

SB22-138 be amended as follows:

1 Amend page 13, after line 11 insert:

2 "SECTION 12. In Colorado Revised Statutes, 40-2-124, **amend**  
3 (1)(a)(VI)(A) as follows:

4 **40-2-124. Renewable energy standards - qualifying retail and**  
5 **wholesale utilities - definitions - net metering - legislative declaration**  
6 **- rules.** (1) Each provider of retail electric service in the state of  
7 Colorado, other than municipally owned utilities that serve forty thousand  
8 customers or fewer, is a qualifying retail utility. Each qualifying retail  
9 utility, with the exception of cooperative electric associations that have  
10 voted to exempt themselves from commission jurisdiction pursuant to  
11 section 40-9.5-104 and municipally owned utilities, is subject to the rules  
12 established under this article 2 by the commission. No additional  
13 regulatory authority is provided to the commission other than that  
14 specifically contained in this section. In accordance with article 4 of title  
15 24, the commission shall revise or clarify existing rules to establish the  
16 following:

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

30 (VI) (A) "Recycled energy" means energy produced by a  
31 generation unit with a nameplate capacity of not more than fifteen  
32 megawatts, OR, FOR PUMPED HYDROELECTRICITY GENERATION, PRODUCED  
33 BY A GENERATION UNIT WITH A NAMEPLATE CAPACITY OF NOT MORE THAN  
34 FOUR HUNDRED MEGAWATTS, that either converts the otherwise lost  
35 energy from the heat from exhaust stacks or pipes to electricity and does  
36 not combust additional fossil fuel or is pumped hydroelectricity  
37 generation that does not combust fossil fuel to pump water; is not located  
38 on a natural waterway; includes measures to prevent fish mortality in the  
39 facility; does not impact any decreed in-stream flow; and does not cause  
40 any violation of state water quality standards when operated."

41 Renumber succeeding section accordingly.

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