

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 5, 2023
Date

Committee on Transportation & Energy.

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

SB23-198 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 6, line 13, after "(1)(e)(VIII.5)(G)," insert
2 "(1)(e)(VIII.5)(H),".

3 Page 6, line 16, strike "**definitions.**" and substitute "**definitions -
4 repeal.**".

5 Page 8, line 5, before "THIS" insert "AS USED IN THIS SUBSECTION
6 (1)(e)(VIII.2), "INDEPENDENTLY DETERMINED" MEANS THAT, IN
7 VERIFYING A CLEAN ENERGY PLAN, THE DIVISION MAKES INDEPENDENT
8 JUDGMENT OF THE EMISSIONS IMPACT OF THE CLEAN ENERGY PLAN BASED
9 ON THE INFORMATION PRESENTED TO THE DIVISION BY THE APPLICABLE
10 ENTITY, THE PUBLIC UTILITIES COMMISSION, AND ANY STAKEHOLDERS.".

11 Page 8, line 15, after "BODY." insert "IN MAKING THIS INDEPENDENT
12 DETERMINATION, THE DIVISION IS NOT REQUIRED TO CONDUCT ITS OWN
13 MODELING.".

14 Page 12, line 7, strike "SECTION." and substitute "SECTION OR TO SUBMIT
15 A PLAN PURSUANT TO SUBSECTION (1)(e)(VIII)(I) OF THIS SECTION.".

16 Page 15, after line 19 insert:

17 "(H) NO LATER THAN MARCH 31, 2026, ANY ENTITY REQUIRED TO
18 SUBMIT A CLEAN ENERGY PLAN OR A PLAN PURSUANT TO SUBSECTION
19 (1)(e)(VIII)(I) OF THIS SECTION TO THE DIVISION MAY INFORM THE
20 DIVISION IN WRITING OF ANY CHALLENGES THE ENTITY IS ENCOUNTERING
21 OR EXPECTS TO ENCOUNTER IN ACHIEVING AT LEAST AN EIGHTY PERCENT
22 REDUCTION OF GREENHOUSE GAS EMISSIONS CAUSED BY THE ENTITY'S

1 COLORADO ELECTRICITY SALES BY 2030 RELATIVE TO 2005 LEVELS. IF AN
2 ENTITY INFORMS THE DIVISION OF ANY CHALLENGES IN ACHIEVING THE
3 GREENHOUSE GAS EMISSIONS REDUCTION PERCENTAGE, THE DIVISION, IN
4 COORDINATION WITH THE COLORADO ENERGY OFFICE CREATED IN SECTION
5 24-38.5-101 (1), SHALL HOLD AT LEAST ONE PUBLIC STAKEHOLDER
6 MEETING IN 2026 TO DISCUSS THE CHALLENGES RAISED BY THE ENTITY
7 AND STRATEGIES FOR THE ENTITY TO ACHIEVE THE GREENHOUSE GAS
8 EMISSIONS REDUCTION PERCENTAGE. IF, AFTER THE PUBLIC STAKEHOLDER
9 MEETING, AN ENTITY INFORMS THE DIVISION IN WRITING THAT THE ENTITY
10 IS STILL ENCOUNTERING OR EXPECTS TO ENCOUNTER CHALLENGES IN
11 ACHIEVING THE GREENHOUSE GAS EMISSIONS REDUCTION PERCENTAGE, NO
12 LATER THAN DECEMBER 31, 2026, THE DIVISION SHALL SUBMIT A CONCISE
13 REPORT TO THE GENERAL ASSEMBLY SUMMARIZING THE CHALLENGES THE
14 ENTITY IS ENCOUNTERING OR EXPECTS TO ENCOUNTER AND DESCRIBING
15 ANY POTENTIAL SOLUTIONS TO THE CHALLENGES. THIS SUBSECTION
16 (1)(e)(VIII.5)(H) IS REPEALED, EFFECTIVE JULY 1, 2027."

17 Page 15, line 25, strike the second "SUBMITTED".

18 Page 16, strike lines 3 and 4 and substitute "OBTAINS MORE THAN".

19 Page 16, line 5, after "A" insert "GREENHOUSE-GAS-EMITTING
20 GENERATION".

21 Page 16, line 6, after "THE" insert "COOPERATIVE RETAIL ELECTRIC
22 UTILITY'S" and strike "AND ANY" and substitute "PROVIDER".

23 Page 16, strike lines 7 through 10.

24 Page 18, after line 17 insert:

25 "(G) UPON THE REQUEST OF A COOPERATIVE RETAIL ELECTRIC
26 UTILITY, A WHOLESALE POWER MARKETER, AS DEFINED IN SUBSECTION
27 (1)(e)(VIII.7)(A) OF THIS SECTION, PUBLIC UTILITY, OR OWNER OF AN
28 ELECTRIC-GENERATING-RESOURCE THAT SUPPLIES ELECTRICITY TO THE
29 COOPERATIVE RETAIL ELECTRIC UTILITY SHALL PROVIDE ANY EMISSIONS
30 DATA IN ITS POSSESSION RELATING TO THE COOPERATIVE RETAIL ELECTRIC
31 UTILITY THAT IS NECESSARY FOR THE COOPERATIVE RETAIL ELECTRIC
32 UTILITY TO DEVELOP AND SUBMIT A CLEAN ENERGY PLAN TO THE DIVISION.
33 IN COMPLYING WITH THIS SUBSECTION (1)(e)(VIII.6)(G), A PERSON MAY
34 WITHHOLD ANY PROPRIETARY OR CONFIDENTIAL INFORMATION OR TRADE
35 SECRETS."

1 Page 18, line 21, strike "STATE." and substitute "STATE AND THAT
2 SUPPLIES THREE HUNDRED THOUSAND MEGAWATT-HOURS OR MORE OF
3 ELECTRICITY TO ENTITIES IN THE STATE ANNUALLY."

4 Page 18, line 25, strike "OR".

5 Page 18, line 26, strike "DIVISION." and substitute "DIVISION, OR AN
6 ENTITY THAT SUPPLIES CAPACITY OR ENERGY TO ELECTRIC UTILITIES
7 LOCATED IN THE STATE SOLELY THROUGH AN ORGANIZED MARKET THAT
8 ELECTRIC UTILITIES LOCATED IN THE STATE PARTICIPATE IN."

9 Page 19, lines 14 through 17, strike "ACHIEVES AT LEAST A FORTY-SIX
10 PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS CAUSED BY THE
11 WHOLESALE POWER MARKETER'S COLORADO ELECTRICITY SALES BY 2027
12 RELATIVE TO 2005 LEVELS AND" and substitute "MEETS THE
13 REQUIREMENTS OF SUBSECTION (1)(e)(VIII.9) OF THIS SECTION AND
14 ACHIEVES".

15 Page 20, lines 14 through 17, strike "ACHIEVES AT LEAST A FORTY-SIX
16 PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS CAUSED BY THE
17 WHOLESALE POWER MARKETER'S COLORADO ELECTRICITY SALES BY 2027
18 RELATIVE TO 2005 LEVELS AND" and substitute "MEETS THE
19 REQUIREMENTS OF SUBSECTION (1)(e)(VIII.9) OF THIS SECTION AND
20 ACHIEVES".

21 Page 21, lines 13 through 17, strike "ACHIEVE AT LEAST A FORTY-SIX
22 PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS CAUSED BY THE
23 UTILITY'S COLORADO ELECTRICITY SALES BY 2027 RELATIVE TO THE NEW
24 ELECTRIC UTILITY'S ANNUAL GREENHOUSE GAS EMISSIONS DURING ITS
25 FIRST YEAR OF OPERATIONS" and substitute "MEET THE REQUIREMENTS OF
26 SUBSECTION (1)(e)(VIII.9) OF THIS SECTION".

27 Page 22, line 1, strike "UTILITY ACHIEVES: AT LEAST" and substitute
28 "UTILITY:".

29 Page 22, strike lines 2 through 5 and substitute "MEETS THE
30 REQUIREMENTS OF SUBSECTION (1)(e)(VIII.9) OF THIS SECTION; AND
31 ACHIEVES AT LEAST AN".

32 Page 22, line 11, after "PLAN" insert "OR ANY PLAN SUBMITTED PURSUANT
33 TO SUBSECTION (1)(e)(VIII)(I) OF THIS SECTION THAT IS SUBMITTED TO
34 THE DIVISION ON OR AFTER JANUARY 1, 2024,".

1 Page 22, line 14, strike "LEVELS." and substitute "LEVELS, IF THE
2 ACHIEVEMENT OF THE FORTY-SIX PERCENT REDUCTION IN GREENHOUSE
3 GAS EMISSIONS WILL MAINTAIN RELIABILITY AND RESULT IN AN
4 INCREMENTAL AVERAGE ANNUAL COST TO THE ENTITY OF NO MORE THAN
5 TWO AND ONE-HALF PERCENT OF THE ENTITY'S TOTAL SYSTEM COSTS."

6 Page 22, strike lines 15 through 27.

7 Page 23, strike lines 1 through 13 and substitute:

8 "(B) SUBSECTIONS (1)(e)(VIII.9)(C) AND (1)(e)(VIII.9)(D) OF
9 THIS SECTION APPLY TO ANY ENTITY THAT, BEFORE JANUARY 1, 2024,
10 SUBMITS A CLEAN ENERGY PLAN OR A PLAN PURSUANT TO SUBSECTION
11 (1)(e)(VIII)(I) OF THIS SECTION TO THE DIVISION AND THE VERIFICATION
12 WORKBOOK FOR THE PLAN PROJECTS THAT THE PLAN WILL NOT ACHIEVE
13 THE REDUCTION IN GREENHOUSE GAS EMISSIONS DESCRIBED IN
14 SUBSECTION (1)(e)(VIII.9)(A) OF THIS SECTION.

15 (C) ANY ENTITY DESCRIBED IN SUBSECTION (1)(e)(VIII.9)(B) OF
16 THIS SECTION IS ENCOURAGED TO ACHIEVE THE REDUCTION IN
17 GREENHOUSE GAS EMISSIONS DESCRIBED IN SUBSECTION (1)(e)(VIII.9)(A)
18 OF THIS SECTION. AS A PART OF ANY ELECTRIC RESOURCE PLAN
19 DEVELOPED, FINALIZED, OR SUBMITTED ON OR AFTER JULY 1, 2023, ANY
20 ENTITY DESCRIBED IN SUBSECTION (1)(e)(VIII.9)(B) OF THIS SECTION
21 SHALL MODEL: AT LEAST ONE PORTFOLIO THAT ACHIEVES THE REDUCTION
22 IN GREENHOUSE GAS EMISSIONS DESCRIBED IN SUBSECTION
23 (1)(e)(VIII.9)(A) OF THIS SECTION AND ACHIEVES AT LEAST AN EIGHTY
24 PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS CAUSED BY THE
25 ENTITY'S COLORADO ELECTRICITY SALES BY 2030 RELATIVE TO 2005
26 LEVELS; AND AT LEAST ONE PORTFOLIO THAT ACHIEVES GREATER
27 GREENHOUSE GAS EMISSIONS REDUCTIONS THAN THE REDUCTIONS THAT
28 THE CLEAN ENERGY PLAN SUBMITTED BEFORE JANUARY 1, 2024, IS
29 PROJECTED TO ACHIEVE BY 2027 AND ACHIEVES AT LEAST AN EIGHTY
30 PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS CAUSED BY THE
31 ENTITY'S COLORADO ELECTRICITY SALES BY 2030 RELATIVE TO 2005
32 LEVELS. THE ENTITY'S GOVERNING BODY SHALL CONSIDER THESE TWO
33 PORTFOLIOS AS PART OF THE ELECTRIC RESOURCE PLANNING PROCESS.

34 (D) TO ASSIST ENTITIES THAT HAVE SUBMITTED A CLEAN ENERGY
35 PLAN OR A PLAN PURSUANT TO SUBSECTION (1)(e)(VIII)(I) OF THIS
36 SECTION TO COST-EFFECTIVELY MAXIMIZE REDUCTION IN GREENHOUSE
37 GAS EMISSIONS AS PART OF THE ELECTRIC RESOURCE PLANNING PROCESS
38 AND TO OTHERWISE ACCELERATE GREENHOUSE GAS EMISSIONS
39 REDUCTIONS, AT THE REQUEST OF AN ENTITY THAT HAS SUBMITTED A
40 CLEAN ENERGY PLAN OR A PLAN SUBMITTED PURSUANT TO SUBSECTION

1 (1)(e)(VIII)(I) OF THIS SECTION THAT HAS BEEN VERIFIED BY THE DIVISION
2 IN CONSULTATION WITH THE PUBLIC UTILITIES COMMISSION, THE
3 COLORADO ENERGY OFFICE, CREATED IN SECTION 24-38.5-101 (1), SHALL
4 PROVIDE THE ENTITY WITH INFORMATION REGARDING FEDERAL FUNDING
5 OPPORTUNITIES FOR ACCELERATING REDUCTIONS IN GREENHOUSE GAS
6 EMISSIONS."

7 Page 24, strike lines 13 through 16.

8 Renumber succeeding section accordingly.

9 Strike "EIGHTEEN" and substitute "TWENTY-FOUR" on **Page 16**, lines 12,
10 14, and 21.

11 Strike "NINE" and substitute "TWELVE" on **Page 16**, line 27; and **Page 17**,
12 line 14.

13 Strike "ACHIEVE AT LEAST A FORTY-SIX PERCENT REDUCTION IN
14 GREENHOUSE GAS EMISSIONS CAUSED BY THE UTILITY'S COLORADO
15 ELECTRICITY SALES BY 2027 RELATIVE TO 2005 LEVELS" and substitute
16 "MEET THE REQUIREMENTS OF SUBSECTION (1)(e)(VIII.9) OF THIS
17 SECTION" on: **Page 17**, lines 5 through 8 and lines 20 through 22.

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