

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0365.01 Jennifer Berman x3286

HOUSE BILL 26-1326

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HOUSE SPONSORSHIP

**Duran and Willford**, Goldstein, Joseph, Paschal, Smith, Velasco

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**Rodriguez and Cutter**,

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**House Committees**  
Energy & Environment

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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 RECOMMENDATIONS IN THE 2025 SUNSET REPORT BY THE  
104 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 - House Energy and Environment Committee.**  
The bill implements recommendations of the department of regulatory agencies in its 2025 sunset review of the public utilities commission

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

(commission) as follows:

- **Sections 1 and 2** of the bill continue the commission for 11 years to September 1, 2037;
- **Section 3** permits the commission members to engage in nonpublic communications regarding adjudicatory matters after the close of the evidentiary record if prior notice of the communications is provided and the final reasoning and determinations of the matter are later made at a public hearing;
- **Sections 4 through 9** authorize the commission to send communications by email;
- **Sections 10 through 13** modernize certain processes, provide additional transparency, and clarify inconsistencies in certain energy statutes by:
  - Aligning the renewable energy standard with the statutes governing clean energy plans;
  - Directing the commission to perform a study to identify any barriers to joint procurement by electric utilities with regard to advanced technology generation resources;
  - Authorizing the commission to require a commission-regulated utility to contract with one or more third parties to administer certain customer-facing programs; and
  - Clarifying that a municipally owned utility, cooperative electric association, independent transmission developer, or independent power producer may appeal to the commission a local government's decision to deny a land use permit or application for a major electrical or natural gas facility owned by the municipally owned utility, cooperative electric association, independent transmission developer, or independent power producer;
- **Sections 14 through 19** authorize the commission to direct investor-owned electric utilities to use securitization through the "Colorado Energy Impact Bond Act" as an alternative means of financing and recovering costs;
- **Section 20** requires the commission to:
  - Adopt rules standardizing the implementation of the various income-based energy assistance programs provided by commission-regulated utilities in the state; and
  - Conduct a study into commission-regulated utilities' income-based energy assistance programs to

determine whether funding access and equity can be improved in the state;

- **Section 21:**
  - Prohibits an individual from impersonating a transportation network company (TNC) driver (driver). An individual who violates the prohibition commits a class 2 misdemeanor. An individual who impersonates a driver during the commission of a felony offense commits a class 6 felony. A TNC is required to conduct periodic checks utilizing facial recognition software to prevent driver impersonation in accordance with rules adopted by the commission.
  - Requires a TNC to anonymize data reported to the commission concerning driver refusals to provide service to a rider and the commission to make the anonymized reports available to the public;
  - Requires a TNC to provide information about the commission, including the commission's contact information, to a rider in accordance with rules adopted by the commission; and
  - Repeals the burden to prove that a driver's violation was reported to the TNC for the TNC to be held liable for the violation and raises the fine for a violation from \$550 to \$1,100;
- **Section 22** requires TNCs to annually submit to the commission a report, redacted to protect personal identifying information, that contains all safety-related incident reports made to or created by the TNC in the preceding calendar year. The commission shall make the reports publicly available.
- **Section 23** expands the types of drivers who need to have criminal history record checks performed to include drivers who are employed by any motor carriers and contract carriers;
- **Section 24** requires the commission to perform a market study to determine if the current systems of regulating intrastate contract and common carriers optimally balance consumer protections with industry and regulatory efficiency and to report its findings and recommendations based on the study to the general assembly by January 1, 2028;
- **Sections 25 and 26** replace the current inspection requirements for a charter bus, children's activity bus, fire crew transport, luxury limousine, off-road scenic charter,

and large-market taxicab with a requirement that these vehicles be inspected on a schedule and to a standard set by rules adopted by the commission;

- **Sections 27 through 33** update the state railroad regulation requirements to mirror current federal law and to repeal obsolete provisions;
- **Section 34** removes the \$500 fee cap paid by companies to access the Colorado no-call list, replaces it with a \$1,000 fee cap, and requires conforming list brokers, which are companies that purchase the no-call list and sell it to other companies, to pay a fee established by the commission by rule;
- **Sections 35 through 39** apply the fees that the commission assesses on public utilities on intrastate telecommunications and voice service providers to help finance the commission's telecommunications-related work;
- **Section 40** aligns the usage of money collected from charges related to the provision of 911 services with federal requirements by clarifying that the money may be expended for public safety radio equipment outside of a public safety answering point only if the equipment is used for dispatching emergency service providers to respond to 911 calls;
- **Section 41** authorizes the commission to adopt rules that establish caps on rates charged by penal communications service providers on intrastate penal communications services provided for intrastate communications with individuals in correctional facilities and to enforce the intrastate rate. **Section 41** also requires penal communications service providers to cooperate with commission staff when the staff is performing biannual testing of penal communications services.
- **Section 42** exempts small operators of natural gas pipelines from the minimum \$5,000 civil penalty required for violations of pipeline safety laws and authorizes the commission to impose a lesser civil penalty against a small operator; and
- **Section 43** directs the commission to perform a study identifying all privately owned water utilities in the state and assessing their financial conditions and needs.

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

3           **40-2-101. Creation - appointment - term - subject to**  
4 **termination - repeal of part.**

5           (3) (b) (I) This part 1 is repealed, effective ~~September 1, 2026~~  
6 SEPTEMBER 1, 2037.

7           **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**  
8 (27)(a)(XVI); and **add** (38)(a)(II) as follows:

9           **24-34-104. General assembly review of regulatory agencies**  
10 **and functions for repeal, continuation, or reestablishment - legislative**  
11 **declaration - repeal.**

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

14           (XVI) ~~The Colorado public utilities commission created in article~~  
15 ~~2 of title 40;~~

16           (38) (a) The following agencies, functions, or both, are scheduled  
17 for repeal on September 1, 2037:

18           (II) THE COLORADO PUBLIC UTILITIES COMMISSION CREATED IN  
19 ARTICLE 2 OF TITLE 40.

20           **SECTION 3.** In Colorado Revised Statutes, **add** 40-6-122.5 as  
21 follows:

22           **40-6-122.5. Nonpublic deliberations regarding adjudicatory**  
23 **proceedings - exemption from open meetings law - requirements -**  
24 **rules - definition.**

25           (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
26 REQUIRES, "NONPUBLIC ADJUDICATORY PREDELIBERATION DISCUSSION" OR  
27 "DISCUSSION" MEANS A NONPUBLIC PREDELIBERATION DISCUSSION HELD

1 BETWEEN ALL OF THE COMMISSIONERS REGARDING AN ADJUDICATORY  
2 PROCEEDING BEFORE THE COMMISSION.

3 (2) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (3) OF THIS  
4 SECTION, A NONPUBLIC ADJUDICATORY PREDELIBERATION DISCUSSION IS  
5 EXEMPT FROM PART 4 OF ARTICLE 6 OF TITLE 24.

6 (3) (a) THE PORTION OF AN ADJUDICATORY PROCEEDING AT WHICH  
7 EVIDENCE IS OFFERED OR REBUTTED MUST BE CONDUCTED IN COMPLIANCE  
8 WITH PART 4 OF ARTICLE 6 OF TITLE 24 AND OCCUR BEFORE A NONPUBLIC  
9 ADJUDICATORY PREDELIBERATION DISCUSSION.

10 (b) AFTER THE CLOSE OF THE EVIDENTIARY RECORD FOR AN  
11 ADJUDICATORY MATTER, ALL OF THE COMMISSIONERS, ALONG WITH ONE  
12 OR MORE COMMISSION ADVISORS OR COUNSEL, MAY ENGAGE IN A  
13 NONPUBLIC ADJUDICATORY PREDELIBERATION DISCUSSION IF:

14 (I) NOTICE OF THE DISCUSSION HAS FIRST BEEN PROVIDED IN THE  
15 FORM AND MANNER DETERMINED BY THE COMMISSION BY RULE; AND

16 (II) THE FINAL REASONING AND ANY DETERMINATIONS OF THE  
17 DISCUSSION, INCLUDING ANY DISSENTING OPINIONS, ARE SUMMARIZED IN  
18 A SUBSEQUENT PUBLIC HEARING HELD IN ACCORDANCE WITH PART 4 OF  
19 ARTICLE 6 OF TITLE 24, AT WHICH PUBLIC HEARING A FINAL  
20 DETERMINATION MAY BE MADE ON THE RECORD.

21 (4) THE COMMISSION SHALL ADOPT RULES TO IMPLEMENT THIS  
22 SECTION.

23 **SECTION 4.** In Colorado Revised Statutes, 40-2-101, **add** (2.5)  
24 as follows:

25 **40-2-101. Creation - appointment - term - rules - subject to**  
26 **termination - repeal of part.**

27 (2.5) (a) IN PERFORMING ITS DUTIES PURSUANT TO THIS ARTICLE

1 40, THE COMMISSION MAY SEND COMMUNICATIONS THROUGH EMAIL.

2 (b) THE COMMISSION SHALL ADOPT RULES ESTABLISHING  
3 PROTOCOLS FOR THE USE AND SECURITY OF EMAIL COMMUNICATIONS SENT  
4 BY THE COMMISSION.

5 **SECTION 5.** In Colorado Revised Statutes, 40-5-106, **add** (3) as  
6 follows:

7 **40-5-106. Designation for service of process.**

8 (3) A DESIGNATION FOR SERVICE OF PROCESS FILED PURSUANT TO  
9 THIS SECTION MAY BE SENT ELECTRONICALLY.

10 **SECTION 6.** In Colorado Revised Statutes, 40-6-102, **amend** (1)  
11 as follows:

12 **40-6-102. Service - fees - depositions - examination of**  
13 **witnesses.**

14 (1) The commission, each commissioner, an administrative law  
15 judge with respect to matters referred to such judge, and the director of  
16 the commission ~~have power to~~ MAY issue notices, orders to satisfy or  
17 answer, summonses, subpoenas, and commissions to take the deposition  
18 of ~~any~~ A witness whose testimony is required in any proceeding pending  
19 before the commission in like manner and to the same extent as courts of  
20 record. The process issued by the commission, ~~any~~ A commissioner, an  
21 administrative law judge, or the director of the commission ~~shall extend~~  
22 EXTENDS to all parts of the state and beyond the boundaries ~~thereof~~ OF  
23 THE STATE as may be provided by law or the Colorado rules of civil  
24 procedure and may be served by ~~any~~ A person authorized to serve process  
25 of courts of record, by ~~any~~ A person designated for that purpose by the  
26 commission or a commissioner, or ~~by first-class mail, postage prepaid,~~ as  
27 provided in section 40-6-108. The person executing any such process

1 shall receive such compensation as may be allowed by the commission,  
2 not to exceed the fees now prescribed by law for similar services, and  
3 such fees shall be paid in the same manner as provided for payment of the  
4 fees of witnesses.

5 **SECTION 7.** In Colorado Revised Statutes, 40-6-108, **amend** (3)  
6 as follows:

7 **40-6-108. Complaints - service - notice of hearing - rules.**

8 (3) (a) Service in all applications, petitions, complaints, hearings,  
9 investigations, and other proceedings pending before the commission may  
10 be made upon any person upon whom a summons may be served in  
11 accordance with the provisions of the Colorado rules of civil procedure  
12 or may be made personally or by first-class mail. In all cases wherein  
13 service is obtained by mail by the commission, the certificate of the  
14 director of the commission of ~~such~~ THE mailing ~~shall be~~ IS prima facie  
15 evidence that service has been obtained, and the time fixed in any order  
16 or notice ~~shall commence~~ COMMENCES to run from the date of mailing as  
17 shown in ~~such~~ THE certificate. The mailing of any notice or other paper  
18 by any other party to a proceeding shall be evidenced by the certificate of  
19 the person mailing ~~such~~ THE notice or other paper, and the time fixed in  
20 any ~~such~~ notice or other paper ~~shall commence~~ COMMENCES to run from  
21 the date of mailing as shown in ~~such~~ THE certificate.

22 (b) THE SERVICE DESCRIBED IN THIS SUBSECTION (3) MAY INSTEAD  
23 BE MADE ELECTRONICALLY. IF THE SERVICE IS MADE ELECTRONICALLY,  
24 THE ELECTRONIC CERTIFICATE OF THE DIRECTOR OF THE COMMISSION IS  
25 PRIMA FACIE EVIDENCE THAT SERVICE HAS BEEN OBTAINED, AND THE TIME  
26 FIXED IN AN ORDER OR NOTICE RUNS FROM THE DATE OF THE ELECTRONIC  
27 COMMUNICATION AS SHOWN IN THE CERTIFICATE.

1           **SECTION 8.** In Colorado Revised Statutes, 40-7-116, **amend**  
2 (1)(b) introductory portion as follows:

3           **40-7-116. Enforcement of civil penalties against carriers.**

4           (1) (b) The notice shall be tendered ~~by the enforcement official,~~  
5 ~~either~~ in person, ~~or~~ by certified mail, BY EMAIL SENT BY INVESTIGATIVE  
6 STAFF OF THE COMMISSION, or by personal service by a person authorized  
7 to serve process under rule 4 (d) of the Colorado rules of civil procedure  
8 and ~~shall~~ MUST contain:

9           **SECTION 9.** In Colorado Revised Statutes, 40-7-116.5, **amend**  
10 (1)(b) introductory portion as follows:

11           **40-7-116.5. Enforcement of civil penalties against public**  
12 **utilities.**

13           (1) (b) The notice shall be tendered by the director or ~~his or her~~  
14 THE DIRECTOR'S designee ~~either~~ in person, ~~or~~ by certified mail OR EMAIL,  
15 or by personal service by ~~any~~ A person authorized to serve process under  
16 rule 4 (d) of the Colorado rules of civil procedure and ~~shall~~ MUST contain:

17           **SECTION 10.** In Colorado Revised Statutes, 40-2-124, **amend**  
18 (1)(c)(I) introductory portion, (1)(c)(I)(E), (1)(c)(II)(A), (1)(g)(I)(A), (4)  
19 introductory portion, and (5.5); and **add** (1)(c)(XI) as follows:

20           **40-2-124. Renewable energy standards - qualifying retail and**  
21 **wholesale utilities - definitions - net metering - exception - legislative**  
22 **declaration - rules.**

23           (1) Each provider of retail electric service in the state of Colorado,  
24 other than municipally owned utilities that serve forty thousand customers  
25 or fewer, is a qualifying retail utility. Each qualifying retail utility, with  
26 the exception of cooperative electric associations that have voted to  
27 exempt themselves from commission jurisdiction pursuant to section

1 40-9.5-104 and municipally owned utilities, is subject to the rules  
2 established under this article 2 by the commission. No additional  
3 regulatory authority is provided to the commission other than that  
4 specifically contained in this section. In accordance with article 4 of title  
5 24, the commission shall revise or clarify existing rules to establish the  
6 following:

7 (c) Electric resource standards:

8 (I) Except as provided in ~~subparagraph (V) of this paragraph (c)~~  
9 SUBSECTIONS (1)(c)(V) AND (1)(c)(XI) OF THIS SECTION, the electric  
10 resource standards ~~shall~~ MUST require each qualifying retail utility to  
11 generate, or cause to be generated, electricity from eligible energy  
12 resources in the following minimum amounts:

13 (E) Thirty percent of its retail electricity sales in Colorado for the  
14 years 2020 and thereafter. ~~with distributed generation equaling at least~~  
15 ~~three percent of its retail electricity sales.~~

16 (II) (A) Of the amounts of distributed generation in  
17 ~~sub-subparagraphs (C), (D), and (E) of subparagraph (I),~~  
18 ~~sub-subparagraph (D) of subparagraph (V), and subparagraph (V.5) of~~  
19 ~~this paragraph (c)~~ SUBSECTIONS (1)(c)(I)(C), (1)(c)(I)(D), (1)(c)(I)(E),  
20 (1)(c)(V)(D), AND (1)(c)(V.5) OF THIS SECTION, at least one-half must be  
21 derived from retail distributed generation; except that this  
22 ~~sub-subparagraph (A)~~ SUBSECTION (1)(c)(II)(A) does not apply to a  
23 qualifying retail utility that is a municipal utility.

24 (XI) (A) ON AND AFTER JANUARY 1, 2027, A QUALIFYING RETAIL  
25 UTILITY WITH A CLEAN ENERGY PLAN, AS DEFINED IN SECTION 40-2-125.5  
26 (2)(a), THAT HAS BEEN APPROVED BY THE COMMISSION AND THAT  
27 DEMONSTRATES THE QUALIFYING RETAIL UTILITY'S COMPLIANCE WITH THE

1 STATE'S CLEAN ENERGY TARGETS, AS VERIFIED BY THE DIVISION OF  
2 ADMINISTRATION PURSUANT TO SECTION 25-7-105 (1)(e)(VII), MAY  
3 NOTIFY THE COMMISSION OF ITS COMPLIANCE AND THAT THE QUALIFYING  
4 RETAIL UTILITY IS OPTING OUT OF THE ELECTRIC RESOURCE STANDARD  
5 REQUIREMENTS DESCRIBED IN SUBSECTION (1)(c)(I) OF THIS SECTION.

6 (B) A QUALIFYING RETAIL UTILITY THAT OPTS OUT OF THE  
7 ELECTRIC RESOURCE STANDARD REQUIREMENTS PURSUANT TO  
8 SUBSECTION (1)(c)(XI)(A) OF THIS SECTION IS STILL REQUIRED TO FILE  
9 APPLICATIONS WITH THE COMMISSION TO SUPPORT RETAIL DISTRIBUTED  
10 GENERATION AND STORAGE PROGRAMS IN ACCORDANCE WITH  
11 SUBSECTIONS (1)(e) AND (1)(j) OF THIS SECTION AND TO SUBMIT AN  
12 ANNUAL REPORT TO THE COMMISSION REGARDING THOSE RETAIL  
13 DISTRIBUTED GENERATION AND STORAGE PROGRAMS IN ACCORDANCE  
14 WITH SUBSECTION (1)(h) OF THIS SECTION.

15 (g) Retail rate impact rule:

16 (I) (A) Except as otherwise provided in ~~subparagraph (IV) of this~~  
17 ~~paragraph (g)~~ SUBSECTION (1)(g)(IV) OF THIS SECTION, for each  
18 qualifying RETAIL utility, the commission shall establish a maximum retail  
19 rate impact for this section for compliance with the electric resource  
20 standards of two percent of the total electric bill annually for each  
21 customer. ~~The retail rate impact shall be determined net of new~~  
22 ~~alternative sources of electricity supply from noneligible energy resources~~  
23 ~~that are reasonably available at the time of the determination.~~

24 (4) EXCEPT FOR A MUNICIPAL UTILITY THAT IS IN COMPLIANCE  
25 WITH A CLEAN ENERGY PLAN THAT IS APPROVED BY THE COMMISSION  
26 PURSUANT TO SECTION 40-2-125.5 (5)(g), for ~~municipal utilities that~~  
27 ~~become qualifying retail utilities~~ A MUNICIPAL UTILITY THAT BECOMES A

1 QUALIFYING RETAIL UTILITY after December 31, 2006, the percentage  
2 requirements identified in ~~subparagraph (V) of paragraph (c) of~~  
3 ~~subsection (1)~~ SUBSECTION (1)(c)(V) of this section shall begin in the first  
4 calendar year following qualification as follows:

5 (5.5) EXCEPT FOR A COOPERATIVE ELECTRIC ASSOCIATION THAT IS  
6 IN COMPLIANCE WITH A CLEAN ENERGY PLAN THAT IS APPROVED BY THE  
7 COMMISSION PURSUANT TO SECTION 40-2-125.5 (5)(g), each cooperative  
8 electric association that is a qualifying retail utility shall submit an annual  
9 compliance report to the commission no later than June 1 of each year in  
10 which the cooperative electric association is subject to the renewable  
11 energy standard requirements established in this section. The annual  
12 compliance report ~~shall~~ MUST describe the steps taken by the cooperative  
13 electric association to comply with the renewable energy standards and  
14 shall include the same information set forth in the rules of the commission  
15 for jurisdictional utilities. Cooperative electric associations ~~shall~~ ARE not  
16 ~~be~~ subject to any part of the compliance report review process as provided  
17 in the rules for jurisdictional utilities. Cooperative electric associations  
18 ~~shall~~ ARE not ~~be~~ required to obtain commission approval of annual  
19 compliance reports, and no additional regulatory authority of the  
20 commission other than that specifically contained in this subsection (5.5)  
21 is created or implied by this subsection (5.5).

22 **SECTION 11.** In Colorado Revised Statutes, **add** 40-2-140 as  
23 follows:

24 **40-2-140. Joint resource procurement study - report -**  
25 **definition - legislative declaration - repeal.**

- 26 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:  
27 (a) AS WITH MOST INDUSTRIES, PURCHASING POWER AND

1 ECONOMIES OF SCALE PLAY AN IMPORTANT ROLE IN THE ELECTRIC SECTOR.  
2 LARGER UTILITIES ATTRACT MORE PARTICIPATION FROM GENERATION AND  
3 TRANSMISSION PROJECT DEVELOPERS, AND LARGER PROJECTS OFTEN COST  
4 LESS ON A PER-UNIT BASIS. THIS DYNAMIC LEADS TO LARGER UTILITIES  
5 HAVING ACCESS TO MORE COMPETITIVELY PRICED PROJECTS WHEN  
6 PROCURING NEW ENERGY RESOURCES THAN THEIR SMALLER UTILITY  
7 COUNTERPARTS.

8 (b) RATEPAYERS OF SMALLER ELECTRIC UTILITIES WOULD LIKELY  
9 BENEFIT FROM A SYSTEM THAT REDUCES THE BARRIERS TO  
10 CO-DEVELOPMENT OF ENERGY PROJECTS AS A MEANS TO PROVIDE THE  
11 SMALLER ELECTRIC UTILITIES WITH ACCESS TO BETTER FINANCING  
12 OPTIONS, BETTER ECONOMIES OF SCALE, AND MORE COMPETITIVE PRICING  
13 IN ENERGY PROJECT PROCUREMENT;

14 (c) THESE MATTERS ARE FURTHER COMPLICATED BY COMPETING  
15 FORMS OF GENERATION, AS WELL AS THE EXISTENCE OF ORGANIZED  
16 WHOLESALE MARKETS;

17 (d) AS ELECTRIC RATES CONTINUE TO RISE, IT IS REASONABLE TO  
18 EXPLORE ALL OPTIONS FOR CONTAINING COSTS; AND

19 (e) THEREFORE, THE COMMISSION SHOULD CONDUCT A STUDY TO  
20 IDENTIFY BARRIERS TO JOINT ENERGY RESOURCE PROCUREMENT  
21 ENCOUNTERED BY ELECTRIC UTILITIES.

22 (2) AS USED IN THIS SECTION, "COLORADO ENERGY OFFICE" MEANS  
23 THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

24 (3) (a) AS SOON AS PRACTICABLE, THE COMMISSION SHALL  
25 CONDUCT A STUDY REGARDING BARRIERS THAT ELECTRIC UTILITIES FACE  
26 IN JOINTLY PROCURING ENERGY RESOURCES IN THE STATE, WHICH STUDY  
27 MUST:

1 (I) IDENTIFY BARRIERS TO JOINT PROCUREMENT OF ADVANCED  
2 TECHNOLOGY GENERATION, WIND GENERATION, SOLAR GENERATION,  
3 CONVENTIONAL OR INNOVATIVE STORAGE, AND TRANSMISSION  
4 RESOURCES;

5 (II) IDENTIFY WHETHER AND HOW BARRIERS MAY VARY BETWEEN  
6 UTILITIES REGULATED BY THE COMMISSION, COOPERATIVE ELECTRIC  
7 ASSOCIATIONS THAT HAVE VOTED TO EXEMPT THEMSELVES FROM  
8 COMMISSION JURISDICTION, AND MUNICIPALLY OWNED UTILITIES THAT ARE  
9 NOT SUBJECT TO COMMISSION REGULATION AND PROPOSE SOLUTIONS TO  
10 REDUCE ANY SUCH BARRIERS; AND

11 (III) EXAMINE WHETHER AND HOW PARTICIPATION IN AN  
12 ORGANIZED WHOLESALE MARKET CREATES, INCREASES, OR REDUCES  
13 BARRIERS TO JOINT RESOURCE PROCUREMENT.

14 (b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE  
15 OF THIS SECTION, THE COMMISSION SHALL SUBMIT TO THE GENERAL  
16 ASSEMBLY A FINAL REPORT DESCRIBING THE STUDY'S FINDINGS AND ANY  
17 RECOMMENDATIONS.

18 (4) IN CONDUCTING THE STUDY PURSUANT TO SUBSECTION (3) OF  
19 THIS SECTION, THE COMMISSION:

20 (a) SHALL CONSULT WITH THE COLORADO ENERGY OFFICE; AND

21 (b) MAY CONTRACT WITH A THIRD PARTY.

22 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.

23 **SECTION 12.** In Colorado Revised Statutes, 40-2-123, **add** (6)  
24 as follows:

25 **40-2-123. Energy technologies - consideration by commission**  
26 **- incentives - demonstration projects - commission may require**  
27 **specific customer-facing programs - legislative declaration -**

1       **definitions.**

2           (6) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

3           (I) SINCE 2007, COLORADO HAS ENACTED SEVERAL STATUTES  
4 THAT DIRECT COMMISSION-REGULATED UTILITIES TO IMPLEMENT  
5 CUSTOMER-FACING PROGRAMS AIMED AT REDUCING ENERGY BILLS,  
6 REDUCING ENERGY CONSUMPTION, OR SUPPORTING THE TRANSITION TO  
7 LOWER- OR ZERO-CARBON-EMITTING TECHNOLOGIES;

8           (II) SUCH CUSTOMER-FACING PROGRAMS INCLUDE DEMAND-SIDE  
9 MANAGEMENT, BENEFICIAL ELECTRIFICATION, CLEAN HEAT PLANS, AND  
10 TRANSPORTATION ELECTRIFICATION;

11          (III) FOR MANY OF THESE PROGRAMS, UTILITIES MAY LACK A  
12 NATURAL INCENTIVE TO TAKE CERTAIN ACTIONS OR IMPLEMENT THESE  
13 PROGRAMS EFFECTIVELY. ADDITIONALLY, DUE TO STAFFING OR  
14 ECONOMIES OF SCALE, SMALLER UTILITIES MAY LACK THE ABILITY TO  
15 OPERATE SUCH PROGRAMS AT A REASONABLE COST TO RATEPAYERS.

16          (IV) CERTAIN RATEPAYER AFFORDABILITY PROGRAMS ARE  
17 IMPLEMENTED BY A THIRD PARTY THAT WAS NOT SELECTED THROUGH A  
18 COMPETITIVE PROCESS, AND THERE IS LIMITED OVERSIGHT OF THE THIRD  
19 PARTY'S USE OF RATEPAYER DOLLARS;

20          (V) ESTABLISHED STATE ENTERPRISES, SUCH AS THE BUILDING  
21 DECARBONIZATION ENTERPRISE CREATED IN SECTION 24-38.5-125, MAY  
22 PROVIDE AN ALTERNATIVE OPTION FOR ADMINISTERING COMPETITIVE  
23 SOLICITATIONS FOR THIRD-PARTY PROGRAM ADMINISTRATION; AND

24          (VI) THEREFORE, THE COMMISSION SHOULD BE AUTHORIZED TO  
25 REQUIRE COMMISSION-REGULATED UTILITIES TO ENGAGE ONE OR MORE  
26 THIRD PARTIES TO ADMINISTER SPECIFIC CUSTOMER-FACING PROGRAMS IF  
27 THE COMMISSION DEEMS THE USE OF ONE OR MORE THIRD PARTIES

1 PRUDENT AND IN THE BEST INTEREST OF RATEPAYERS. IN ADDITION, THE  
2 COMMISSION SHOULD BE AUTHORIZED TO REQUIRE THE USE OF A  
3 COMPETITIVE BIDDING PROCESS TO PROCURE THE SERVICES OF A  
4 THIRD-PARTY ADMINISTRATOR.

5 (b) IN AN ADJUDICATORY PROCEEDING, THE COMMISSION MAY  
6 REQUIRE A COMMISSION-REGULATED UTILITY TO ENGAGE ONE OR MORE  
7 THIRD PARTIES TO ADMINISTER SPECIFIC CUSTOMER-FACING PROGRAMS IF  
8 THE COMMISSION DEEMS THE USE OF ONE OR MORE THIRD PARTIES  
9 PRUDENT AND IN THE BEST INTEREST OF RATEPAYERS. THE COMMISSION  
10 MAY REQUIRE A COMPETITIVE BIDDING PROCESS TO PROCURE THE  
11 SERVICES OF A THIRD-PARTY ADMINISTRATOR.

12 (c) AS USED IN THIS SUBSECTION (6), "CUSTOMER-FACING  
13 PROGRAM" MEANS A PROGRAM AIMED AT REDUCING ENERGY BILLS,  
14 REDUCING ENERGY CONSUMPTION, OR SUPPORTING THE TRANSITION TO  
15 LOWER- OR ZERO-CARBON-EMITTING TECHNOLOGIES.

16 **SECTION 13.** In Colorado Revised Statutes, 29-20-108, **add**  
17 (5)(b.5) as follows:

18 **29-20-108. Local government regulation - location,**  
19 **construction, or improvement of major electrical or natural gas**  
20 **facilities - powerline trail notification - appeals process - expedited**  
21 **review for certain transmission line projects - legislative declaration**  
22 **- definitions.**

23 (5) (b.5) (I) NOTWITHSTANDING THE CONDITIONS SET FORTH IN  
24 SUBSECTIONS (5)(a)(I) TO (5)(a)(III) OF THIS SECTION, A MUNICIPALLY  
25 OWNED UTILITY, A COOPERATIVE ELECTRIC ASSOCIATION, AN  
26 INDEPENDENT TRANSMISSION DEVELOPER, OR AN INDEPENDENT POWER  
27 PRODUCER MAY APPEAL TO THE PUBLIC UTILITIES COMMISSION PURSUANT

1 TO THE PROCESS SET FORTH IN THIS SUBSECTION (5) A LOCAL  
2 GOVERNMENT'S DENIAL OF A PERMIT OR AN APPLICATION THAT RELATES  
3 TO THE LOCATION, CONSTRUCTION, OR IMPROVEMENT OF MAJOR  
4 ELECTRICAL OR NATURAL GAS FACILITIES OWNED OR OPERATED BY THE  
5 MUNICIPALLY OWNED UTILITY, COOPERATIVE ELECTRIC ASSOCIATION,  
6 INDEPENDENT TRANSMISSION DEVELOPER, OR INDEPENDENT POWER  
7 PRODUCER.

8 (II) ONLY TO THE EXTENT NECESSARY TO ADJUDICATE AN APPEAL  
9 FILED PURSUANT TO THIS SUBSECTION (5)(b.5), THE PUBLIC UTILITIES  
10 COMMISSION'S HEARING AND APPEALS PROCEDURES SET FORTH IN ARTICLE  
11 6 OF TITLE 40 AND IN THE PUBLIC UTILITIES COMMISSION'S RULES  
12 IMPLEMENTING ARTICLE 6 OF TITLE 40 APPLY TO A MUNICIPALLY OWNED  
13 UTILITY, A COOPERATIVE ELECTRIC ASSOCIATION, AN INDEPENDENT  
14 TRANSMISSION DEVELOPER, OR AN INDEPENDENT POWER PRODUCER THAT  
15 HAS AVAILED ITSELF OF THE PUBLIC UTILITIES COMMISSION'S PROCEDURES  
16 BY FILING AN APPEAL PURSUANT TO THIS SUBSECTION (5)(b.5).

17 (III) NOTHING IN THIS SUBSECTION (5)(b.5) SUBJECTS A  
18 MUNICIPALLY OWNED UTILITY, A COOPERATIVE ELECTRIC ASSOCIATION,  
19 AN INDEPENDENT TRANSMISSION DEVELOPER, OR AN INDEPENDENT POWER  
20 PRODUCER TO REGULATION BY THE PUBLIC UTILITIES COMMISSION BEYOND  
21 THE APPLICATION OF THE PUBLIC UTILITIES COMMISSION'S HEARING AND  
22 APPEALS PROCEDURES TO WHICH A MUNICIPALLY OWNED UTILITY, A  
23 COOPERATIVE ELECTRIC ASSOCIATION, AN INDEPENDENT TRANSMISSION  
24 DEVELOPER, OR AN INDEPENDENT POWER PRODUCER AVAILS ITSELF BY  
25 FILING AN APPEAL PURSUANT TO THIS SUBSECTION (5)(b.5).

26 **SECTION 14.** In Colorado Revised Statutes, 40-41-102, **amend**  
27 (7)(a), (12), and (18) as follows:

1           **40-41-102. Definitions.**

2           As used in this article 41, unless the context otherwise requires:

3           (7) (a) "CO-EI costs" means

4           ~~(I) (A) At the option of and upon petition by an electric utility, and~~  
5 ~~as approved by the commission, any of the pretax costs that the electric~~  
6 ~~utility has incurred or will incur that are caused by, associated with, or~~  
7 ~~remain as a result of the retirement of an electric generating facility~~  
8 ~~located in the state.~~

9           ~~(B) As used in this subsection (7), "pretax costs", if approved by~~  
10 ~~the commission, include, but are not limited to, the unrecovered~~  
11 ~~capitalized cost of a retired electric generating facility, costs of~~  
12 ~~decommissioning and restoring the site of the electric generating facility,~~  
13 ~~and other applicable ANY PRETAX COSTS APPROVED BY THE COMMISSION,~~  
14 ~~INCLUDING capital and operating costs, accrued carrying charges, deferred~~  
15 ~~expenses, reductions for applicable insurance and salvage proceeds,~~  
16 ~~AMOUNTS FOR ASSISTANCE TO AFFECTED WORKERS AND COMMUNITIES,~~  
17 ~~and the costs of retiring any existing indebtedness, fees, costs, and~~  
18 ~~expenses to modify existing debt agreements or for waivers or consents~~  
19 ~~related to existing debt agreements.~~

20           ~~(H) Amounts for assistance to affected workers and communities~~  
21 ~~if approved by the commission;~~

22           ~~(HH) Pretax costs that an electric utility has previously incurred~~  
23 ~~related to the commission-approved closure of an electric generating~~  
24 ~~facility occurring before May 30, 2019; and~~

25           ~~(IV) As approved by the commission, any of the pretax costs~~  
26 ~~associated with the implementation of an approved program or project to~~  
27 ~~mitigate the effects of extreme weather, wildfires, climate change, or~~

1 ~~other hazards, including but not limited to the costs associated with an~~  
2 ~~electric utility's wildfire mitigation plan that has been approved by the~~  
3 ~~commission.~~

4 (12) "Electric utility" ~~means an entity operating for the purpose of~~  
5 ~~supplying electricity to the public for domestic, mechanical, or public~~  
6 ~~uses and~~ includes an investor-owned electric utility subject to regulation  
7 under articles 1 to 7 of this title 40, a municipally owned utility, and a  
8 cooperative electric association.

9 (18) "Successor" means, with respect to any legal entity, another  
10 legal entity that succeeds by operation of law to the rights and obligations  
11 of the first legal entity pursuant to any bankruptcy, reorganization,  
12 restructuring, other insolvency proceeding, merger, acquisition,  
13 consolidation, or sale or transfer of assets, whether any of these occur due  
14 to a restructuring of the electric power industry or otherwise. ~~Solely for~~  
15 ~~the purpose of implementing this article 41, "successor" does not include~~  
16 ~~any municipally owned electric utility established and providing retail~~  
17 ~~electric service before the date on which CO-EI bonds are issued pursuant~~  
18 ~~to a financing order relating to electric generating facilities that serve or~~  
19 ~~previously served the service area of the municipally owned electric~~  
20 ~~utility.~~

21 **SECTION 15.** In Colorado Revised Statutes, 40-41-103, **amend**  
22 (1) and (2)(c); and **repeal** (2)(a) and (2)(b) as follows:

23 **40-41-103. Financing orders - application requirements.**

24 (1) THE COMMISSION MAY DIRECT AN ELECTRIC UTILITY TO FILE AN  
25 APPLICATION FOR A FINANCING ORDER WITH THE COMMISSION. An electric  
26 utility ~~in its sole discretion,~~ may ALSO apply to the commission for a  
27 financing order as authorized by this section.

1           ~~(2) (a) An investor-owned or other regulated electric utility may~~  
2 ~~file an application for approval to issue CO-EI bonds in one or more~~  
3 ~~series, impose, charge, and collect CO-EI charges, and create CO-EI~~  
4 ~~property related to:~~

5           ~~(I) The retirement of an electric generating facility in Colorado~~  
6 ~~that has previously been approved by the commission; or~~

7           ~~(II) Other programs or projects as approved by the commission,~~  
8 ~~including programs or projects to mitigate the effects of extreme weather,~~  
9 ~~wildfires, climate change, or other hazards.~~

10           ~~(b) An electric utility that is not regulated may file an application~~  
11 ~~for approval to issue CO-EI bonds in one or more series, impose, charge,~~  
12 ~~and collect CO-EI charges, and create CO-EI property related to:~~

13           ~~(I) The retirement of an electric generating facility in Colorado;~~  
14 ~~or~~

15           ~~(II) Other programs or projects as approved by the commission,~~  
16 ~~including programs or projects to mitigate the effects of extreme weather,~~  
17 ~~wildfires, climate change, or other hazards.~~

18           ~~(c) The commission shall take final action to approve, deny, or~~  
19 ~~modify any application for a financing order as described in subsection~~  
20 ~~(2)(a) or (2)(b) of this section in a final order issued in accordance with~~  
21 ~~the commission's rules for addressing applications.~~

22           **SECTION 16.** In Colorado Revised Statutes, 40-41-104, **amend**  
23 ~~(1) introductory portion, (1)(a), (2)(a), (2)(i), and (2)(l) as follows:~~

24           **40-41-104. Issuance of financing orders.**

25           (1) Following notice and A hearing on an application for a  
26 financing order as required by the commission's ~~rules, practice, and~~  
27 ~~procedure~~ RULES OF PRACTICE AND PROCEDURE, the commission may

1 issue a financing order if the commission finds that:

2 (a) The CO-EI costs ~~described in the application related to the~~  
3 ~~retirement of the electric generating facilities~~ are reasonable AND IN THE  
4 INTEREST OF RATEPAYERS;

5 (2) The financing order must:

6 (a) Determine the maximum amount of CO-EI costs ~~that may~~ TO  
7 be financed from proceeds of CO-EI bonds authorized to be issued by the  
8 financing order;

9 (i) Authorize the applicant electric utility to finance CO-EI costs  
10 through the issuance of one or more series of CO-EI bonds; ~~An electric~~  
11 ~~utility is not required to secure a separate financing order for each~~  
12 ~~issuance of CO-EI bonds or for each scheduled phase of the previously~~  
13 ~~approved retirement of electric generating facilities approved in the~~  
14 ~~financing order.~~

15 (l) Specify the timing of actions required by the order, including:

16 (I) The timing of issuance of the CO-EI bonds; ~~independent of the~~  
17 ~~schedule of retirement of the electric generating facility;~~

18 (II) The energy assistance funds, if included in the bond issue,  
19 may be transferred to a third-party entity designated by the commission  
20 to administer transition assistance on behalf of displaced workers and  
21 affected communities; ~~no later than the date on which the electric~~  
22 ~~generating facility ceases operation;~~ and

23 (III) The applicant electric utility files to reduce its rates as  
24 required in subsection (4) of this section simultaneously with the  
25 inception of the CO-EI charges; ~~and independently of the schedule of~~  
26 ~~closing and decommissioning of the electric generating facility;~~ and

27 **SECTION 17.** In Colorado Revised Statutes, 40-41-105, **amend**

1 (4) introductory portion as follows:

2 **40-41-105. Effect of financing order.**

3 (4) Notwithstanding subsection (3) of this section, ~~upon the~~  
4 ~~request of an electric utility or at the request of parties in the commission~~  
5 ~~proceeding~~, the commission may commence a proceeding and issue a  
6 subsequent financing order that provides for refinancing, retiring, or  
7 refunding CO-EI bonds issued pursuant to the original financing order if:

8 **SECTION 18.** In Colorado Revised Statutes, 40-41-106, **amend**  
9 (3) as follows:

10 **40-41-106. Effect on commission jurisdiction - rules.**

11 (3) UNLESS A FINANCING ORDER REQUIRES THE RECOVERY OF  
12 COSTS ASSOCIATED WITH THE RETIREMENT OF AN ELECTRIC GENERATION  
13 FACILITY TO BE FINANCED THROUGH CO-EI BONDS, the commission ~~may~~  
14 SHALL not refuse to allow the recovery of any costs associated with the  
15 retirement of electric generating facilities by an electric utility solely  
16 because the electric utility has elected to recover those costs through  
17 traditional rate-making methods or to finance those activities through a  
18 financing mechanism other than CO-EI bonds, whether or not a financing  
19 order with respect to such costs has been applied for by the utility or  
20 issued by the commission.

21 **SECTION 19.** In Colorado Revised Statutes, 40-41-109, **amend**  
22 (1)(c) as follows:

23 **40-41-109. Electric utilities - duties - rate impact notice to**  
24 **customers.**

25 (1) The electric bills of an electric utility that has obtained a  
26 financing order and caused CO-EI bonds to be issued:

27 (c) Must explain to customers in an annual filing with the

1 commission the rate impact that ~~financing the retirement of electric~~  
2 ~~generating facilities~~ THE FINANCING ORDER will have on customer rates.

3 **SECTION 20.** In Colorado Revised Statutes, **add** 40-8.7-113 as  
4 follows:

5 **40-8.7-113. Responsibilities of the public utilities commission**  
6 **- study - rules.**

7 (1) THE COMMISSION SHALL ADOPT RULES REGARDING THE  
8 IMPLEMENTATION OF INCOME-QUALIFIED ENERGY ASSISTANCE PROGRAMS  
9 PROVIDED BY INVESTOR-OWNED GAS AND ELECTRIC UTILITIES. THE RULES  
10 MUST ESTABLISH A STANDARD PROCESS FOR:

11 (a) HOW INVESTOR-OWNED GAS AND ELECTRIC UTILITIES  
12 IMPLEMENT INCOME-QUALIFIED ENERGY ASSISTANCE PROGRAMS;

13 (b) CUSTOMER ACCESS TO INCOME-QUALIFIED ENERGY  
14 ASSISTANCE PROGRAMS, INCLUDING STANDARDIZING THE APPLICATION  
15 PROCESS, ELIGIBILITY REQUIREMENTS, AND TIMELINES FOR ENROLLMENT;  
16 AND

17 (c) HOW INCOME-QUALIFIED ENERGY ASSISTANCE PROGRAMS  
18 ACCOUNT FOR:

19 (I) THE LOW-INCOME ENERGY ASSISTANCE PROGRAM CREATED IN  
20 SECTION 40-8.7-104 (1);

21 (II) THE COLORADO ENERGY OFFICE'S WEATHERIZATION  
22 ASSISTANCE PROGRAM;

23 (III) THE ENERGY ASSISTANCE PROGRAM IMPLEMENTED BY THE  
24 ORGANIZATION; AND

25 (IV) THE FUEL ASSISTANCE PAYMENTS PROGRAM IMPLEMENTED BY  
26 THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-2-307.

27 (2) AS SOON AS PRACTICABLE, THE COMMISSION SHALL CONDUCT

1 A STUDY REGARDING LOW-INCOME ENERGY ASSISTANCE PROGRAMS  
2 OFFERED BY UTILITIES IN THE STATE. THE PURPOSE OF THE STUDY IS TO  
3 DETERMINE WHETHER ACCESS TO AND EQUITY IN LOW-INCOME ENERGY  
4 ASSISTANCE FUNDING CAN BE IMPROVED.

5 **SECTION 21.** In Colorado Revised Statutes, 40-10.1-605,  
6 **amend** (7) and (9); and **add** (11), (12), and (13) as follows:

7 **40-10.1-605. Operational requirements - driver impersonation**  
8 **- misdemeanor - rules.**

9 ~~(7) (a) A transportation network company is not liable for a~~  
10 ~~driver's violation of subsection (6) of this section unless the driver's~~  
11 ~~violation has been previously reported to the transportation network~~  
12 ~~company in writing, and the transportation network company has failed~~  
13 ~~to reasonably address the alleged violation. The commission shall afford~~  
14 ~~a transportation network company the same due process rights afforded~~  
15 ~~transportation providers in defending against civil penalties assessed by~~  
16 ~~the commission.~~

17 ~~(b) The commission may assess a civil penalty IN AN AMOUNT up~~  
18 ~~to five hundred fifty ONE THOUSAND ONE HUNDRED dollars under this~~  
19 ~~subsection (7) FOR A DRIVER'S VIOLATION OF SUBSECTION (6) OF THIS~~  
20 ~~SECTION.~~

21 (9) A driver shall immediately report to the transportation network  
22 company any refusal to transport a passenger pursuant to ~~paragraph (a) of~~  
23 ~~subsection (6)~~ SUBSECTION (6) of this section, and the transportation  
24 network company shall ANONYMIZE AND annually report all ~~such~~ refusals  
25 to the commission in a form and manner determined by the commission.  
26 THE COMMISSION SHALL MAKE THE ANONYMIZED REPORTS AVAILABLE TO  
27 THE PUBLIC.

1           (11) (a) AN INDIVIDUAL SHALL NOT IMPERSONATE A DRIVER OR  
2 ENGAGE IN AN ACT THAT FALSELY REPRESENTS THAT THE INDIVIDUAL IS  
3 REPRESENTING A TRANSPORTATION NETWORK COMPANY OR IS  
4 RESPONDING TO A RIDER'S REQUEST FOR TRANSPORTATION NETWORK  
5 COMPANY SERVICES.

6           (b) AN INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A CLASS  
7 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
8 18-1.3-501 (1)(a.5); EXCEPT THAT AN INDIVIDUAL WHO COMMITS A  
9 VIOLATION OF THIS SECTION DURING THE COMMISSION OF A FELONY  
10 OFFENSE COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS  
11 PROVIDED IN SECTION 18-1.3-401 (1)(a)(V.5).

12           (c) NOTHING IN THIS SUBSECTION (11) PRECLUDES THE  
13 PROSECUTION OF CONDUCT FORMING THE BASIS OF A VIOLATION OF THIS  
14 SUBSECTION (11) UNDER THE CRIMINAL IMPERSONATION STATUTE,  
15 SECTION 18-5-113, OR ANY OTHER RELEVANT CRIMINAL STATUTE.

16           (12) (a) A TRANSPORTATION NETWORK COMPANY SHALL CONDUCT  
17 PERIODIC CHECKS UTILIZING FACIAL RECOGNITION SOFTWARE TO PREVENT  
18 DRIVER IMPERSONATION IN ACCORDANCE WITH RULES ADOPTED BY THE  
19 COMMISSION PURSUANT TO SUBSECTION (12)(b) OF THIS SECTION.

20           (b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE  
21 OF THIS SUBSECTION (12), THE COMMISSION SHALL ADOPT RULES  
22 ESTABLISHING REQUIREMENTS AND PROCEDURES FOR PERIODIC CHECKS  
23 UTILIZING FACIAL RECOGNITION SOFTWARE TO PREVENT DRIVER  
24 IMPERSONATION PROHIBITED PURSUANT TO SUBSECTION (11)(a) OF THIS  
25 SECTION.

26           (13) (a) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE  
27 INFORMATION ABOUT THE COMMISSION TO A RIDER IN ACCORDANCE WITH

1 RULES ADOPTED BY THE COMMISSION PURSUANT TO SUBSECTION (13)(b)  
2 OF THIS SECTION.

3 (b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE  
4 OF THIS SUBSECTION (13), THE COMMISSION SHALL ADOPT RULES  
5 ESTABLISHING REQUIREMENTS AND PROCEDURES FOR A TRANSPORTATION  
6 NETWORK COMPANY TO PROVIDE INFORMATION ABOUT THE COMMISSION,  
7 INCLUDING CONTACT INFORMATION FOR THE COMMISSION, TO A RIDER  
8 PURSUANT TO SUBSECTION (13)(a) OF THIS SECTION.

9 **SECTION 22.** In Colorado Revised Statutes, 40-10.1-609, **add**  
10 (3) as follows:

11 **40-10.1-609. Reporting requirements - report - rules.**

12 (3) (a) ON AN ANNUAL BASIS, A TRANSPORTATION NETWORK  
13 COMPANY SHALL SUBMIT A REPORT TO THE COMMISSION, REDACTED TO  
14 PROTECT PERSONAL IDENTIFYING INFORMATION OF DRIVERS AND RIDERS,  
15 THAT CONTAINS ALL SAFETY-RELATED INCIDENT REPORTS MADE TO OR  
16 CREATED BY THE TRANSPORTATION NETWORK COMPANY IN THE  
17 PRECEDING CALENDAR YEAR. THE COMMISSION SHALL DETERMINE THE  
18 DEADLINE FOR THE ANNUAL REPORTS BY RULE.

19 (b) THE COMMISSION SHALL MAKE THE REPORTS SUBMITTED  
20 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION AVAILABLE TO THE  
21 PUBLIC.

22 **SECTION 23.** In Colorado Revised Statutes, 40-10.1-110,  
23 **amend** (1)(a) as follows:

24 **40-10.1-110. Record check - rules.**

25 (1) (a) An individual who wishes to ~~drive:~~ DRIVE a ~~taxicab~~ MOTOR  
26 VEHICLE for a motor carrier that is the holder of a certificate ~~to provide~~  
27 ~~taxicab service~~ OR A CONTRACT CARRIER PERMIT issued under part 2 of

1 this article 10.1; a motor vehicle for a motor carrier that is the holder of  
2 a permit to operate as a charter bus, children's activity bus, luxury  
3 limousine, or off-road scenic charter under part 3 of this article 10.1; or  
4 a motor vehicle for a motor carrier that is the holder of a permit to operate  
5 as a large-market taxicab service under part 7 of this article 10.1 ~~must~~  
6 SHALL have the individual's fingerprints taken by a local law enforcement  
7 agency or ~~any~~ A third party approved by the Colorado bureau of  
8 investigation for the purpose of obtaining a fingerprint-based criminal  
9 history record check.

10 **SECTION 24.** In Colorado Revised Statutes, **add** 40-10.1-119 as  
11 follows:

12 **40-10.1-119. Market study and report - common and contract**  
13 **carriers - definition - repeal.**

14 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
15 REQUIRES, "STUDY" MEANS THE STUDY REQUIRED BY THIS SECTION.

16 (2) THE COMMISSION SHALL CONDUCT A STUDY ON THE CURRENT  
17 REGULATORY STRUCTURE FOR INTRASTATE CONTRACT AND COMMON  
18 CARRIERS. THE STUDY MUST ADDRESS THE FOLLOWING ISSUES:

19 (a) WHETHER THE CURRENT MODELS, INCLUDING REGULATED  
20 MONOPOLY AND REGULATED COMPETITION, FOR MARKET ENTRY OF  
21 COMMON CARRIERS AND CONTRACT CARRIERS ARE STILL AN APPROPRIATE  
22 STANDARD TO BE IMPLEMENTED IN THE STATE IN LIGHT OF FACTORS SUCH  
23 AS THE ECONOMIC LANDSCAPE AND JOB CREATION;

24 (b) IF THE CURRENT MARKET ENTRY MODELS DESCRIBED IN  
25 SUBSECTION (2)(a) OF THIS SECTION ARE NOT AN APPROPRIATE STANDARD,  
26 HOW THE CURRENT MODELS SHOULD BE CHANGED;

27 (c) WHETHER THE CURRENT MODELS FOR ECONOMIC REGULATION

1 OF COMMON CARRIERS AND CONTRACT CARRIERS THAT REQUIRE RATE  
2 STRUCTURES TO BE APPROVED AND SET IN A JUST, REASONABLE, AND  
3 CONSISTENT MANNER FOR EACH PASSENGER ARE STILL BENEFICIAL TO THE  
4 INDUSTRY AND TO CONSUMERS;

5 (d) IF THE CURRENT ECONOMIC REGULATION MODELS DESCRIBED  
6 IN SUBSECTION (2)(c) OF THIS SECTION ARE NOT AN APPROPRIATE  
7 STANDARD, HOW THE CURRENT MODELS SHOULD BE CHANGED; AND

8 (e) IDENTIFYING THE PROPER BALANCE BETWEEN SERVICE  
9 TERRITORY PROTECTIONS, SUCH AS REGULATED MONOPOLY AND  
10 REGULATED COMPETITION, AND THE POTENTIAL BURDENS ASSOCIATED  
11 WITH THESE MARKET ENTRY AND ECONOMIC REGULATION STANDARDS.

12 (3) IN CONDUCTING THE STUDY, THE COMMISSION SHALL CONSIDER  
13 THE FOLLOWING:

14 (a) WHETHER THE CONDITIONS THAT LED TO THE CURRENT  
15 REGULATION OF COMMON CARRIERS AND CONTRACT CARRIERS HAVE  
16 CHANGED AND WHETHER OTHER CONDITIONS HAVE ARISEN THAT  
17 WARRANT MORE, LESS, OR THE SAME DEGREE OF OVERSIGHT BY THE  
18 COMMISSION;

19 (b) WHETHER EXISTING STATUTES AND COMMISSION RULES  
20 ESTABLISH THE LEAST RESTRICTIVE FORM OF OVERSIGHT THAT IS  
21 CONSISTENT WITH THE PUBLIC INTEREST, CONSIDERING OTHER AVAILABLE  
22 MEANS OF REGULATION;

23 (c) WHETHER EXISTING STATUTES AND COMMISSION RULES  
24 STIMULATE OR RESTRICT COMPETITION; AND

25 (d) WHETHER STATUTORY OR RULE CHANGES ARE NECESSARY TO  
26 IMPROVE COMMISSION EFFICIENCY OR TO ENHANCE THE PUBLIC INTEREST.

27 (4) AFTER CONDUCTING THE STUDY, THE COMMISSION SHALL

1 PUBLISH A REPORT OF THE STUDY'S FINDINGS AND MAKE  
2 RECOMMENDATIONS TO THE GENERAL ASSEMBLY BY JANUARY 1, 2028.

3 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2028.

4 **SECTION 25.** In Colorado Revised Statutes, 40-10.1-302,  
5 **amend** (4) as follows:

6 **40-10.1-302. Permit requirements - rules.**

7 (4) In order to obtain a permit under this section, an applicant  
8 ~~must have~~ SHALL DEMONSTRATE THAT each vehicle operated under the  
9 permit HAS BEEN inspected ~~within the immediately preceding twenty days~~  
10 ~~by a qualified mechanic in accordance with rules promulgated by the~~  
11 ~~commission. The applicant must also attach a report showing each vehicle~~  
12 ~~passed inspection~~ IN ACCORDANCE WITH RULES ADOPTED BY THE  
13 COMMISSION.

14 **SECTION 26.** In Colorado Revised Statutes, 40-10.1-702,  
15 **amend** (3) as follows:

16 **40-10.1-702. Large-market taxicab service - permit required**  
17 **- rules.**

18 (3) In order to obtain a permit under this section, an applicant  
19 ~~must~~ SHALL demonstrate that each vehicle operated under the permit has  
20 been inspected ~~within the immediately preceding twelve months by a~~  
21 ~~qualified mechanic~~ in accordance with rules ~~promulgated~~ ADOPTED by the  
22 commission.

23 **SECTION 27.** In Colorado Revised Statutes, 40-18-101, **amend**  
24 (3) and (6); **repeal** (5); and **add** (2.4) and (2.6) as follows:

25 **40-18-101. Definitions.**

26 As used in this article 18, unless the context otherwise requires:

27 (2.4) "PROGRAM STANDARD" MEANS A STATE SAFETY OVERSIGHT

1 PROGRAM STANDARD DEVELOPED BY THE COMMISSION IN CONFORMANCE  
2 WITH 49 CFR 674, "STATE SAFETY OVERSIGHT".

3 (2.6) "PUBLIC TRANSPORTATION AGENCY SAFETY PLAN" MEANS  
4 THE DOCUMENTED COMPREHENSIVE AGENCY SAFETY PLAN FOR A RAIL  
5 FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEM, INCLUDING A RAIL  
6 TRANSIT AUTHORITY, THAT IS REQUIRED BY 49 U.S.C. SEC. 5329 (d) AND  
7 BASED ON A SAFETY MANAGEMENT SYSTEM, AS DEFINED IN 49 CFR 673.5.

8 (3) (a) "Rail fixed guideway PUBLIC TRANSPORTATION system"  
9 means ~~any~~ A light, heavy, or rapid rail system, monorail, inclined plane,  
10 funicular, trolley, or automated guideway used to transport passengers  
11 that is not regulated by the federal railroad administration.

12 (b) ~~The term~~ "Rail fixed guideway PUBLIC TRANSPORTATION  
13 system" does not include:

14 (I) Funiculars that are passenger tramways as defined in section  
15 12-150-103 (5)(c) and are subject to the jurisdiction of the Colorado  
16 passenger tramway safety board created in section 12-150-104; OR

17 (II) AUTOMATED PEOPLE MOVERS THAT ARE CONVEYANCES, AS  
18 DEFINED IN SECTION 9-5.5-103 (11), AND ARE SUBJECT TO THE  
19 JURISDICTION OF THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC  
20 SAFETY CREATED IN SECTION 8-20-101.

21 (5) ~~"System safety program standard" means a safety standard~~  
22 ~~developed by the commission in conformance with 49 CFR 674, entitled~~  
23 ~~"State Safety Oversight".~~

24 (6) "Transit agency" means an entity operating a rail fixed  
25 guideway PUBLIC TRANSPORTATION system.

26 **SECTION 28.** In Colorado Revised Statutes, **amend** 40-18-102  
27 as follows:



1 (2) The commission shall ~~promulgate~~ ADOPT rules to establish a  
2 ~~system~~ safety oversight program for rail fixed guideway PUBLIC  
3 TRANSPORTATION systems operating within the state. ~~that, at a minimum,~~  
4 ~~meets the requirements of 49 CFR 674, entitled "State Safety Oversight".~~

5 **SECTION 30.** In Colorado Revised Statutes, 40-4-106, **amend**  
6 (6)(e), (6)(f), and (6)(g)(II) as follows:

7 **40-4-106. Rules for public safety - crossings - civil fines -**  
8 **allocation of expenses - definitions.**

9 (6) As used in this section, unless the context otherwise requires:

10 (e) "Rail fixed guideway" means a person possessing rail fixed  
11 guideway PUBLIC TRANSPORTATION system facilities by ownership or  
12 lease.

13 (f) (I) "Rail fixed guideway PUBLIC TRANSPORTATION system" has  
14 the meaning set forth in section 40-18-101 (3).

15 (II) "Rail fixed guideway PUBLIC TRANSPORTATION system"  
16 includes street railroads, street railways, and electric railroads, as those  
17 terms are used in article 24 of this title 40.

18 (g) (II) "Railroad" does not include A rail fixed ~~guideways~~  
19 GUIDEWAY or A rail fixed guideway ~~systems~~ PUBLIC TRANSPORTATION  
20 SYSTEM.

21 **SECTION 31.** In Colorado Revised Statutes, **repeal** 40-18-105  
22 as follows:

23 **40-18-105. Calculation and assessment of fees.**

24 ~~(1) Repealed.~~

25 ~~(2) (a) At each regular session, the general assembly shall~~  
26 ~~determine the amounts to be expended by the commission from the public~~  
27 ~~utilities commission fixed utility fund created in section 40-2-114 for its~~

1 administrative expenses under this article, including any additional FTE  
2 that may be necessary.

3 ~~(b) The director of the public utilities commission shall provide~~  
4 ~~written notice to the revisor of statutes once the federal grant moneys~~  
5 ~~made available under the "Moving Ahead for Progress in the 21st Century~~  
6 ~~Act", 49 U.S.C. sec. 5329, have been awarded to the state. This~~  
7 ~~subsection (2) takes effect upon the receipt by the revisor of statutes of~~  
8 ~~such written notice.~~

9 **SECTION 32.** In Colorado Revised Statutes, 40-2-109, **amend**  
10 (2)(a) introductory portion and (2)(a)(II); and **repeal** (2)(b) as follows:

11 **40-2-109. Report to executive director of the department of**  
12 **revenue.**

13 (2) (a) On March 1 of each year, the ~~public utilities~~ commission  
14 shall furnish the executive director of the department of revenue with a  
15 list of those public utilities subject to ~~its~~ THE COMMISSION'S jurisdiction,  
16 supervision, and regulation on January 1 of each year. ~~The provisions of~~  
17 This subsection (2) ~~shall~~ DOES not apply to:

18 (II) Rail fixed guideway PUBLIC TRANSPORTATION systems that are  
19 regulated by the ~~public utilities~~ commission pursuant to part 1 of article  
20 18 of this ~~title~~ TITLE 40.

21 ~~(b) The director of the public utilities commission shall provide~~  
22 ~~written notice to the revisor of statutes once the federal grant money made~~  
23 ~~available under the "Moving Ahead for Progress in the 21st Century Act",~~  
24 ~~49 U.S.C. sec. 5329, have been awarded to the state. This subsection (2)~~  
25 ~~takes effect upon the receipt by the revisor of statutes of such written~~  
26 ~~notice.~~

27 **SECTION 33.** In Colorado Revised Statutes, 40-2-114, **amend**

1 (1)(a) introductory portion and (1)(a)(I) as follows:

2 **40-2-114. Disposition of fees collected - telecommunications**  
3 **utility fund - fixed utility fund - appropriation.**

4 (1) (a) ~~Three percent of the fees collected under section 40-2-113~~  
5 ~~by the department of revenue shall be remitted to the state treasurer and~~  
6 ~~credited by~~ The state treasurer SHALL CREDIT THE FEES COLLECTED UNDER  
7 SECTION 40-2-113 as follows:

8 (I) Notwithstanding any other provision of this ~~paragraph (a), for~~  
9 ~~the 2016-17 fiscal year and~~ SUBSECTION (1)(a), for any STATE fiscal year  
10 ~~thereafter~~ in which a grant match is required for the receipt of federal  
11 money under ~~the federal "Moving Ahead for Progress in the 21st Century~~  
12 ~~Act", Pub.L. 112-141, 126 Stat. 405, 49 U.S.C. SEC. 5329 for rail fixed~~  
13 ~~guideway system~~ PUBLIC TRANSPORTATION safety oversight  
14 responsibilities under article 18 of this title, ~~the lesser of all of the fees or~~  
15 ~~up to one hundred fifty thousand dollars of the fees, or as much thereof~~  
16 ~~as~~ TITLE 40, THE AMOUNT the commission deems necessary to the public  
17 utilities commission fixed utility fund created in ~~paragraph (b) of this~~  
18 ~~subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION IN ORDER TO OBTAIN  
19 THE FEDERAL GRANT MATCH;

20 **SECTION 34.** In Colorado Revised Statutes, 6-1-905, **amend**  
21 (3)(b) introductory portion and (3)(b)(II) as follows:

22 **6-1-905. Establishment and operation of a Colorado no-call**  
23 **list - rules.**

24 (3) (b) The public utilities commission shall establish, by rule,  
25 guidelines for the designated agent for the development and maintenance  
26 of the Colorado no-call list so that the no-call list can easily be accessed  
27 by persons or entities desiring to make telephone solicitations and by state

1 and local law enforcement agencies. As soon as practicable, ~~after March~~  
2 ~~25, 2003~~, the public utilities commission shall ~~promulgate~~ ADOPT rules  
3 that:

4 (II) Specify ~~that there shall be~~ an annual registration fee IN AN  
5 AMOUNT of not more than ~~five hundred~~ ONE THOUSAND dollars ~~for~~ TO BE  
6 PAID BY persons or entities that wish to make telephone solicitations or  
7 otherwise access the database of telephone numbers and zip codes  
8 contained in the Colorado no-call list database. The public utilities  
9 commission shall determine ~~such~~ THE AMOUNT OF THE fee on a sliding  
10 scale so that persons or entities with fewer than five employees ~~shall~~ DO  
11 NOT pay ~~no~~ A fee. In addition, ~~there~~ A FEE shall ~~be no fee~~ NOT BE charged  
12 to ~~conforming list brokers or~~ nonprofit corporations, as defined in section  
13 7-121-401 (26). ~~C.R.S.~~ The maximum fee AMOUNT TO BE PAID BY  
14 PERSONS OR ENTITIES THAT WISH TO MAKE TELEPHONE SOLICITATIONS OR  
15 OTHERWISE ACCESS THE COLORADO NO-CALL LIST DATABASE shall be  
16 charged only to persons or entities with more than one thousand  
17 employees. ~~Moneys~~ THE COMMISSION SHALL ESTABLISH, BY RULE, A  
18 SEPARATE FEE CHARGED TO CONFORMING LIST BROKERS. MONEY collected  
19 ~~from such~~ AS fees PURSUANT TO THIS SUBSECTION (3)(b)(II) shall BE USED  
20 TO cover the direct and indirect costs related to the creation and operation  
21 of the Colorado no-call list. ~~Moneys from such~~ THE fees shall be  
22 collected by and paid directly to the designated agent. The public utilities  
23 commission ~~shall have the authority to~~ MAY annually adjust the fees  
24 below the stated maximum based on revenue history of the fees received  
25 by the designated agent. The designated agent shall provide means for  
26 online registration and credit card payment of fees charged pursuant to  
27 this ~~subparagraph (H)~~ SUBSECTION (3)(b)(II). Each ~~such~~ person or entity

1 shall provide a current business name, business address, email address if  
2 available, and telephone number when initially registering for the no-call  
3 list. This information shall be updated when changes occur.

4 **SECTION 35.** In Colorado Revised Statutes, 40-1-102, **add** (8.4),  
5 (13), (14), and (15) as follows:

6 **40-1-102. Definitions.**

7 As used in articles 1 to 7 of this title 40, unless the context  
8 otherwise requires:

9 (8.4) (a) "INTRASTATE TELECOMMUNICATIONS" MEANS A  
10 COMMUNICATION OR TRANSMISSION USING A TELECOMMUNICATIONS  
11 SERVICE THAT ORIGINATES AND TERMINATES WITHIN THE STATE.

12 (b) "INTRASTATE TELECOMMUNICATIONS" INCLUDES ALL  
13 COMMUNICATION OR TRANSMISSION BETWEEN TWO POINTS WITHIN THE  
14 STATE USING:

15 (I) LANDLINE OR WIRELINE TELECOMMUNICATIONS SERVICES;

16 (II) WIRELESS OR CELLULAR TELECOMMUNICATIONS SERVICES;

17 (III) INTERCONNECTED VOICE-OVER-INTERNET PROTOCOL  
18 SERVICES;

19 (IV) SATELLITE-BASED TELECOMMUNICATIONS SERVICES; OR

20 (V) A FUNCTIONALLY EQUIVALENT INTERCONNECTED  
21 TELECOMMUNICATIONS SERVICE, INCLUDING PENAL COMMUNICATIONS  
22 SERVICES AS DEFINED IN SECTION 17-42-103 (2)(e), REGARDLESS OF THE  
23 TECHNOLOGY USED TO PROVIDE THE SERVICE.

24 (13) "TELECOMMUNICATIONS" AND "TELECOMMUNICATIONS  
25 SERVICE" HAVE THE MEANING SET FORTH IN 47 U.S.C. SEC. 153.

26 (14) "VOICE-OVER-INTERNET PROTOCOL SERVICE" HAS THE  
27 MEANING SET FORTH IN SECTION 40-15-102 (33).

1 (15) "VOICE SERVICE PROVIDER" MEANS ANY PERSON THAT  
2 PROVIDES A TELECOMMUNICATIONS SERVICE, REGARDLESS OF WHETHER  
3 THE PERSON IS CONSIDERED A PUBLIC UTILITY PURSUANT TO SECTION  
4 40-1-103. "VOICE SERVICE PROVIDER" INCLUDES:

5 (a) A PROVIDER OF A WIRELESS, CELLULAR, OR MOBILE  
6 TELECOMMUNICATIONS SERVICE;

7 (b) AN INTERCONNECTED VOICE-OVER-INTERNET PROTOCOL  
8 SERVICE;

9 (c) A LANDLINE OR WIRELINE TELECOMMUNICATIONS SERVICE;

10 (d) A SATELLITE-BASED TELECOMMUNICATIONS SERVICE; AND

11 (e) A PENAL COMMUNICATIONS SERVICE PROVIDER, AS DEFINED IN  
12 SECTION 17-42-103 (2).

13 **SECTION 36.** In Colorado Revised Statutes, 40-2-109, **amend**  
14 (2)(a) introductory portion as follows:

15 **40-2-109. Report to executive director of the department of**  
16 **revenue.**

17 (2) (a) On March 1 of each year, the public utilities commission  
18 shall furnish the executive director of the department of revenue with a  
19 list of those public utilities subject to ~~its~~ THE PUBLIC UTILITIES  
20 COMMISSION'S jurisdiction, supervision, and regulation on January 1 of  
21 each year AND A LIST OF VOICE SERVICE PROVIDERS. The provisions of this  
22 subsection (2) ~~shall~~ DO not apply to:

23 **SECTION 37.** In Colorado Revised Statutes, **amend** 40-2-111 as  
24 follows:

25 **40-2-111. Report of utilities to department of revenue.**

26 Each public utility AND VOICE SERVICE PROVIDER required to pay  
27 ~~such~~ fees shall, on or before May 15 of each year, file a return with the

1 department of revenue on such forms as shall be prescribed by the  
2 executive director of the department of revenue and the public utilities  
3 commission setting forth the gross operating revenues of ~~such~~ THE public  
4 utility OR VOICE SERVICE PROVIDER from intrastate utility business ~~only~~  
5 transacted ONLY in the state of Colorado during the preceding calendar  
6 year. ~~Such~~ THE return shall be executed and verified by two of the  
7 executive officers of the PUBLIC utility OR VOICE SERVICE PROVIDER  
8 making the return and shall contain or be verified by a written declaration  
9 that it is made under the penalties of perjury in the second degree, and any  
10 officer who knowingly and willfully makes and signs a false return is  
11 guilty of perjury in the second degree.

12 **SECTION 38.** In Colorado Revised Statutes, 40-2-112, **amend**  
13 (1) as follows:

14 **40-2-112. Computation of fees.**

15 (1) (a) On or before June 1 of each year, the executive director of  
16 the department of revenue shall ascertain the aggregate amount of gross  
17 operating revenues of ~~telephone corporations~~ VOICE SERVICE PROVIDERS  
18 and all ~~other~~ public utilities filing returns as provided in section 40-2-111.  
19 Based on appropriations made by the general assembly ~~the executive~~  
20 ~~director of the department of regulatory agencies shall specify,~~ for the  
21 telecommunications utility fund created in section 40-2-114 (1)(b)(I) and  
22 the public utilities commission fixed utility fund created in section  
23 40-2-114 (1)(b)(II), THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
24 REGULATORY AGENCIES SHALL SPECIFY the AMOUNT OF revenue THAT IS  
25 needed to ~~provide~~ PAY for the direct and indirect costs of the supervision  
26 and regulation of ~~telephone corporations~~ VOICE SERVICE PROVIDERS and  
27 all ~~other~~ public utilities under the jurisdiction of the department of

1 regulatory agencies, excluding the amount of money provided as  
2 administrative support from the various telecommunications programs  
3 administered by the commission, including the high cost support  
4 mechanism established in section 40-15-208, the 911 surcharge  
5 established in section 29-11-102.3, the 988 surcharge established in  
6 section 40-17.5-102, and the telephone disability access surcharge  
7 established in section 40-17-102.

8 (b) (I) For each ~~telephone corporation~~ VOICE SERVICE PROVIDER,  
9 the executive director of the department of regulatory agencies shall  
10 ~~compute~~ CALCULATE the percentage which the amount of revenue needed  
11 for the direct and indirect costs of the supervision and regulation of  
12 ~~telephone corporations~~ VOICE SERVICE PROVIDERS is of the aggregate  
13 amount of gross operating revenues of the ~~telephone corporation~~ VOICE  
14 SERVICE PROVIDER derived from intrastate utility AND INTRASTATE  
15 TELECOMMUNICATIONS business transacted during the preceding calendar  
16 year, and that percentage shall be the basis upon which fees due from  
17 ~~telephone corporations~~ VOICE SERVICE PROVIDERS for the ensuing year  
18 shall be fixed.

19 (II) For each public utility other than a telephone corporation, the  
20 executive director of the department of regulatory agencies shall compute  
21 the percentage which the amount of revenue needed for the direct and  
22 indirect costs of the supervision and regulation of public utilities other  
23 than telephone corporations is of the aggregate amount of THE PUBLIC  
24 UTILITY'S gross operating revenues ~~of such public utilities~~ THAT WERE  
25 derived from intrastate utility business transacted during the preceding  
26 calendar year, and that percentage shall be the basis upon which fees due  
27 from the public utilities for the ensuing year shall be fixed.

1           **SECTION 39.** In Colorado Revised Statutes, 40-2-113, **amend**  
2 (1) and (2) as follows:

3           **40-2-113. Collection of fees - limitation.**

4           (1) On or before June 15 of each year, the department of revenue  
5 shall notify each public utility subject to this article 2 AND EACH VOICE  
6 SERVICE PROVIDER of the amount of its fee for the ensuing fiscal year  
7 beginning July 1, computed by multiplying its gross intrastate utility AND  
8 INTRASTATE TELECOMMUNICATIONS operating revenues for the preceding  
9 calendar year, as set forth in ~~its~~ THE PUBLIC UTILITY'S OR VOICE SERVICE  
10 PROVIDER'S return filed for that purpose, by the percentage determined in  
11 accordance with section 40-2-112; except that the department of revenue  
12 shall not require a ~~public utility that is~~ a telephone corporation to pay a  
13 fee in excess of two-fifths of one percent of its gross intrastate utility AND  
14 INTRASTATE TELECOMMUNICATIONS operating revenues for the preceding  
15 calendar year and shall not require any ~~other~~ public utility to pay a fee in  
16 excess of forty-five one-hundredths of one percent of its gross intrastate  
17 utility AND INTRASTATE TELECOMMUNICATIONS operating revenues for the  
18 preceding calendar year.

19           (2) Each public utility ~~including penal communications service~~  
20 ~~providers, as defined in section 17-42-103 (2),~~ AND EACH VOICE SERVICE  
21 PROVIDER shall pay the fee assessed against it to the department of  
22 revenue in equal quarterly installments on or before July 15, October 15,  
23 January 15, and April 15 in each fiscal year. If a public utility OR VOICE  
24 SERVICE PROVIDER does not make a payment by one of the quarterly  
25 deadlines, the department of revenue shall charge the public utility OR  
26 VOICE SERVICE PROVIDER a penalty of ten percent of the installment due,  
27 together with interest at the rate of one percent per month on the amount

1 of the unpaid installment until the full amount of the installment, penalty,  
2 and interest has been paid. Upon failure, refusal, or neglect of any public  
3 utility OR VOICE SERVICE PROVIDER to pay the fee, or any penalty or  
4 interest, the attorney general shall bring suit in the name of the state to  
5 collect the amount due.

6 **SECTION 40.** In Colorado Revised Statutes, 29-11-104, **amend**  
7 (2)(a)(II)(A) as follows:

8 **29-11-104. Use of money collected.**

9 (2) (a) (II) If money is available after the costs and charges  
10 enumerated in subsection (2)(a)(I) of this section are fully paid in a given  
11 year, the money may be expended for:

12 (A) Public safety radio equipment outside the PSAP THAT IS USED  
13 FOR DISPATCHING EMERGENCY SERVICE PROVIDERS TO RESPOND TO 911  
14 CALLS; or

15 **SECTION 41.** In Colorado Revised Statutes, 17-42-103, **amend**  
16 (5)(a) and (5)(c)(III) as follows:

17 **17-42-103. Policies concerning inmates' use of telephones -**  
18 **excessive rates prohibited - transparency of communications services**  
19 **in correctional facilities - report - definitions - rules.**

20 (5) (a) ~~Starting on January 1, 2022,~~ THE PUBLIC UTILITIES  
21 COMMISSION MAY ESTABLISH, BY RULE, INTRASTATE rate caps AND CAPS  
22 ON ANCILLARY SERVICE CHARGES established by the federal  
23 communications commission TO apply to all in-state debit, prepaid, and  
24 collect calls to or from a correctional facility. THE INTRASTATE RATE CAPS  
25 MAY TAKE EFFECT JANUARY 1, 2027. THE PUBLIC UTILITIES COMMISSION  
26 MAY ANNUALLY ADJUST THE RATE CAPS IN AN AMOUNT NOT TO EXCEED  
27 ANY INTRASTATE RATE CAPS ESTABLISHED BY THE FEDERAL

1 COMMUNICATIONS COMMISSION. THE PUBLIC UTILITIES COMMISSION MAY  
2 ENFORCE THE RATE CAPS.

3 (c) The public utilities commission shall comply with the  
4 following steps when conducting trial tests of penal communications  
5 services:

6 (III) Tests may be conducted remotely. All correctional facilities  
7 AND PENAL COMMUNICATIONS SERVICE PROVIDERS shall cooperate with  
8 the public utilities commission in conducting tests of penal  
9 communications services.

10 **SECTION 42.** In Colorado Revised Statutes, 40-7-117, **amend**  
11 (2) introductory portion and (2)(c) as follows:

12 **40-7-117. Gas pipeline safety rules - civil penalty for violations**  
13 **- other remedies - rules.**

14 (2) ~~Any~~ THE COMMISSION MAY REDUCE THE AMOUNT OF A civil  
15 penalty authorized by this section ~~may be reduced by the commission~~  
16 based on consideration of objective metrics and factors set forth in rules.  
17 The metrics and factors must include:

18 (c) The extent to which the violator agrees to spend, in lieu of  
19 payment of part of the civil penalty, a specified dollar amount on  
20 commission-approved measures to reduce the overall risk to pipeline  
21 system safety or integrity; except that the amount of the penalty payable  
22 to the commission ~~shall~~ MUST be no less than five thousand dollars  
23 UNLESS THE VIOLATOR IS A SMALL OPERATOR, AS THAT TERM IS DEFINED  
24 BY THE COMMISSION BY RULE.

25 **SECTION 43.** In Colorado Revised Statutes, 40-3-104.4, **add** (3)  
26 as follows:

27 **40-3-104.4. Simplified regulatory treatment for small or**

1 **nonprofit water utilities - study of privately owned water utilities -**  
2 **repeal.**

3 (3) (a) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE  
4 DATE OF THIS SUBSECTION (3), THE COMMISSION SHALL CONDUCT A STUDY  
5 THAT:

6 (I) IDENTIFIES ALL PRIVATELY OWNED WATER UTILITIES IN THE  
7 STATE;

8 (II) ASSESSES THE FINANCIAL CONDITION OF EACH OF THE  
9 PRIVATELY OWNED WATER UTILITIES;

10 (III) ANALYZES WHAT OPTIONS ARE AVAILABLE TO THE PRIVATELY  
11 OWNED WATER UTILITIES TO TRANSITION INTO SPECIAL DISTRICTS,  
12 MUNICIPAL ENTITIES, PUBLIC INTEREST NONPROFIT ORGANIZATIONS,  
13 MEMBER-OWNED NONPROFIT ORGANIZATIONS, OR OTHER TYPES OF  
14 ENTITIES; AND

15 (IV) ADDRESSES WHAT UPGRADE COSTS ARE NECESSARY FOR THE  
16 MAINTENANCE OR ENVIRONMENTAL COMPLIANCE OF PRIVATELY OWNED  
17 WATER UTILITY INFRASTRUCTURE AND WHETHER A DISTINCT FUNDING  
18 STREAM SHOULD BE MADE AVAILABLE TO SUPPORT THE UPGRADE COSTS.

19 (b) THE COMMISSION SHALL COMPLETE AND MAKE THE RESULTS OF  
20 THE STUDY PUBLICLY AVAILABLE ON THE COMMISSION'S WEBSITE ON OR  
21 BEFORE OCTOBER 1, 2031.

22 (c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
23 2032.

24 **SECTION 44. Act subject to petition - effective date -**  
25 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
26 the expiration of the ninety-day period after final adjournment of the  
27 general assembly (August 12, 2026, if adjournment sine die is on May 13,

1 2026); except that, if a referendum petition is filed pursuant to section 1  
2 (3) of article V of the state constitution against this act or an item, section,  
3 or part of this act within such period, then the act, item, section, or part  
4 will not take effect unless approved by the people at the general election  
5 to be held in November 2026 and, in such case, will take effect on the  
6 date of the official declaration of the vote thereon by the governor.

7 (2) This act applies to conduct occurring on or after the applicable  
8 effective date of this act.