

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 16-0491.01 Duane Gall x4335

HOUSE BILL 16-1091

HOUSE SPONSORSHIP

Thurlow and Mitsch Bush, Arndt, Coram, Melton, Nordberg, Sias, Tyler, Wist

SENATE SPONSORSHIP

Sonnenberg, Hodge

House Committees
Transportation & Energy

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Agriculture, Natural Resources, & Energy

A BILL FOR AN ACT

101 **CONCERNING A CHANGE TO THE BIENNIAL FILING DATE FOR**
102 **RATE-REGULATED ELECTRIC UTILITIES TO SUBMIT THEIR PLANS**
103 **FOR TRANSMISSION FACILITIES TO THE PUBLIC UTILITIES**
104 **COMMISSION, AND, IN CONNECTION THEREWITH, DELETING THE**
105 **REQUIREMENT THAT THE COMMISSION ISSUE A FINAL ORDER**
106 **WITHIN ONE HUNDRED EIGHTY DAYS AFTER AN APPLICATION**
107 **FOR THE CONSTRUCTION OR EXPANSION OF TRANSMISSION**
108 **FACILITIES IS FILED.**

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
March 8, 2016

SENATE
2nd Reading Unamended
March 7, 2016

HOUSE
3rd Reading Unamended
February 9, 2016

HOUSE
2nd Reading Unamended
February 8, 2016

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

Legislation adopted in 2007 required rate-regulated electric utilities to conduct biennial reviews, on or before October 31 of each odd-numbered year, in which the utilities developed plans for transmitting electricity from geographic areas in which energy resources were likely to be available to where the electricity would be needed. The bill preserves the requirement for biennial review but changes the due date for those reviews from October 31 to another date determined by the Colorado public utilities commission. The bill also deletes existing requirements that:

- ! Reviews be simultaneously conducted by the Colorado public utilities commission; and
- ! The commission issue an order approving or rejecting an application for a certificate of public convenience and necessity for construction or expansion of transmission facilities within 180 days.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-126, **amend** (2)
3 introductory portion and (2) (d); and **repeal** (4) as follows:

4 **40-2-126. Transmission facilities - biennial review - energy**
5 **resource zones - definitions - plans - approval - cost recovery.** (2) ~~On~~
6 ~~or before October 31 of each odd-numbered year, commencing in 2007~~
7 BIENNIALLY, ON OR BEFORE A DATE DETERMINED BY THE COMMISSION,
8 COMMENCING IN 2016, each Colorado electric utility subject to rate
9 regulation by the commission shall:

10 (d) Submit proposed plans, designations, and applications for
11 certificates of public convenience and necessity to the commission for
12 ~~simultaneous~~ review pursuant to subsection (3) of this section.

13 (4) ~~Notwithstanding any other provision of law, in any application~~
14 ~~for a certificate of public convenience and necessity for the construction~~
15 ~~or expansion of transmission facilities pursuant to paragraph (b) of~~

1 ~~subsection (2) of this section, the commission shall issue a final order~~
2 ~~within one hundred eighty days after the application is filed. If the~~
3 ~~commission does not issue a final order within that period, the application~~
4 ~~shall be deemed approved.~~

5 **SECTION 2. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2016 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.