



SB 19-236, PUBLIC UTILITIES COMMISSION HEARING
HOUSE STATE AFFAIRS, LSB-A, April 30, 2019, 1:30 pm

Real Possibilities

- Bill Levis, AARP volunteer lobbyist and former Consumer Counsel for state representing residential, small business and agricultural consumers before PUC
- AARP has over 680,000 Colorado members who rely on the PUC for appropriate energy rates and need Commission oversight of telecom complaints and 9-1-1
- AARP supports the bill with amendments
- As MCI director of public policy, appeared before utility commissions in 20 states
- PUC unique state agency, specifically created in constitution, art. 25, subject to legislative oversight and exempted from personnel system under art. 12, sec. 13, sub. 2
- As result of 1968 Administrative Organization Act, PUC type 1 division of DORA [24-1-122(2)(a)] with authority to “exercise ...statutory powers, duties and functions, including rule-making, ...regulations, findings, orders and adjudication independently of the head of the principal department.” [24-1-105(1)]
- Important for PUC to make its decisions based on evidence and not politics
- PUC reorganized in 1992 so that all employees report to division director instead of commissioners who oversaw executive secretary. 24-1-122(2)(a) and 40-2-103(1)
- Problem three commissioners, not division director, responsible for public policy decisions appealable to court
- Concern with inherent conflict with director hiring/assigning employees who assist and advise commissioners as well as trial staff who are advocates in various cases
- SB 236 would keep all staff, including commission advisors, admin support and administrative law judges under division director
- PUC commissioners, unique since full-time employees with independent public policy authority, need control over own employees and budget
- Currently, division and DORA director, not commissioners, oversees PUC budget
- Commissioners also should be able to lobby legislators since they are constitutionally created full-time employees appointed by Governor with approval of Senate
- Bill needs to reinstate consumers ability to have PUC investigate telecom complaints, especially quality and safety issues such as when 9-1-1 service goes down
- Bill also needs to be amended to clarify PUC role in overseeing 9-1-1 emergency service, especially as transition to internet-based 9-1-1 this year
- Complaint authority removed when most telecom deregulated in 2014

It should be up to PUC to determine any cost of pollution in utility planning, pg. 14 of bill

There currently are 32 type 1 agencies and board in DORA, only five type 2. The PUC is the only one that is specifically created in the constitution.

§24-1-122, C.R.S.

Type 1 agencies in DORA: total of 32

Public Utilities Commission, created by Constitution in Article 25

Office of Consumer Counsel

Utility Consumers Board

Division of Insurance

Workers' Compensation Classification Appeals Board

Financial Services Board

Division of Banking

Board of Real Estate Appraisers

Board of Mortgage Loan Originators

Civil Rights Commission

Civil Rights Division

State Board of Accountancy

State Board of Chiropractic Examiners

Dental Board

Medical Board

Podiatry Board

Board of Optometry

Passenger Tramway Safety Board

Board of Pharmacy

Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors

Board of Psychologist Examiners

Board of Veterinary Medicine Examiners

Board of Examiners of Nursing Home Administrators

Examining Board of Plumbers

Electrical Board

Board of Nursing

Board of Social Work Examiners

Board of Marriage of Family Therapist Examiners

Board of Licensed Marriage and Family Therapist Examiners

Board of Licensed Professional Counselor Examiners

Board of Registered Psychotherapists

Board of Addiction Counselor Examiners

Type 2: total of 5

Financial Services Division

Division of Professions and Occupations

Division of Real Estate

Division of Conservation

Conservation Easement Oversight Commission