

1 SB138_L.023
2 HOUSE COMMITTEE OF REFERENCE AMENDMENT
3 Committee on Finance.
4 SB22-138 be amended as follows:

5 Amend reengrossed bill, page 17, after line 26 insert:

6 "SECTION 13. In Colorado Revised Statutes, 40-2-127, **amend**
7 (5)(b)(II) as follows:

8 **40-2-127. Community energy funds - community solar**
9 **gardens - definitions - rules - legislative declaration - repeal.**

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

11 (b) (II) (A) The purchase of the output of a community solar garden by
12 a qualifying retail utility ~~shall~~ MUST take the form of a net metering credit
13 against the qualifying retail utility's electric bill to each community solar
14 garden subscriber at the premises set forth in the subscriber's subscription.

15 (B) FOR A SUBSCRIBER ORGANIZATION THAT DIRECTS THE
16 QUALIFYING RETAIL UTILITY TO PROVIDE THE SUBSCRIBER
17 ORGANIZATION'S SUBSCRIBERS WITH A BILL CREDIT THAT CHANGES
18 ANNUALLY, the net metering credit shall be calculated by multiplying the
19 subscriber's share of the electricity production from the community solar
20 garden by the qualifying retail utility's total aggregate retail rate as
21 charged to the subscriber, minus a reasonable charge as determined by the
22 commission to cover the utility's costs of delivering to the subscriber's
23 premises the electricity generated by the community solar garden,
24 integrating the solar generation with the utility's system, and
25 administering the community solar garden's contracts and net metering
26 credits. The commission shall ensure that this charge does not reflect
27 costs that are already recovered by the utility from the subscriber through
28 other charges. If, and to the extent that, a subscriber's net metering credit
29 exceeds the subscriber's electric bill in any billing period, the net metering
30 credit shall be carried forward and applied against future bills. The
31 qualifying retail utility and the owner of the community solar garden shall
32 agree on whether the purchase of the renewable energy credits from
33 subscribers will be accomplished through a credit on each subscriber's
34 electricity bill or by a payment to the owner of the community solar
35 garden.

36 (C) FOR A SUBSCRIBER ORGANIZATION THAT DIRECTS THE
37 QUALIFYING RETAIL UTILITY TO PROVIDE THE SUBSCRIBER
38 ORGANIZATION'S SUBSCRIBERS WITH A FIXED BILL CREDIT, THE NET
39 METERING CREDIT SHALL BE CALCULATED BY MULTIPLYING THE
40 SUBSCRIBER'S SHARE OF THE ELECTRICITY PRODUCTION FROM THE
41 COMMUNITY SOLAR GARDEN BY THE QUALIFYING RETAIL UTILITY'S TOTAL
42 AGGREGATE RETAIL RATE AS CHARGED TO THE SUBSCRIBER AT THE TIME
43 THE SUBSCRIBER ORGANIZATION APPLIES FOR, OR BIDS CAPACITY INTO, A
44 UTILITY COMMUNITY SOLAR GARDEN PROGRAM, MINUS A REASONABLE

1 CHARGE, AS DETERMINED BY THE COMMISSION, AT THE TIME THE
2 SUBSCRIBER ORGANIZATION APPLIES FOR, OR BIDS CAPACITY INTO, A
3 UTILITY COMMUNITY SOLAR PROGRAM, TO COVER THE UTILITY'S COSTS OF
4 DELIVERING TO THE SUBSCRIBER'S PREMISES THE ELECTRICITY GENERATED
5 BY THE COMMUNITY SOLAR GARDEN, INTEGRATING THE SOLAR
6 GENERATION WITH THE UTILITY'S SYSTEM, AND ADMINISTERING THE
7 COMMUNITY SOLAR GARDEN'S CONTRACTS AND NET METERING CREDITS.
8 THE COMMISSION SHALL ENSURE THAT THIS CHARGE DOES NOT REFLECT
9 COSTS THAT ARE ALREADY RECOVERED BY THE UTILITY FROM THE
10 SUBSCRIBER THROUGH OTHER CHARGES. FOR COMMUNITY SOLAR
11 GARDENS ELIGIBLE FOR A FIXED BILL CREDIT, AND SOLELY FOR THE
12 PURPOSE OF APPLYING THE BILL CREDIT TO A SUBSCRIBER'S BILL, THE BILL
13 CREDIT SHALL NOT BE APPLIED TOWARD RATE RIDER CHARGES THAT
14 PROMOTE CLEAN ENERGY TECHNOLOGIES INCLUDING BENEFICIAL
15 ELECTRIFICATION, PROVIDE LOW-INCOME BILL ASSISTANCE, OR PROVIDE
16 OTHER PUBLIC BENEFITS AS DETERMINED BY THE COMMISSION UNLESS
17 SUCH RIDERS ARE INCLUDED IN THE REASONABLE CHARGE. IF, AND TO THE
18 EXTENT THAT, A SUBSCRIBER'S NET METERING CREDIT EXCEEDS THE
19 SUBSCRIBER'S ELECTRIC BILL IN ANY BILLING PERIOD, THE NET METERING
20 CREDIT SHALL BE CARRIED FORWARD AND APPLIED AGAINST FUTURE BILLS.
21 THE QUALIFYING RETAIL UTILITY AND THE OWNER OF THE COMMUNITY
22 SOLAR GARDEN SHALL AGREE ON WHETHER THE PURCHASE OF THE
23 RENEWABLE ENERGY CREDITS FROM SUBSCRIBERS WILL BE ACCOMPLISHED
24 THROUGH A CREDIT ON EACH SUBSCRIBER'S ELECTRICITY BILL OR BY A
25 PAYMENT TO THE OWNER OF THE COMMUNITY SOLAR GARDEN. BY MARCH
26 1, 2023, THE COMMISSION SHALL ADOPT RULES TO IMPLEMENT THE FIXED
27 BILL CREDIT, WHICH RULES MUST CONSIDER THE CHANGE OF VALUE TO
28 COMMUNITY SOLAR GARDEN CUSTOMERS OF THE FIXED BILL CREDIT OVER
29 TIME THROUGH RATE ADJUSTMENTS OR OTHER MECHANISMS."

30 Renumber succeeding sections accordingly.

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