

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0365.01 Jennifer Berman x3286

HOUSE BILL 26-1326

HOUSE SPONSORSHIP

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

SENATE SPONSORSHIP

Rodriguez and Cutter,

House Committees

Energy & Environment
Finance
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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.**

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, 2033.**

7 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
8 (27)(a)(XVI); and **add (34)(a)(XIV)** 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 (34) (a) The following agencies, functions, or both, are scheduled
17 for repeal on September 1, 2033:

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

20 ■ ■

21 **SECTION 3.** In Colorado Revised Statutes, 40-2-101, **add (2.5)**
22 **as follows:**

23 **40-2-101. Creation - appointment - term - rules - subject to**
24 **termination - repeal of part.**

25 (2.5) (a) IN PERFORMING ITS DUTIES PURSUANT TO THIS ARTICLE
26 40, THE COMMISSION MAY SEND COMMUNICATIONS THROUGH EMAIL.

27 (b) THE COMMISSION SHALL ADOPT RULES ESTABLISHING

1 PROTOCOLS FOR THE USE AND SECURITY OF EMAIL COMMUNICATIONS SENT
2 BY THE COMMISSION.

3 **SECTION 4.** In Colorado Revised Statutes, 40-5-106, **add** (3) as
4 follows:

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

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

8 **SECTION 5.** In Colorado Revised Statutes, 40-6-102, **amend** (1)
9 as follows:

10 **40-6-102. Service - fees - depositions - examination of**
11 **witnesses.**

12 (1) The commission, each commissioner, an administrative law
13 judge with respect to matters referred to such judge, and the director of
14 the commission ~~have power to~~ MAY issue notices, orders to satisfy or
15 answer, summonses, subpoenas, and commissions to take the deposition
16 of ~~any~~ A witness whose testimony is required in any proceeding pending
17 before the commission in like manner and to the same extent as courts of
18 record. The process issued by the commission, ~~any~~ A commissioner, an
19 administrative law judge, or the director of the commission ~~shall extend~~
20 EXTENDS to all parts of the state and beyond the boundaries ~~thereof~~ OF
21 THE STATE as may be provided by law or the Colorado rules of civil
22 procedure and may be served by ~~any~~ A person authorized to serve process
23 of courts of record, by ~~any~~ A person designated for that purpose by the
24 commission or a commissioner, or ~~by first-class mail, postage prepaid,~~ as
25 provided in section 40-6-108. The person executing any such process
26 shall receive such compensation as may be allowed by the commission,
27 not to exceed the fees now prescribed by law for similar services, and

1 such fees shall be paid in the same manner as provided for payment of the
2 fees of witnesses.

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

5 **40-6-108. Complaints - service - notice of hearing - rules.**

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

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

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

1 **40-7-116. Enforcement of civil penalties against carriers.**

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

7 **SECTION 8.** In Colorado Revised Statutes, 40-7-116.5, **amend**
8 (1)(b) introductory portion as follows:

9 **40-7-116.5. Enforcement of civil penalties against public**
10 **utilities.**

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

15 **SECTION 9.** In Colorado Revised Statutes, 40-2-124, **amend**
16 (1)(c)(I) introductory portion, (1)(c)(I)(E), (1)(c)(II)(A), (1)(g)(I)(A), (4)
17 introductory portion, and (5.5); and **add** (1)(c)(XI) as follows:

18 **40-2-124. Renewable energy standards - qualifying retail and**
19 **wholesale utilities - definitions - net metering - exception - legislative**
20 **declaration - rules.**

21 (1) Each provider of retail electric service in the state of Colorado,
22 other than municipally owned utilities that serve forty thousand customers
23 or fewer, is a qualifying retail utility. Each qualifying retail utility, with
24 the exception of cooperative electric associations that have voted to
25 exempt themselves from commission jurisdiction pursuant to section
26 40-9.5-104 and municipally owned utilities, is subject to the rules
27 established under this article 2 by the commission. No additional

1 regulatory authority is provided to the commission other than that
2 specifically contained in this section. In accordance with article 4 of title
3 24, the commission shall revise or clarify existing rules to establish the
4 following:

5 (c) Electric resource standards:

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

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

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

22 (XI) (A) ON AND AFTER JANUARY 1, 2027, A QUALIFYING RETAIL
23 UTILITY WITH A CLEAN ENERGY PLAN, AS DEFINED IN SECTION 40-2-125.5
24 (2)(a), THAT HAS BEEN APPROVED BY THE COMMISSION AND THAT
25 DEMONSTRATES THE QUALIFYING RETAIL UTILITY'S COMPLIANCE WITH THE
26 STATE'S CLEAN ENERGY TARGETS, AS VERIFIED BY THE DIVISION OF
27 ADMINISTRATION PURSUANT TO SECTION 25-7-105 (1)(e)(VII), MAY

1 NOTIFY THE COMMISSION OF ITS COMPLIANCE EACH TIME THAT THE
2 DIVISION OF ADMINISTRATION VERIFIES COMPLIANCE WITH THE CLEAN
3 ENERGY TARGETS AND THAT THE QUALIFYING RETAIL UTILITY IS OPTING
4 OUT OF THE ELECTRIC RESOURCE STANDARD REQUIREMENTS DESCRIBED
5 IN SUBSECTION (1)(c)(I) OF THIS SECTION OR IS CONTINUING TO OPT OUT
6 OF THE REQUIREMENTS.

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

16 (g) Retail rate impact rule:

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

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

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

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

23 **SECTION 10.** In Colorado Revised Statutes, **add** 40-2-140 as
24 follows:

25 **40-2-140. Joint resource procurement study - report -**
26 **definition - repeal.**

27 (1) AS USED IN THIS SECTION, "COLORADO ENERGY OFFICE" MEANS

1 THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

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

6 (I) IDENTIFY BARRIERS TO JOINT PROCUREMENT OF ADVANCED
7 TECHNOLOGY GENERATION, NONEMITTING CLEAN FIRM GENERATION, WIND
8 GENERATION, SOLAR GENERATION, CONVENTIONAL OR INNOVATIVE
9 STORAGE, AND TRANSMISSION RESOURCES;

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

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

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

23 (3) IN CONDUCTING THE STUDY PURSUANT TO SUBSECTION (2) OF
24 THIS SECTION, THE COMMISSION:

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

26 (b) MAY CONTRACT WITH A THIRD PARTY.

27 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.

1 **SECTION 11.** In Colorado Revised Statutes, 40-2-123, **add** (6)
2 as follows:

3 **40-2-123. Energy technologies - consideration by commission**
4 **- incentives - demonstration projects - commission may require**
5 **specific customer-facing programs - legislative declaration -**
6 **definitions.**

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

8 (I) SINCE 2007, COLORADO HAS ENACTED SEVERAL STATUTES
9 THAT DIRECT COMMISSION-REGULATED UTILITIES TO IMPLEMENT
10 CUSTOMER-FACING PROGRAMS AIMED AT REDUCING ENERGY BILLS,
11 REDUCING ENERGY CONSUMPTION, OR SUPPORTING THE TRANSITION TO
12 LOWER- OR ZERO-CARBON-EMITTING TECHNOLOGIES;

13 (II) SUCH CUSTOMER-FACING PROGRAMS INCLUDE DEMAND-SIDE
14 MANAGEMENT, BENEFICIAL ELECTRIFICATION, CLEAN HEAT PLANS, AND
15 TRANSPORTATION ELECTRIFICATION;

16 (III) FOR MANY OF THESE PROGRAMS, UTILITIES MAY LACK A
17 NATURAL INCENTIVE TO TAKE CERTAIN ACTIONS OR IMPLEMENT THESE
18 PROGRAMS EFFECTIVELY. ADDITIONALLY, DUE TO STAFFING OR
19 ECONOMIES OF SCALE, SMALLER UTILITIES MAY LACK THE ABILITY TO
20 OPERATE SUCH PROGRAMS AT A REASONABLE COST TO RATEPAYERS.

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

25 (V) ESTABLISHED STATE ENTERPRISES, SUCH AS THE BUILDING
26 DECARBONIZATION ENTERPRISE CREATED IN SECTION 24-38.5-125, MAY
27 PROVIDE AN ALTERNATIVE OPTION FOR ADMINISTERING COMPETITIVE

1 SOLICITATIONS FOR THIRD-PARTY PROGRAM ADMINISTRATION; AND

2 (VI) THEREFORE, THE COMMISSION SHOULD BE AUTHORIZED TO
3 REQUIRE COMMISSION-REGULATED UTILITIES TO ENGAGE ONE OR MORE
4 THIRD PARTIES TO ADMINISTER SPECIFIC CUSTOMER-FACING PROGRAMS IF
5 THE COMMISSION DEEMS THE USE OF ONE OR MORE THIRD PARTIES
6 PRUDENT AND IN THE BEST INTEREST OF RATEPAYERS. IN ADDITION, THE
7 COMMISSION SHOULD BE AUTHORIZED TO REQUIRE THE USE OF A
8 COMPETITIVE BIDDING PROCESS TO PROCURE THE SERVICES OF A
9 THIRD-PARTY ADMINISTRATOR.

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

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

21 **SECTION 12.** In Colorado Revised Statutes, 29-20-108, **amend**
22 **(5)(a)** as follows:

23 [REDACTED]
24 **29-20-108. Local government regulation - location,**
25 **construction, or improvement of major electrical or natural gas**
26 **facilities - powerline trail notification - expedited review for certain**
27 **transmission line projects - legislative declaration - definitions.**

1 (5) (a) (I) If a local government denies a permit or application of
2 a public utility, A MUNICIPALLY OWNED UTILITY, A COOPERATIVE
3 ELECTRIC ASSOCIATION, AN INDEPENDENT TRANSMISSION DEVELOPER, AN
4 INDEPENDENT POWER PRODUCER, or A power authority that relates to the
5 location, construction, or improvement of major electrical or natural gas
6 facilities, or if the local government imposes requirements or conditions
7 upon such permit or application that will unreasonably impair the ability
8 of the public utility, A MUNICIPALLY OWNED UTILITY, A COOPERATIVE
9 ELECTRIC ASSOCIATION, AN INDEPENDENT TRANSMISSION DEVELOPER, AN
10 INDEPENDENT POWER PRODUCER, or A power authority to provide safe,
11 reliable, and economical service to the public, the public utility,
12 MUNICIPALLY OWNED UTILITY, COOPERATIVE ELECTRIC ASSOCIATION,
13 INDEPENDENT TRANSMISSION DEVELOPER, INDEPENDENT POWER
14 PRODUCER, or power authority may appeal the local government action to
15 the public utilities commission for a determination under section
16 40-4-102, ~~C.R.S.~~, so long as one or more of the following conditions
17 exist:

18 (H) (A) The public utility, MUNICIPALLY OWNED UTILITY,
19 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT TRANSMISSION
20 DEVELOPER, INDEPENDENT POWER PRODUCER, or power authority has
21 applied for or has obtained a certificate of public convenience and
22 necessity from the public utilities commission pursuant to section
23 40-5-101, ~~C.R.S.~~, to construct the major electrical or natural gas facility
24 that is the subject of the local government action;

25 (H) (B) A certificate of public convenience and necessity is not
26 required for the public utility, MUNICIPALLY OWNED UTILITY,
27 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT TRANSMISSION

1 DEVELOPER, INDEPENDENT POWER PRODUCER, or power authority to
2 construct the major electrical or natural gas facility that is the subject of
3 the local government action; or

4 (HH) (C) The public utilities commission has previously entered
5 an order pursuant to section 40-4-102, ~~C.R.S.~~, that conflicts with the local
6 government action.

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

17 (III) NOTHING IN SUBSECTION (5)(a)(I) OF THIS SECTION SUBJECTS
18 A 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 SUBSECTION (5)(a)(I) OF THIS SECTION.

26 **SECTION 13.** 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 14.** 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 15.** 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 16.** 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 17.** 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 18.** 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

4 **SECTION 19.** In Colorado Revised Statutes, 40-10.1-605, **repeal**
5 **(7)(a)**; and **add** (11), (12), and (13) as follows:

6 **40-10.1-605. Operational requirements - driver impersonation**
7 **- misdemeanor - rules.**

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

16

17 (11) (a) AN INDIVIDUAL SHALL NOT IMPERSONATE A DRIVER OR
18 ENGAGE IN AN ACT THAT FALSELY REPRESENTS THAT THE INDIVIDUAL IS
19 REPRESENTING A TRANSPORTATION NETWORK COMPANY OR IS
20 RESPONDING TO A RIDER'S REQUEST FOR TRANSPORTATION NETWORK
21 COMPANY SERVICES.

22 (b) AN INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A CLASS
23 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
24 18-1.3-501 (1)(a.5); EXCEPT THAT AN INDIVIDUAL WHO COMMITS A
25 VIOLATION OF THIS SECTION DURING THE COMMISSION OF A FELONY
26 OFFENSE COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
27 PROVIDED IN SECTION 18-1.3-401 (1)(a)(V.5).

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

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

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

15 (c) THIS SUBSECTION (12) DOES NOT APPLY TO A TRANSPORTATION
16 NETWORK COMPANY THAT:

17 (I) EITHER SERVES RIDERS, AT LEAST SEVENTY-FIVE PERCENT OF
18 WHOM ARE MINORS, OR EARNS AT LEAST NINETY PERCENT OF THE
19 TRANSPORTATION NETWORK COMPANY'S REVENUE FROM CONTRACTS WITH
20 A PUBLIC OR PRIVATE SCHOOL, THE FEDERAL GOVERNMENT, THE STATE, OR
21 AN AGENCY OR POLITICAL SUBDIVISION OF THE FEDERAL GOVERNMENT OR
22 OF THE STATE; AND

23 (II) HAS AT LEAST NINETY PERCENT OF THE TRANSPORTATION
24 NETWORK COMPANY'S DRIVERS IN COMPLIANCE WITH THE COMMISSION'S
25 RULES ADOPTED PURSUANT TO SECTION 40-10.1-608 (3)(a).

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 20.** In Colorado Revised Statutes, 40-10.1-606,
10 **amend** (2)(b) as follows:

11 **40-10.1-606. Permit required for transportation network**
12 **companies - annual permit fee - penalty for violation - rules.**

13 (2) (b) On and after ~~January 1, 2024~~ SEPTEMBER 1, 2026, the
14 commission shall issue a permit to each transportation network company
15 that meets the requirements of this part 6 and pays an annual permit fee
16 to the commission in an amount that the commission sets administratively
17 with approval of the executive director of the department of regulatory
18 agencies and that does not exceed one hundred ~~eleven~~ SIXTY-ONE
19 thousand two hundred fifty dollars. Before increasing a permit fee
20 pursuant to this subsection (2)(b), the commission shall notify
21 transportation network companies in writing of the increased fee at least
22 thirty days before the increased fee takes effect.

23 **SECTION 21.** In Colorado Revised Statutes, 40-10.1-110,
24 **amend** (1)(a) as follows:

25 **40-10.1-110. Record check - rules.**

26 (1) (a) An individual who wishes to ~~drive:~~ DRIVE a ~~taxicab~~ MOTOR

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

12 **SECTION 22.** In Colorado Revised Statutes, 40-10.1-116, **amend**
13 **(3)(a)** as follows:

14 **40-10.1-116. Commission to notify local authorities -**
15 **procedure.**

16 (3) (a) A person injured by the noncompliance of a motor carrier
17 with this article 10.1 or any other provision of law or an order, decision,
18 rule, direction, or requirement of the commission may apply to a court of
19 competent jurisdiction for the enforcement thereof, and the court has
20 jurisdiction to enforce obedience thereto by injunction or other proper
21 process, mandatory or otherwise, and to restrain the motor carrier and its
22 officers, agents, employees, or representatives from further disobedience
23 thereof, or to enjoin upon them obedience to the same, and any person so
24 injured has A cause of action in damages, ~~and~~ is privileged to pursue the
25 usual and proper remedies as in any other case, AND IS NOT REQUIRED TO
26 PURSUE OR EXHAUST ADMINISTRATIVE REMEDIES BEFORE THE
27 COMMISSION PRIOR TO COMMENCING SUIT OR OTHER ACTION SEEKING

1 SUCH RELIEF.

2 **SECTION 23.** In Colorado Revised Statutes, **add** 40-10.1-119 as
3 follows:

4 **40-10.1-119. Market study and report - common and contract**
5 **carriers - definition - repeal.**

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

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

11 (a) WHETHER THE CURRENT MODELS, INCLUDING REGULATED
12 MONOPOLY AND REGULATED COMPETITION, FOR MARKET ENTRY OF
13 COMMON CARRIERS AND CONTRACT CARRIERS ARE STILL AN APPROPRIATE
14 STANDARD TO BE IMPLEMENTED IN THE STATE IN LIGHT OF FACTORS SUCH
15 AS THE ECONOMIC LANDSCAPE AND JOB CREATION;

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

19 (c) WHETHER THE CURRENT MODELS FOR ECONOMIC REGULATION
20 OF COMMON CARRIERS AND CONTRACT CARRIERS THAT REQUIRE RATE
21 STRUCTURES TO BE APPROVED AND SET IN A JUST, REASONABLE, AND
22 CONSISTENT MANNER FOR EACH PASSENGER ARE STILL BENEFICIAL TO THE
23 INDUSTRY AND TO CONSUMERS;

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

27 (e) IDENTIFYING THE PROPER BALANCE BETWEEN SERVICE

1 TERRITORY PROTECTIONS, SUCH AS REGULATED MONOPOLY AND
2 REGULATED COMPETITION, AND THE POTENTIAL BURDENS ASSOCIATED
3 WITH THESE MARKET ENTRY AND ECONOMIC REGULATION STANDARDS.

4 (3) IN CONDUCTING THE STUDY, THE COMMISSION SHALL CONSIDER
5 THE FOLLOWING:

6 (a) WHETHER THE CONDITIONS THAT LED TO THE CURRENT
7 REGULATION OF COMMON CARRIERS AND CONTRACT CARRIERS HAVE
8 CHANGED AND WHETHER OTHER CONDITIONS HAVE ARISEN THAT
9 WARRANT MORE, LESS, OR THE SAME DEGREE OF OVERSIGHT BY THE
10 COMMISSION;

11 (b) WHETHER EXISTING STATUTES AND COMMISSION RULES
12 ESTABLISH THE LEAST RESTRICTIVE FORM OF OVERSIGHT THAT IS
13 CONSISTENT WITH THE PUBLIC INTEREST, CONSIDERING OTHER AVAILABLE
14 MEANS OF REGULATION;

15 (c) WHETHER EXISTING STATUTES AND COMMISSION RULES
16 STIMULATE OR RESTRICT COMPETITION; AND

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

19 (4) AFTER CONDUCTING THE STUDY, THE COMMISSION SHALL
20 PUBLISH A REPORT OF THE STUDY'S FINDINGS AND MAKE
21 RECOMMENDATIONS TO THE GENERAL ASSEMBLY BY JANUARY 1, 2028.

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

23 **SECTION 24.** In Colorado Revised Statutes, 40-10.1-302,
24 **amend** (4) as follows:

25 **40-10.1-302. Permit requirements - rules.**

26 (4) In order to obtain a permit under this section, an applicant
27 ~~must have~~ SHALL DEMONSTRATE THAT each vehicle operated under the

1 permit HAS BEEN inspected ~~within the immediately preceding twenty days~~
2 ~~by a qualified mechanic in accordance with rules promulgated by the~~
3 ~~commission. The applicant must also attach a report showing each vehicle~~
4 ~~passed inspection~~ IN ACCORDANCE WITH RULES ADOPTED BY THE
5 COMMISSION.

6 **SECTION 25.** In Colorado Revised Statutes, 40-10.1-702,
7 **amend** (3) as follows:

8 **40-10.1-702. Large-market taxicab service - permit required**
9 **- rules.**

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

15 **SECTION 26.** In Colorado Revised Statutes, 40-18-101, **amend**
16 (3) and (6); **repeal** (5); and **add** (2.4) and (2.6) as follows:

17 **40-18-101. Definitions.**

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

19 (2.4) "PROGRAM STANDARD" MEANS A STATE SAFETY OVERSIGHT
20 PROGRAM STANDARD DEVELOPED BY THE COMMISSION IN CONFORMANCE
21 WITH 49 CFR 674, "STATE SAFETY OVERSIGHT".

22 (2.6) "PUBLIC TRANSPORTATION AGENCY SAFETY PLAN" MEANS
23 THE DOCUMENTED COMPREHENSIVE AGENCY SAFETY PLAN FOR A RAIL
24 FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEM, INCLUDING A RAIL
25 TRANSIT AUTHORITY, THAT IS REQUIRED BY 49 U.S.C. SEC. 5329 (d) AND
26 BASED ON A SAFETY MANAGEMENT SYSTEM, AS DEFINED IN 49 CFR 673.5.

27 (3) (a) "Rail fixed guideway PUBLIC TRANSPORTATION system"

1 means ~~any~~ A light, heavy, or rapid rail system, monorail, inclined plane,
2 funicular, trolley, or automated guideway used to transport passengers
3 that is not regulated by the federal railroad administration.

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

6 (I) Funiculars that are passenger tramways as defined in section
7 12-150-103 (5)(c) and are subject to the jurisdiction of the Colorado
8 passenger tramway safety board created in section 12-150-104; OR

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

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

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

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

20 **40-18-102. Rail fixed guideway public transportation system
21 oversight program - commission may establish.**

22 The commission is authorized to establish an oversight program
23 for the safety and security of rail fixed guideway PUBLIC
24 TRANSPORTATION systems in accordance with ~~section 28 of the~~
25 ~~"Intermodal Surface Transportation Efficiency Act of 1991", 49 U.S.C.~~
26 ~~sec. 5330, and the "Moving Ahead for Progress in the 21st Century Act",~~
27 49 U.S.C. sec. 5329.

1 **SECTION 28.** In Colorado Revised Statutes, **amend** 40-18-103
2 as follows:

3 **40-18-103. Commission to adopt rules.**

4 (1) The commission shall ~~promulgate~~ ADOPT rules as are
5 necessary to:

6 (a) Require, review, approve, and monitor the creation and
7 implementation of a ~~system~~ PUBLIC TRANSPORTATION AGENCY safety
8 ~~program~~ plan for each rail fixed guideway PUBLIC TRANSPORTATION
9 system operating in Colorado;

10 (b) Investigate hazardous conditions and ~~accidents~~ SAFETY
11 EVENTS on rail fixed guideway PUBLIC TRANSPORTATION systems;

12 (c) Require corrective action BY A RAIL FIXED GUIDEWAY PUBLIC
13 TRANSPORTATION SYSTEM OPERATED by a transit agency to correct or
14 eliminate hazardous conditions; AND

15 (d) Require that ~~system safety~~ THE program ~~standards comply~~
16 STANDARD THAT THE COMMISSION DEVELOPS COMPLIES with the
17 ~~requirements of 49 CFR 674, entitled "State Safety Oversight", at a~~
18 ~~minimum, and also adequately address the issue of personal security~~
19 PROGRAM STANDARD.

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

24 **SECTION 29.** In Colorado Revised Statutes, 40-4-106, **amend**
25 (6)(e), (6)(f), and (6)(g)(II) as follows:

26 **40-4-106. Rules for public safety - crossings - civil fines -**
27 **allocation of expenses - definitions.**

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

2 (e) "Rail fixed guideway" means a person possessing rail fixed
3 guideway PUBLIC TRANSPORTATION system facilities by ownership or
4 lease.

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

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

10 (g) (II) "Railroad" does not include A rail fixed guideways
11 GUIDEWAY or A rail fixed guideway systems PUBLIC TRANSPORTATION
12 SYSTEM.

13 **SECTION 30.** In Colorado Revised Statutes, **repeal** 40-18-105
14 as follows:

15 **40-18-105. Calculation and assessment of fees.**

16 ~~(1) Repealed.~~

17 ~~(2) (a) At each regular session, the general assembly shall
18 determine the amounts to be expended by the commission from the public
19 utilities commission fixed utility fund created in section 40-2-114 for its
20 administrative expenses under this article, including any additional FTE
21 that may be necessary.~~

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

1 **SECTION 31.** In Colorado Revised Statutes, 40-2-109, **amend**
2 (2)(a) introductory portion and (2)(a)(II); and **repeal** (2)(b) as follows:

3 **40-2-109. Report to executive director of the department of**
4 **revenue.**

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

10 (II) Rail fixed guideway PUBLIC TRANSPORTATION systems that are
11 regulated by the ~~public utilities~~ commission pursuant to part 1 of article
12 18 of this ~~title~~ TITLE 40.

13 (b) ~~The director of the public utilities commission shall provide~~
14 ~~written notice to the revisor of statutes once the federal grant money made~~
15 ~~available under the "Moving Ahead for Progress in the 21st Century Act",~~
16 ~~49 U.S.C. sec. 5329, have been awarded to the state. This subsection (2)~~
17 ~~takes effect upon the receipt by the revisor of statutes of such written~~
18 ~~notice.~~

19 **SECTION 32.** In Colorado Revised Statutes, 40-2-114, **amend**
20 (1)(a) introductory portion and (1)(a)(I) as follows:

21 **40-2-114. Disposition of fees collected - telecommunications**
22 **utility fund - fixed utility fund - appropriation.**

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

27 (I) Notwithstanding any other provision of this ~~paragraph (a), for~~

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

12 **SECTION 33.** In Colorado Revised Statutes, 6-1-905, **amend**
13 (3)(b) introductory portion and (3)(b)(II) as follows:

14 **6-1-905. Establishment and operation of a Colorado no-call**
15 **list - rules.**

16 (3) (b) The public utilities commission shall establish, by rule,
17 guidelines for the designated agent for the development and maintenance
18 of the Colorado no-call list so that the no-call list can easily be accessed
19 by persons or entities desiring to make telephone solicitations and by state
20 and local law enforcement agencies. As soon as practicable, ~~after March~~
21 ~~25, 2003,~~ the public utilities commission shall ~~promulgate~~ ADOPT rules
22 that:

23 (II) Specify ~~that there shall be~~ an annual registration fee IN AN
24 AMOUNT of not more than ~~five hundred~~ ONE THOUSAND dollars ~~for~~ TO BE
25 PAID BY persons or entities that wish to make telephone solicitations or
26 otherwise access the database of telephone numbers and zip codes
27 contained in the Colorado no-call list database. The public utilities

1 commission shall determine ~~such~~ THE AMOUNT OF THE fee on a sliding
2 scale so that persons or entities with fewer than five employees ~~shall~~ DO
3 NOT pay ~~no~~ A fee. In addition, ~~there~~ A FEE shall ~~be no fee~~ NOT BE charged
4 to ~~conforming list brokers or~~ nonprofit corporations, as defined in section
5 7-121-401 (26). ~~C.R.S.~~ The maximum fee AMOUNT TO BE PAID BY
6 PERSONS OR ENTITIES THAT WISH TO MAKE TELEPHONE SOLICITATIONS OR
7 OTHERWISE ACCESS THE COLORADO NO-CALL LIST DATABASE shall be
8 charged only to persons or entities with more than one thousand
9 employees. ~~Moneys~~ THE COMMISSION SHALL ESTABLISH, BY RULE, A
10 SEPARATE FEE CHARGED TO CONFORMING LIST BROKERS. MONEY collected
11 ~~from such~~ AS fees PURSUANT TO THIS SUBSECTION (3)(b)(II) shall BE USED
12 TO cover the direct and indirect costs related to the creation and operation
13 of the Colorado no-call list. ~~Moneys from such~~ THE fees shall be
14 collected by and paid directly to the designated agent. The public utilities
15 commission ~~shall have the authority to~~ MAY annually adjust the fees
16 below the stated maximum based on revenue history of the fees received
17 by the designated agent. The designated agent shall provide means for
18 online registration and credit card payment of fees charged pursuant to
19 this ~~subparagraph (H)~~ SUBSECTION (3)(b)(II). Each ~~such~~ person or entity
20 shall provide a current business name, business address, email address if
21 available, and telephone number when initially registering for the no-call
22 list. This information shall be updated when changes occur.

23

24 **SECTION 34.** In Colorado Revised Statutes, 40-2-113, **add** (4)
25 as follows:

26 **40-2-113. Collection of fees - limitation - filing fees.**

27 (4) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS

1 SECTION, THE COMMISSION MAY SET ADMINISTRATIVELY A FILING FEE
2 SCHEDULE FOR APPLICATIONS, PETITIONS, REGISTRATIONS, FORMAL
3 COMPLAINTS, AND SIMILAR FILINGS THAT ARE SUBMITTED TO THE
4 COMMISSION THAT RELATE TO COMMUNICATIONS SERVICES,
5 TELECOMMUNICATIONS SERVICES, AND BASIC EMERGENCY SERVICES. THE
6 PURPOSE OF THE FILING FEES IS TO RECOVER THE COMMISSION'S COSTS
7 ASSOCIATED WITH REGULATORY ACTIVITIES THAT ARE NOT COVERED BY
8 THE FEES ASSESSED PURSUANT TO SECTIONS 40-2-112 AND 40-2-113.

9 (b) MEMBERS OF THE PUBLIC WHO FILE COMPLAINTS AND PUBLIC
10 UTILITIES THAT ARE SUBJECT TO THE FEES ASSESSED PURSUANT TO
11 SECTIONS 40-2-112 AND 40-2-113 ARE EXEMPT FROM THE FILING FEES SET
12 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION.

13 (c) THE STATE TREASURER SHALL CREDIT ALL FILING FEES
14 COLLECTED BY THE COMMISSION PURSUANT TO THIS SUBSECTION (4) TO
15 THE TELECOMMUNICATIONS UTILITY FUND CREATED IN SECTION 40-2-114
16 (1)(b)(I).

17 **SECTION 35.** In Colorado Revised Statutes, 40-15-402, **amend**
18 (1) as follows:

19 **40-15-402. No regulation by the commission - no certificate**
20 **required.**

21 (1) Nothing in articles 1 to 7 of this ~~title~~ TITLE 40 or parts 2 and
22 3 of this ~~article~~ ARTICLE 15 ~~shall apply~~ APPLIES to deregulated services
23 and products pursuant to this part 4; EXCEPT THAT THE FILING FEES SET
24 ADMINISTRATIVELY BY THE COMMISSION PURSUANT TO SECTION 40-2-113
25 (4) APPLY TO DEREGULATED SERVICES AND PRODUCTS.

26 **SECTION 36.** In Colorado Revised Statutes, 29-11-104, **amend**
27 (2)(a)(II)(A) as follows:

1 **29-11-104. Use of money collected.**

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

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

8 **SECTION 37.** In Colorado Revised Statutes, 17-42-103, **amend**
9 (5)(a) and (5)(c)(III); and **add** (5)(d.5), (6), and (7) as follows:

10 **17-42-103. Policies concerning inmates' use of telephones -**
11 **excessive rates prohibited - transparency of communications services**
12 **in correctional facilities - report - definitions - rules.**

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

23 (c) The public utilities commission shall comply with the
24 following steps when conducting trial tests of penal communications
25 services:

26 (III) Tests may be conducted remotely. All correctional facilities
27 AND PENAL COMMUNICATIONS SERVICE PROVIDERS shall cooperate with

1 the public utilities commission in conducting tests of penal
2 communications services.

3 (d.5) THE PUBLIC UTILITIES COMMISSION SHALL DEVELOP FLYERS
4 OR OTHER INFORMATIONAL DOCUMENTS TO INFORM MEMBERS OF THE
5 PUBLIC OF THE METHODS BY WHICH THEY MAY SUBMIT AN INFORMAL
6 COMPLAINT TO THE PUBLIC UTILITIES COMMISSION REGARDING PENAL
7 COMMUNICATIONS SERVICES. BEGINNING JANUARY 1, 2027, EACH
8 CORRECTIONAL FACILITY SHALL POST THE DOCUMENTS IN A CONSPICUOUS
9 LOCATION WHERE THE DOCUMENTS MAY BE VIEWED BY VISITORS TO THE
10 CORRECTIONAL FACILITY.

11 (6) THE PUBLIC UTILITIES COMMISSION MAY ADOPT RULES
12 IMPLEMENTING THIS SECTION, INCLUDING RULES:

13 (a) REQUIRING PENAL COMMUNICATIONS SERVICE PROVIDERS TO
14 REPORT OUTAGES OF PENAL COMMUNICATIONS SERVICES TO THE PUBLIC
15 UTILITIES COMMISSION; AND

16 (b) IMPOSING PENALTIES THAT COMPORT WITH SECTION 40-7-113.5
17 (1) FOR A PENAL COMMUNICATIONS SERVICE PROVIDER'S FAILURE TO
18 COMPLY WITH THE REQUIREMENTS OF THIS SECTION THAT APPLY TO PENAL
19 COMMUNICATIONS SERVICE PROVIDERS.

20 (7) NOTHING IN THIS SECTION IS INTENDED TO ESTABLISH PUBLIC
21 UTILITIES COMMISSION AUTHORITY OVER CORRECTIONAL FACILITIES.

22 **SECTION 38.** In Colorado Revised Statutes, 40-7-117, **amend**
23 (2) introductory portion and (2)(c) as follows:

24 **40-7-117. Gas pipeline safety rules - civil penalty for violations**
25 **- other remedies - rules.**

26 (2) ~~Any~~ THE COMMISSION MAY REDUCE THE AMOUNT OF A civil
27 penalty authorized by this section ~~may be reduced by the commission~~

1 based on consideration of objective metrics and factors set forth in rules.

2 The metrics and factors must include:

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

10 **SECTION 39.** In Colorado Revised Statutes, 40-3-104.4, **add** (3)
11 as follows:

12 **40-3-104.4. Simplified regulatory treatment for small or**
13 **nonprofit water utilities - study of privately owned water utilities -**
14 **repeal.**

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

18 (I) IDENTIFIES ALL PRIVATELY OWNED WATER UTILITIES IN THE
19 STATE;

20 (II) ASSESSES THE FINANCIAL CONDITION OF EACH OF THE
21 PRIVATELY OWNED WATER UTILITIES;

22 (III) ANALYZES WHAT OPTIONS ARE AVAILABLE TO THE PRIVATELY
23 OWNED WATER UTILITIES TO TRANSITION INTO SPECIAL DISTRICTS,
24 MUNICIPAL ENTITIES, PUBLIC INTEREST NONPROFIT ORGANIZATIONS,
25 MEMBER-OWNED NONPROFIT ORGANIZATIONS, OR OTHER TYPES OF
26 ENTITIES; AND

27 (IV) ADDRESSES WHAT UPGRADE COSTS ARE NECESSARY FOR THE

1 MAINTENANCE OR ENVIRONMENTAL COMPLIANCE OF PRIVATELY OWNED
2 WATER UTILITY INFRASTRUCTURE AND WHETHER A DISTINCT FUNDING
3 STREAM SHOULD BE MADE AVAILABLE TO SUPPORT THE UPGRADE COSTS.

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

7 (c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,
8 2032.

9 **SECTION 40.** In Colorado Revised Statutes, **add 40-4-123 as**
10 **follows:**

11 **40-4-123. Electric utilities - interconnection information -**
12 **disclosure for federal clean electricity investment credit compliance**
13 **- definitions.**

14 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

16 (a) "FEDERAL CREDIT" MEANS THE FEDERAL CLEAN ELECTRICITY
17 INVESTMENT CREDIT AUTHORIZED UNDER SECTION 48E OF THE FEDERAL
18 "INTERNAL REVENUE CODE OF 1986", 26 U.S.C. SEC. 48E.

19 (b) "INTERCONNECTION UTILITY" MEANS AN INVESTOR-OWNED
20 ELECTRIC UTILITY.

21 (c) "MATERIAL ASSISTANCE COST RATIO" MEANS THE
22 MEASUREMENT OF HOW MUCH OF A PROJECT'S COST IS FROM
23 NONPROHIBITED FOREIGN ENTITY SOURCES AND IS CALCULATED IN
24 ACCORDANCE WITH 26 U.S.C. SEC. 7701 (a)(52)(D) OR ANY SUCCESSOR
25 FEDERAL STATUTE.

26 (d) "QUALIFIED INTERCONNECTION PROPERTY" HAS THE MEANING
27 SET FORTH IN 26 U.S.C. SEC. 48E (b)(4).

1 (2) AN INTERCONNECTION UTILITY SHALL, UPON WRITTEN
2 REQUEST, PROVIDE A TAXPAYER CLAIMING THE FEDERAL CREDIT ANY
3 INFORMATION OR CERTIFICATIONS REASONABLY NECESSARY FOR A
4 DETERMINATION OF COMPLIANCE WITH APPLICABLE FEDERAL
5 REQUIREMENTS, INCLUDING THE MATERIAL ASSISTANCE COST RATIO. THE
6 INFORMATION OR CERTIFICATIONS MUST INCLUDE, TO THE EXTENT IT IS
7 AVAILABLE, INFORMATION REGARDING THE ORIGIN, COST, AND
8 CONSTITUENT COMPONENTS OF ANY PROPERTY OR EQUIPMENT, INCLUDING
9 ASSOCIATED LABOR COSTS, THAT IS REQUIRED FOR CALCULATING THE
10 MATERIAL ASSISTANCE COST RATIO FOR QUALIFIED INTERCONNECTION
11 PROPERTY.

12 (3) AN INTERCONNECTION UTILITY SHALL PROVIDE THE
13 INFORMATION OR CERTIFICATIONS REQUESTED PURSUANT TO SUBSECTION
14 (2) OF THIS SECTION WITHIN A REASONABLE TIME FRAME AND IN
15 SUFFICIENT DETAIL TO ENABLE THE TAXPAYER TO PERFORM THE REQUIRED
16 CALCULATIONS AND CERTIFICATIONS REQUIRED UNDER FEDERAL TAX
17 RULES AND GUIDANCE REGARDING THE FEDERAL CREDIT.

18 **SECTION 41.** In Colorado Revised Statutes, add 40-2-132.7 as
19 follows:

20 **40-2-132.7. Energy planning proceedings - investigation to**
21 **streamline - report - repeal.**

22 (1) ON OR BEFORE DECEMBER 1, 2026, THE COMMISSION SHALL
23 OPEN ONE OR MORE MISCELLANEOUS PROCEEDINGS TO INVESTIGATE
24 POTENTIAL BARRIERS TO AND OPPORTUNITIES FOR STREAMLINING ENERGY
25 PLANNING PROCEEDINGS, INTEGRATING GAS AND ELECTRIC SYSTEM
26 PLANNING, AND MAXIMIZING THE EFFICIENCY AND EFFECTIVENESS OF
27 CUSTOMER PROGRAMMING. IN CONDUCTING THE MISCELLANEOUS

1 PROCEEDINGS, THE COMMISSION SHALL IDENTIFY AND EVALUATE
2 RECOMMENDATIONS RELATED TO:

3 (a) REVISING THE TIMING AND ORDER FOR KEY PLANNING
4 PROCEEDINGS TO ACHIEVE REGULATORY EFFICIENCY AND REDUCE
5 LITIGATION COSTS WHILE MAINTAINING HIGH STANDARDS OF REGULATORY
6 OVERSIGHT;

7 (b) INTEGRATING GAS AND ELECTRIC SYSTEM PLANNING AS A
8 MEANS TO REDUCE RATEPAYER COSTS AND TO ADVANCE FEDERAL,
9 REGIONAL, STATE, AND LOCAL AIR QUALITY AND DECARBONIZATION
10 GOALS; AND

11 (c) IMPROVING THE COST-EFFECTIVENESS AND EFFECTIVENESS OF
12 UTILITY CUSTOMER PROGRAMS, INCLUDING DEMAND-SIDE MANAGEMENT,
13 BENEFICIAL ELECTRIFICATION, CLEAN HEAT, CUSTOMER-SITED RENEWABLE
14 ENERGY AND STORAGE, AND INCOME-QUALIFIED SERVICE PROGRAMS.

15 (2) IN EVALUATING POTENTIAL BARRIERS AND OPPORTUNITIES FOR
16 INTEGRATING GAS AND ELECTRIC SYSTEM PLANNING PURSUANT TO
17 SUBSECTION (1)(b) OF THIS SECTION, THE COMMISSION SHALL CONSIDER:

18 (a) IMPLEMENTING EMERGING FORECASTING AND MODELING
19 PRACTICES TO ALLOW FOR OPTIMIZATION ACROSS GAS AND ELECTRIC
20 SYSTEMS;

21 (b) ALIGNING PLANNING PROCESSES, FORECASTS, ASSUMPTIONS,
22 PROGRAMS, INITIATIVES, OR ANY COMBINATION THEREOF ACROSS GAS,
23 ELECTRIC, AND STEAM PROCEEDINGS;

24 (c) FACILITATING SECURE DATA SHARING BETWEEN GAS AND
25 ELECTRIC UTILITIES AND WITH CERTAIN NONUTILITY ENTITIES, SUCH AS
26 GOVERNMENTAL BODIES AND THIRD-PARTY PROVIDERS;

27 (d) IMPROVING COLLABORATION AMONG UTILITIES THAT HAVE

1 OVERLAPPING SERVICE TERRITORIES;

2 (e) EVALUATING AND IMPLEMENTING GEOGRAPHICALLY TARGETED

3 ZONAL ELECTRIFICATION;

4 (f) EVALUATING AND MINIMIZING STRANDED ASSET RISKS; AND

5 (g) MODIFYING COST-RECOVERY METHODS TO REDUCE RATEPAYER

6 RISK OR TO ALIGN UTILITY INCENTIVES WITH RELEVANT PUBLIC POLICY

7 OBJECTIVES SUCH AS REDUCING GREENHOUSE GAS EMISSIONS.

8 (3) IN CONDUCTING THE MISCELLANEOUS PROCEEDINGS PURSUANT

9 TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL SOLICIT

10 INPUT FROM STAKEHOLDERS THROUGH PUBLIC WORKSHOPS, WRITTEN

11 COMMENTS, AND OTHER FORUMS.

12 (4) (a) BASED ON THE MISCELLANEOUS PROCEEDINGS CONDUCTED

13 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL

14 PRODUCE A REPORT IDENTIFYING ITS FINDINGS, CONCLUSIONS, AND

15 RECOMMENDATIONS. THE COMMISSION SHALL INCLUDE ANY

16 RECOMMENDATIONS REGARDING LEGISLATIVE, REGULATORY, OR

17 OPERATIONAL ACTIONS NEEDED TO:

18 (I) IMPROVE REGULATORY EFFICIENCY AND EFFECTIVENESS,

19 INCLUDING THROUGH REVISING THE TIMING AND ORDER OF KEY PLANNING

20 PROCEEDINGS;

21 (II) ADVANCE INTEGRATED GAS AND ELECTRIC SYSTEM PLANNING;

22 AND

23 (III) DELIVER COST-EFFECTIVE, IMPACTFUL, AND STREAMLINED

24 UTILITY CUSTOMER PROGRAMMING TO ACHIEVE PUBLIC POLICY GOALS,

25 INCLUDING GOALS OF REDUCING GREENHOUSE GAS EMISSIONS AND

26 INCREASING ACCESS TO AND THE BENEFITS OF PROGRAMMING FOR

27 INCOME-QUALIFIED CUSTOMERS AND DISPROPORTIONATELY IMPACTED

1 COMMUNITIES.

2 (b) WITHIN THE REPORT, THE COMMISSION SHALL ALSO IDENTIFY
3 WHETHER ANY OF THE RECOMMENDATIONS MADE PURSUANT TO
4 SUBSECTION (4)(a) OF THIS SECTION WOULD REQUIRE OR BENEFIT FROM
5 LEGISLATION TO CHANGE STATUTORY DEADLINES FOR SPECIFIC PLANNING
6 PROCEEDINGS, AND, IF SO, THE COMMISSION SHALL RECOMMEND THE
7 STATUTORY CHANGES NEEDED.

8 (5) ON OR BEFORE NOVEMBER 30, 2027, THE COMMISSION SHALL
9 SUBMIT THE REPORT TO THE HOUSE OF REPRESENTATIVES ENERGY AND
10 ENVIRONMENT COMMITTEE, THE HOUSE OF REPRESENTATIVES
11 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE, AND
12 THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR
13 SUCCESSOR COMMITTEES.

14 (6) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2029.

15 **SECTION 42. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly (August 12, 2026, if adjournment sine die is on May 13,
19 2026); except that, if a referendum petition is filed pursuant to section 1
20 (3) of article V of the state constitution against this act or an item, section,
21 or part of this act within such period, then the act, item, section, or part
22 will not take effect unless approved by the people at the general election
23 to be held in November 2026 and, in such case, will take effect on the
24 date of the official declaration of the vote thereon by the governor.

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