

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB26-1124 be amended as follows:

1 Amend printed bill, page 11, after line 20 insert:

2 **"40-44-108. Clarifications.**

3 (1) NOTHING IN THIS ARTICLE 44:

4 (a) SUPERSEDES, IMPAIRS, OR LIMITS THE OPERATIONAL
5 AUTHORITY OF AN ELECTRIC UTILITY;

6 (b) MANDATES THE IMPLEMENTATION OF SPECIFIC MITIGATION
7 MEASURES WITHOUT ADOPTION OF SUBSEQUENT RULES OR STATUTES; OR

8 (c) ALTERS EXISTING JURISDICTION OF THE COMMISSION OR
9 GOVERNING AUTHORITY OF MUNICIPAL OR COOPERATIVE ELECTRIC
10 UTILITIES.

11 (2) THE FINDINGS, ASSESSMENTS, MODELING RESULTS, OR
12 RECOMMENDATIONS OF THE TASK FORCE:

13 (a) DO NOT CREATE A PRIVATE RIGHT OF ACTION;

14 (b) ARE NOT A FINDING OF A BREACH OF A DUTY;

15 (c) ARE NOT ADMISSIBLE AS EVIDENCE OF LIABILITY IN ANY CIVIL
16 PROCEEDING; AND

17 (d) DO NOT IMPOSE A DUTY ON ELECTRIC UTILITIES WITHOUT
18 SUBSEQUENT ADOPTION OF A STATUTE OR REGULATION.

19 (3) THIS ARTICLE 44 SUPPLEMENTS AND DOES NOT DUPLICATE OR
20 CONFLICT WITH FEDERAL RELIABILITY STANDARDS, INCLUDING
21 STANDARDS ADOPTED BY THE NORTH AMERICAN ELECTRIC RELIABILITY
22 CORPORATION. THE TASK FORCE SHALL ENSURE CONSISTENCY WITH
23 APPLICABLE FEDERAL REQUIREMENTS.

24 (4) THE COMMISSION SHALL, IF FEASIBLE, REQUIRE MITIGATION
25 MEASURES ADOPTED PURSUANT TO THIS ARTICLE 44 TO BE INTEGRATED
26 INTO EXISTING CAPITAL IMPROVEMENT AND ASSET REPLACEMENT CYCLES.

27 (5) NOTHING IN THIS ARTICLE 44 PRECLUDES ELECTRIC UTILITIES
28 FROM SEEKING COST RECOVERY THROUGH ESTABLISHED REGULATORY
29 MECHANISMS FOR PRUDENT INVESTMENTS MADE IN RESPONSE TO TASK
30 FORCE RECOMMENDATIONS."

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