

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 24-0308.01 Christopher McMichael x4775

SENATE BILL 24-207

SENATE SPONSORSHIP

Fenberg and Hansen,

HOUSE SPONSORSHIP

Soper and Valdez,

Senate Committees

Transportation & Energy
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ACCESS TO DISTRIBUTED ENERGY, AND, IN CONNECTION**
102 **THEREWITH, ESTABLISHING REQUIREMENTS FOR THE**
103 **DEVELOPMENT OF INCLUSIVE COMMUNITY SOLAR CAPACITY**
104 **THAT INVESTOR-OWNED ELECTRIC UTILITIES MUST MAKE**
105 **AVAILABLE TO UTILITY CUSTOMERS, REQUIRING THE**
106 **ACQUISITION OF DISTRIBUTED GENERATION FACILITIES PAIRED**
107 **WITH ENERGY STORAGE, AND 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>.)

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

SENATE
Amended 2nd Reading
April 26, 2024

On or after January 1, 2026, but before February 1, 2026, an investor-owned electric utility (utility) with more than 500,000 customers must make at least 50 megawatts of inclusive community solar capacity available, and a utility with 500,000 or fewer customers must make at least 4 megawatts of inclusive community solar available.

Before February 1, 2027, a utility with more than 500,000 customers must make an additional 50 megawatts of inclusive community solar capacity available, plus any unclaimed capacity left over from the previous allocation cycle, and a utility with 500,000 or fewer customers must make an additional 4 megawatts of inclusive community solar available.

Under current law, a utility customer may subscribe to a portion of a community solar facility. The customer then receives a bill credit on the customer's monthly utility bill in an amount proportional to the customer's share of the community solar facility output. Current law establishes limits on the amount of output from community solar facilities that a utility may purchase.

The bill requires a utility to acquire the entire output of a community solar facility that is allocated capacity on or after January 1, 2026, (new facility) and apply community solar bill credits to that new facility's subscribers. The bill requires a new facility to:

- Not exceed 5 megawatts of capacity, measured in alternating current;
- Interconnect with a utility's distribution system;
- Comply with applicable requirements of the "Colorado Energy Sector Public Works Project Craft Labor Requirements Act";
- Reserve at least 51% of its capacity for income-qualified subscribers;
- Not allocate more than 40% of the new facility's capacity to a single subscriber; and
- Supply to a subscriber of the new facility no more than 120% of the expected average annual total consumption of electricity by the subscriber.

The bill affords certain protections for subscribers of new facilities. Subscriber organizations and subscription coordinators are prohibited from:

- Using credit scores, customer scores, or any utility deposit to deny prospective residential subscribers;
- Charging a sign-up or termination fee to residential subscribers;
- Engaging in misleading conduct or making false representations toward prospective subscribers; and
- Preventing a subscriber from transferring a subscription within the utility's service territory if the subscriber moves

residences.

A subscriber organization shall provide an income-qualified subscriber of a new facility with a subscription discount of at least:

- 25% of the value of the community solar bill credit;
- 30% of the value of the community solar bill credit if the new facility receives federal tax credits from the federal "Inflation Reduction Act of 2022" for the specific purpose of being located in an energy community; and
- 50% of the value of the community solar bill credit if the new facility receives federal tax credits from the federal "Inflation Reduction Act of 2022" specifically for providing income-qualified households with utility bill assistance.

The commission must also adopt a standardized form that contains relevant information and disclosures that subscriber organizations and subscription coordinators must provide to prospective subscribers.

The bill also directs the commission to establish:

- Cost-sharing mechanisms for new facilities that are connecting to the utility's distribution system, in which the new facility is required to pay only for its proportional share of system upgrades; and
- Reporting requirements for a utility regarding cost-sharing mechanisms and the cost-effectiveness of the utility's interconnection of new facilities when submitting a distribution system plan.

The commission may approve, conditionally approve, modify, or reject any distribution system plans proposed by a utility based on the utility's plans for interconnecting new facilities.

The bill authorizes the commission to approve cost recovery for energy purchased from a community solar facility by an investor-owned electric utility.

The bill also requires a utility with more than 500,000 customers to acquire 50 megawatts of distributed generation paired with energy storage by June 1, 2026, and an additional 50 megawatts of distributed generation paired with energy storage between January 1, 2027, and June 1, 2027.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that inclusive community solar:

4 (a) Provides electric utilities, ratepayers, and communities the

1 opportunity to realize the benefits of distributed energy generation;

2 (b) Expands equitable access to the clean energy transition for all
3 ratepayers and communities, particularly for income-qualified
4 households, renters, and other individuals who might not be able to install
5 on-site solar energy systems at their residences;

6 (c) Strengthens the security and reliability of the electric grid by
7 diversifying Colorado's electricity generation resources; and

8 (d) Contributes to the timely achievement of Colorado's
9 greenhouse gas emission reduction goals.

10 (2) The general assembly further finds and declares that:

11 (a) Distributed generation that is paired with energy storage and
12 interconnected to the distribution grid can provide benefits to electric
13 ratepayers in Colorado, including:

14 (I) Alleviating stress on electric grid infrastructure in a
15 cost-effective manner, which may make it possible to defer or avoid
16 costly distribution and transmission system investments;

17 (II) Increasing the resilience and reliability of the electric
18 distribution grid;

19 (III) Avoiding or reducing negative impacts to the health, safety,
20 and welfare of Coloradans, especially for vulnerable populations;

21 (IV) Providing energy and capacity during times of peak demand
22 resulting in lower overall system costs; and

23 (V) Reducing utility-scale curtailment of solar output, which is
24 expected to be a growing problem during afternoon hours; and

25 (b) The deployment of distributed generation that is paired with
26 energy storage and interconnected to the distribution grid can result in
27 efficient system integration, optimized system value, and reduced

1 systemwide curtailment of energy generation, which will provide benefits
2 to electric ratepayers in Colorado.

3 (3) The general assembly further declares that:

4 (a) Colorado's existing community solar development should be
5 updated and made more inclusive to afford more Coloradans access to the
6 benefits of distributed energy resources and to position Colorado to take
7 advantage of federal funding under the federal "Inflation Reduction Act
8 of 2022"; and

9 (b) Enabling dispatchable distributed generation is in the public
10 interest and is necessary for a timely transition to clean, affordable, and
11 reliable energy.

12 **SECTION 2.** In Colorado Revised Statutes, 40-2-127, amend
13 (5)(a)(IV) introductory portion; and add (8) as follows:

14 **40-2-127. Community energy funds - community solar**
15 **gardens - definitions - rules - legislative declaration - applicability -**
16 **repeal. (5) Purchases of the output from community solar gardens.**

17 (a)(IV) For each qualifying retail utility's compliance years commencing
18 in 2014 and thereafter THROUGH 2025, the commission shall determine
19 the minimum and maximum purchases of electrical output from newly
20 installed community solar gardens of different output capacity that the
21 qualifying retail utility shall plan to acquire, without regard to the
22 six-megawatt ceiling of the first three compliance years. In addition, as
23 necessary, the commission shall formulate and implement policies
24 consistent with this section that simultaneously encourage:

25 (8) **Applicability.** (a) THIS SECTION APPLIES TO COMMUNITY
26 SOLAR CAPACITY THAT IS ALLOCATED ON OR BEFORE DECEMBER 31, 2025.

27 (b) COMMUNITY SOLAR CAPACITY THAT IS ALLOCATED ON OR

1 AFTER JANUARY 1, 2026, IS ALLOCATED PURSUANT TO SECTION
2 40-2-127.2.

3 **SECTION 3.** In Colorado Revised Statutes, **add** 40-2-127.2 as
4 follows:

5 **40-2-127.2. Inclusive community solar development -**
6 **definitions - subscription requirements - program capacity - energy**
7 **bill credits - administration - rules - reports - applicability.**

8 (1) **Definitions - rules.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES:

10 (a) "AGRIVOLTAICS" HAS THE MEANING SET FORTH IN SECTION
11 35-1-114 (4)(a).

12 (b) (I) "COMMUNITY SOLAR BILL CREDIT" MEANS THE CREDIT
13 VALUE OF THE ELECTRICITY GENERATED BY A COMMUNITY SOLAR
14 FACILITY AND ALLOCATED TO A SUBSCRIBER TO OFFSET THE SUBSCRIBER'S
15 UTILITY BILL.

16 (II) A "COMMUNITY SOLAR BILL CREDIT" IS CALCULATED
17 PURSUANT TO THE NET METERING CREDIT METHODOLOGY ESTABLISHED IN
18 SECTION 40-2-127 (5)(b)(II)(A) TO (5)(b)(II)(H).

19 (c) "COMMUNITY SOLAR FACILITY", "COMMUNITY SOLAR
20 PROJECT", OR "FACILITY" MEANS A FACILITY:

21 (I) OWNED BY A SUBSCRIBER ORGANIZATION THAT GENERATES
22 ELECTRICITY BY MEANS OF A SOLAR PHOTOVOLTAIC DEVICE;

23 (II) THROUGH WHICH A SUBSCRIBER TO THE FACILITY RECEIVES A
24 COMMUNITY SOLAR BILL CREDIT FOR THE ELECTRICITY GENERATED IN
25 PROPORTION TO THE SUBSCRIBER'S SHARE OF THE FACILITY'S
26 KILOWATT-HOUR OUTPUT;

27 (III) THAT CONSTITUTES "RETAIL DISTRIBUTED GENERATION" AS

1 DESCRIBED IN SECTION 40-2-124; AND

2 (IV) THAT IS ALLOCATED INCLUSIVE COMMUNITY SOLAR CAPACITY
3 ON OR AFTER JANUARY 1, 2026.

4 (d) "CONSOLIDATED BILLING" MEANS THE INCLUSION OF THE
5 COMMUNITY SOLAR BILL CREDIT AND THE SUBSCRIPTION CHARGES ON A
6 CUSTOMER'S MONTHLY ELECTRIC UTILITY BILL.

7 (e) "INCLUSIVE COMMUNITY SOLAR" MEANS THE CAPACITY,
8 INTERCONNECTION, AND SUBSCRIPTION REQUIREMENTS SET FORTH IN THIS
9 SECTION WITH WHICH AN INVESTOR-OWNED ELECTRIC UTILITY,
10 SUBSCRIBER ORGANIZATION, AND SUBSCRIPTION COORDINATOR MUST
11 COMPLY WITH REGARD TO COMMUNITY SOLAR FACILITIES THAT ARE
12 ALLOCATED CAPACITY ON OR AFTER JANUARY 1, 2026.

13 (f) "INCOME-QUALIFIED SUBSCRIBER" MEANS A RESIDENTIAL
14 UTILITY CUSTOMER WHO:

15 (I) HAS A HOUSEHOLD INCOME AT OR BELOW TWO HUNDRED
16 PERCENT OF THE CURRENT FEDERAL POVERTY LINE, AS DEFINED IN 42
17 U.S.C. SEC. 9902 (2);

18 (II) HAS A HOUSEHOLD INCOME AT OR BELOW EIGHTY PERCENT OF
19 THE AREA MEDIAN INCOME, AS DETERMINED BY THE UNITED STATES
20 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

21 (III) MEETS INCOME ELIGIBILITY REQUIREMENTS AS DETERMINED
22 BY THE COLORADO DEPARTMENT OF HUMAN SERVICES BY RULE PURSUANT
23 TO SECTION 40-8.5-105; OR

24 (IV) DEMONSTRATES PARTICIPATION IN ONE OR MORE OF THE
25 INCOME-QUALIFIED PROGRAMS THAT ARE LISTED IN SUBSECTION (5)(c)(III)
26 OF THIS SECTION OR THAT THE COMMISSION DETERMINES PURSUANT TO
27 SUBSECTION (5)(c)(III)(G) OF THIS SECTION QUALIFIES A PROSPECTIVE

1 SUBSCRIBER FOR ELIGIBILITY AS AN INCOME-QUALIFIED SUBSCRIBER.

2 (g) "INVESTOR-OWNED ELECTRIC UTILITY" OR "UTILITY" MEANS A
3 RETAIL ELECTRIC UTILITY IN THE STATE THAT IS NOT A COOPERATIVE
4 ELECTRIC ASSOCIATION OR A MUNICIPALLY OWNED ELECTRIC UTILITY.

5 (h) "PREFERRED LOCATION" MEANS LOCATION ON A ROOFTOP; A
6 PARKING LOT; ANOTHER IMPERVIOUS SURFACE; A BROWNFIELD SITE, AS
7 DEFINED IN 42 U.S.C. SEC. 9601 (39), AS AMENDED; A BODY OF WATER; A
8 MUNICIPAL PROPERTY; A STATE PROPERTY; OR ANOTHER PREVIOUSLY
9 DISTURBED LOCATION AS ESTABLISHED BY THE COMMISSION AS PART OF
10 A DISTRIBUTION SYSTEM PLAN PURSUANT TO SECTION 40-2-132 OR OTHER
11 APPROPRIATE PROCEEDING.

12 (i) "SUBSCRIBER" MEANS A RETAIL CUSTOMER OF AN
13 INVESTOR-OWNED ELECTRIC UTILITY THAT HAS ONE OR MORE
14 SUBSCRIPTIONS WITH A COMMUNITY SOLAR FACILITY THAT IS
15 INTERCONNECTED WITH THE UTILITY.

16 (j) "SUBSCRIBER ORGANIZATION" MEANS A PERSON THAT
17 DEVELOPS, OWNS, OR OPERATES A COMMUNITY SOLAR FACILITY AND MAY
18 INCLUDE A MUNICIPALITY, A COUNTY, A FOR-PROFIT ORGANIZATION, OR A
19 NONPROFIT ORGANIZATION BUT DOES NOT INCLUDE AN INVESTOR-OWNED
20 ELECTRIC UTILITY.

21 (k) "SUBSCRIPTION" MEANS A CONTRACT BETWEEN A SUBSCRIBER
22 AND A SUBSCRIBER ORGANIZATION OR A SUBSCRIPTION COORDINATOR FOR
23 A PORTION OF THE OUTPUT OF A COMMUNITY SOLAR FACILITY.

24 (l) "SUBSCRIPTION COORDINATOR" MEANS A PERSON THAT:

25 (I) MARKETS COMMUNITY SOLAR FACILITIES OR OTHERWISE
26 PROVIDES SERVICES RELATED TO COMMUNITY SOLAR FACILITIES;

27 (II) PERFORMS ANY ADMINISTRATIVE ACTION TO ALLOCATE

1 SUBSCRIPTIONS FOR A COMMUNITY SOLAR FACILITY, CONNECT A
2 SUBSCRIBER TO A COMMUNITY SOLAR FACILITY, OR ENROLL A CUSTOMER
3 IN A COMMUNITY SOLAR FACILITY; AND

4 (III) MANAGES INTERACTIONS BETWEEN A SUBSCRIBER
5 ORGANIZATION AND AN INVESTOR-OWNED ELECTRIC UTILITY.

6 (2) **Community solar facility and subscription requirements**

7 - **rules.** (a) A COMMUNITY SOLAR FACILITY MUST:

8 (I) HAVE A NAMEPLATE CAPACITY RATING OF FIVE MEGAWATTS OR
9 LESS, AS MEASURED IN ALTERNATING CURRENT;

10 (II) INTERCONNECT TO THE ELECTRIC DISTRIBUTION SYSTEM OF AN
11 INVESTOR-OWNED ELECTRIC UTILITY;

12 (III) COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE
13 "COLORADO ENERGY SECTOR PUBLIC WORKS PROJECT CRAFT LABOR
14 REQUIREMENTS ACT", PART 3 OF ARTICLE 92 OF TITLE 24, IF THE
15 COMMUNITY SOLAR FACILITY QUALIFIES AS AN "ENERGY SECTOR PUBLIC
16 WORKS PROJECT" AS DEFINED IN SECTION 24-92-303 (5);

17 (IV) RESERVE AT LEAST FIFTY-ONE PERCENT OF THE COMMUNITY
18 SOLAR FACILITY CAPACITY FOR SUBSCRIBERS WHO ARE INCOME-QUALIFIED
19 SUBSCRIBERS; AND

20 (V) NOT ALLOCATE TO A SINGLE SUBSCRIBER MORE THAN FORTY
21 PERCENT OF THE GENERATING CAPACITY OF THE FACILITY.

22 (b) A SUBSCRIPTION TO A COMMUNITY SOLAR FACILITY MUST:

23 (I) SUPPLY NO MORE THAN ONE HUNDRED AND TWENTY PERCENT
24 OF THE SUBSCRIBER'S REASONABLY EXPECTED AVERAGE ANNUAL TOTAL
25 CONSUMPTION OF ELECTRICITY; EXCEPT THAT NO MORE THAN TWO
26 HUNDRED PERCENT OF A SUBSCRIBER'S REASONABLY EXPECTED AVERAGE
27 ANNUAL TOTAL CONSUMPTION OF ELECTRICITY MAY BE SUPPLIED TO A

1 SUBSCRIBER WHO IS A DIRECT BILL, INCOME-QUALIFIED SUBSCRIBER; AND

2 (II) BE PORTABLE AND TRANSFERABLE WITHIN THE SERVICE
3 TERRITORY OF THE INVESTOR-OWNED ELECTRIC UTILITY IN WHICH THE
4 COMMUNITY SOLAR FACILITY IS INTERCONNECTED TO THE UTILITY'S
5 ELECTRIC GRID.

6 (c) COMMUNITY SOLAR FACILITIES THAT ARE OWNED BY THE SAME
7 SUBSCRIBER ORGANIZATION OR BY PERSONS AFFILIATED WITH THE
8 SUBSCRIBER ORGANIZATION MUST NOT EXCEED FIVE MEGAWATT CAPACITY
9 MEASURED IN ALTERNATING CURRENT ON A SINGLE PARCEL OF LAND IN AN
10 ANNUAL CAPACITY ALLOCATION CYCLE.

11 (d) A COMMUNITY SOLAR FACILITY THAT IS SITED ON A PREFERRED
12 LOCATION OR THAT UTILIZES AGRIVOLTAICS MAY HAVE AN AGGREGATE
13 CAPACITY OF UP TO TEN MEGAWATTS MEASURED IN ALTERNATING
14 CURRENT.

15 (3) **Inclusive community solar capacity - allocation -**
16 **interconnection application - rules.** (a) (I) ON OR AFTER JANUARY 1,
17 2026, BUT BEFORE FEBRUARY 1, 2026, AN INVESTOR-OWNED ELECTRIC
18 UTILITY WITH MORE THAN FIVE HUNDRED THOUSAND CUSTOMERS SHALL
19 MAKE AVAILABLE AN ANNUAL CAPACITY ALLOCATION OF AT LEAST FIFTY
20 MEGAWATTS OF INCLUSIVE COMMUNITY SOLAR CAPACITY, AND MAKE
21 AVAILABLE ANY UNCLAIMED COMMUNITY SOLAR CAPACITY AS
22 DETERMINED IN THE UTILITY'S MOST RECENT COMMISSION-APPROVED
23 RENEWABLE ENERGY PLAN, IN ACCORDANCE WITH THIS SECTION.

24 (II) ON OR BEFORE FEBRUARY 1, 2027, AN INVESTOR-OWNED
25 ELECTRIC UTILITY WITH MORE THAN FIVE HUNDRED THOUSAND
26 CUSTOMERS SHALL MAKE AVAILABLE AN ANNUAL CAPACITY ALLOCATION
27 OF AT LEAST FIFTY MEGAWATTS OF INCLUSIVE COMMUNITY SOLAR

1 CAPACITY, AND MAKE AVAILABLE ANY UNCLAIMED INCLUSIVE
2 COMMUNITY SOLAR CAPACITY FROM THE PREVIOUS ALLOCATION CYCLE,
3 IN ACCORDANCE WITH THIS SECTION.

4 (b) (I) ON OR AFTER JANUARY 1, 2026, BUT BEFORE FEBRUARY 1,
5 2026, AN INVESTOR-OWNED ELECTRIC UTILITY WITH FIVE HUNDRED
6 THOUSAND OR FEWER CUSTOMERS SHALL MAKE AVAILABLE AN ANNUAL
7 CAPACITY ALLOCATION OF THREE AND ONE-HALF MEGAWATTS OF
8 INCLUSIVE COMMUNITY SOLAR CAPACITY IN ACCORDANCE WITH THIS
9 SECTION.

10 (II) ON OR BEFORE FEBRUARY 1, 2027, AN INVESTOR-OWNED
11 ELECTRIC UTILITY WITH FIVE HUNDRED THOUSAND OR FEWER CUSTOMERS
12 SHALL MAKE AVAILABLE AN ANNUAL CAPACITY ALLOCATION OF THREE
13 AND ONE-HALF MEGAWATTS OF INCLUSIVE COMMUNITY SOLAR CAPACITY
14 AVAILABLE IN ACCORDANCE WITH THIS SECTION.

15 (c) ON OR BEFORE FEBRUARY 1, 2028, AND PERIODICALLY
16 THEREAFTER, THE COMMISSION SHALL DETERMINE, BY RULE OR BY ORDER,
17 THE AMOUNT OF INCLUSIVE COMMUNITY SOLAR CAPACITY THAT
18 INVESTOR-OWNED ELECTRIC UTILITIES ARE REQUIRED TO MAKE AVAILABLE
19 AND MAY ADJUST ANY REQUIREMENTS RELATED TO INCLUSIVE
20 COMMUNITY SOLAR SPECIFIED IN THIS SECTION.

21 (d) (I) ALL INCLUSIVE COMMUNITY SOLAR CAPACITY MADE
22 AVAILABLE PURSUANT TO THIS SECTION MUST BE ALLOCATED TO A
23 SUBSCRIBER ORGANIZATION THAT DEMONSTRATES SITE CONTROL, HAS
24 RECEIVED ALL APPLICABLE NONMINISTERIAL PERMITS, AND HAS AN
25 EXECUTED INTERCONNECTION AGREEMENT WITH THE RELEVANT UTILITY.

26 (II) EXCEPT AS PROVIDED IN SUBSECTION (8)(b)(II) OF THIS
27 SECTION, INCLUSIVE COMMUNITY SOLAR CAPACITY MUST BE ALLOCATED

1 ON A FIRST-COME, FIRST-SERVED BASIS BASED ON THE DAY THE
2 APPLICATION IS RECEIVED.

3 (e) IN ORDER TO FACILITATE EQUITABLE ACCESS TO CLEAN
4 ENERGY, AN INVESTOR-OWNED ELECTRIC UTILITY SHALL ALLOW ALL
5 INTERCONNECTION APPLICANTS FOR RETAIL DISTRIBUTED GENERATION
6 PROJECTS AS DESCRIBED IN SECTION 40-2-124, INCLUDING COMMUNITY
7 SOLAR FACILITIES, TO BEGIN THE INTERCONNECTION PROCESS NO LATER
8 THAN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION.

9 (4) **Community solar bill credits, unsubscribed electricity, and**
10 **renewable energy credits - rules.** (a) BEGINNING JANUARY 1, 2026, AN
11 INVESTOR-OWNED ELECTRIC UTILITY SHALL:

12 (I) ACQUIRE THE ENTIRE ELECTRICAL OUTPUT OF A COMMUNITY
13 SOLAR FACILITY THAT IS CONNECTED TO THE UTILITY'S DISTRIBUTION
14 SYSTEM;

15 (II) APPLY COMMUNITY SOLAR BILL CREDITS TO SUBSCRIBERS'
16 MONTHLY BILLS AS SOON AS PRACTICABLE BUT NO LATER THAN SIXTY
17 DAYS AFTER THE MONTH DURING WHICH THE COMMUNITY SOLAR FACILITY
18 GENERATED THE ELECTRICITY;

19 (III) PROVIDE COMMUNITY SOLAR BILL CREDITS TO A COMMUNITY
20 SOLAR FACILITY'S SUBSCRIBERS FOR A TERM OF TWENTY YEARS AFTER THE
21 DATE THE FACILITY BEGINS GENERATING BILL CREDITS OR UNTIL THE
22 COMMUNITY SOLAR FACILITY IS DECOMMISSIONED OR THE SUBSCRIBER
23 ORGANIZATION CEASES OPERATIONS OF A COMMUNITY SOLAR FACILITY,
24 WHICHEVER OCCURS FIRST;

25 (IV) CARRY OVER ANY AMOUNT OF A COMMUNITY SOLAR BILL
26 CREDIT THAT EXCEEDS THE SUBSCRIBER'S MONTHLY BILL AND APPLY IT TO
27 THE SUBSCRIBER'S NEXT MONTHLY BILL UNTIL THE SUBSCRIBER CANCELS

1 SERVICE WITH THE UTILITY, AT WHICH POINT THE UTILITY SHALL DONATE
2 ANY REMAINING COMMUNITY SOLAR BILL CREDITS TO A THIRD-PARTY
3 ADMINISTRATOR THAT IS QUALIFIED AND APPROVED BY THE UTILITY FOR
4 THE PURPOSE OF PROVIDING ENERGY ASSISTANCE AND BILL REDUCTIONS
5 TO INCOME-QUALIFIED SUBSCRIBERS WITHIN THE UTILITY'S SERVICE
6 TERRITORY;

7 (V) ON A MONTHLY BASIS, PROVIDE TO A SUBSCRIBER
8 ORGANIZATION OR SUBSCRIPTION COORDINATOR A REPORT INDICATING
9 THE TOTAL VALUE OF COMMUNITY SOLAR BILL CREDITS GENERATED BY
10 THE COMMUNITY SOLAR FACILITY IN THE PRIOR MONTH AND THE AMOUNT
11 OF THE COMMUNITY SOLAR BILL CREDITS APPLIED TO EACH SUBSCRIBER;
12 AND

13 (VI) PROVIDE, IF AN INVESTOR-OWNED ELECTRIC UTILITY HAS
14 MORE THAN FIVE HUNDRED THOUSAND CUSTOMERS, AT THE REQUEST OF
15 A SUBSCRIBER ORGANIZATION OR SUBSCRIPTION COORDINATOR,
16 CONSOLIDATED BILLING BY:

17 (A) INCLUDING THE SUBSCRIBER ORGANIZATION'S OR
18 SUBSCRIPTION COORDINATOR'S MONTHLY SUBSCRIPTION CHARGE ON THE
19 CUSTOMER'S MONTHLY BILL FOR ELECTRIC SERVICE AND SUPPLY FROM THE
20 UTILITY; AND

21 (B) REMITTING THE CUSTOMER'S PAYMENT OF THE SUBSCRIBER
22 ORGANIZATION'S OR SUBSCRIPTION COORDINATOR'S MONTHLY
23 SUBSCRIPTION CHARGE TO THE SUBSCRIBER ORGANIZATION OR
24 SUBSCRIPTION COORDINATOR.

25 (b) A SUBSCRIBER ORGANIZATION SHALL, ON A MONTHLY BASIS
26 AND IN AN ELECTRONIC FORMAT, PROVIDE THE INVESTOR-OWNED
27 ELECTRIC UTILITY A SUBSCRIBER LIST INDICATING THE KILOWATTS OF A

1 COMMUNITY SOLAR FACILITY'S NAMEPLATE CAPACITY ATTRIBUTABLE TO
2 EACH SUBSCRIBER. A SUBSCRIBER ORGANIZATION SHALL UPDATE
3 SUBSCRIBER LISTS MONTHLY TO REFLECT ANY NEW SUBSCRIBERS,
4 SUBSCRIBERS THAT HAVE CANCELED THEIR SUBSCRIPTION, OR
5 SUBSCRIBERS THAT HAVE ADJUSTED SUBSCRIPTION CAPACITY.

6 (c) (I) AN INVESTOR-OWNED ELECTRIC UTILITY'S PURCHASE OF THE
7 OUTPUT OF A COMMUNITY SOLAR FACILITY MUST TAKE THE FORM OF A
8 COMMUNITY SOLAR BILL CREDIT ON THE SUBSCRIBER'S MONTHLY BILL.

9 (II) AN INVESTOR-OWNED ELECTRIC UTILITY SHALL CALCULATE
10 THE COMMUNITY SOLAR BILL CREDIT ON A SUBSCRIBER'S MONTHLY BILL
11 PURSUANT TO THE METHODOLOGY ESTABLISHED FOR COMMUNITY SOLAR
12 GARDENS IN SECTION 40-2-127 (5)(b)(II)(A) TO (5)(b)(II)(H).

13 (d) IF A COMMUNITY SOLAR FACILITY IS NOT FULLY SUBSCRIBED IN
14 A GIVEN MONTH, THE UNSUBSCRIBED ELECTRICITY GENERATED BY THE
15 FACILITY MAY BE ROLLED FORWARD ON THE COMMUNITY SOLAR FACILITY
16 ACCOUNT FOR UP TO ONE YEAR AFTER THE MONTH OF GENERATION AND
17 ALLOCATED BY THE SUBSCRIBER ORGANIZATION OR SUBSCRIPTION
18 COORDINATOR TO SUBSCRIBERS AT ANY TIME DURING THAT YEAR. AT THE
19 END OF THE ONE-YEAR PERIOD IN WHICH THE UNSUBSCRIBED ELECTRICITY
20 WAS ROLLED FORWARD, ANY UNDISTRIBUTED COMMUNITY SOLAR BILL
21 CREDITS ARE REMOVED, AND THE INVESTOR-OWNED ELECTRIC UTILITY
22 WITH WHICH THE COMMUNITY SOLAR FACILITY IS INTERCONNECTED SHALL
23 PURCHASE THE UNSUBSCRIBED ENERGY AT THE UTILITY'S AVERAGE
24 HOURLY INCREMENTAL COST OF ELECTRICITY SUPPLY OVER THE
25 IMMEDIATELY PRECEDING CALENDAR YEAR.

26 (e) A SUBSCRIBER ORGANIZATION, SUBSCRIPTION COORDINATOR,
27 OR SUBSCRIBER MAY ELECT TO DONATE BANKED COMMUNITY SOLAR BILL

1 CREDITS TO A THIRD-PARTY ADMINISTRATOR THAT IS QUALIFIED AND
2 APPROVED BY THE UTILITY FOR THE PURPOSE OF PROVIDING ENERGY
3 ASSISTANCE AND BILL REDUCTIONS TO INCOME-QUALIFIED SUBSCRIBERS
4 WITHIN THE UTILITY'S SERVICE TERRITORY.

5 (f) THE SUBSCRIBER ORGANIZATION SHALL RETIRE ANY
6 RENEWABLE ENERGY CREDITS FOR ELECTRICITY GENERATED BY A
7 COMMUNITY SOLAR FACILITY ON BEHALF OF THE SUBSCRIBER IN THE YEAR
8 THE ELECTRICITY IS GENERATED. THE SUBSCRIBER ORGANIZATION SHALL
9 TRANSFER ANY RENEWABLE ENERGY CREDITS FOR UNSUBSCRIBED ENERGY
10 TO THE UTILITY, WHICH SHALL RETIRE THE CREDITS ON BEHALF OF THE
11 UTILITY'S CUSTOMERS IN THE YEAR THE CREDITS ARE GENERATED IN
12 ACCORDANCE WITH SECTION 25-7-105 (1)(e)(VIII)(H).

13 (5) **Subscriber enrollment, verification, and protections.**

14 (a) SUBSCRIBER ORGANIZATIONS, SUBSCRIPTION COORDINATORS, AND
15 REPRESENTATIVES OF SUCH PERSONS ARE PROHIBITED FROM:

16 (I) USING CREDIT SCORES, UTILITY CUSTOMER SCORES, OR ANY
17 UTILITY DEPOSIT REQUIREMENTS TO APPROVE OR DENY A PROSPECTIVE
18 RESIDENTIAL SUBSCRIBER'S PARTICIPATION IN A COMMUNITY SOLAR
19 FACILITY;

20 (II) CHARGING A SIGN-UP FEE OR TERMINATION FEE TO A
21 RESIDENTIAL SUBSCRIBER;

22 (III) ENGAGING IN MISLEADING OR DECEPTIVE CONDUCT; AND

23 (IV) MAKING FALSE OR MISLEADING REPRESENTATIONS.

24 (b) (I) A SUBSCRIBER ORGANIZATION SHALL PROVIDE AN
25 INCOME-QUALIFIED SUBSCRIBER WHO IS A SUBSCRIBER A DISCOUNT OF AT
26 LEAST TWENTY-FIVE PERCENT OF THE VALUE OF THE SUBSCRIBER'S
27 COMMUNITY SOLAR BILL CREDIT BY LIMITING THE SUBSCRIBER'S

1 SUBSCRIPTION CHARGE TO NO MORE THAN SEVENTY-FIVE PERCENT OF THE
2 VALUE OF THE SUBSCRIBER'S COMMUNITY SOLAR BILL CREDIT.

3 (II) FOR A COMMUNITY SOLAR FACILITY THAT RECEIVES FEDERAL
4 TAX INCENTIVES CREATED BY THE FEDERAL "INFLATION REDUCTION ACT
5 OF 2022", PUB.L. 117-169, FOR THE SPECIFIC PURPOSE OF BEING LOCATED
6 IN AN ENERGY COMMUNITY, THE SUBSCRIBER ORGANIZATION SHALL
7 PROVIDE AN INCOME-QUALIFIED SUBSCRIBER WHO IS A SUBSCRIBER A
8 DISCOUNT OF AT LEAST THIRTY PERCENT OF THE VALUE OF THE
9 SUBSCRIBER'S COMMUNITY SOLAR BILL CREDIT BY LIMITING THE
10 SUBSCRIBER'S SUBSCRIPTION CHARGE TO NO MORE THAN SEVENTY
11 PERCENT OF THE VALUE OF THE SUBSCRIBER'S COMMUNITY SOLAR BILL
12 CREDIT.

13 (III) FOR A COMMUNITY SOLAR FACILITY THAT RECEIVES FEDERAL
14 TAX INCENTIVES CREATED BY THE FEDERAL "INFLATION REDUCTION ACT
15 OF 2022", PUB.L. 117-169, TO PROVIDE UTILITY BILL SAVINGS TO
16 INCOME-QUALIFIED HOUSEHOLDS PURSUANT TO FEDERAL ELIGIBILITY
17 REQUIREMENTS, THE SUBSCRIBER ORGANIZATION SHALL PROVIDE AN
18 INCOME-QUALIFIED SUBSCRIBER WHO IS A SUBSCRIBER A DISCOUNT OF AT
19 LEAST FIFTY PERCENT OF THE VALUE OF THE SUBSCRIBER'S COMMUNITY
20 SOLAR BILL CREDIT BY LIMITING THE SUBSCRIBER'S SUBSCRIPTION CHARGE
21 TO NO MORE THAN FIFTY PERCENT OF THE VALUE OF THE SUBSCRIBER'S
22 COMMUNITY SOLAR BILL CREDIT.

23 (IV) FOR A COMMUNITY SOLAR FACILITY THAT RECEIVES BOTH OF
24 THE FEDERAL TAX INCENTIVES DESCRIBED IN SUBSECTIONS (5)(b)(II) AND
25 (5)(b)(III) OF THIS SECTION, THE SUBSCRIBER ORGANIZATION SHALL
26 PROVIDE AN INCOME-QUALIFIED SUBSCRIBER WHO IS A SUBSCRIBER A
27 DISCOUNT OF AT LEAST FIFTY-FIVE PERCENT OF THE VALUE OF THE

1 SUBSCRIBER'S COMMUNITY SOLAR BILL CREDIT BY LIMITING THE
2 SUBSCRIBER'S SUBSCRIPTION CHARGE TO NO MORE THAN FORTY-FIVE
3 PERCENT OF THE VALUE OF THE SUBSCRIBER'S COMMUNITY SOLAR BILL
4 CREDIT.

5 (V) A SUBSCRIBER ORGANIZATION OR SUBSCRIPTION
6 COORDINATOR SHALL PROVIDE, AT THE REQUEST OF THE COMMISSION,
7 DETAILS REGARDING THE GUARANTEED DISCOUNTS DESCRIBED IN
8 SUBSECTIONS (5)(b)(I), (5)(b)(II), (5)(b)(III), AND (5)(b)(IV) OF THIS
9 SECTION GRANTED TO INCOME-QUALIFIED SUBSCRIBERS IN A FORM THAT
10 IS SPECIFIED BY THE COMMISSION.

11 (VI) IN THE EVENT THAT THERE IS UNCLAIMED INCLUSIVE
12 COMMUNITY SOLAR CAPACITY, STAKEHOLDERS MAY PETITION THE
13 COMMISSION TO, OR THE COMMISSION MAY THROUGH AN APPROPRIATE
14 PROCEEDING, CONSIDER ALTERING THE GUARANTEED DISCOUNTS
15 DESCRIBED IN SUBSECTIONS (5)(b)(I), (5)(b)(II), (5)(b)(III), AND
16 (5)(b)(IV) OF THIS SECTION FOR INCOME-QUALIFIED SUBSCRIBERS.

17 (c) A SUBSCRIBER ORGANIZATION OR SUBSCRIPTION COORDINATOR
18 SHALL USE ANY ONE OR MORE OF THE FOLLOWING METHODS TO VERIFY
19 THE INCOME OF A PROSPECTIVE SUBSCRIBER, OR A MEMBER OF THE
20 HOUSEHOLD FOR WHICH THE SUBSCRIPTION IS ATTRIBUTED, FOR
21 ELIGIBILITY AS AN INCOME-QUALIFIED SUBSCRIBER:

22 (I) SELF-ATTESTATION;

23 (II) PROOF OF RESIDENCE IN AN AFFORDABLE HOUSING
24 COMMUNITY; OR

25 (III) EVIDENCE OF ELIGIBILITY FOR OR ENROLLMENT IN AT LEAST
26 ONE OF THE FOLLOWING PROGRAMS:

27 (A) THE WEATHERIZATION ASSISTANCE PROGRAM IN THE

1 COLORADO ENERGY OFFICE, AS DESCRIBED IN SECTION 24-38.5-102 (1)(g);

2 (B) THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM IN THE
3 DEPARTMENT OF HUMAN SERVICES, ESTABLISHED IN PART 3 OF ARTICLE 2
4 OF TITLE 26;

5 (C) MEDICAID, AS DEFINED IN SECTION 10-16-1203 (8);

6 (D) THE HEAD START PROGRAM IN THE DEPARTMENT OF EARLY
7 CHILDHOOD, AS DEFINED IN SECTION 26.5-4-103 (6);

8 (E) FREE AND REDUCED-PRICE SCHOOL MEALS PURSUANT TO THE
9 FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42
10 U.S.C. SEC. 1751 ET SEQ., OR A SIMILAR FREE OR REDUCED-PRICE SCHOOL
11 MEALS PROGRAM;

12 (F) THE FEDERAL LOW-INCOME HOME ENERGY ASSISTANCE
13 PROGRAM ADMINISTERED BY THE UNITED STATES DEPARTMENT OF
14 HEALTH AND HUMAN SERVICES' ADMINISTRATION FOR CHILDREN AND
15 FAMILIES PURSUANT TO 42 U.S.C. SEC. 8621 ET SEQ., AS AMENDED; OR

16 (G) ANY OTHER GOVERNMENTAL OR LOCAL ASSISTANCE PROGRAM
17 THAT THE COMMISSION DETERMINES QUALIFIES A PROSPECTIVE
18 SUBSCRIBER FOR ELIGIBILITY AS AN INCOME-QUALIFIED SUBSCRIBER.

19 (d) THE COMMISSION SHALL ADOPT A UNIFORM DISCLOSURE
20 FORM THAT IDENTIFIES THE INFORMATION THAT A SUBSCRIBER
21 ORGANIZATION OR SUBSCRIPTION COORDINATOR SHALL PROVIDE TO A
22 POTENTIAL SUBSCRIBER. THE DISCLOSURE FORM MUST:

23 (I) DISCLOSE FUTURE COSTS AND BENEFITS OF SUBSCRIPTIONS;

24 (II) DISCLOSE KEY CONTRACT TERMS;

25 (III) PROVIDE GRIEVANCE, ENFORCEMENT, AND CANCELLATION
26 PROCEDURES;

27 (IV) PROVIDE OTHER RELEVANT INFORMATION PERTAINING TO THE

1 SUBSCRIPTIONS; AND

2 (V) BE OFFERED IN BOTH ENGLISH AND SPANISH LANGUAGES AND,
3 WHEN APPROPRIATE, NATIVE AMERICAN OR INDIGENOUS LANGUAGES.

4

5 ==
6 (e) SUBSCRIBER ORGANIZATIONS ARE ENCOURAGED TO CONDUCT
7 TARGETED OUTREACH TO TRIBAL CUSTOMERS BY PARTNERING WITH
8 COLORADO-BASED NONPROFIT ORGANIZATIONS THAT HAVE A PRIMARY
9 MISSION OF IMPROVING THE SOCIOECONOMIC CONDITIONS OF AND
10 PROVIDING ENERGY ASSISTANCE FOR TRIBAL CUSTOMERS WHO ARE NOT
11 LOCATED ON A RESERVATION.

12 (6) Cost recovery. AN INVESTOR-OWNED ELECTRIC UTILITY SHALL
13 BE ALLOWED TO RECOVER PRUDENTLY INCURRED COSTS, INCLUDING
14 ENERGY PURCHASES AND ADMINISTRATIVE AND INFORMATION
15 TECHNOLOGY EXPENSES, IN A MANNER APPROVED BY THE COMMISSION BY
16 RULE OR OTHER APPROPRIATE MECHANISM.

17 (7) **Interconnection - reports.** (a) AN INVESTOR-OWNED
18 ELECTRIC UTILITY SHALL SHARE ALL RESULTS FROM ANY
19 INTERCONNECTION STUDY CONDUCTED PURSUANT TO COMMISSION RULES
20 WITH THE INTERCONNECTION APPLICANT PURSUANT TO UTILITY
21 CONFIDENTIALITY REQUIREMENTS.

22 (b) ON OR BEFORE JANUARY 31, 2025, AN INVESTOR-OWNED
23 ELECTRIC UTILITY WITH MORE THAN FIVE HUNDRED THOUSAND
24 CUSTOMERS SHALL FILE WITH THE COMMISSION UPDATES TO APPROPRIATE
25 TARIFFS THAT ARE NECESSARY TO IMPLEMENT PRO RATA
26 INTERCONNECTION COST-SHARING MECHANISMS FOR SYSTEM UPGRADES
27 WHEREBY A COMMUNITY SOLAR FACILITY ONLY PAYS THE FACILITY'S
PROPORTIONAL SHARE OF NEWLY CREATED HOSTING CAPACITY

1 ASSOCIATED WITH THE FACILITY.

2 (c) WHEN AN INVESTOR-OWNED ELECTRIC UTILITY WITH MORE
3 THAN FIVE HUNDRED THOUSAND CUSTOMERS FILES A DISTRIBUTION
4 SYSTEM PLAN WITH THE COMMISSION PURSUANT TO SECTION 40-2-132,
5 THE INVESTOR-OWNED ELECTRIC UTILITY SHALL:

6 (I) PROVIDE INFORMATION WHEN INTERCONNECTION COSTS FOR A
7 COMMUNITY SOLAR FACILITY EXCEED TWENTY CENTS PER WATT,
8 MEASURED IN ALTERNATING CURRENT, AND PROPOSE TO THE COMMISSION
9 POTENTIAL SOLUTIONS TO FACILITATE FUTURE INTERCONNECTIONS IN
10 THAT SAME GEOGRAPHIC AREA THAT MAY INCLUDE:

11 (A) COST-SHARING MECHANISMS AMONG SUBSCRIBER
12 ORGANIZATIONS OR BETWEEN AN INTERCONNECTION APPLICANT AND THE
13 UTILITY;

14 (B) DISTRIBUTION GRID UPGRADES, SUCH AS DISTRIBUTED ENERGY
15 STORAGE, WHICH MAY BE FUNDED BY THE UTILITY, INTERCONNECTION
16 APPLICANT, OR SOME COMBINATION OF THE UTILITY AND
17 INTERCONNECTION APPLICANT; OR

18 (C) FLEXIBLE INTERCONNECTION PRACTICES; AND

19 (II) INCLUDE THE FOLLOWING INFORMATION IN A REPORT TO THE
20 COMMISSION AS PART OF THE DISTRIBUTION SYSTEM PLAN, WHICH IS FILED
21 WITH THE COMMISSION PURSUANT TO SECTION 40-2-132:

22 (A) THE AMOUNT OF INCLUSIVE COMMUNITY SOLAR CAPACITY
23 AWARDED PURSUANT TO THIS SECTION;

24 (B) THE AMOUNT OF OPERATIONAL COMMUNITY SOLAR CAPACITY
25 DEVELOPED PURSUANT TO THIS SECTION AND SECTION 40-2-127; AND

26 (C) A NARRATIVE DETAILING THE UTILITY'S PROGRESS TOWARD
27 FACILITATING COST-EFFECTIVE INTERCONNECTION OF COMMUNITY SOLAR

1 FACILITIES WITH THE UTILITY'S DISTRIBUTION SYSTEM.

2 ==

3 (8) **Program administration.** (a) THE COMMISSION SHALL:

4 (I) ADOPT AND ENFORCE ALL RULES REQUIRED UNDER THIS
5 SECTION;

6 (II) REQUIRE INVESTOR-OWNED ELECTRIC UTILITIES TO FILE THE
7 TARIFFS, THE AGREEMENTS, OR OTHER FORMS NECESSARY FOR THE
8 IMPLEMENTATION OF THIS SECTION;

9 (III) ESTABLISH A DEADLINE BY WHICH AN INVESTOR-OWNED
10 ELECTRIC UTILITY WITH MORE THAN FIVE HUNDRED THOUSAND
11 CUSTOMERS SHALL IMPLEMENT A CONSOLIDATED BILLING PROGRAM AND
12 DIRECT THE UTILITY TO TRACK ALL COSTS ASSOCIATED WITH
13 IMPLEMENTING AND OPERATING THE CONSOLIDATED BILLING PROGRAM SO
14 THAT THE COMMISSION MAY ESTABLISH A FEE TO BE PAID TO THE
15 INVESTOR-OWNED ELECTRIC UTILITY BY SUBSCRIBER ORGANIZATIONS
16 THAT ELECT TO UTILIZE A CONSOLIDATED BILLING PROGRAM IN ORDER TO
17 OFFSET THE COSTS OF IMPLEMENTING AND OPERATING THE CONSOLIDATED
18 BILLING PROGRAM;

19 (IV) COORDINATE WITH THE COLORADO ENERGY OFFICE CREATED
20 IN SECTION 24-38.5-101 (1) TO ENSURE ALIGNMENT WITH ANY FEDERAL
21 GRANT FUNDING RECEIVED BY THE STATE FOR THE PURPOSE OF
22 SUPPORTING LOW-INCOME COMMUNITY SOLAR PROJECTS;

23 ==

24 (V) CLARIFY THAT SUBSCRIBER ORGANIZATIONS, SUBSCRIPTION
25 COORDINATORS, OR SUBSCRIBERS ARE NOT CONSIDERED PUBLIC UTILITIES
26 SUBJECT TO REGULATION BY THE COMMISSION SOLELY AS A RESULT OF
27 THEIR PARTICIPATION IN INCLUSIVE COMMUNITY SOLAR;

1 (VI) CONSIDER THE INTEGRATION OF COMMUNITY SOLAR
2 SUBSCRIPTIONS FOR INCOME-QUALIFIED SUBSCRIBERS WITH OTHER
3 PROGRAMS DESIGNED TO REDUCE CUSTOMER UTILITY BILLS AND DELIVER
4 ENERGY-RELATED SERVICES, INCLUDING PROGRAMS RELATED TO
5 DEMAND-SIDE MANAGEMENT, BENEFICIAL ELECTRIFICATION, AND
6 TRANSPORTATION ELECTRIFICATION; AND

7 (VII) CONDUCT MULTILINGUAL AND CULTURALLY RELEVANT
8 OUTREACH TO ENGAGE, EDUCATE, AND SOLICIT INPUT FROM
9 REPRESENTATIVES FROM DISPROPORTIONATELY IMPACTED COMMUNITIES,
10 IN ACCORDANCE WITH SECTION 40-2-108, AND CONSIDER ADDITIONAL
11 STRATEGIES AS NECESSARY TO ENSURE ROBUST PARTICIPATION BY
12 MEMBERS OF DISPROPORTIONATELY IMPACTED COMMUNITIES IN ANY
13 RULE-MAKING RELATED TO INCLUSIVE COMMUNITY SOLAR. THE
14 COMMISSION SHALL CONSIDER A PROCESS TO COMPENSATE INDIVIDUALS
15 WHO PARTICIPATE IN THE OUTREACH FOR THEIR PARTICIPATION, AT A
16 LEVEL DETERMINED APPROPRIATE BY THE COMMISSION.

17 (b) ON OR BEFORE NOVEMBER 1, 2025, AN INVESTOR-OWNED
18 ELECTRIC UTILITY SHALL FILE AN APPLICATION WITH THE COMMISSION,
19 EITHER AS A STANDALONE APPLICATION OR AS PART OF ANOTHER
20 APPLICATION THAT IS BEING FILED WITH THE COMMISSION, THAT:

21 (I) ENABLES THE ALLOCATION OF INCLUSIVE COMMUNITY SOLAR
22 CAPACITY THAT IS REQUIRED TO BE MADE AVAILABLE BY THE
23 INVESTOR-OWNED ELECTRIC UTILITY PURSUANT TO THIS SECTION; AND

24 (II) ESTABLISHES A PROCESS FOR THE INVESTOR-OWNED ELECTRIC
25 UTILITY TO PRIORITIZE COMMUNITY SOLAR FACILITIES LOCATED ON
26 PREFERRED LOCATIONS OVER COMMUNITY SOLAR FACILITIES NOT LOCATED
27 ON PREFERRED LOCATIONS, WHICH PROCESS MUST ONLY BE USED TO

1 PRIORITIZE BETWEEN FACILITIES APPLYING FOR INCLUSIVE COMMUNITY
2 SOLAR CAPACITY ON THE DAY THAT QUALIFIED COMMUNITY SOLAR
3 FACILITY APPLICATIONS EXCEED THE REMAINING AVAILABLE CAPACITY IN
4 AN ANNUAL CAPACITY ALLOCATION CYCLE; HOWEVER, THE
5 INVESTOR-OWNED ELECTRIC UTILITY SHALL NOT CREATE A WAITING LIST
6 THAT CARRIES OVER INTO THE NEXT YEAR.

7 (c) ON OR BEFORE JANUARY 1, 2029, THE COMMISSION SHALL
8 REPORT TO THE HOUSE OF REPRESENTATIVES ENERGY AND ENVIRONMENT
9 COMMITTEE AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE,
10 OR THEIR SUCCESSOR COMMITTEES, ON THE COMMUNITY SOLAR FACILITIES
11 DEVELOPED PURSUANT TO THIS SECTION. THE REPORT MUST INCLUDE:

12 (I) THE PERCENTAGE OF AWARDED INCLUSIVE COMMUNITY SOLAR
13 CAPACITY THAT WAS SUCCESSFULLY INTERCONNECTED TO
14 INVESTOR-OWNED ELECTRIC UTILITY DISTRIBUTION SYSTEMS;

15 (II) THE TOTAL NUMBER OF INCOME-QUALIFIED SUBSCRIBERS WHO
16 ARE SUBSCRIBERS SERVED BY A COMMUNITY SOLAR FACILITY AND ANY
17 IMPACTS THAT THE SUBSCRIPTIONS HAVE ON THE AVERAGE ANNUAL BILL
18 COST OF THOSE INCOME-QUALIFIED SUBSCRIBERS;

19 (III) THE TOTAL NUMBER OF INCOME-QUALIFIED SUBSCRIBERS WHO
20 PARTICIPATED IN INCLUSIVE COMMUNITY SOLAR IN CONJUNCTION WITH
21 OTHER PROGRAMS DESIGNED TO REDUCE CUSTOMER UTILITY BILLS,
22 SUPPORT BENEFICIAL ELECTRIFICATION, AND ADVANCE ENERGY
23 EFFICIENCY; AND

24 (IV) ANY OTHER INFORMATION RELATED TO COMMUNITY SOLAR
25 FACILITIES DEVELOPED PURSUANT TO THIS SECTION THAT THE COMMISSION
26 DEEMS NECESSARY.

27 == ==

1 (9) **Applicability.** (a) THIS SECTION APPLIES TO INCLUSIVE
2 COMMUNITY SOLAR CAPACITY THAT IS ALLOCATED ON OR AFTER JANUARY
3 1, 2026.

4 (b) COMMUNITY SOLAR CAPACITY THAT IS ALLOCATED ON OR
5 BEFORE DECEMBER 31, 2025, IS ALLOCATED PURSUANT TO SECTION
6 40-2-127.

7 **SECTION 4.** In Colorado Revised Statutes, **add** 40-2-130.5 as
8 follows:

9 **40-2-130.5. Dispatchable distributed generation - energy**
10 **storage - definitions - program capacity - program administration -**
11 **rules.** (1) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
12 OTHERWISE REQUIRES:

13 (a) "DISPATCHABLE DISTRIBUTED GENERATION" MEANS
14 DISTRIBUTED GENERATION PAIRED WITH A CO-LOCATED ENERGY STORAGE
15 SYSTEM THAT IS:

16 (I) DIRECTLY INTERCONNECTED TO AN INVESTOR-OWNED
17 ELECTRIC UTILITY'S DISTRIBUTION SYSTEM AND IS NOT BEHIND A
18 CUSTOMER METER; AND

19 (II) MEASURED BY THE CAPACITY OF THE DISTRIBUTED
20 GENERATION IN ALTERNATING CURRENT.

21 (b) "DISTRIBUTED GENERATION" MEANS A RENEWABLE ENERGY
22 RESOURCE AS DEFINED IN SECTION 40-2-124 (1)(a)(VII) THAT
23 INTERCONNECTS TO A UTILITY'S DISTRIBUTION SYSTEM.

24 (c) "ENERGY STORAGE SYSTEM" HAS THE SAME MEANING AS SET
25 FORTH IN SECTION 40-2-130 (2)(a).

26 (d) "INVESTOR-OWNED ELECTRIC UTILITY" OR "UTILITY" MEANS A
27 RETAIL ELECTRIC UTILITY IN THE STATE THAT IS NOT A COOPERATIVE

1 ELECTRIC ASSOCIATION OR A MUNICIPALLY OWNED ELECTRIC UTILITY.

2 (2) **Program capacity.** (a) ON OR BEFORE JUNE 1, 2026, AN
3 INVESTOR-OWNED ELECTRIC UTILITY WITH MORE THAN FIVE HUNDRED
4 THOUSAND CUSTOMERS SHALL ACQUIRE AT LEAST FIFTY MEGAWATTS OF
5 DISPATCHABLE DISTRIBUTED GENERATION.

6 (b) ON OR AFTER JANUARY 1, 2027, BUT BEFORE JUNE 1, 2027, AN
7 INVESTOR-OWNED ELECTRIC UTILITY WITH MORE THAN FIVE HUNDRED
8 THOUSAND CUSTOMERS SHALL ACQUIRE AT LEAST FIFTY MEGAWATTS OF
9 DISPATCHABLE DISTRIBUTED GENERATION.

10 (c) TO ENSURE THAT AN INVESTOR-OWNED ELECTRIC UTILITY WITH
11 MORE THAN FIVE HUNDRED THOUSAND CUSTOMERS ACQUIRES
12 DISPATCHABLE DISTRIBUTED GENERATION IN ACCORDANCE WITH
13 SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION, THE COMMISSION SHALL:

14 (I) DETERMINE THE PROCEDURES FOR A UTILITY TO ACQUIRE
15 DISPATCHABLE DISTRIBUTED GENERATION;

16 (II) ESTABLISH A METHODOLOGY THAT ASCRIBES VALUE TO
17 DISPATCHABLE DISTRIBUTED GENERATION LOCATED IN SPECIFIC AREAS OF
18 THE ELECTRIC GRID IN ORDER TO DIRECT THE DEVELOPMENT OF
19 DISPATCHABLE DISTRIBUTED GENERATION RESOURCES IN OPTIMAL
20 LOCATIONS; AND

21 (III) ADOPT ANY OTHER PROGRAM- OR PROJECT-SPECIFIC
22 REQUIREMENTS THE COMMISSION DEEMS NECESSARY TO FACILITATE THE
23 ACQUISITION OF DISPATCHABLE DISTRIBUTED GENERATION, INCLUDING
24 ALL APPLICABLE REQUIREMENTS OF THE "COLORADO ENERGY SECTOR
25 PUBLIC WORKS PROJECT CRAFT LABOR REQUIREMENTS ACT", PART 3 OF
26 ARTICLE 92 OF TITLE 24, FOR DISPATCHABLE DISTRIBUTED GENERATION
27 PROJECTS THAT QUALIFY AS AN "ENERGY SECTOR PUBLIC WORKS PROJECT"

1 AS DEFINED IN SECTION 24-92-303 (5).

2 (d) ON OR BEFORE JUNE 1, 2028, AND PERIODICALLY THEREAFTER,
3 THE COMMISSION SHALL DETERMINE THE PROCEDURE AND CAPACITY
4 AMOUNTS FOR FUTURE ACQUISITIONS OF DISPATCHABLE DISTRIBUTED
5 GENERATION BY AN INVESTOR-OWNED ELECTRIC UTILITY.

6 (3) **Program administration.** THE COMMISSION SHALL:

7 (a) ADOPT AND ENFORCE ALL RULES REQUIRED UNDER THIS
8 SECTION;

9 (b) REQUIRE ALL APPLICABLE INVESTOR-OWNED ELECTRIC
10 UTILITIES TO FILE THE TARIFFS, THE AGREEMENTS, OR OTHER FORMS AND
11 DOCUMENTS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION; AND

12 (c) CONSULT WITH THE COLORADO ELECTRIC TRANSMISSION
13 AUTHORITY, CREATED IN SECTION 40-42-103, AS NECESSARY TO PLAN FOR
14 AND OPTIMIZE THE USE OF DISPATCHABLE DISTRIBUTED GENERATION THAT
15 IS ACQUIRED AND DEVELOPED IN ACCORDANCE WITH THIS SECTION.

16 **SECTION 5. Appropriation.** (1) For the 2024-25 state fiscal
17 year, \$116,505 is appropriated to the department of regulatory agencies
18 for use by the public utilities commission. This appropriation is from the
19 public utilities commission fixed utility fund created in section 40-2-114
20 (1)(b)(II), C.R.S. To implement this act, the commission may use this
21 appropriation as follows:

22 (a) \$101,245 for personal services, which amount is based on an
23 assumption that the commission will require an additional 1.5 FTE; and

24 (b) \$15,260 for operating expenses.

25 **SECTION 6. Safety clause.** The general assembly finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.