

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

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Date

May 13, 2021

Committee on Energy & Environment.

After consideration on the merits, the Committee recommends the following:

SB21-103 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 7, line 6, strike "**director.**" and substitute  
2 "**director - powers of the office.**".

3 Page 7, line 21, strike "interest," and substitute "interest, INCLUDING THE  
4 IMPACT ON RATES AND CHARGES TO CONSUMERS,".

5 Page 8, after line 22 insert:

6 "(6) THE OFFICE SHALL CONDUCT ITS OWN LEGISLATIVE AFFAIRS,  
7 INCLUDING LOBBYING AS DEFINED IN SECTION 24-6-301 (3.5), IN MATTERS  
8 THAT INVOLVE PROPOSED CHANGES TO OR THAT WOULD AFFECT:

9 (a) A PUBLIC UTILITY'S RATES AND CHARGES, INCLUDING  
10 RULE-MAKING MATTERS OR OTHER ACTIONS THAT WOULD HAVE AN  
11 IMPACT ON RATES AND CHARGES;

12 (b) THE PROVISION OF SERVICES;

13 (c) CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR  
14 FACILITIES:

15 (I) THAT ARE OR WOULD BE USED IN PROVIDING UTILITY SERVICE;

16 AND

17 (II) THE CONSTRUCTION OF WHICH WOULD HAVE A MATERIAL  
18 EFFECT ON THE PUBLIC UTILITY'S RATES AND CHARGES; AND

19 (d) OTHER MATTERS THAT AFFECT THE PUBLIC INTEREST OF THE  
20 CONSTITUENTS THAT THE OFFICE REPRESENTS."

1 Page 9, line 8, strike "(3)(a)" and substitute "(3)(a); and **add** (1)(e)".

2 Page 9, after line 19 insert:

3 "(e) MAY INSPECT THE RECORDS, DOCUMENTS, AND OPERATIONS  
4 OF A PUBLIC UTILITY AND CONDUCT DEPOSITIONS UNDER OATH OF ANY  
5 OFFICER, AGENT, OR EMPLOYEE OF A PUBLIC UTILITY IN RELATION TO THE  
6 PUBLIC UTILITY'S BUSINESS AND AFFAIRS. TO EXERCISE THIS AUTHORITY,  
7 THE DIRECTOR SHALL PETITION THE COMMISSION, PURSUANT TO THE  
8 COMMISSION'S AUTHORITY UNDER SECTION 40-6-103 (1), TO:

9 (I) ISSUE A SUBPOENA ON A PUBLIC UTILITY REQUIRING THE PUBLIC  
10 UTILITY TO PRODUCE RECORDS OR DOCUMENTS, OR FOR RECORDS OR  
11 DOCUMENTS KEPT OUTSIDE OF THE STATE, TO PRODUCE VERIFIED COPIES  
12 OF RECORDS OR DOCUMENTS, FOR INSPECTION BY THE OFFICE AT SUCH  
13 TIME AND PLACE THAT THE COMMISSION DESIGNATES; OR

14 (II) ISSUE A SUBPOENA FOR THE ATTENDANCE OF WITNESSES AT A  
15 DEPOSITION TO BE CONDUCTED BY THE DIRECTOR OR THE DIRECTOR'S  
16 DESIGNEE AT SUCH TIME AND PLACE THAT THE COMMISSION DESIGNATES.  
17 THE DIRECTOR OR THE DIRECTOR'S DESIGNEE HAS THE AUTHORITY TO  
18 ADMINISTER OATHS OF WITNESSES AT A DEPOSITION HELD PURSUANT TO  
19 THIS SUBSECTION (1)(e)."

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