

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0252.01 Duane Gall x4335

HOUSE BILL 20-1064

HOUSE SPONSORSHIP

Hooton, Kennedy

SENATE SPONSORSHIP

(None),

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INVESTIGATIONS BY THE PUBLIC UTILITIES COMMISSION**
102 **TO EVALUATE THE IMPLICATIONS OF ALLOWING COMMUNITY**
103 **CHOICE OF WHOLESALE ELECTRIC SUPPLY IN COLORADO**
104 **THROUGH THE VEHICLE OF COMMUNITY CHOICE ENERGY**
105 **AUTHORITIES.**

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 applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Investor-owned Utility Review Interim Study Committee. The bill declares that the concept of "community choice energy" (CCE), under

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

which a community may choose to purchase electricity at wholesale through a supplier other than the local investor-owned electric utility, has the potential to enable communities to meet their renewable energy goals and save money without disrupting the local utility's current status as sole supplier of transmission, distribution, and customer service functions. To lay the groundwork for potential adoption of CCE in Colorado, the bill proposes 2 studies:

- ! A feasibility study, conducted by an independent energy expert under the guidance of the public utilities commission (PUC), to examine the financial and technical requirements that would need to be met for CCE to be viable and beneficial; and
- ! An investigatory proceeding at the PUC, inviting testimony and documentation from persons with firsthand knowledge of utility operations, CCE, or both, including regulators from other states in which CCE has been implemented. The goal of the investigation is to identify best practices and recommend legislative changes that would allow CCE to function well in Colorado if adopted.

The bill directs that reports of the results of the feasibility study and the investigatory docket be given to the legislative committees with jurisdiction over energy matters in late 2020.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 40-4-120 as
3 follows:

4 **40-4-120. Community choice in wholesale electric supply -**
5 **investigation and analysis - duties of commission - reports - legislative**
6 **declaration - definition - repeal. (1) Legislative declaration. (a) THE**
7 **GENERAL ASSEMBLY FINDS AND DETERMINES THAT:**

8 (I) AT LEAST A DOZEN COMMUNITIES IN COLORADO, KNOWN AS
9 THE "READY FOR 100" CITIES, HAVE COMMITTED TO OBTAINING ONE
10 HUNDRED PERCENT RENEWABLE ENERGY BY 2025 TO 2035. IN ADDITION,
11 AT LEAST TWO DOZEN COMMUNITIES, KNOWN AS "COLORADO
12 COMMUNITIES FOR CLIMATE ACTION", HAVE ORGANIZED TO ADVOCATE
13 FOR CLIMATE CHANGE SOLUTIONS. THESE COMMUNITIES, WHICH

1 REPRESENT MORE THAN ONE MILLION COLORADANS, ARE EXPLORING
2 WAYS TO REACH THEIR ENERGY AND CLIMATE GOALS WITHIN THEIR
3 DESIRED TIME PERIODS.

4 (II) A KEY ELEMENT OF THE GOVERNOR'S POLICY INITIATIVE,
5 ENTITLED "ROADMAP TO 100% RENEWABLE ENERGY BY 2040 AND BOLD
6 CLIMATE ACTION", PRIORITIZES SUPPORTING LOCAL COMMITMENTS TO
7 ONE HUNDRED PERCENT RENEWABLE ENERGY.

8 (III) THE ABILITY OF A COMMUNITY TO ACHIEVE ITS ENERGY
9 GOALS IS CURRENTLY LIMITED BY THE ENERGY SUPPLY AND
10 DECARBONIZATION TIMELINE OF THE ELECTRIC UTILITY THAT SERVES THAT
11 COMMUNITY'S GEOGRAPHIC AREA. THE ABILITY TO PROCURE ELECTRICITY
12 FROM ALTERNATIVE WHOLESALE SUPPLIERS MAY ENABLE COMMUNITIES
13 TO ACHIEVE THEIR ENERGY GOALS SUBSTANTIALLY FASTER AND MORE
14 COST-EFFECTIVELY.

15 (IV) COMMUNITY CHOICE ENERGY (CCE, ALSO COMMONLY
16 KNOWN AS COMMUNITY CHOICE AGGREGATION OR CCA), IS A LOCAL
17 ENERGY MODEL THAT HAS BEEN ADOPTED IN A NUMBER OF STATES AND
18 HAS PROVEN TO BE EFFECTIVE IN HELPING COMMUNITIES ACHIEVE THEIR
19 RENEWABLE ENERGY OR COST-CONTAINMENT GOALS, OR BOTH. THE
20 STUDY OF CCE WOULD ANSWER KEY QUESTIONS AND ILLUMINATE THE
21 POSSIBLE BENEFITS AND CHALLENGES OF ADAPTING THE CCE MODEL AS
22 AN OPTION FOR COLORADO COMMUNITIES.

23 (V) IN THE CCE MODEL, COMMUNITIES THAT ARE SERVED BY AN
24 INVESTOR-OWNED ELECTRIC UTILITY MAY CHOOSE THEIR WHOLESALE
25 ELECTRICITY SUPPLIERS, WHILE THE ELECTRICITY CONTINUES TO BE
26 DELIVERED BY THE INCUMBENT UTILITY. IN STATES THAT HAVE ENABLED
27 CCE TO DATE, CCE IS NOT PERMITTED IN COMMUNITIES THAT ARE SERVED

1 BY A COOPERATIVE ELECTRIC ASSOCIATION OR A MUNICIPALLY OWNED
2 ELECTRIC UTILITY.

3 (VI) IN THE CCE MODEL, AN INVESTOR-OWNED ELECTRIC UTILITY
4 CONTINUES TO OWN AND OPERATE ITS TRANSMISSION AND DISTRIBUTION
5 SYSTEM TO SERVE BOTH CCE CUSTOMERS AND ITS OWN CUSTOMERS, WITH
6 APPROPRIATE COMPENSATION, AND THE UTILITY CONTINUES TO
7 IMPLEMENT DEMAND-SIDE MANAGEMENT PROGRAMS, MANAGE CUSTOMER
8 SERVICE, AND PROVIDE METERING AND BILLING SERVICES. THE UTILITY
9 CONTINUES TO OWN ITS POWER GENERATION TO SERVE ITS OWN
10 CUSTOMERS. IF A COMMUNITY CHOOSES TO ADOPT CCE, THE UTILITY
11 WOULD DELIVER THE ELECTRICITY FROM ONE OR MORE ALTERNATIVE
12 SUPPLIERS TO CCE CUSTOMERS.

13 (VII) THIS SECTION CONCERNS THE "WHOLESALE, OPT-OUT"
14 MODEL OF CCE, PURSUANT TO WHICH INDIVIDUAL CUSTOMERS ARE
15 AUTOMATICALLY ENROLLED AND RETAIN THE RIGHT TO OPT OUT OF THEIR
16 COMMUNITY'S CCE OFFERINGS AND PURCHASE THEIR ELECTRICITY FROM
17 THE UTILITY UNDER ITS TRADITIONAL "BUNDLED SERVICE". THE RETAIL
18 MODEL OF CCE, IN WHICH INDIVIDUALS IN DEREGULATED "RETAIL
19 CHOICE" STATES CAN SHOP FOR THEIR ELECTRICITY FROM AMONG MANY
20 COMPETING SUPPLIERS, DOES NOT PROMOTE THE STABLE REVENUE
21 CONDITIONS NEEDED FOR DEVELOPMENT OF HIGH LEVELS OF RENEWABLE
22 ENERGY. THE RETAIL CCE MODEL IS EXPLICITLY NOT THE SUBJECT OF THIS
23 SECTION.

24 (VIII) A WELL-DESIGNED WHOLESALE, OPT-OUT CCE PROGRAM
25 WOULD INTRODUCE AN ELEMENT OF WHOLESALE COMPETITION AND
26 COMMUNITY-LEVEL CHOICE INTO THE SUPPLY OF ELECTRICITY AND COULD
27 PROVIDE COMMUNITIES THAT HAVE AMBITIOUS RENEWABLE ENERGY

1 GOALS WITH A MEANS TO REACH THOSE GOALS MORE QUICKLY AND
2 COST-EFFECTIVELY.

3 (IX) THIS SECTION PERTAINS ONLY TO THE STUDY OF CCE, NOT TO
4 ITS IMPLEMENTATION. WHILE CCE IN OTHER STATES SHOWS THE
5 POTENTIAL FOR COMMUNITIES TO MAKE LOCAL ENERGY DECISIONS, REACH
6 THEIR ENERGY GOALS, REDUCE ENERGY COSTS, AND FOSTER LOCAL
7 ECONOMIC DEVELOPMENT AND LOCAL EMPLOYMENT, IT IS PRUDENT TO
8 FIRST STUDY THE FINANCIAL FEASIBILITY AND THE REGULATORY, LEGAL,
9 AND ENVIRONMENTAL IMPLICATIONS OF CCE IN COLORADO BEFORE ANY
10 CONSIDERATION OF ENABLING CCE AS AN OPTION FOR COMMUNITIES IN
11 COLORADO.

12 (X) THE TWO INDEPENDENT STUDIES DESCRIBED IN THIS SECTION
13 WILL ANSWER KEY QUESTIONS ABOUT THE POTENTIAL VIABILITY OF CCE
14 IN COLORADO AND WILL IDENTIFY BEST PRACTICES AND LESSONS LEARNED
15 FROM THE EXPERIENCES OF STATES THAT HAVE ALREADY IMPLEMENTED
16 CCE. THE STUDIES WILL PROVIDE THE INFORMATION NEEDED TO
17 DETERMINE WHETHER CCE WOULD PROVIDE NET BENEFITS TO COLORADO
18 COMMUNITIES.

19 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS IN
20 THE PUBLIC INTEREST TO DIRECT THE COMMISSION TO EVALUATE THE
21 VIABILITY OF THE WHOLESALE, OPT-OUT MODEL OF CCE IN COLORADO
22 AND TO ANSWER KEY QUESTIONS ABOUT CCE IN COLORADO THROUGH
23 TWO INVESTIGATIONS:

24 (I) BY OVERSEEING A THIRD-PARTY FINANCIAL FEASIBILITY STUDY;
25 AND

26 (II) BY CONDUCTING ITS OWN INVESTIGATORY PROCEEDING USING
27 THE MECHANISM OF AN INVESTIGATORY DOCKET TO STUDY REGULATORY

1 AND LEGAL ISSUES.

2 (2) **Definition.** AS USED IN THIS SECTION, "COMMUNITY CHOICE
3 ENERGY" OR "CCE" MEANS A MECHANISM THAT ALLOWS CITIES OR
4 COUNTIES, OR GROUPS OF CITIES AND COUNTIES, TO COMBINE THEIR
5 PURCHASING POWER AND CHOOSE ONE OR MORE ALTERNATIVE
6 WHOLESALE ELECTRICITY SUPPLIERS ON BEHALF OF THE RESIDENTS,
7 BUSINESSES, AND MUNICIPAL FACILITIES IN THE JURISDICTION WHILE THE
8 INCUMBENT UTILITY MAINTAINS ITS EXISTING GENERATION AND
9 CONTINUES TO OWN AND OPERATE ITS TRANSMISSION AND DISTRIBUTION
10 SYSTEM AND DELIVER THE ELECTRICITY TO BOTH ITS OWN CUSTOMERS
11 AND CCE CUSTOMERS.

12 (3) **Feasibility study.** (a) IN ACCORDANCE WITH THIS SUBSECTION
13 (3), THE COMMISSION SHALL OVERSEE, AND REPORT TO THE GENERAL
14 ASSEMBLY THE CONCLUSIONS OF, A STUDY ON THE FINANCIAL FEASIBILITY
15 OF ALLOWING CCE IN COLORADO.

16 (b) THE COMMISSION SHALL:

17 (I) SELECT, THROUGH A TRANSPARENT AND COMPETITIVE
18 SOLICITATION OVERSEEN DIRECTLY BY THE COMMISSIONERS AND ISSUED
19 ON OR BEFORE SEPTEMBER 1, 2020, AN INDEPENDENT AND QUALIFIED
20 AGENT TO PERFORM THE STUDY, USING SELECTION CRITERIA THAT ENSURE
21 THE AGENT DOES NOT CARRY BIASES THAT ARE ESPECIALLY FAVORABLE
22 OR UNFAVORABLE TO CCE OR TO INVESTOR-OWNED UTILITIES;

23 (II) DETERMINE THE SCOPE OF, AND SPECIFIC QUESTIONS TO BE
24 ADDRESSED BY, THE STUDY, SUBJECT TO THE GUIDELINES SET FORTH IN
25 THIS SUBSECTION (3);

26 (III) ACQUIRE THE DATA NECESSARY TO EFFECTIVELY CONDUCT
27 THE STUDY FROM THE INVESTOR-OWNED ELECTRIC UTILITIES IN A TIMELY

1 FASHION, UTILIZING CONFIDENTIALITY AND NONDISCLOSURE AGREEMENTS
2 AS NEEDED; AND

3 (IV) REPORT THE PROCESS AND CONCLUSIONS OF THE FEASIBILITY
4 STUDY, AS WELL AS THE CONCLUSIONS OF THE CONCURRENT
5 INVESTIGATORY DOCKET SET FORTH IN SUBSECTION (4) OF THIS SECTION,
6 IN A FINAL REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF
7 THE SENATE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
8 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON OR
9 BEFORE JUNE 1, 2021.

10 (c) THE PURPOSE OF THE STUDY IS TO ASSESS FINANCIAL
11 FEASIBILITY AND RISK, INCLUDING THE POTENTIAL FOR RATE
12 COMPETITIVENESS, PRINCIPLES FOR CALCULATING THE AMOUNT AND
13 DURATION OF ANY TRANSITION FEES, AND AN ESTIMATE OF SUCH FEES,
14 ALSO KNOWN AS EXIT FEES, THAT COMMUNITIES FORMING A CCE
15 AUTHORITY WOULD PAY TO OFFSET THEIR FAIR SHARE OF THE COSTS OF
16 UTILITY ASSETS AND CONTRACTS THAT WERE PROCURED ON THEIR BEHALF
17 AND PREVIOUSLY APPROVED. THE AGENT SHALL MAKE THESE
18 ASSESSMENTS AND DEVELOP THESE PRINCIPLES USING INDUSTRY BEST
19 PRACTICES AND ASSUMING A RANGE OF SCENARIOS THAT INCLUDE:

20 (I) THE LEVEL OF CCE PARTICIPATION IN COLORADO, INCLUDING
21 THE NUMBER OF ELIGIBLE COMMUNITIES THAT CHOOSE TO FORM OR JOIN
22 A CCE AUTHORITY AND THE ASSUMED OPT-OUT RATE OF THEIR
23 CUSTOMERS, TO EVALUATE THE MARKET SCALE AND REVENUE
24 GENERATION NEEDED FOR CCE TO SUCCEED IN COLORADO;

25 (II) FACTORS TO BE INCLUDED IN THE EXIT FEE CONSIDERATION,
26 INCLUDING THE AGE AND TIME OF SERVICE COMMENCEMENT OF
27 GENERATION ASSETS AND EXISTING CONTRACTS; AND

1 (III) RATE ANALYSIS TO DETERMINE THE POTENTIAL FOR CCE TO
2 BE COST-COMPETITIVE IN COLORADO, ASSUMING DIFFERENT LEVELS OF
3 RENEWABLE ENERGY CONTENT THAT CORRESPOND TO THE RENEWABLE
4 ENERGY STANDARD SPECIFIED IN SECTION 40-2-124 AS WELL AS
5 SCENARIOS EXCEEDING STATE REQUIREMENTS, INCLUDING ONE HUNDRED
6 PERCENT RENEWABLE ENERGY, AND CONSIDERATION OF REASONABLY
7 ANTICIPATED TRENDS AND CONTINGENCIES AFFECTING THE PRICES OF
8 FOSSIL FUELS AND RENEWABLE ENERGY RESOURCES AND THE MIX OF NEW
9 RENEWABLE ENERGY RESOURCES VERSUS RENEWABLE ENERGY
10 CERTIFICATES.

11 (d) THE SCOPE OF THE STUDY IS LIMITED TO CONSIDERATION OF
12 THE FEASIBILITY OF ALLOWING CCE IN AREAS NOT CURRENTLY SERVED BY
13 MUNICIPALLY OWNED ELECTRIC UTILITIES OR COOPERATIVE ELECTRIC
14 ASSOCIATIONS.

15 (4) **Investigatory docket.** (a) ON OR BEFORE SEPTEMBER 1, 2020,
16 AND IN ACCORDANCE WITH THIS SUBSECTION (4), THE COMMISSION SHALL
17 OPEN AN INVESTIGATORY DOCKET TO ACCEPT TESTIMONY AND
18 DOCUMENTATION FROM STAKEHOLDERS, INDEPENDENT ENERGY AND
19 UTILITY EXPERTS, REGULATORS FROM STATES IN WHICH CCE HAS BEEN
20 IMPLEMENTED OR IS UNDER CONSIDERATION, REPRESENTATIVES OF
21 OPERATIONAL CCE AUTHORITIES, AND OTHER INTERESTED PARTIES. THE
22 GOAL OF THE PROCEEDING IS TO CONSIDER THE REGULATORY
23 IMPLICATIONS AND LEGAL IMPACTS OF POSSIBLE FUTURE CCE-ENABLING
24 LEGISLATION AND PROVIDE RECOMMENDATIONS TO THE GENERAL
25 ASSEMBLY. CONCLUSIONS SHOULD INCLUDE BEST PRACTICES AND LESSONS
26 LEARNED FROM STATES THAT HAVE ENABLED CCE AT THE WHOLESALE
27 LEVEL. THE COMMISSION SHALL EMPLOY PROCEDURES THAT PROMOTE A

1 PRODUCTIVE, EFFECTIVE, AND EVIDENCE-BASED PROCESS.

2 (b) THE COMMISSION SHALL SOLICIT INPUT FROM A BROAD AND
3 INCLUSIVE RANGE OF STAKEHOLDERS AND PRESENTERS TO ENSURE THAT
4 THE PROCESS IS NOT DOMINATED BY ANY ONE GROUP OR VIEWPOINT.
5 STAKEHOLDERS AND PRESENTERS MAY INCLUDE:

6 (I) COMMUNITIES WITH DECLARED GOALS REGARDING CARBON
7 EMISSIONS OR ENERGY SUPPLY CHOICES;

8 (II) BUSINESS GROUPS;

9 (III) ENVIRONMENTAL ADVOCATES;

10 (IV) CONSUMER ADVOCATES;

11 (V) ELECTRIC UTILITIES, INCLUDING INVESTOR-OWNED ELECTRIC
12 UTILITIES, MUNICIPALLY OWNED ELECTRIC UTILITIES, AND COOPERATIVE
13 ELECTRIC ASSOCIATIONS;

14 (VI) INDEPENDENT POWER PRODUCERS;

15 (VII) POWER MARKETERS;

16 (VIII) RENEWABLE ENERGY DEVELOPERS;

17 (IX) CONSULTANTS OR OTHER EXPERTS IN ENERGY PROJECT
18 FINANCING;

19 (X) CONSULTANTS OR OTHER EXPERTS IN ENERGY EFFICIENCY AND
20 DISTRIBUTED ENERGY RESOURCES;

21 (XI) REPRESENTATIVES OF OPERATIONAL CCE AUTHORITIES THAT
22 USE THE WHOLESALE CCE MODEL; AND

23 (XII) MEMBERS OF THE GENERAL PUBLIC.

24 (c) THE TOPICS AND QUESTIONS TO BE EXPLORED IN THE DOCKET
25 MAY INCLUDE:

26 (I) WHETHER THE COMMISSION WOULD REQUIRE ADDITIONAL
27 STATUTORY AUTHORITY TO CONDUCT A RULE-MAKING PROCEEDING

1 CONCERNING THE CREATION OF CCE AUTHORITIES IN COLORADO;

2 (II) THE APPROPRIATE SCOPE OF REGULATORY OVERSIGHT OF CCE
3 OPERATIONS, ON A SCALE RANGING FROM COMPREHENSIVE AS WITH
4 INVESTOR-OWNED ELECTRIC UTILITIES TO MINIMAL AS WITH MUNICIPALLY
5 OWNED ELECTRIC UTILITIES;

6 (III) WHICH ASPECTS, IF ANY, OF CURRENT OR ANTICIPATED
7 INVESTOR-OWNED ELECTRIC UTILITY REGULATION BY THE COMMISSION
8 SHOULD APPLY TO CCE AUTHORITIES AS WELL, AND TO WHAT EXTENT,
9 INCLUDING REGULATION IN THE AREAS OF:

10 (A) RESOURCE ADEQUACY PLANNING;

11 (B) ASSURANCE OF RELIABILITY AND HOW THIS IS PAID FOR;

12 (C) COMPLIANCE WITH RENEWABLE ENERGY STANDARDS AND
13 EMISSIONS REDUCTION TARGETS;

14 (D) SUPPLEMENTAL DEMAND-SIDE MANAGEMENT PROGRAMS
15 OFFERED BY CCE AUTHORITIES;

16 (E) TIME-OF-USE RATES OR OTHER RATE REQUIREMENTS IF
17 MANDATED FOR INVESTOR-OWNED ELECTRIC UTILITIES; AND

18 (F) STANDARDS FOR REQUESTS FOR PROPOSALS;

19 (IV) THE APPROPRIATE CONSIDERATIONS FOR ESTABLISHING
20 REASONABLE EXIT FEES AT A LEVEL THAT PROVIDES COST RECOVERY FOR
21 STRANDED INVESTOR-OWNED ELECTRIC UTILITY ASSETS AND CONTRACTS
22 AND DIRECT TRANSITION COSTS, AND THAT PROTECTS NON-CCE
23 CUSTOMERS, BUT DOES NOT UNDULY BURDEN CCE CUSTOMERS,
24 INCLUDING THE POTENTIAL FOR EXIT FEES TO VARY OVER TIME OR BY
25 LOCATION, THE ESTABLISHMENT OF A SPECIFIC EXPIRATION PERIOD FOR
26 EXIT FEES, MEASURES TO MITIGATE EXIT FEES THROUGH POTENTIAL
27 CONTRACT TRANSFER OR RESALE TO CCE AUTHORITIES OR OTHER BUYERS,

1 AND APPROPRIATE FORECASTING OF DEPARTING LOAD TO AVOID
2 OVER-PROCUREMENT;

3 (V) THE APPROPRIATE CONDITIONS, LIMITATIONS, AND
4 PROCEDURES UNDER WHICH CUSTOMERS MAY OPT OUT OF CCE AND
5 RECEIVE BUNDLED SERVICE FROM THE INCUMBENT INVESTOR-OWNED
6 ELECTRIC UTILITY;

7 (VI) WHETHER ANY OTHER CONSUMER PROTECTIONS WOULD BE
8 REQUIRED AND THE MEANS OF PROVIDING THOSE PROTECTIONS;

9 (VII) POTENTIAL CHALLENGES FOR CCE START-UP OR CONTINUING
10 OPERATIONS, INCLUDING THE AVAILABILITY OF FINANCING AND CREDIT
11 RATING CONSIDERATIONS, AND STRATEGIES TO OVERCOME THOSE
12 CHALLENGES;

13 (VIII) WHAT REGULATORY AND LEGAL ISSUES HAVE ARISEN IN
14 OTHER STATES THAT HAVE ADOPTED THE WHOLESALE, OPT-OUT MODEL OF
15 CCE AND POSSIBLE SOLUTIONS FOR THOSE ISSUES;

16 (IX) WHETHER AN INVESTOR-OWNED ELECTRIC UTILITY THAT
17 REMAINS THE SOLE PROVIDER OF DISTRIBUTION, TRANSMISSION, AND
18 OTHER SERVICES TRADITIONALLY PROVIDED BY THE UTILITY, SUCH AS
19 METERING AND BILLING, SHOULD ALSO BE THE PROVIDER OF LAST RESORT
20 FOR SUPPLYING ELECTRICITY TO CUSTOMERS WHO OPT OUT OF CCE;

21 (X) THE APPROPRIATE PROCESS FOR APPROVAL OF CCE ON BEHALF
22 OF CUSTOMERS WITHIN A JURISDICTION;

23 (XI) WHETHER CCE AUTHORITIES SHOULD BE ALLOWED TO OFFER
24 DEMAND-SIDE MANAGEMENT PROGRAMS THAT EITHER EXPAND UPON OR
25 REPLACE SUCH PROGRAMS OFFERED BY THE INCUMBENT INVESTOR-OWNED
26 ELECTRIC UTILITY;

27 (XII) REGULATORY AND POLICY CONSIDERATIONS RELATED TO

1 FORMING CCE AUTHORITIES IN A STATE THAT DOES NOT CURRENTLY
2 BELONG TO A REGIONAL TRANSMISSION ORGANIZATION OR PARTICIPATE
3 IN A WHOLESALE ELECTRICITY MARKET, AND POSSIBLE SOLUTIONS,
4 INCLUDING CONSIDERATIONS IN THE AREAS OF:

5 (A) WHETHER LEGISLATION SHOULD BE ADOPTED TO GUARANTEE
6 OPEN ACCESS AND FAIR PRICES FOR TRANSMISSION SERVICES;

7 (B) RECOMMENDATIONS FOR LEGISLATIVE OR ADMINISTRATIVE
8 MEASURES, OR BOTH, CONCERNING WHOLESALE MARKET ACCESS AND
9 DEVELOPMENT IN COLORADO;

10 (C) WHETHER THERE ARE OTHER LEGISLATIVE AND REGULATORY
11 MODIFICATIONS NECESSARY TO SUCCESSFULLY IMPLEMENT CCE IN
12 COLORADO;

13 (XIII) WHAT, IF ANY, MINIMUM REQUIREMENTS AND STANDARDS
14 SHOULD APPLY TO INDEPENDENT POWER PRODUCERS AND POWER
15 MARKETERS WHO WISH TO SUPPLY ENERGY TO A CCE AUTHORITY;

16 (XIV) WHAT, IF ANY, DATA-SHARING REQUIREMENTS SHOULD BE
17 IMPOSED ON INVESTOR-OWNED ELECTRIC UTILITIES TO HELP ENSURE THAT
18 A CCE AUTHORITY OR A JURISDICTION INVESTIGATING WHETHER TO FORM
19 OR JOIN A CCE AUTHORITY CAN REASONABLY EVALUATE ITS FINANCIAL
20 AND TECHNICAL VIABILITY AND IMPLEMENT ITS CCE PROGRAM;

21 (XV) HOW CCE MIGHT FACILITATE OR IMPEDE INCREASED
22 INTEGRATION OF DISTRIBUTED ENERGY RESOURCES, SUCH AS ROOFTOP
23 SOLAR, COMMUNITY SOLAR, AND BATTERY ENERGY STORAGE INTO
24 DISTRIBUTION SYSTEMS, AND FACILITATE OR IMPEDE INCREASED
25 INVESTMENT IN BENEFICIAL ELECTRIFICATION INCLUDING
26 ELECTRIFICATION OF TRANSPORT;

27 (XVI) THE APPROPRIATE CONSIDERATIONS FOR ENSURING THAT

1 THE IMPLEMENTATION OF CCE DOES NOT INCLUDE CUSTOMERS IN THE
2 CERTIFICATED TERRITORIES OF MUNICIPALLY OWNED ELECTRIC UTILITIES
3 OR COOPERATIVE ELECTRIC ASSOCIATIONS;

4 (XVII) THE IMPACT OF ALLOWING CCE IN COLORADO ON THE
5 ABILITY OF COLORADO TO REACH ITS CLEAN ENERGY AND GREENHOUSE
6 GAS REDUCTION GOALS AND WHAT LEGISLATIVE AND REGULATORY
7 REQUIREMENTS FOR CCE WOULD BE NEEDED TO FACILITATE REACHING
8 THOSE GOALS;

9 (XVIII) THE IMPACT, BOTH POSITIVE AND NEGATIVE, OF CCE IN
10 COMMUNITIES THAT HAVE FORMED OR JOINED A CCE AUTHORITY IN
11 STATES THAT HAVE ENABLED THE WHOLESALE, OPT-OUT MODEL OF CCE;

12 (XIX) THE IMPACT OF CCE ON LOW-INCOME CUSTOMERS,
13 INCLUDING THE AVAILABILITY OF LOW-INCOME PROGRAMS OFFERED
14 THROUGH THE INVESTOR-OWNED ELECTRIC UTILITY TO CCE CUSTOMERS
15 AND THE ABILITY OF CCE AUTHORITIES TO ESTABLISH ADDITIONAL
16 PROGRAMS TO ASSIST LOW-INCOME CUSTOMERS; AND

17 (XX) THE RISKS A CCE AUTHORITY MIGHT FACE THAT MERIT
18 CONSIDERATION, SUCH AS RESOURCE PRICE RISKS, CONTRACT RISKS, OR
19 LOAD DEFECTION, AND THEIR SIGNIFICANCE.

20 (d) **Report.** THE COMMISSION SHALL SUMMARIZE ITS FINDINGS,
21 CONCLUSIONS, AND RECOMMENDATIONS FROM THE INVESTIGATORY
22 DOCKET AND FROM THE CONCURRENT FEASIBILITY STUDY REQUIRED IN
23 SUBSECTION (3) OF THIS SECTION IN A FINAL REPORT TO THE
24 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE
25 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
26 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES. THE COMMISSION
27 SHALL SUBMIT THE REPORT ON OR BEFORE JUNE 1, 2021.

1 RECOMMENDATIONS MAY BE SPLIT INTO MAJORITY VIEWS AND DISSENTING
2 VIEWS IF NECESSARY.

3 (5) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,
4 2023.

5 **SECTION 2. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety.
8