

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

**INTRODUCED**

LLS NO. 19-0353.02 Jennifer Berman x3286

**SENATE BILL 19-236**

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**SENATE SPONSORSHIP**

**Garcia and Fenberg**, Foote, Winter

**HOUSE SPONSORSHIP**

**(None)**,

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**Senate Committees**  
Transportation & Energy

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE CONTINUATION OF THE PUBLIC UTILITIES**  
102              **COMMISSION, AND, IN CONNECTION THEREWITH, IMPLEMENTING**  
103              **THE RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET**  
104              **REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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**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/>.)*

**Sunset Process - Senate Transportation and Energy Committee.** The bill implements the recommendations of the department of regulatory agencies' sunset review and report on the public utilities

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.

commission (commission) by:

- ! Authorizing the commission to promulgate rules to delegate routine, administrative transportation matters to staff and clarifying that the commission provides initial review of each case submitted for adjudication and determines whether it wishes to retain the case or to assign it to an administrative law judge or to an individual commissioner (**section 14** of the bill);
- ! Providing for alternate forms of communication that a public utility may utilize to notify its customers of rate changes, including text message and e-mail, and requiring the public utility to post notice of the rate change on its public website (**section 11**);
- ! Transferring the administration of the legal services offset fund from the department of law to the department of regulatory agencies (**section 15**);
- ! Making technical changes regarding criminal history record checks and telecommunications (**sections 17 and 19 through 22**);
- ! Repealing a requirement that an electric utility, as part of the electric utility's plan for acquisition of renewable resources, purchase a certain amount of energy from community solar gardens in the years 2011 through 2013, but delaying the repeal until 2043 to keep the legislation in place until contracts entered into pursuant to the requirement have likely all expired (**section 9**);
- ! Repealing the requirement that the commission, in considering electric utilities' proposals for generation acquisition, give consideration to proposals to propose, fund, and construct integrated gasification combined cycle generation facilities (**section 8**); and
- ! Clarifying that the commission may impose a civil penalty for a violation of railroad crossing safety regulations (**section 13**).

The bill also:

- ! Creates the division of public utilities (division) as if it were transferred by a **type 2** transfer, as a separate entity from the commission (**sections 3 to 7**);
- ! Directs the commission to promulgate rules to require an investor-owned utility to file with the commission, for the commission's approval, a distribution system plan regarding the utility's anticipated distribution system investments (**section 10**);
- ! Requires an investor-owned utility, when submitting a filing to the commission that includes a proposed

retirement of an electric generating facility, to include in the filing a workforce transition plan that provides estimates of workforce transitions that will occur as a result of retiring the electric generating facility (**section 10**);

! Directs the commission to evaluate the cost of carbon dioxide emissions in any proceeding related to a public utility subject to the commission's jurisdiction and to promulgate rules to require those public utilities, when submitting filings related to planning processes, including electric resource plans, to include the cost of carbon dioxide emissions related to the activities proposed in the plan (**section 12**); and

! Authorizes the commission to regulate vehicle booting companies, which are private entities in the business of immobilizing motor vehicles through use of a boot, through issuance of permits and enforcement mechanisms including inspections, imposition of a civil penalty, and revocation of a permit (**sections 16 and 18**).

The bill continues the functions of the commission for and gives the division a life of 7 years, until 2026 (**sections 1 and 2**).

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-101, **amend**  
3 (3)(b) as follows:

4 **40-2-101. Creation - appointment - term - subject to**  
5 **termination - repeal of part.** (3) (b) (I) This part 1 is repealed, effective  
6 September 1, ~~2019~~ 2026.

7 (II) ~~Prior to its~~ BEFORE THE repeal, the public utilities commission  
8 ~~shall be reviewed as provided for in~~ AND THE DIVISION OF PUBLIC  
9 UTILITIES ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH section  
10 24-34-104. ~~C.R.S.~~

11 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**  
12 (17)(a)(I); and **add** (27)(a)(VIII) as follows:

13 **24-34-104. General assembly review of regulatory agencies**  
14 **and functions for repeal, continuation, or reestablishment - legislative**

1 **declaration - repeal.** (17) (a) The following agencies, functions, or both,  
2 are scheduled for repeal on September 1, 2019:

3 (I) ~~The Colorado public utilities commission created in article 2~~  
4 ~~of title 40, C.R.S.;~~

5 (27) (a) The following agencies, functions, or both, are scheduled  
6 for repeal on September 1, 2026:

7 (VIII) THE COLORADO PUBLIC UTILITIES COMMISSION AND THE  
8 DIVISION OF PUBLIC UTILITIES CREATED IN ARTICLE 2 OF TITLE 40.

9 **SECTION 3.** In Colorado Revised Statutes, 24-1-122, **amend** (2)  
10 introductory portion and (2)(a) as follows:

11 **24-1-122. Department of regulatory agencies - creation.**

12 (2) The department of regulatory agencies ~~shall consist~~ CONSISTS of the  
13 following divisions:

14 (a) (I) The public utilities commission, created by article 2 of title  
15 40. ~~C.R.S.~~ Its powers, duties, and functions are transferred by a **type 1**  
16 transfer to the department of regulatory agencies as a division thereof.  
17 ADMINISTRATIVE POWERS, DUTIES, AND FUNCTIONS OF THE COMMISSION  
18 MAY BE PERFORMED BY THE DIVISION OF PUBLIC UTILITIES CREATED IN  
19 SECTION 40-2-103 AND BY THE DIRECTOR OF THE DIVISION OF PUBLIC  
20 UTILITIES.

21 (II) ~~The director of the commission shall serve as the division~~  
22 ~~director~~ THE DIVISION OF PUBLIC UTILITIES, WHICH DIVISION IS CREATED  
23 IN SECTION 40-2-103. THE DIVISION OF PUBLIC UTILITIES AND THE  
24 DIRECTOR OF THE DIVISION SHALL EXERCISE THEIR POWERS AND PERFORM  
25 THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY  
26 AGENCIES AS IF THE DIVISION WERE TRANSFERRED TO THE DEPARTMENT  
27 OF REGULATORY AGENCIES BY A **TYPE 2** TRANSFER.

1           **SECTION 4.** In Colorado Revised Statutes, 40-1-102, **add** (6.3)  
2 and (6.5) as follows:

3           **40-1-102. Definitions.** As used in articles 1 to 7 of this title 40,  
4 unless the context otherwise requires:

5           (6.3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF  
6 PUBLIC UTILITIES.

7           (6.5) "DIVISION" MEANS THE DIVISION OF PUBLIC UTILITIES  
8 CREATED IN SECTION 40-2-103.

9           **SECTION 5.** In Colorado Revised Statutes, 40-2-103, **amend** (1)  
10 as follows:

11           **40-2-103. Division of public utilities - director - duties.** (1) THE  
12 DIVISION OF PUBLIC UTILITIES IS HEREBY CREATED IN THE DEPARTMENT OF  
13 REGULATORY AGENCIES. The executive director of the department of  
14 regulatory agencies, pursuant to section 13 of article XII of the state  
15 constitution, and with the approval of the commission, shall appoint a  
16 director of the ~~commission~~ DIVISION. THE ROLE OF THE DIRECTOR IS TO  
17 SUPERVISE AND ADMINISTER THE OPERATION OF THE COMMISSION AND THE  
18 DIVISION IN ACCORDANCE WITH THIS TITLE 40 AND RULES PROMULGATED  
19 PURSUANT TO THIS TITLE 40 AND TO EMPLOY AND DIRECT SUCH  
20 PERSONNEL AS MAY BE NECESSARY TO EFFECTUATE THE PURPOSES OF THIS  
21 TITLE 40. The director shall manage the operations of the ~~agency~~ DIVISION  
22 in order to carry out the public utilities law ~~to~~ AND carry out and  
23 implement policies, procedures, and decisions made by the commission.  
24 ~~and to meet the requirements of the commission concerning any matters~~  
25 ~~within the authority of an agency transferred by a type 1 transfer, as~~  
26 ~~defined in section 24-1-105, C.R.S., and which requirements are under~~  
27 ~~the jurisdiction of the commission. The director has all the powers and~~

1 ~~responsibilities of the division director for this purpose, including the~~  
2 ~~power to issue all necessary process, writs, warrants, and notices. The~~  
3 ~~director has the requisite power to serve warrants and other process in any~~  
4 ~~county or city and county of this state and to delegate such actions to duly~~  
5 ~~authorized employees or agents of the agency as appropriate~~ THE  
6 DIRECTOR AND THE DIVISION SHALL EXERCISE THEIR POWERS AND  
7 PERFORM THEIR DUTIES AND FUNCTIONS UNDER THE DEPARTMENT OF  
8 REGULATORY AGENCIES AS IF THEIR POWERS, DUTIES, AND FUNCTIONS  
9 WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER.

10 **SECTION 6.** In Colorado Revised Statutes, 40-2-104, **amend** (1)  
11 and (3) as follows:

12 **40-2-104. Assistants and employees.** (1) The director ~~of the~~  
13 ~~commission~~ may appoint ~~such~~ experts, engineers, statisticians,  
14 accountants, investigative personnel, clerks, and other employees as ~~are~~  
15 necessary to carry out the provisions of this ~~title~~ TITLE 40 or to perform  
16 the duties and exercise the powers conferred by law upon the commission  
17 AND THE DIVISION.

18 (3) The director ~~of the commission~~ shall hire and designate  
19 employees of the ~~commission~~ DIVISION as administrative law judges, who  
20 ~~shall have the power to~~ MAY administer oaths, examine witnesses, receive  
21 evidence, and conduct hearings, investigations, and other proceedings on  
22 behalf of the commission AND THE DIVISION.

23 **SECTION 7.** In Colorado Revised Statutes, 40-2-107, **amend** (1)  
24 and (3) as follows:

25 **40-2-107. Compensation and expenses of employees.** (1) All  
26 DIVISION employees ~~of the commission shall~~ ARE ENTITLED TO receive  
27 ~~such~~ compensation as ~~may be~~ fixed pursuant to law.

1 (3) All expenses incurred by the commission AND THE DIVISION  
2 pursuant to ~~the provisions of this title~~ TITLE 40, including the actual and  
3 necessary traveling expenses and other expenses and disbursements of the  
4 commissioners, ~~their~~ officers, and employees OF THE DIVISION, shall be  
5 paid by the controller from the funds appropriated for the use of the  
6 commission ~~upon vouchers of the commission therefor~~ AND THE DIVISION.

7 **SECTION 8.** In Colorado Revised Statutes, **repeal** 40-2-123 (2).

8 **SECTION 9.** In Colorado Revised Statutes, 40-2-127, **amend**  
9 (3)(b) introductory portion; and **add** (5)(a)(III.5) as follows:

10 **40-2-127. Community energy funds - community solar**  
11 **gardens - definitions - rules - legislative declaration - repeal.**

12 (3) **Subscriber organization - subscriber qualifications -**  
13 **transferability of subscriptions.** (b) ~~On or before October 1, 2010;~~ The  
14 commission shall ~~commence a rule-making proceeding to~~ adopt rules as  
15 necessary to implement this section, including ~~but not limited to~~ rules to  
16 facilitate the financing of subscriber-owned community solar gardens.  
17 ~~Such~~ THE rules ~~shall~~ MUST include:

18 (5) **Purchases of the output from community solar gardens.**

19 (a) (III.5) SUBSECTIONS (5)(a)(II) AND (5)(a)(III) OF THIS SECTION AND  
20 THIS SUBSECTION (5)(a)(III.5) ARE REPEALED, EFFECTIVE JULY 1, 2043.

21 **SECTION 10.** In Colorado Revised Statutes, **add** 40-2-132 and  
22 40-2-133 as follows:

23 **40-2-132. Distribution system planning - definition - rules.**

24 (1) THE COMMISSION SHALL PROMULGATE RULES ESTABLISHING  
25 DISTRIBUTION SYSTEM PLANNING. THE COMMISSION'S RULES MUST:

26 (a) INCLUDE A DEFINITION OF DISTRIBUTED ENERGY RESOURCES  
27 THAT INCLUDES:

- 1 (I) DISTRIBUTED RENEWABLE ELECTRIC GENERATION;
- 2 (II) ENERGY STORAGE SYSTEMS INTERCONNECTED AT THE
- 3 DISTRIBUTION GRID;
- 4 (III) MICROGRIDS;
- 5 (IV) ENERGY EFFICIENCY MEASURES;
- 6 (V) DEMAND RESPONSE MEASURES; AND
- 7 (VI) ELECTRIC VEHICLES; AND
- 8 (b) DIRECT EACH QUALIFYING RETAIL UTILITY TO FILE A
- 9 DISTRIBUTION SYSTEM PLAN THAT INCLUDES:
  - 10 (I) A DESCRIPTION OF EACH OF THE QUALIFYING RETAIL UTILITY'S
  - 11 ANTICIPATED DISTRIBUTION SYSTEM INVESTMENTS FOR THE YEARS
  - 12 COVERED BY THE PLAN;
  - 13 (II) AN ANALYSIS AT THE CIRCUIT LEVEL OF THE POTENTIAL FOR
  - 14 DISTRIBUTED ENERGY RESOURCE DEPLOYMENT, INCLUDING:
    - 15 (A) ANALYSIS OF CURRENT DISTRIBUTED ENERGY RESOURCE
    - 16 DEPLOYMENT AND LOCATION;
    - 17 (B) THE CAPACITY OF ELECTRIC DISTRIBUTION LINES TO HOST
    - 18 ADDITIONAL RESOURCES; AND
    - 19 (C) ALL NEW OR PLANNED UPGRADES TO SUBSTATIONS AND
    - 20 ELECTRIC DISTRIBUTION LINES;
    - 21 (III) AN UPDATED LOAD FORECAST THAT INCLUDES ANY NEW LOAD
    - 22 RESULTING FROM PROJECTED OR REASONABLY ANTICIPATED GROWTH
    - 23 FROM BENEFICIAL ELECTRIFICATION PROGRAMS;
    - 24 (IV) A FORECAST OF THE GROWTH OF DISTRIBUTED ENERGY
    - 25 RESOURCES;
    - 26 (V) A PLAN FOR STAKEHOLDER ENGAGEMENT;
    - 27 (VI) A PROJECTION OF TOTAL COST FOR UTILITY INVESTMENT;



1 (VII) AN ESTIMATE OF CUSTOMER SAVINGS, IF ANY, FROM THE  
2 QUALIFYING RETAIL UTILITY'S INVESTMENT IN ITS DISTRIBUTION GRID;

3 (VIII) A PROPOSED METHODOLOGY FOR VALUING DISTRIBUTED  
4 ENERGY RESOURCES THAT INCORPORATES POTENTIAL COSTS AND BENEFITS  
5 OF THOSE RESOURCES, INCLUDING ANCILLARY, LOCATIONAL, OR CARBON  
6 DIOXIDE EMISSION REDUCTION BENEFITS;

7 (IX) IDENTIFYING SYSTEM UPGRADES OR EXPANSIONS THAT THE  
8 QUALIFYING RETAIL UTILITY DEEMS NECESSARY TO ENSURE THE SAFETY  
9 AND RELIABILITY OF THE DISTRIBUTION SYSTEM; AND

10 (X) ANY OTHER INFORMATION THAT THE COMMISSION DEEMS  
11 RELEVANT.

12 (2) THE COMMISSION MUST APPROVE A QUALIFYING RETAIL  
13 UTILITY'S DISTRIBUTION SYSTEM PLAN IF THE COMMISSION FINDS THE PLAN  
14 TO BE IN THE PUBLIC INTEREST. THE COMMISSION MAY MODIFY A  
15 QUALIFYING RETAIL UTILITY'S DISTRIBUTION SYSTEM PLAN TO ENSURE  
16 THAT THE PLAN IS IN THE PUBLIC INTEREST. INVESTMENTS MADE  
17 PURSUANT TO AN APPROVED DISTRIBUTION SYSTEM PLAN SHALL BE  
18 DEEMED PRUDENT FOR THE PURPOSE OF COST RECOVERY BY THE  
19 QUALIFYING RETAIL UTILITY.

20 (3) AS USED IN THIS SECTION, "QUALIFYING RETAIL UTILITY" HAS  
21 THE MEANING DESCRIBED IN SECTION 40-2-124 (1); EXCEPT THAT THE  
22 TERM DOES NOT MEAN A MUNICIPALLY OWNED UTILITY OR A COOPERATIVE  
23 ELECTRIC ASSOCIATION.

24 **40-2-133. Workforce transition planning filing - definition.**

25 (1) A QUALIFYING RETAIL UTILITY REGULATED BY THE COMMISSION THAT  
26 SUBMITS A FILING, INCLUDING A RESOURCE PLAN OR APPLICATION, THAT  
27 INCLUDES A PROPOSED RETIREMENT OF AN ELECTRIC GENERATING

1 FACILITY SHALL ALSO INCLUDE A WORKFORCE TRANSITION PLAN AS PART  
2 OF ITS FILING.

3 (2) TO THE EXTENT PRACTICABLE, A WORKFORCE TRANSITION  
4 PLAN MUST INCLUDE ESTIMATES OF:

5 (a) THE NUMBER OF WORKERS EMPLOYED BY THE QUALIFYING  
6 RETAIL UTILITY OR A CONTRACTOR OF THE QUALIFYING RETAIL UTILITY AT  
7 THE ELECTRIC GENERATING FACILITY, WHICH NUMBER MUST INCLUDE ALL  
8 WORKERS THAT DIRECTLY DELIVER FUEL TO THE ELECTRIC GENERATING  
9 UTILITY;

10 (b) THE TOTAL NUMBER OF WORKERS WHOSE EXISTING JOBS, AS A  
11 RESULT OF THE RETIREMENT OF THE ELECTRIC GENERATING FACILITY:

12 (I) WILL BE RETAINED; AND

13 (II) WILL BE ELIMINATED;

14 (c) WITH RESPECT TO THE WORKERS WHOSE EXISTING JOBS WILL  
15 BE ELIMINATED DUE TO THE RETIREMENT OF THE ELECTRIC GENERATING  
16 FACILITY, THE TOTAL NUMBER AND THE NUMBER BY JOB CLASSIFICATION  
17 OF WORKERS:

18 (I) WHOSE EMPLOYMENT WILL END WITHOUT THEM BEING  
19 OFFERED OTHER EMPLOYMENT;

20 (II) WHO WILL RETIRE AS PLANNED, BE OFFERED EARLY  
21 RETIREMENT, OR LEAVE ON THEIR OWN;

22 (III) WHO WILL BE RETAINED BY BEING TRANSFERRED TO OTHER  
23 ELECTRIC GENERATING FACILITIES OR OFFERED OTHER EMPLOYMENT BY  
24 THE QUALIFYING RETAIL UTILITY; AND

25 (IV) WHO WILL BE RETAINED TO CONTINUE TO WORK FOR THE  
26 QUALIFYING RETAIL UTILITY IN A NEW JOB CLASSIFICATION; AND

27 (d) IF THE QUALIFYING RETAIL UTILITY IS REPLACING THE ELECTRIC

1 GENERATING FACILITY BEING RETIRED WITH A NEW ELECTRIC GENERATING  
2 FACILITY, THE NUMBER OF:

3 (I) WORKERS FROM THE RETIRED ELECTRIC GENERATING FACILITY  
4 WHO WILL BE EMPLOYED AT THE NEW ELECTRIC GENERATING FACILITY;  
5 AND

6 (II) JOBS AT THE NEW ELECTRIC GENERATING FACILITY THAT WILL  
7 BE OUTSOURCED TO CONTRACTORS OR SUBCONTRACTORS.

8 (3) AS USED IN THIS SECTION, "QUALIFYING RETAIL UTILITY" HAS  
9 THE MEANING DESCRIBED IN SECTION 40-2-124 (1); EXCEPT THAT THE  
10 TERM DOES NOT MEAN A MUNICIPALLY OWNED UTILITY OR A COOPERATIVE  
11 ELECTRIC ASSOCIATION.

12 **SECTION 11.** In Colorado Revised Statutes, 40-3-104, **amend**  
13 (1)(c)(I) introductory portion, (1)(c)(I)(C), and (1)(c)(I)(D); and **add**  
14 (1)(c)(I)(E), (1)(c)(VI), and (1)(c)(VII) as follows:

15 **40-3-104. Changes in rates - notice.** (1) (c) (I) A public utility  
16 shall provide the notice required under ~~paragraph (a) of this subsection~~  
17 ~~(I)~~ SUBSECTION (1)(a) OF THIS SECTION by filing with the commission and  
18 keeping open for public inspection new schedules stating plainly the  
19 changes to be made in the schedules then in force and the time when the  
20 changes will go into effect. AT THE TIME OF THE PUBLIC UTILITY'S FILING  
21 WITH THE COMMISSION, THE PUBLIC UTILITY SHALL POST THE NOTICE ON  
22 ITS PUBLIC WEBSITE, WHICH POSTING MUST BE CONSPICUOUSLY DISPLAYED  
23 ON THE WEBSITE FOR AT LEAST THIRTY DAYS. The commission may  
24 require transportation and water utilities to give additional notice in a  
25 manner set forth by order or rule. For public utilities other than  
26 transportation and water utilities, the commission shall require additional  
27 notice prior to an increase or other change in any rate, fare, toll, rental,

1 charge, classification, or service, which additional notice may be made,  
2 at the option of the public utility, by any of the following methods:

3 (C) Inclusion of an insert in, OR A CLEAR AND CONSPICUOUS  
4 STATEMENT ON, the bill mailed to each affected customer of the public  
5 utility during a regular billing cycle not later than the twentieth day of the  
6 thirty-day period prior to the effective date of the increase or change; or

7 (D) ~~At the request of the public utility, such other manner as the~~  
8 ~~commission may prescribe.~~ SUBJECT TO SUBSECTION (1)(c)(VII) OF THIS  
9 SECTION, NOT LATER THAN THE TWENTIETH DAY OF THE THIRTY-DAY  
10 PERIOD BEFORE THE EFFECTIVE DATE OF THE INCREASE OR CHANGE,  
11 SENDING AN E-MAIL OR TEXT MESSAGE TO EACH AFFECTED CUSTOMER OF  
12 THE PUBLIC UTILITY FOR WHOM THE UTILITY HAS AN E-MAIL ADDRESS OR  
13 A MOBILE TELEPHONE NUMBER; OR

14 (E) AT THE REQUEST OF THE PUBLIC UTILITY, SUCH OTHER MANNER  
15 AS THE COMMISSION MAY PRESCRIBE.

16 (VI) A PUBLIC UTILITY THAT PROVIDES ADDITIONAL NOTICE  
17 PURSUANT TO SUBSECTION (1)(c)(I) OF THIS SECTION MUST INCLUDE IN  
18 THE ADDITIONAL NOTICE:

19 (A) THE PUBLIC UTILITY'S PUBLIC WEBSITE ADDRESS; AND

20 (B) A TOLL-FREE TELEPHONE NUMBER ASSOCIATED WITH THE  
21 PUBLIC UTILITY THAT A CUSTOMER MAY CALL FOR ADDITIONAL  
22 INFORMATION OR ASSISTANCE. IF A PUBLIC UTILITY SENDS ADDITIONAL  
23 NOTICE BY E-MAIL OR TEXT MESSAGE PURSUANT TO SUBSECTION  
24 (1)(c)(I)(D) OF THIS SECTION, THE E-MAIL OR TEXT MESSAGE NEED NOT  
25 INCLUDE ALL INFORMATION REQUIRED BY THIS SUBSECTION (1)(c)(VI);  
26 HOWEVER, THE E-MAIL OR TEXT MESSAGE MUST INCLUDE A LINK TO THE  
27 PORTION OF THE PUBLIC UTILITY'S PUBLIC WEBSITE WHERE THAT

1 INFORMATION IS POSTED.

2 (VII) A PUBLIC UTILITY MAY PROVIDE ADDITIONAL NOTICE  
3 PURSUANT TO SUBSECTION (1)(c)(I)(D) OF THIS SECTION ONLY IF THE  
4 PUBLIC UTILITY PROVIDES ITS CUSTOMERS WITH A MECHANISM BY WHICH  
5 A CUSTOMER MAY OPT OUT OF RECEIVING E-MAIL OR TEXT MESSAGE  
6 NOTIFICATIONS. FOR ANY CUSTOMER THAT OPTS OUT, THE PUBLIC UTILITY  
7 SHALL PROVIDE AN ALTERNATE METHOD OF ADDITIONAL NOTICE  
8 AUTHORIZED UNDER SUBSECTION (1)(c)(I) OF THIS SECTION.

9 **SECTION 12.** In Colorado Revised Statutes, **add 40-3.2-106** as  
10 follows:

11 **40-3.2-106. Costs of pollution in utility planning - definition -**  
12 **rules.** (1) THE COMMISSION SHALL EVALUATE THE COST OF CARBON  
13 DIOXIDE EMISSIONS IN PROCEEDINGS RELATED TO A PUBLIC UTILITY THAT  
14 IS SUBJECT TO COMMISSION JURISDICTION. THE COMMISSION SHALL REVISE  
15 OR CLARIFY ITS RULES TO REQUIRE A PUBLIC UTILITY SUBJECT TO  
16 COMMISSION JURISDICTION, WHEN EVALUATING ITS COSTS, SAVINGS, OR  
17 NET PRESENT VALUE IN APPLICATIONS ADDRESSING PLANNING PROCESSES,  
18 TO INCLUDE THE COST OF CARBON DIOXIDE EMISSIONS RELATED TO THE  
19 FOLLOWING FILINGS:

20 (a) ELECTRIC RESOURCE PLANS OR ANY UTILITY PLAN OR  
21 APPLICATION THAT PROPOSES THE ACQUISITION OF NEW ELECTRIC  
22 GENERATING RESOURCES OR CONSIDERS OR PROPOSES THE RETIREMENT OF  
23 EXISTING UTILITY GENERATION. FOR SUCH PLANS OR APPLICATIONS, THE  
24 COST OF CARBON DIOXIDE EMISSIONS MUST:

25 (I) APPLY TO THE EVALUATION OF ALL EXISTING ELECTRIC  
26 GENERATION RESOURCES AND PROPOSED RESOURCES; AND

27 (II) BE USED IN BASE MODELING. THE COMMISSION MAY ADOPT

1 RULES THAT ALLOW A UTILITY TO USE OTHER COSTS FOR CARBON DIOXIDE  
2 EMISSIONS FOR THE PURPOSE OF SCENARIO ANALYSIS.

3 (b) A PLAN OR APPLICATION SUBMITTED BY A QUALIFYING RETAIL  
4 UTILITY TO COMPLY WITH THE REQUIREMENTS OF:

5 (I) SECTION 40-2-124;

6 (II) SECTION 40-3.2-103; OR

7 (III) SECTION 40-3.2-104;

8 (c) A PLAN OR APPLICATION FOR DISTRIBUTION SYSTEM PLANNING,  
9 TRANSPORTATION ELECTRIFICATION, OR BENEFICIAL ELECTRIFICATION;  
10 AND

11 (d) ANY OTHER ELECTRIC OR GAS UTILITY PLAN OR APPLICATION  
12 THAT THE COMMISSION DEEMS APPROPRIATE.

13 (2) IN PROMULGATING RULES PURSUANT TO THIS SECTION, THE  
14 COMMISSION SHALL ADOPT:

15 (a) A BASE COST OF AT LEAST FORTY-SIX DOLLARS PER SHORT TON,  
16 COMMENCING IN 2020, AND AN ESCALATION RATE THAT IS NOT LOWER  
17 THAN THE PROJECTED RATE OF INFLATION. AT ANY TIME, IF THE  
18 COMMISSION DETERMINES THAT A HIGHER ESCALATION RATE OR INCREASE  
19 IN THE COST OF CARBON DIOXIDE EMISSIONS IS WARRANTED BY ECONOMIC  
20 AND SCIENCE-BASED GUIDELINES, THE COMMISSION MAY ADOPT A HIGHER  
21 ESCALATION RATE OR INCREASE THE COST OF CARBON DIOXIDE EMISSIONS  
22 ABOVE THE AMOUNT SET FORTH IN THIS SUBSECTION (2)(a).

23 (b) FOR BASE MODELING, A DISCOUNT RATE OF LOWER THAN FIVE  
24 PERCENT FOR ELECTRIC GENERATING RESOURCES. THE COMMISSION MAY  
25 ADOPT RULES THAT AUTHORIZE A UTILITY SUBJECT TO COMMISSION  
26 JURISDICTION TO USE OTHER DISCOUNT RATES FOR THE PURPOSE OF  
27 SCENARIO ANALYSIS OR ANOTHER TYPE OF ANALYSIS.

1 (3) AS USED IN THIS SECTION, "QUALIFYING RETAIL UTILITY" HAS  
2 THE MEANING DESCRIBED IN SECTION 40-2-124 (1); EXCEPT THAT THE  
3 TERM DOES NOT MEAN A MUNICIPALLY OWNED UTILITY OR A COOPERATIVE  
4 ELECTRIC ASSOCIATION.

5 **SECTION 13.** In Colorado Revised Statutes, 40-4-106, **amend**  
6 (1) as follows:

7 **40-4-106. Rules for public safety - crossings - civil fines -**  
8 **allocation of expenses.** (1) (a) The commission ~~shall have power~~ MAY,  
9 after hearing on its own motion or upon complaint, ~~to~~ make general or  
10 special orders, PROMULGATE rules, or ~~regulations or otherwise~~ ACT BY  
11 OTHER MEANS to require each public utility to maintain and operate its  
12 lines, plant, system, equipment, electrical wires, apparatus, tracks, and  
13 premises in such A manner as to promote and safeguard the health and  
14 safety of its employees, passengers, customers, subscribers, and the public  
15 and to require the performance of any other act ~~which~~ THAT the health or  
16 safety of its employees, passengers, customers, subscribers, or the public  
17 may demand.

18 (b) IF, PURSUANT TO THIS SUBSECTION (1), THE COMMISSION  
19 ISSUES AN ORDER OR PROMULGATES A RULE REQUIRING A RAILROAD  
20 COMPANY TO COMPLY WITH RAILROAD CROSSING SAFETY REGULATIONS,  
21 THE COMMISSION MAY IMPOSE A CIVIL PENALTY PURSUANT TO ARTICLE 7  
22 OF THIS TITLE 40, IN AN AMOUNT NOT TO EXCEED THE MAXIMUM AMOUNT  
23 SET FORTH IN SECTION 40-7-105 (1), AGAINST A RAILROAD COMPANY THAT  
24 FAILS TO COMPLY WITH THE ORDER OR RULE.

25 **SECTION 14.** In Colorado Revised Statutes, 40-6-101, **amend**  
26 (2); and **add** (5) as follows:

27 **40-6-101. Proceedings - delegation of duties - rules.**

1 (2) (a) ~~Except as otherwise provided in paragraph (b) of this subsection~~  
2 ~~(2)~~, The commission may by order direct that any of its work, business,  
3 or functions under any provision of law, except functions vested solely in  
4 the commission under this ~~title~~ TITLE 40, be assigned or referred to an  
5 individual commissioner or to an administrative law judge to be  
6 designated by order for action. ~~thereon, and~~ The commission may by  
7 order at any time amend, modify, supplement, or rescind any such  
8 assignment or reference. When an individual commissioner or an  
9 administrative law judge is unable to act upon any matter ~~so~~ assigned or  
10 referred because of absence or other cause, the ~~chairman~~ CHAIR of the  
11 commission may designate another commissioner or administrative law  
12 judge, as the case may be, to serve temporarily until the commission  
13 otherwise orders.

14 (b) Every case submitted to the commission for adjudication ~~shall~~  
15 MUST BE HEARD in the first instance, ~~be heard by an administrative law~~  
16 ~~judge~~ THE COMMISSION unless, BY RULE, MINUTE ORDER, OR WRITTEN  
17 DECISION, the commission ~~by minute order~~, assigns the case to ~~the~~  
18 ~~commission~~ AN ADMINISTRATIVE LAW JUDGE or to an individual  
19 commissioner for hearing.

20 (5) NOTWITHSTANDING SUBSECTIONS (2) TO (4) OF THIS SECTION,  
21 THE COMMISSION MAY PROMULGATE RULES TO AUTHORIZE THE  
22 DELEGATION OF ITS ROUTINE ADMINISTRATIVE TRANSPORTATION MATTERS  
23 TO COMMISSION STAFF. IF THE COMMISSION PROMULGATES RULES  
24 PURSUANT TO THIS SUBSECTION (5), THE COMMISSION SHALL DEFINE IN  
25 RULE THE MEANING OF THE TERM "ROUTINE ADMINISTRATIVE  
26 TRANSPORTATION MATTER".

27 **SECTION 15.** In Colorado Revised Statutes, 40-7-118, **amend**



1 (1)(a) as follows:

2 **40-7-118. Legal services offset fund - creation - exemption**  
3 **from maximum reserve.** (1) (a) The legal services offset fund is hereby  
4 created in the state treasury. The fund consists of the civil penalties that  
5 are collected and credited to the fund pursuant to section 40-7-112 (1)(b)  
6 for violations of article 10.1 of this title 40 or commission rules  
7 promulgated pursuant to article 10.1 OF THIS TITLE 40. The money in the  
8 fund is continuously appropriated to the department of ~~law~~ REGULATORY  
9 AGENCIES for use to offset the costs of legal representation of the staff of  
10 the commission in proceedings before the commission concerning the  
11 enforcement of article 10.1 of this title 40. The department of ~~law~~  
12 REGULATORY AGENCIES shall use the money in the legal services offset  
13 fund ~~only to supplement~~ SUPPORT appropriations made to the department  
14 ~~of regulatory agencies~~ that are used for legal representation of the staff of  
15 the commission in proceedings concerning the enforcement of article 10.1  
16 of this title 40. ~~when the appropriations are insufficient to cover the costs~~  
17 ~~of such representation.~~

18 **SECTION 16.** In Colorado Revised Statutes, 40-10.1-101, **add**  
19 (22) as follows:

20 **40-10.1-101. Definitions.** As used in this article 10.1, unless the  
21 context otherwise requires:

22 (22) "VEHICLE BOOTING COMPANY" MEANS A PRIVATE  
23 CORPORATION, PARTNERSHIP, OR SOLE PROPRIETOR IN THE BUSINESS OF  
24 IMMOBILIZING A MOTOR VEHICLE THROUGH USE OF A BOOT.

25 **SECTION 17.** In Colorado Revised Statutes, 40-10.1-110,  
26 **amend** (1) and (2) as follows:

27 **40-10.1-110. Criminal history record check - rules.** (1) (a) An

1 individual who wishes to drive: A taxicab for a motor carrier that is the  
2 holder of a certificate to provide taxicab service issued under part 2 of  
3 this article 10.1; a motor vehicle for a motor carrier that is the holder of  
4 a permit to operate as a charter bus, children's activity bus, luxury  
5 limousine, medicaid client transport, or off-road scenic charter under part  
6 3 of this article 10.1; or a motor vehicle for a motor carrier that is the  
7 holder of a permit to operate as a large-market taxicab service under part  
8 7 of this article 10.1 ~~shall submit a set of his or her~~ MUST HAVE THE  
9 INDIVIDUAL'S fingerprints ~~to the commission. The commission shall~~  
10 ~~forward the fingerprints to~~ TAKEN BY A LOCAL LAW ENFORCEMENT  
11 AGENCY OR ANY THIRD PARTY APPROVED BY the Colorado bureau of  
12 investigation for the purpose of obtaining a fingerprint-based criminal  
13 history record check.

14 (b) IF AN APPROVED THIRD PARTY TAKES THE INDIVIDUAL'S  
15 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED  
16 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVSCAN  
17 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE INDIVIDUAL'S  
18 INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO  
19 BY THE INDIVIDUAL. THE INDIVIDUAL SHALL SUBMIT PAYMENT FOR THE  
20 FINGERPRINTS AND FOR ACTUAL COSTS OF THE RECORD CHECK AT THE  
21 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF  
22 INVESTIGATION.

23 (c) Upon receipt of fingerprints and payment for the costs, the  
24 Colorado bureau of investigation shall conduct a state and national  
25 fingerprint-based criminal history record check using records of the  
26 Colorado bureau of investigation and the federal bureau of investigation  
27 ~~The commission is the authorized agency to receive information~~

1 ~~regarding the result of a national criminal history record check. The~~  
2 ~~individual whose fingerprints are checked shall pay the actual costs of the~~  
3 ~~state and national fingerprint-based criminal history record check AND~~  
4 SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK  
5 TO THE COMMISSION.

6 (2) An individual whose fingerprints are checked in accordance  
7 with subsection (1) of this section may, pending the results of the criminal  
8 history record check, drive the motor vehicles for the motor carrier  
9 described in subsection (1) of this section for up to ninety days after ~~the~~  
10 ~~commission forwards~~ the fingerprints ARE FORWARDED to the Colorado  
11 bureau of investigation or until the commission receives the results of the  
12 check, whichever occurs first. The commission may temporarily extend  
13 the ninety-day period, in accordance with section 24-33.5-412 (7), ~~C.R.S.~~,  
14 based on a delay in processing criminal history record checks by the  
15 Colorado bureau of investigation or on other exigent circumstances  
16 beyond the commission's control. Upon the commission's receipt of the  
17 results, the individual may resume driving motor vehicles for the motor  
18 carrier described in subsection (1) of this section, so long as the driving  
19 does not violate applicable law and does not occur while the individual  
20 has a criminal conviction that disqualifies ~~him or her~~ THE INDIVIDUAL  
21 from driving a motor vehicle in accordance with subsection (3) of this  
22 section.

23 **SECTION 18.** In Colorado Revised Statutes, **add** part 8 to article  
24 10.1 of title 40 as follows:

25 PART 8

26 VEHICLE BOOTING COMPANIES

27 **40-10.1-801. Permit requirements - rules.** (1) (a) EFFECTIVE

1 JANUARY 1, 2020, A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE  
2 AS A VEHICLE BOOTING COMPANY IN INTRASTATE COMMERCE WITHOUT  
3 FIRST HAVING OBTAINED A PERMIT FROM THE COMMISSION IN  
4 ACCORDANCE WITH THIS ARTICLE 10.1.

5 (b) A PERSON MAY APPLY FOR A PERMIT UNDER THIS PART 8 TO THE  
6 COMMISSION IN THE FORM AND WITH THE INFORMATION AS THE  
7 COMMISSION REQUIRES. PERMITS ARE VALID FOR ONE YEAR AFTER THE  
8 DATE OF ISSUANCE.

9 (2) THE COMMISSION MAY DENY AN APPLICATION UNDER THIS  
10 PART 8 OF A PERSON WHO HAS, WITHIN THE IMMEDIATELY PRECEDING FIVE  
11 YEARS, BEEN CONVICTED OF, OR PLED GUILTY OR NOLO CONTENDERE TO,  
12 A FELONY. THE COMMISSION MAY ALSO DENY AN APPLICATION UNDER THIS  
13 PART 8 OR REFUSE TO RENEW THE PERMIT OF A VEHICLE BOOTING  
14 COMPANY BASED UPON A DETERMINATION THAT THE VEHICLE BOOTING  
15 COMPANY OR ANY OF ITS OWNERS, PRINCIPALS, OFFICERS, MEMBERS,  
16 PARTNERS, OR DIRECTORS HAS NOT SATISFIED A CIVIL PENALTY ARISING  
17 OUT OF ANY ADMINISTRATIVE OR ENFORCEMENT ACTION BROUGHT BY THE  
18 COMMISSION.

19 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF  
20 THIS SECTION AND SECTION 40-10.1-112 (4), THE COMMISSION SHALL  
21 ISSUE A PERMIT TO A VEHICLE BOOTING COMPANY UPON COMPLETION OF  
22 THE APPLICATION AND THE FILING OF PROOF OF WORKERS' COMPENSATION  
23 INSURANCE COVERAGE IN ACCORDANCE WITH THE "WORKERS'  
24 COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, AND  
25 WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF THIS TITLE 40  
26 AND MAY ATTACH TO THE PERMIT AND TO THE EXERCISE OF THE RIGHTS  
27 GRANTED BY THE PERMIT ANY RESTRICTIONS, TERMS, AND CONDITIONS,

1 INCLUDING ALTERING THE RATES AND CHARGES OF THE APPLICANT, AS ARE  
2 REASONABLY DEEMED NECESSARY FOR THE PROTECTION OF THE PROPERTY  
3 OF THE PUBLIC.

4 (b) IF A VEHICLE BOOTING COMPANY VIOLATES THIS ARTICLE 10.1,  
5 ANY OTHER APPLICABLE PROVISION OF LAW, OR ANY RULE OR ORDER OF  
6 THE COMMISSION ISSUED UNDER THIS ARTICLE 10.1 AND AS A RESULT IS  
7 ORDERED BY A COURT OR BY THE COMMISSION TO PAY A FINE OR CIVIL  
8 PENALTY THAT THE VEHICLE BOOTING COMPANY SUBSEQUENTLY FAILS TO  
9 PAY IN FULL WITHIN THE TIME PRESCRIBED FOR PAYMENT, AND NOT  
10 BEFORE THE DECISION IMPOSING THE FINE OR CIVIL PENALTY BECOMES A  
11 FINAL DECISION BY THE COMMISSION, THEN:

12 (I) THE VEHICLE BOOTING COMPANY'S PERMIT IS REVOKED  
13 IMMEDIATELY; AND

14 (II) THE VEHICLE BOOTING COMPANY, ITS OWNERS, PRINCIPALS,  
15 OFFICERS, MEMBERS, PARTNERS, AND DIRECTORS, AND ANY OTHER ENTITY  
16 OWNED OR OPERATED BY ONE OR MORE OF THOSE OWNERS, PRINCIPALS,  
17 OFFICERS, MEMBERS, PARTNERS, OR DIRECTORS, MAY BE DISQUALIFIED  
18 FROM OBTAINING OR RENEWING ANY OPERATING AUTHORITY UNDER THIS  
19 TITLE 40 FOR A PERIOD OF FIVE YEARS AFTER THE DATE ON WHICH THE  
20 FINE OR CIVIL PENALTY WAS DUE. THE PERIOD OF DISQUALIFICATION  
21 PURSUANT TO THIS SUBSECTION (3)(b)(II) IS IN ADDITION TO, AND NOT IN  
22 LIEU OF, AND DOES NOT AFFECT, ANY OTHER PENALTY OR PERIOD OF  
23 DISQUALIFICATION, INCLUDING THE PERIOD OF DISQUALIFICATION  
24 SPECIFIED IN SECTION 40-10.1-112 (4).

25 (c) A VEHICLE BOOTING COMPANY'S FACILITIES AND VEHICLES ARE  
26 SUBJECT TO INSPECTION BY THE COMMISSION AND BY AUTHORIZED  
27 PERSONNEL OF THE COLORADO STATE PATROL, WHICH AGENCY SHALL

1 PROMPTLY REPORT TO THE COMMISSION CONCERNING ANY VIOLATIONS  
2 REVEALED BY AN INSPECTION.

3 (4) THE COMMISSION MAY PROMULGATE RULES AS NECESSARY  
4 AND REASONABLE TO IMPLEMENT THIS PART 8, INCLUDING RULES  
5 REGARDING SIGNAGE AND DROP FEES.

6 **SECTION 19.** In Colorado Revised Statutes, 40-15-302, **repeal**  
7 (5) as follows:

8 **40-15-302. Manner of regulation - rules.** (5) ~~Consistent with~~  
9 ~~section 40-15-301(1), rates for nonoptional operator services must allow~~  
10 ~~the provider of the services the opportunity to earn a just and reasonable~~  
11 ~~return on the associated used and useful investment, including equipment~~  
12 ~~costs incurred to originate the services. The rates shall be set at or below~~  
13 ~~a single statewide benchmark rate as determined by the commission that~~  
14 ~~is applicable to all providers, unless the commission approves a higher~~  
15 ~~rate. The statewide benchmark rate must apply to all nonoptional operator~~  
16 ~~services regardless of whether the services are provided in connection~~  
17 ~~with a local exchange or interexchange telecommunications service. If the~~  
18 ~~commission approves a rate higher than the benchmark rate, and the~~  
19 ~~commission determines that disclosure of the rate to customers is in the~~  
20 ~~public interest, the commission may require the nonoptional operator~~  
21 ~~services provider to orally disclose, to the person responsible for payment~~  
22 ~~of the telephone call, the total charges for the call and that the charges are~~  
23 ~~higher than the benchmark rate. The nonoptional operator services~~  
24 ~~provider shall make the disclosure at no charge to the caller and before~~  
25 ~~the call is connected, allowing the caller to disconnect before incurring~~  
26 ~~any charges. If the commission finds, after notice and opportunity for a~~  
27 ~~hearing, that a nonoptional operator services provider has violated this~~

1 subsection (5), the commission may, in addition to other enforcement  
2 powers as may be authorized in this title, order any regulated  
3 telecommunications service provider to block access to the nonoptional  
4 operator services provider for all intrastate operator-handled calls. A  
5 regulated telecommunications provider that blocks the access of a  
6 nonoptional operator services provider in compliance with an order of the  
7 commission and incurs attorney fees or costs to defend the action is  
8 entitled to recover its costs and attorney fees in each proceeding. The  
9 commission shall promulgate rules necessary to implement this  
10 subsection (5).

11 **SECTION 20.** In Colorado Revised Statutes, 40-15-401, **amend**  
12 (1) introductory portion, (1)(s), and (1)(t); and **add** (1)(u) as follows:

13 **40-15-401. Services, products, and providers exempt from**  
14 **regulation - definition.** (1) The following products, services, and  
15 providers are exempt from regulation under this ~~article~~ ARTICLE 15 or  
16 under the "Public Utilities Law" of the state of Colorado:

17 (s) InterLATA toll, except with respect to interexchange carrier  
18 registration under section 40-15-302.5, complaints of unauthorized  
19 charges on a subscriber's bill, or complaints of changing a subscriber's  
20 service without ~~his or her~~ THE SUBSCRIBER'S consent; ~~and~~

21 (t) IntraLATA toll, except with respect to interexchange carrier  
22 registration under section 40-15-302.5, complaints of unauthorized  
23 charges on a subscriber's bill, or complaints of changing a subscriber's  
24 service without ~~his or her~~ THE SUBSCRIBER'S consent; ~~AND~~

25 (u) NONOPTIONAL OPERATOR SERVICES.

26 **SECTION 21.** In Colorado Revised Statutes, 40-15-503, **amend**  
27 (2)(h) as follows:

1           **40-15-503. Opening of competitive local exchange market -**  
2 **process of negotiation and rule-making - issues to be considered by**  
3 **commission - definition.** (2) (h) The commission shall require by rule  
4 that any telecommunications service provider required to file temporary  
5 interim tariffs pursuant to paragraph (g) of this subsection (2) and, to the  
6 extent such a requirement is permissible under federal law, any basic  
7 local exchange provider that serves only rural exchanges of ten thousand  
8 or fewer access lines and that has received a bona fide request for  
9 interconnection shall file advice letters with the commission to place into  
10 effect temporary interim tariffs and commission tariffs for unbundled  
11 facilities or functions, interconnection, services for resale, or local  
12 number portability by such dates certain as the commission may  
13 determine by rule.

14           **SECTION 22.** In Colorado Revised Statutes, 40-15-503.5,  
15 **amend** (1)(c) as follows:

16           **40-15-503.5. Financial assurance.** (1) The commission may  
17 require regulated telecommunications service providers to post a bond or  
18 provide other security as a condition of obtaining a certificate,  
19 registration, or operating authority, whichever instrument or instruments  
20 apply. In setting the amount of the bond or security, the commission may  
21 consider the following criteria:

22           (c) The history of the provider's statutory payment obligations,  
23 including those to the Colorado high cost support mechanism, the  
24 Colorado telephone relay system, and the Colorado ~~fixed~~  
25 TELECOMMUNICATIONS utility fund.

26           **SECTION 23.** In Colorado Revised Statutes, 24-38.5-102,  
27 **amend** (1)(n) as follows:



1           **24-38.5-102. Colorado energy office - duties and powers -**  
2 **definitions.** (1) The Colorado energy office shall:

3           (n) (I) Provide public utilities with reasonable assistance, if  
4 requested, in seeking and obtaining support and sponsorship for an IGCC  
5 project ~~as defined in section 40-2-123 (2)(b)(I), C.R.S.,~~ and manage and  
6 distribute to the utility some or all of any funds provided by the state or  
7 by the United States government to the state for purposes of study or  
8 development of an IGCC project. ~~as specified in section 40-2-123 (2)(j),~~  
9 ~~C.R.S.,~~

10           (II) AS USED IN THIS SUBSECTION (1)(n), "IGCC PROJECT" MEANS  
11 AN IGCC FACILITY THAT:

12           (A) DEMONSTRATES THE USE OF IGCC TECHNOLOGY TO  
13 GENERATE ELECTRICITY USING COLORADO OR OTHER WESTERN COAL;

14           (B) DOES NOT EXCEED THREE HUNDRED FIFTY MEGAWATTS  
15 NAMEPLATE CAPACITY; EXCEPT THAT IT MAY EXCEED THIS CAPACITY IF  
16 THE COLORADO ENERGY OFFICE DETERMINES THAT A LARGER SIZE IS  
17 NECESSARY TO OBTAIN THE BENEFITS OF FEDERAL COST-SHARING,  
18 FINANCIAL GRANTS OR TAX BENEFITS, OR OTHER FINANCIAL  
19 OPPORTUNITIES OR ARRANGEMENTS BENEFITTING THE PROJECT,  
20 INCLUDING OPPORTUNITIES TO JOINTLY DEVELOP THE PROJECT WITH  
21 OTHER ELECTRIC UTILITIES;

22           (C) DEMONSTRATES THE CAPTURE AND SEQUESTRATION OF A  
23 PORTION OF THE PROJECT'S CARBON DIOXIDE EMISSIONS;

24           (D) INCLUDES METHODS AND PROCEDURES TO MONITOR THE FATE  
25 OF THE CARBON DIOXIDE CAPTURED AND SEQUESTERED FROM THE  
26 FACILITY; AND

27           (E) IS LOCATED IN COLORADO.

1 (III) AS USED IN THIS SUBSECTION (1)(n), "IGCC FACILITY" MEANS  
2 AN INTEGRATED GASIFICATION COMBINED CYCLE GENERATION FACILITY  
3 THAT CONVERTS COAL TO A GASEOUS FUEL FROM WHICH IMPURITIES ARE  
4 REMOVED PRIOR TO COMBUSTION, USES THE GASEOUS FUEL IN A  
5 COMBUSTION TURBINE TO PRODUCE ELECTRICITY, AND CAPTURES THE  
6 WASTE HEAT FROM THE COMBUSTION TURBINE TO DRIVE A STEAM TURBINE  
7 TO PRODUCE MORE ELECTRICITY. AN IGCC FACILITY MAY ALSO USE  
8 NATURAL GAS, IN ADDITION TO GASIFIED COAL, AS A FUEL IN THE  
9 COMBUSTION TURBINE.

10 **SECTION 24.** In Colorado Revised Statutes, 40-10.1-111,  
11 **amend** (1)(c)(I) as follows:

12 **40-10.1-111. Filing, issuance, and annual fees.** (1) A motor  
13 carrier shall pay the commission the following fees in amounts prescribed  
14 in this section or, if not prescribed in this section, as set administratively  
15 by the commission with approval of the executive director of the  
16 department of regulatory agencies:

17 (c) (I) The filing fee for a permit to operate under part 4 OR PART  
18 8 of this ~~article~~ ARTICLE 10.1 is one hundred fifty dollars.

19 **SECTION 25. Applicability.** This act applies to conduct  
20 occurring, including contracts entered into, on or after the applicable  
21 effective date of this act.

22 **SECTION 26. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.