

## CHAPTER 297

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**PUBLIC UTILITIES**

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## SENATE BILL 15-271

BY SENATOR(S) Sonnenberg, Baumgardner, Grantham, Hill, Lambert, Lundberg, Neville T., Scheffel, Cadman;  
also REPRESENTATIVE(S) Becker J., Becker K., Lee, Pettersen, Rosenthal, Ryden, Vigil, Lontine, Mitsch Bush, Pabon.

## AN ACT

CONCERNING THE CONTINUATION OF THE ENTITIES CHARGED WITH REPRESENTING THE INTERESTS  
OF CERTAIN UTILITY CONSUMERS IN MATTERS HEARD BY THE PUBLIC UTILITIES COMMISSION.

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

**SECTION 1.** In Colorado Revised Statutes, 24-34-104, **repeal** (46) (g) and (46) (h); and **add** (52.5) (e) as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (46) The following agencies, functions, or both shall terminate on July 1, 2015:

(g) ~~The office of consumer counsel, created in article 6.5 of title 40, C.R.S.;~~

(h) ~~The utility consumers' board, created in article 6.5 of title 40, C.R.S.;~~

(52.5) The following agencies, functions, or both, terminate on September 1, 2021:

(e) THE OFFICE OF CONSUMER COUNSEL, CREATED IN ARTICLE 6.5 OF TITLE 40, C.R.S.

**SECTION 2.** In Colorado Revised Statutes, 40-6.5-101, **amend** (3) as follows:

**40-6.5-101. Definitions.** As used in this article, unless the context otherwise requires:

(3) "Public utility" means an electric utility OR gas utility. ~~or telephone utility.~~

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 3.** In Colorado Revised Statutes, 40-6.5-102, **amend** (3) (a) and (3) (b); and **repeal** (2) (b) as follows:

**40-6.5-102. Office of the consumer counsel - creation - appointment - attorney general to represent.** (2) (b) ~~(f)~~ On July 1, 1993, all employees of the office of consumer counsel, except for those employees who are attorneys at law serving as assistant attorneys general or support staff to such attorneys, whose principal duties are concerned with the duties and functions transferred to the office of consumer counsel in the department of regulatory agencies pursuant to paragraph (a) of this subsection (2) and whose employment in the office of consumer counsel is deemed necessary by the executive director of the department of regulatory agencies to carry out the purposes of this article shall be transferred to the office of consumer counsel in the department of regulatory agencies and shall become employees thereof. Such employees shall retain all rights to the state personnel system and retirement benefits under the laws of this state, and their services shall be deemed to have been continuous. All transfers and any abolishment of positions in the state personnel system shall be made and processed in accordance with the state personnel system laws and rules and regulations.

~~(H)~~ On July 1, 1993, all items of property, real and personal, including office furniture and fixtures, books, documents, and records of the office of consumer counsel pertaining to the duties and functions transferred to the office of consumer counsel in the department of regulatory agencies pursuant to paragraph (a) of this subsection (2) are transferred to the office of consumer counsel in the department of regulatory agencies and shall become the property thereof.

(3) (a) The UTILITY CONSUMERS' BOARD, WHICH IS HEREBY CREATED, SHALL GUIDE THE POLICY OF THE office of consumer counsel. ~~shall be under the policy guidance of the utility consumers' board, which board is hereby created.~~ The board shall exercise its powers and perform its duties and functions specified in this article under the department of regulatory agencies and the executive director ~~thereof~~ OF THE DEPARTMENT OF REGULATORY AGENCIES as if the same were transferred to the department by a **type 1** transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

(b) The board ~~shall consist~~ CONSISTS of eleven members, ~~appointed by~~ SEVEN OF WHOM the governor SHALL APPOINT. ~~Such members shall be appointed to represent residential, small business, and agricultural utility consumers. Such members shall, to the extent possible, be persons with expertise or experience in consumer related utility matters, utilities management, economics, accounting, financing, engineering, planning, or utilities law.~~ THE GOVERNOR SHALL APPOINT AT LEAST ONE MEMBER WHO IS ACTIVELY ENGAGED IN AGRICULTURE AS A BUSINESS AND AT LEAST TWO MEMBERS WHO ARE OWNERS OF SMALL BUSINESSES WITH ONE HUNDRED OR FEWER EMPLOYEES. In making appointments to the board, the governor shall ensure that the membership of the board represents EACH OF the ~~different geographic areas~~ SEVEN CONGRESSIONAL DISTRICTS of the state AND THAT NO MORE THAN FOUR OF THE GOVERNOR'S APPOINTMENTS ARE AFFILIATED WITH THE SAME POLITICAL PARTY. ~~Of the members of the board appointed for terms beginning July 1, 1993, five of such members shall be appointed for terms of two years and six shall be appointed for terms of four years. Thereafter,~~ THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE MINORITY LEADER OF THE SENATE, AND THE

MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER OF THE BOARD. Members of the board shall be appointed for terms of four years. ~~The governor shall not appoint any member of the board. If such~~ A person has any conflict of interest with ~~such person's~~ THE duties as REQUIRED OF a member of the board, THE PERSON SHALL NOT BE APPOINTED AS A MEMBER OF THE BOARD. ~~The governor~~ OFFICIAL WHO APPOINTED A BOARD MEMBER may remove ~~any~~ THAT board member for misconduct, incompetence, or neglect of duty. Board members shall serve without compensation, but members who reside outside the counties of Denver, Jefferson, Adams, Arapahoe, Boulder, BROOMFIELD, and Douglas shall be ARE entitled to reimbursement for reasonable actual expenses to attend board meetings in Denver. The board shall meet at least six times per year.

**SECTION 4.** In Colorado Revised Statutes, 40-6.5-104, **amend** (3) as follows:

**40-6.5-104. Representation by the consumer counsel.** (3) The consumer counsel shall be served with notices of all proposed gas AND electric and telephone tariffs, and he OR SHE shall be served with copies of all orders of the commission affecting the charges of agricultural consumers, residential consumers, and small business consumers.

**SECTION 5.** In Colorado Revised Statutes, 40-6.5-108, **amend** (1) (c); and **repeal** (1) (b.5) as follows:

**40-6.5-108. Office of consumer counsel subject to termination.** (1) Unless continued by the general assembly:

(b.5) ~~The utility consumers' board shall terminate on July 1, 2015.~~

(c) The office of consumer counsel shall terminate on ~~July 1, 2015~~ SEPTEMBER 1, 2021.

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

Approved: June 5, 2015