

**JBC STAFF FISCAL ANALYSIS
HOUSE APPROPRIATIONS COMMITTEE**

CONCERNING INCREASING THE AUTHORITY OF THE OFFICE OF CONSUMER COUNSEL TO ADVOCATE ON BEHALF OF CONSUMERS OF PUBLIC UTILITY SERVICES.

Prime Sponsors: Reps. Esgar and Winter

JBC Analyst: Tom Dermody

Phone: 303-866-2061

Date Prepared: April 25, 2016

Fiscal Impact of Bill as Amended to Date

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 04/04/16.

XXX	No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill
	Update: Fiscal impact has changed due to <i>new information or technical issues</i>
	Update: Fiscal impact has changed due to <i>amendment adopted</i> after LCS Fiscal Note was prepared
	Non-Concurrence: JBC Staff and Legislative Council Staff disagree about the fiscal impact of the bill

The House Transportation and Energy Committee Report (04/06/16) includes an amendment to the bill, however, Legislative Council Staff and JBC Staff agree that the committee amendment does not change the fiscal impact of the bill. The amendment adjusts the definition of "public utility" to include transportation network companies.

Amendments in This Packet for Consideration by Appropriations Committee

Amendment	Description
J.001	Staff-prepared appropriation amendment
L.004/J.002	Bill Sponsor amendment - changes fiscal impact <i>and</i> appropriation

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001 Staff has prepared amendment **J.001** (attached) to add a provision appropriating a total of \$131,800 cash funds from the Public Utilities Commission Fixed Utility Fund to the Department of Regulatory Agencies for FY 2016-17. This provision also states that the appropriation is based on the assumption that the Department will require an additional 0.8 FTE. Additionally, the provision states that the Department of Law will receive \$38,004 reappropriated funds for the provision of legal services, which is based on the assumption that the Department will require an additional 0.2 FTE.

L.004 and J.002

Bill Sponsor amendment **L.004** (attached) amends the bill to include the Telecommunications Utility Fund and the Public Utilities Commission Motor Carrier Fund as authorized funding sources for the Office of Consumer Counsel in the Department of Regulatory Agencies. Staff has prepared amendment **J.002** (attached) to add a provision appropriating a total of \$131,800 cash funds from the Public Utilities Commission Motor Carriers Fund to the Department of Regulatory Agencies for FY 2016-17. This provision also states that the appropriation is based on the assumption that the Department will require an additional 0.8 FTE. Additionally, the provision states that the Department of Law will receive \$38,004 reappropriated funds for the provision of legal services, which is based on the assumption that the Department will require an additional 0.2 FTE.

If L.004 is adopted, then J.002 should be adopted and not J.001.

Points to Consider*Technical Issue*

If L.004 is not adopted, then fees paid by electric and gas utilities into the Fixed Utilities Fund will be used by the Office of Consumer Counsel (OCC) to cover the expenses associated with representing customers of all other utilities before the Public Utilities Commissions (PUC). Telephone utilities pay into the Telecommunications Utility Fund and transportation companies into the Motor Carrier Fund.

Revenue Source

The Department has indicated that if this bill becomes law, the majority of new OCC cases will be transportation related; therefore, the correct funding source for this bill is the Public Utilities Commission Motor Carrier Fund. The PUC may need to raise fees to cover the expenditures from the increase in workload associated with this bill. If L.004 and J.002 are adopted, the PUC would increase the fees on motor carrier vehicle stamps rather than increasing the assessment on utilities, as described on page 2 of the Fiscal Note. Currently, the fee for motor carrier vehicle stamps is set at \$35 per vehicle per year.