

CHAPTER 360

PUBLIC UTILITIES

HOUSE BILL 19-1003

BY REPRESENTATIVE(S) Hansen and Valdez A., Arndt, Bird, Coleman, Cutter, Exum, Hooton, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, Michaelson Jenet, Roberts, Singer, Sirota, Snyder, Weissman, Valdez D., Becker;
also SENATOR(S) Foote and Story, Bridges, Court, Danielson, Donovan, Fenberg, Fields, Ginal, Lee, Moreno, Pettersen, Rodriguez, Todd, Winter, Garcia.

AN ACT**CONCERNING COMMUNITY SOLAR GARDENS.**

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

SECTION 1. In Colorado Revised Statutes, 12-23-104, **amend** (2)(f.5) as follows:

12-23-104. Board powers and duties - rules. (2) In addition to all other powers and duties conferred or imposed upon the board by this article, the board is authorized to:

(f.5) Regulate a licensed master electrician, journeyman electrician, or residential wireman who, acting within his or her scope of competence, supervises a solar photovoltaic installation pursuant to section 40-2-128. ~~C.R.S.~~; ON AND AFTER JANUARY 1, 2020, ALL PHOTOVOLTAIC ELECTRICAL WORK FOR INSTALLATIONS OF AT LEAST THREE HUNDRED KILOWATTS, INCLUDING THE INTERCONNECTION OF THE MODULES, GROUNDING OF THE MODULES, ANY BALANCE OF SYSTEM WIRING, AND THE CUSTOMER-SIDE POINT OF CONNECTION TO THE UTILITY GRID, MUST BE PERFORMED BY A LICENSED MASTER ELECTRICIAN, LICENSED JOURNEYMAN ELECTRICIAN, LICENSED RESIDENTIAL WIREMAN, OR PROPERLY SUPERVISED ELECTRICAL APPRENTICES AND MUST COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THIS ARTICLE 23, INCLUDING SECTIONS 12-23-105 AND 12-23-110.5, AND ALL APPLICABLE RULES OF THE BOARD.

SECTION 2. In Colorado Revised Statutes, 40-2-127, **amend** (2)(b)(I)(A), (2)(b)(II), and (5)(b)(I); and **add** (2)(b)(I)(D) and (3.5) as follows:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

40-2-127. Community energy funds - community solar gardens - definitions - rules - legislative declaration. (2) Definitions. As used in this section, unless the context otherwise requires:

(b) In addition:

(I) (A) "Community solar garden" means a solar electric generation facility with a nameplate rating of ~~two megawatts or less~~ WITHIN THE RANGE SPECIFIED UNDER SUBSECTION (2)(b)(I)(D) OF THIS SECTION that is located in or near a community served by a qualifying retail utility where the beneficial use of the electricity generated by the facility belongs to the subscribers to the community solar garden. There shall be at least ten subscribers. The owner of the community solar garden may be the qualifying retail utility or any other for-profit or nonprofit entity or organization, including a subscriber organization organized under this section, that contracts to sell the output from the community solar garden to the qualifying retail utility. A community solar garden shall be deemed to be "located on the site of customer facilities".

(D) A COMMUNITY SOLAR GARDEN MUST HAVE A NAMEPLATE RATING OF FIVE MEGAWATTS OR LESS; EXCEPT THAT THE COMMISSION MAY, IN RULES ADOPTED PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION, APPROVE THE FORMATION OF A COMMUNITY SOLAR GARDEN WITH A NAMEPLATE RATING OF UP TO TEN MEGAWATTS ON OR AFTER JULY 1, 2023.

(II) "Subscriber" means a retail customer of a qualifying retail utility who owns a subscription and who has identified one or more physical locations to which the subscription is attributed. Such physical locations must be within the service territory of the same qualifying retail utility ~~and also in the same county as, or a county adjacent to, that of~~ AS the community solar garden. The subscriber may change from time to time the premises to which the community solar garden electricity generation shall be attributed, so long as the premises are within the ~~geographical limits allowed for a subscriber~~ SAME SERVICE TERRITORY.

(3.5) **Standards for construction and operation.** THE FOLLOWING REQUIREMENTS APPLY TO ANY COMMUNITY SOLAR GARDEN EXCEEDING TWO MEGAWATTS:

(a) THE INITIAL INSTALLATION OF ANY PHOTOVOLTAIC MODULE OR ASSOCIATED ELECTRICAL EQUIPMENT IS SUBJECT TO FINAL INSPECTION AND APPROVAL IN ACCORDANCE WITH SECTION 12-23-116.

(b) FOLLOWING THE DEVELOPMENT OR ACQUISITION BY A QUALIFYING RETAIL UTILITY OF A COMMUNITY SOLAR GARDEN IN WHICH THE QUALIFYING RETAIL UTILITY RETAINS OWNERSHIP, THE QUALIFYING RETAIL UTILITY SHALL EITHER USE ITS OWN EMPLOYEES TO OPERATE AND MAINTAIN THE COMMUNITY SOLAR GARDEN OR CONTRACT FOR OPERATION AND MAINTENANCE OF THE COMMUNITY SOLAR GARDEN BY A CONTRACTOR WHOSE EMPLOYEES HAVE ACCESS TO AN APPRENTICESHIP PROGRAM REGISTERED WITH THE UNITED STATES DEPARTMENT OF LABOR'S OFFICE OF APPRENTICESHIP AND TRAINING OR WITH A STATE APPRENTICESHIP COUNCIL RECOGNIZED BY THAT OFFICE; EXCEPT THAT THIS APPRENTICESHIP REQUIREMENT DOES NOT APPLY TO:

- (I) THE DESIGN, PLANNING, OR ENGINEERING OF THE INFRASTRUCTURE;
- (II) MANAGEMENT FUNCTIONS TO OPERATE THE INFRASTRUCTURE; OR
- (III) ANY WORK INCLUDED IN A WARRANTY.

(5) **Purchases of the output from community solar gardens.** (b) (I) (A) The output from a community solar garden shall be sold only to the qualifying retail utility serving the geographic area where the community solar garden is located.

(B) Once a community solar garden is part of a qualifying retail utility's plan for acquisition of renewable resources, as approved by the commission, THE COMMISSION SHALL BY JANUARY 30, 2020, INITIATE A PROCEEDING, OR CONSIDER IN AN ACTIVE PROCEEDING, TO DETERMINE WHETHER the qualifying retail utility shall purchase all of the electricity and renewable energy credits generated by the community solar garden OR WHETHER A SUBSCRIBER MAY, UPON BECOMING A SUBSCRIBER, CHOOSE TO RETAIN OR SELL TO THE QUALIFYING RETAIL UTILITY THE SUBSCRIBER'S RENEWABLE ENERGY CREDITS.

(C) The amount of electricity and renewable energy credits generated by each community solar garden shall be determined by a production meter installed by the qualifying retail utility or third-party system owner and paid for by the owner of the community solar garden.

SECTION 3. In Colorado Revised Statutes, 40-2-128, **amend** (1) introductory portion, (1)(a)(I)(D), and (1)(d) introductory portion; and **repeal** (1)(c) as follows:

40-2-128. Solar photovoltaic installations - supervision by certified practitioners - qualifications of electrical contractors. (1) For all photovoltaic installations ~~funded wholly or partially through ratepayer-funded incentives as part of the renewable energy standard adjustment~~ allowed under section 40-2-124 WITH A DIRECT CURRENT DESIGN CAPACITY OF LESS THAN THREE HUNDRED KILOWATTS:

(a) (I) (D) By submitting an initial application for funding or an initial contract proposal, the applicant assumes responsibility for employing or contracting with one or more certified energy practitioners or licensed master electricians, licensed journeyman electricians, or licensed residential wiremen to supervise the installation and as necessary to maintain the three-to-one ratio required by ~~paragraphs (b) and (c) of this subsection~~ **(1) SUBSECTION (1)(b) OF THIS SECTION**, including during any off-site, preinstallation assembly. Payment of any incentives for the work shall not be approved until the applicant supplies the name and certification number of each certified energy practitioner or the license number of each master electrician, journeyman electrician, or residential wireman who actually provided on-site supervision or was present to maintain the three-to-one ratio required by ~~paragraphs (c) and (d) of this subsection~~ **(1) SUBSECTION (1)(d) OF THIS SECTION**.

~~(c) On a system with a direct current design capacity of more than five hundred kilowatts:~~

~~(f) During any photovoltaic electrical work, the ratio of the number of persons who are assisting with the work and who are neither licensed electricians nor~~

~~registered electrical apprentices to the number of persons who are certified as provided in paragraph (a) of this subsection (1) shall never exceed three to one, and a person who is both licensed and certified shall not count double for purposes of measuring this ratio; and~~

~~(H) There shall be at least one on-site supervisor who is certified as provided in paragraph (a) of this subsection (1) during the following stages; except that, if at any time during any of the following stages, there are more than twelve persons on the work site who are neither licensed electricians nor registered electrical apprentices and who are not certified as provided in paragraph (a) of this subsection (1), there shall be at least two persons who are certified as provided in paragraph (a) of this subsection (1) present on the work site and providing direct supervision of:~~

~~(A) The installation of photovoltaic modules;~~

~~(B) The installation of photovoltaic module mounting equipment; and~~

~~(C) Any photovoltaic electrical work.~~

~~(d) On a system with a direct current design capacity of five hundred kilowatts or less than three hundred kilowatts:~~

SECTION 4. In Colorado Revised Statutes, 12-115-107, **amend as relocated by House Bill 19-1172 (2)(f)** as follows:

12-115-107. Board powers and duties - rules - definition. (2) In addition to all other powers and duties conferred or imposed upon the board by this article 115, the board is authorized to:

(f) Regulate a licensed master electrician, journeyman electrician, or residential wireman who, acting within his or her scope of competence, supervises a solar photovoltaic installation pursuant to section 40-2-128. ON AND AFTER JANUARY 1, 2020, ALL PHOTOVOLTAIC ELECTRICAL WORK FOR INSTALLATIONS OF AT LEAST THREE HUNDRED KILOWATTS, INCLUDING THE INTERCONNECTION OF THE MODULES, GROUNDING OF THE MODULES, ANY BALANCE OF SYSTEM WIRING, AND THE CUSTOMER-SIDE POINT OF CONNECTION TO THE UTILITY GRID, MUST BE PERFORMED BY A LICENSED MASTER ELECTRICIAN, LICENSED JOURNEYMAN ELECTRICIAN, LICENSED RESIDENTIAL WIREMAN, OR PROPERLY SUPERVISED ELECTRICAL APPRENTICES AND MUST COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THIS ARTICLE 115, INCLUDING SECTIONS 12-115-109 AND 12-115-115, AND ALL APPLICABLE RULES OF THE BOARD.

SECTION 5. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the

governor.

(2) Section 4 of this act takes effect only if House Bill 19-1172 becomes law, in which case section 4 takes effect October 1, 2019.

Approved: May 30, 2019