receive information~~
11 ~~regarding the result of a national criminal history record check. The~~
12 ~~individual whose fingerprints are checked shall pay the actual costs of the~~
13 ~~state and national fingerprint-based criminal history record check AND~~
14 SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK
15 TO THE COMMISSION.

16 (2) An individual whose fingerprints are checked in accordance
17 with subsection (1) of this section may, pending the results of the criminal
18 history record check, drive the motor vehicles for the motor carrier
19 described in subsection (1) of this section for up to ninety days after ~~the~~
20 ~~commission forwards~~ the fingerprints ARE FORWARDED to the Colorado
21 bureau of investigation or until the commission receives the results of the
22 check, whichever occurs first. The commission may temporarily extend
23 the ninety-day period, in accordance with section 24-33.5-412 (7), ~~C.R.S.~~;
24 based on a delay in processing criminal history record checks by the
25 Colorado bureau of investigation or on other exigent circumstances
26 beyond the commission's control. Upon the commission's receipt of the
27 results, the individual may resume driving motor vehicles for the motor

1 carrier described in subsection (1) of this section, so long as the driving
2 does not violate applicable law and does not occur while the individual
3 has a criminal conviction that disqualifies ~~him or her~~ THE INDIVIDUAL
4 from driving a motor vehicle in accordance with subsection (3) of this
5 section.

6 **SECTION 15.** In Colorado Revised Statutes, **add** part 8 to article
7 10.1 of title 40 as follows:

8 PART 8

9 VEHICLE BOOTING COMPANIES

10 **40-10.1-801. Permit requirements - rules.** (1) (a) EFFECTIVE
11 JANUARY 1, 2020, A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE
12 AS A VEHICLE BOOTING COMPANY IN INTRASTATE COMMERCE WITHOUT
13 FIRST HAVING OBTAINED A PERMIT FROM THE COMMISSION IN
14 ACCORDANCE WITH THIS ARTICLE 10.1.

15 (b) A PERSON MAY APPLY FOR A PERMIT UNDER THIS PART 8 TO THE
16 COMMISSION IN THE FORM AND WITH THE INFORMATION AS THE
17 COMMISSION REQUIRES. PERMITS ARE VALID FOR ONE YEAR AFTER THE
18 DATE OF ISSUANCE.

19 (2) THE COMMISSION MAY DENY AN APPLICATION UNDER THIS
20 PART 8 OF A PERSON WHO HAS, WITHIN THE IMMEDIATELY PRECEDING FIVE
21 YEARS, BEEN CONVICTED OF, OR PLED GUILTY OR NOLO CONTENDERE TO,
22 A FELONY. THE COMMISSION MAY ALSO DENY AN APPLICATION UNDER THIS
23 PART 8 OR REFUSE TO RENEW THE PERMIT OF A VEHICLE BOOTING
24 COMPANY BASED UPON A DETERMINATION THAT THE VEHICLE BOOTING
25 COMPANY OR ANY OF ITS OWNERS, PRINCIPALS, OFFICERS, MEMBERS,
26 PARTNERS, OR DIRECTORS HAS NOT SATISFIED A CIVIL PENALTY ARISING
27 OUT OF ANY ADMINISTRATIVE OR ENFORCEMENT ACTION BROUGHT BY THE

1 COMMISSION.

2 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF
3 THIS SECTION AND SECTION 40-10.1-112 (4), THE COMMISSION SHALL
4 ISSUE A PERMIT TO A VEHICLE BOOTING COMPANY UPON COMPLETION OF
5 THE APPLICATION AND THE FILING OF PROOF OF WORKERS' COMPENSATION
6 INSURANCE COVERAGE IN ACCORDANCE WITH THE "WORKERS'
7 COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, AND
8 WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF THIS TITLE 40
9 AND MAY ATTACH TO THE PERMIT AND TO THE EXERCISE OF THE RIGHTS
10 GRANTED BY THE PERMIT ANY RESTRICTIONS, TERMS, AND CONDITIONS,
11 INCLUDING ALTERING THE RATES AND CHARGES OF THE APPLICANT, AS ARE
12 REASONABLY DEEMED NECESSARY FOR THE PROTECTION OF THE PROPERTY
13 OF THE PUBLIC.

14 (b) IF A VEHICLE BOOTING COMPANY VIOLATES THIS ARTICLE 10.1,
15 ANY OTHER APPLICABLE PROVISION OF LAW, OR ANY RULE OR ORDER OF
16 THE COMMISSION ISSUED UNDER THIS ARTICLE 10.1 AND AS A RESULT IS
17 ORDERED BY A COURT OR BY THE COMMISSION TO PAY A FINE OR CIVIL
18 PENALTY THAT THE VEHICLE BOOTING COMPANY SUBSEQUENTLY FAILS TO
19 PAY IN FULL WITHIN THE TIME PRESCRIBED FOR PAYMENT, AND NOT
20 BEFORE THE DECISION IMPOSING THE FINE OR CIVIL PENALTY BECOMES A
21 FINAL DECISION BY THE COMMISSION, THEN:

22 (I) THE VEHICLE BOOTING COMPANY'S PERMIT IS REVOKED
23 IMMEDIATELY; AND

24 (II) THE VEHICLE BOOTING COMPANY, ITS OWNERS, PRINCIPALS,
25 OFFICERS, MEMBERS, PARTNERS, AND DIRECTORS, AND ANY OTHER ENTITY
26 OWNED OR OPERATED BY ONE OR MORE OF THOSE OWNERS, PRINCIPALS,
27 OFFICERS, MEMBERS, PARTNERS, OR DIRECTORS, MAY BE DISQUALIFIED

1 FROM OBTAINING OR RENEWING ANY OPERATING AUTHORITY UNDER THIS
2 TITLE 40 FOR A PERIOD OF FIVE YEARS AFTER THE DATE ON WHICH THE
3 FINE OR CIVIL PENALTY WAS DUE. THE PERIOD OF DISQUALIFICATION
4 PURSUANT TO THIS SUBSECTION (3)(b)(II) IS IN ADDITION TO, AND NOT IN
5 LIEU OF, AND DOES NOT AFFECT, ANY OTHER PENALTY OR PERIOD OF
6 DISQUALIFICATION, INCLUDING THE PERIOD OF DISQUALIFICATION
7 SPECIFIED IN SECTION 40-10.1-112 (4).

8 (c) A VEHICLE BOOTING COMPANY'S FACILITIES AND VEHICLES ARE
9 SUBJECT TO INSPECTION BY THE COMMISSION AND BY AUTHORIZED
10 PERSONNEL OF THE COLORADO STATE PATROL, WHICH AGENCY SHALL
11 PROMPTLY REPORT TO THE COMMISSION CONCERNING ANY VIOLATIONS
12 REVEALED BY AN INSPECTION.

13 (4) THE COMMISSION MAY PROMULGATE RULES AS NECESSARY
14 AND REASONABLE TO IMPLEMENT THIS PART 8, INCLUDING RULES
15 REGARDING SIGNAGE AND DROP FEES.

16 **SECTION 16.** In Colorado Revised Statutes, 40-15-302, **repeal**
17 (5) as follows:

18 **40-15-302. Manner of regulation - rules.** (5) ~~Consistent with~~
19 ~~section 40-15-301 (1), rates for nonoptional operator services must allow~~
20 ~~the provider of the services the opportunity to earn a just and reasonable~~
21 ~~return on the associated used and useful investment, including equipment~~
22 ~~costs incurred to originate the services. The rates shall be set at or below~~
23 ~~a single statewide benchmark rate as determined by the commission that~~
24 ~~is applicable to all providers, unless the commission approves a higher~~
25 ~~rate. The statewide benchmark rate must apply to all nonoptional operator~~
26 ~~services regardless of whether the services are provided in connection~~
27 ~~with a local exchange or interexchange telecommunications service. If the~~

1 ~~commission approves a rate higher than the benchmark rate, and the~~
2 ~~commission determines that disclosure of the rate to customers is in the~~
3 ~~public interest, the commission may require the nonoptional operator~~
4 ~~services provider to orally disclose, to the person responsible for payment~~
5 ~~of the telephone call, the total charges for the call and that the charges are~~
6 ~~higher than the benchmark rate. The nonoptional operator services~~
7 ~~provider shall make the disclosure at no charge to the caller and before~~
8 ~~the call is connected, allowing the caller to disconnect before incurring~~
9 ~~any charges. If the commission finds, after notice and opportunity for a~~
10 ~~hearing, that a nonoptional operator services provider has violated this~~
11 ~~subsection (5), the commission may, in addition to other enforcement~~
12 ~~powers as may be authorized in this title, order any regulated~~
13 ~~telecommunications service provider to block access to the nonoptional~~
14 ~~operator services provider for all intrastate operator-handled calls. A~~
15 ~~regulated telecommunications provider that blocks the access of a~~
16 ~~nonoptional operator services provider in compliance with an order of the~~
17 ~~commission and incurs attorney fees or costs to defend the action is~~
18 ~~entitled to recover its costs and attorney fees in each proceeding. The~~
19 ~~commission shall promulgate rules necessary to implement this~~
20 ~~subsection (5).~~

21 **SECTION 17.** In Colorado Revised Statutes, 40-15-401, **amend**
22 (1) introductory portion, (1)(s), and (1)(t); and **add** (1)(u) as follows:

23 **40-15-401. Services, products, and providers exempt from**
24 **regulation - definition.** (1) The following products, services, and
25 providers are exempt from regulation under this ~~article~~ ARTICLE 15 or
26 under the "Public Utilities Law" of the state of Colorado:

27 (s) InterLATA toll, except with respect to interexchange carrier

1 registration under section 40-15-302.5, complaints of unauthorized
2 charges on a subscriber's bill, or complaints of changing a subscriber's
3 service without ~~his or her~~ THE SUBSCRIBER'S consent; and

4 (t) IntraLATA toll, except with respect to interexchange carrier
5 registration under section 40-15-302.5, complaints of unauthorized
6 charges on a subscriber's bill, or complaints of changing a subscriber's
7 service without ~~his or her~~ THE SUBSCRIBER'S consent; AND

8 (u) NONOPTIONAL OPERATOR SERVICES.

9 **SECTION 18.** In Colorado Revised Statutes, 40-15-503, **amend**
10 (2)(h) as follows:

11 **40-15-503. Opening of competitive local exchange market -**
12 **process of negotiation and rule-making - issues to be considered by**
13 **commission - definition.** (2) (h) The commission shall require by rule
14 that any telecommunications service provider required to file temporary
15 interim tariffs pursuant to ~~paragraph (g) of this subsection (2)~~ and, to the
16 extent such a requirement is permissible under federal law, any basic
17 local exchange provider that serves only rural exchanges of ten thousand
18 or fewer access lines and that has received a bona fide request for
19 interconnection shall file advice letters with the commission to place into
20 effect temporary interim tariffs and commission tariffs for unbundled
21 facilities or functions, interconnection, services for resale, or local
22 number portability by such dates certain as the commission may
23 determine by rule.

24 **SECTION 19.** In Colorado Revised Statutes, 40-15-503.5,
25 **amend** (1)(c) as follows:

26 **40-15-503.5. Financial assurance.** (1) The commission may
27 require regulated telecommunications service providers to post a bond or

1 provide other security as a condition of obtaining a certificate,
2 registration, or operating authority, whichever instrument or instruments
3 apply. In setting the amount of the bond or security, the commission may
4 consider the following criteria:

5 (c) The history of the provider's statutory payment obligations,
6 including those to the Colorado high cost support mechanism, the
7 Colorado telephone relay system, and the Colorado ~~fixed~~
8 TELECOMMUNICATIONS utility fund.

9 **SECTION 20.** In Colorado Revised Statutes, 24-38.5-102,
10 **amend** (1)(n) as follows:

11 **24-38.5-102. Colorado energy office - duties and powers -**
12 **definitions.** (1) The Colorado energy office shall:

13 (n) (I) Provide public utilities with reasonable assistance, if
14 requested, in seeking and obtaining support and sponsorship for an IGCC
15 project ~~as defined in section 40-2-123 (2)(b)(I), C.R.S.,~~ and manage and
16 distribute to the utility some or all of any funds provided by the state or
17 by the United States government to the state for purposes of study or
18 development of an IGCC project. ~~as specified in section 40-2-123 (2)(j),~~
19 ~~C.R.S.;~~

20 (II) AS USED IN THIS SUBSECTION (1)(n), "IGCC PROJECT" MEANS
21 AN IGCC FACILITY THAT:

22 (A) DEMONSTRATES THE USE OF IGCC TECHNOLOGY TO
23 GENERATE ELECTRICITY USING COLORADO OR OTHER WESTERN COAL;

24 (B) DOES NOT EXCEED THREE HUNDRED FIFTY MEGAWATTS
25 NAMEPLATE CAPACITY; EXCEPT THAT IT MAY EXCEED THIS CAPACITY IF
26 THE COLORADO ENERGY OFFICE DETERMINES THAT A LARGER SIZE IS
27 NECESSARY TO OBTAIN THE BENEFITS OF FEDERAL COST-SHARING,

1 FINANCIAL GRANTS OR TAX BENEFITS, OR OTHER FINANCIAL
2 OPPORTUNITIES OR ARRANGEMENTS BENEFITTING THE PROJECT,
3 INCLUDING OPPORTUNITIES TO JOINTLY DEVELOP THE PROJECT WITH
4 OTHER ELECTRIC UTILITIES;

5 (C) DEMONSTRATES THE CAPTURE AND SEQUESTRATION OF A
6 PORTION OF THE PROJECT'S CARBON DIOXIDE EMISSIONS;

7 (D) INCLUDES METHODS AND PROCEDURES TO MONITOR THE FATE
8 OF THE CARBON DIOXIDE CAPTURED AND SEQUESTERED FROM THE
9 FACILITY; AND

10 (E) IS LOCATED IN COLORADO.

11 (III) AS USED IN THIS SUBSECTION (1)(n), "IGCC FACILITY" MEANS
12 AN INTEGRATED GASIFICATION COMBINED CYCLE GENERATION FACILITY
13 THAT CONVERTS COAL TO A GASEOUS FUEL FROM WHICH IMPURITIES ARE
14 REMOVED PRIOR TO COMBUSTION, USES THE GASEOUS FUEL IN A
15 COMBUSTION TURBINE TO PRODUCE ELECTRICITY, AND CAPTURES THE
16 WASTE HEAT FROM THE COMBUSTION TURBINE TO DRIVE A STEAM TURBINE
17 TO PRODUCE MORE ELECTRICITY. AN IGCC FACILITY MAY ALSO USE
18 NATURAL GAS, IN ADDITION TO GASIFIED COAL, AS A FUEL IN THE
19 COMBUSTION TURBINE.

20 **SECTION 21.** In Colorado Revised Statutes, 40-10.1-111,
21 **amend** (1)(c)(I) as follows:

22 **40-10.1-111. Filing, issuance, and annual fees.** (1) A motor
23 carrier shall pay the commission the following fees in amounts prescribed
24 in this section or, if not prescribed in this section, as set administratively
25 by the commission with approval of the executive director of the
26 department of regulatory agencies:

27 (c) (I) The filing fee for a permit to operate under part 4 OR PART

1 8 of this ~~article~~ ARTICLE 10.1 is one hundred fifty dollars.

2 **SECTION 22. Appropriation.** (1) For the 2019-20 state fiscal
3 year, \$467,034 is appropriated to the department of regulatory agencies.
4 This appropriation consists of \$369,433 from the public utilities
5 commission fixed utility fund created in section 40-2-114 (1)(b)(II),
6 C.R.S. and \$97,601 from the public utilities commission motor carrier
7 fund created in section 40-2-110.5 (6), C.R.S. To implement this act, the
8 department may use this appropriation as follows:

9 (a) \$332,502, which consists of \$243,381 from the public utilities
10 commission fixed utility fund and \$89,121 from the public utilities
11 commission motor carrier fund, for use by the public utilities commission
12 for personal services, which amount is based on an assumption that the
13 commission will require an additional 4.0 FTE;

14 (b) \$22,612, which consists of \$14,132 from the public utilities
15 commission fixed utility fund and \$8,480 from the public utilities
16 commission motor carrier fund, for use by the public utilities commission
17 for operating expenses; and

18 (c) \$111,920 from the public utilities commission fixed utility
19 fund for the purchase of legal services.

20 (2) For the 2019-20 state fiscal year, \$111,920 is appropriated to
21 the department of law. This appropriation is from reappropriated funds
22 received from the department of regulatory agencies under subsection
23 (1)(c) of this section and is based on an assumption that the department
24 of law will require an additional 0.6 FTE. To implement this act, the
25 department of law may use this appropriation to provide legal services for
26 the department of regulatory agencies.

27 **SECTION 23. Applicability.** This act applies to conduct

1 occurring, including contracts entered into, on or after the applicable
2 effective date of this act.

3 **SECTION 24. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.