

HB26-1326

HOUSE FLOOR AMENDMENT

Second Reading BY REPRESENTATIVES Duran and Willford

1 Amend printed bill, page 9, strike lines 18 and 19 and substitute "(1)(a)
2 introductory portion, (1)(a)(VIII), (1)(c)(I) introductory portion,
3 (1)(c)(II)(A), (1)(e)(III), (1)(g)(I)(A), (3) introductory portion, (4)
4 introductory portion, (5.5), and (8)(b); **repeal** (1)(a)(VII.5); and **add**
5 (1)(a)(III.5) and (1)(c)(XI) as follows:".

6 Page 10, after line 6 insert:

7 "(a) Definitions of eligible energy resources that can be used to
8 meet the standards. "Eligible energy resources" means recycled energy,
9 renewable energy resources, and ~~renewable~~ energy storage. In addition,
10 resources using coal mine methane and synthetic gas produced by
11 pyrolysis of waste materials are eligible energy resources if the
12 commission determines that the electricity generated by those resources
13 is greenhouse gas neutral. The commission shall determine, following an
14 evidentiary hearing, the extent to which such electric generation
15 technologies utilized in an optional pricing program may be used to
16 comply with this standard. A fuel cell using hydrogen derived from an
17 eligible energy resource is also an eligible electric generation technology.
18 Fossil and nuclear fuels and their derivatives are not eligible energy
19 resources. As used in this section:

20 (III.5) "ENERGY STORAGE" MEANS AN ENERGY STORAGE SYSTEM,
21 AS DEFINED IN SECTION 40-2-130 (2)(a).

22 (VII.5) ~~"Renewable energy storage" means an energy storage~~
23 ~~system, as defined in section 40-2-130 (2)(a), that stores energy produced~~
24 ~~only by renewable energy resources.~~

25 (VIII) Except as provided in subsection (1)(c)(II)(D) of this
26 section with respect to cooperative electric associations, "retail distributed
27 generation" means a renewable energy resource or ~~renewable~~ energy
28 storage that is located on any property owned or leased by the customer
29 within the service territory of the qualifying retail utility and is
30 interconnected on the customer's side of the utility meter. In addition,
31 retail distributed generation ~~shall~~ MUST provide electric energy primarily
32 to serve the customer's loads and shall be sized to supply no more than
33 two hundred percent of the reasonably expected average annual total
34 consumption of electricity at all properties owned or leased by the
35 customer within the utility's service territory."

36 Page 10, strike lines 13 through 15.

37 Page 10, line 20, strike "AND (1)(c)(V.5)" and substitute "(1)(c)(V.5), AND

1 (1)(c)(XI)(B)".

2 Page 11, line 1, strike "STATE'S CLEAN ENERGY TARGETS," and substitute
3 "APPROVED CLEAN ENERGY PLAN,".

4 Page 11, after line 5 insert:

5 "(B) A QUALIFYING RETAIL UTILITY THAT OPTS OUT OF THE
6 ELECTRIC RESOURCE STANDARD REQUIREMENTS PURSUANT TO
7 SUBSECTION (1)(c)(XI)(A) OF THIS SECTION SHALL OBTAIN AT LEAST
8 THREE PERCENT OF ITS RETAIL ELECTRICITY SALES FROM DISTRIBUTED
9 GENERATION.".

10 Reletter succeeding sub-subparagraph accordingly.

11 Page 11, after line 14 insert:

12 "(e) A requirement that each qualifying retail utility, except for
13 cooperative electric associations and municipally owned utilities, make
14 available to their customers a standard rebate offer and net metering
15 service, under which:

16 (III) The qualifying retail utility may establish one or more
17 standard offers to purchase renewable energy credits generated from
18 eligible energy resources on the customer's premises so long as the
19 generation is one megawatt or less in size. When establishing the standard
20 offers, the qualifying retail utility should set the prices for renewable
21 energy credits at levels sufficient to encourage increased distributed
22 generation and renewable energy storage in the size ranges covered by
23 each standard offer, but at levels that will still allow the qualifying retail
24 utility to comply with the electric resource standards set forth in
25 subsection (1)(c) of this section without exceeding the retail rate impact
26 limit in subsection (1)(g) of this section.".

27 Page 11, strike lines 24 through 27.

28 Page 12, strike lines 1 through 4 and substitute:

29 "(3) EXCEPT FOR A MUNICIPALLY OWNED UTILITY THAT IS IN
30 COMPLIANCE WITH A CLEAN ENERGY PLAN APPROVED PURSUANT TO
31 SECTION 25-7-105 (1)(e), each municipally owned electric utility that is
32 a qualifying retail utility shall implement a renewable energy standard
33 substantially similar to this section ~~The municipally owned utility shall~~
34 ~~submit a statement to the commission that demonstrates such municipal~~

1 utility has a substantially similar renewable energy standard. The
2 statement submitted by the municipally owned utility is for informational
3 purposes and is not subject to approval by the commission. Upon filing
4 of the certification statement, the municipally owned utility AND shall
5 have no further obligations under subsection (1) of this section. The
6 renewable energy standard of a municipally owned utility shall, at a
7 minimum, meet the following criteria:

8 (4) EXCEPT FOR A MUNICIPAL UTILITY THAT IS IN COMPLIANCE
9 WITH A CLEAN ENERGY PLAN APPROVED PURSUANT TO SECTION 25-7-105
10 (1)(e), for ~~municipal utilities that become qualifying retail utilities~~ A
11 MUNICIPAL UTILITY THAT BECOMES A QUALIFYING RETAIL UTILITY after
12 December 31, 2006, the percentage requirements identified in
13 ~~subparagraph (V) of paragraph (c) of subsection (1)~~ SUBSECTION
14 (1)(c)(V) of this section shall begin in the first calendar year following
15 qualification as follows:"

16 Page 12, after line 21 insert:

17 **"(8) Qualifying wholesale utilities - definition - electric**
18 **resource standard - tradable credits - reports.**

19 (b) **Electric resource standard.** ~~Notwithstanding any other~~
20 ~~provision of law~~ EXCEPT FOR A QUALIFYING WHOLESALE UTILITY THAT IS
21 IN COMPLIANCE WITH AN ELECTRIC RESOURCE PLAN FILED IN ACCORDANCE
22 WITH SECTION 25-7-105 (1)(e)(VIII)(I) AND APPROVED BY THE
23 COMMISSION, each qualifying wholesale utility shall generate, or cause to
24 be generated, at least twenty percent of the energy it provides to its
25 Colorado members at wholesale from eligible energy resources in the year
26 2020 and thereafter. If, and to the extent that, the purchase of energy
27 generated from eligible energy resources by a Colorado member from a
28 qualifying wholesale utility would cause an increase in rates for the
29 Colorado member that exceeds the retail rate impact limitation in
30 ~~sub-subparagraph (A) of subparagraph (IV) of paragraph (g) of~~
31 ~~subsection (1)~~ SUBSECTION (1)(g)(IV)(A) of this section, the obligation
32 imposed on the qualifying wholesale utility is reduced by the amount of
33 such energy necessary to enable the Colorado member to comply with the
34 rate impact limitation.

35 **SECTION 11.** In Colorado Revised Statutes, 40-2-125.5, **amend**
36 (5)(g) as follows:

37 **40-2-125.5. Carbon dioxide emission reductions - goal to**
38 **eliminate by 2050 - legislative declaration - interim targets -**
39 **submission and approval of plans - definitions - cost recovery -**
40 **reports - rules.**

41 (5) **Regulatory matters.**

1 (g) (I) A clean energy plan voluntarily filed by a ~~municipal utility~~
2 ~~or~~ a cooperative electric association that has voted to exempt itself from
3 regulation by the commission pursuant to article 9.5 of this title 40 shall
4 be deemed approved by the commission as filed if:

5 (A) The division of administration, in consultation with the
6 commission, verifies that the plan demonstrates that, by 2030, the
7 ~~municipal utility~~ ~~or~~ cooperative electric association will achieve at least
8 an eighty-percent reduction in greenhouse gas emissions caused by the
9 entity's Colorado electricity sales relative to 2005 levels; and

10 (B) The clean energy plan has previously been approved by a vote
11 of the entity's governing body.

12 (II) Voluntary submission of a clean energy plan by a ~~municipal~~
13 ~~utility~~ ~~or~~ a cooperative electric association does not alter the entity's
14 regulatory status with respect to the commission, including under article
15 9.5 of this title 40."

16 Renumber succeeding sections accordingly.

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