

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 26-0365.01 Jennifer Berman x3286

**HOUSE BILL 26-1326**

**HOUSE SPONSORSHIP**

**Duran and Willford**, Goldstein, Joseph, Paschal, Smith, Velasco, Brown, English, Jackson, Lindsay, Marshall, McCluskie, Nguyen

**SENATE SPONSORSHIP**

**Rodriguez and Cutter**,

**House Committees**

Energy & Environment  
Finance  
Appropriations

**Senate Committees**

**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 AND MAKING AN  
105 APPROPRIATION.

**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

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.*

HOUSE  
Amended 3rd Reading  
May 11, 2026

HOUSE  
Amended 2nd Reading  
May 9, 2026

agencies in its 2025 sunset review of the public utilities commission (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, **add 40-2-106.5 as**  
8 **follows:**

9           **40-2-106.5. Transparency about electric and gas**  
10 **investor-owned utility regulatory filings - commission informational**  
11 **meetings - annual reports - summary of public comments in**  
12 **commission decisions.**

13           (1) **ON OR BEFORE JANUARY 31, 2027, AND ON OR BEFORE EACH**  
14 **JANUARY 31 THEREAFTER, AN ELECTRIC INVESTOR-OWNED UTILITY, A GAS**  
15 **INVESTOR-OWNED UTILITY, OR A COMBINED ELECTRIC AND GAS**  
16 **INVESTOR-OWNED UTILITY SHALL FILE WITH THE COMMISSION A SUMMARY**  
17 **OF THE UTILITY'S ANTICIPATED REGULATORY FILINGS FOR THE FOLLOWING**  
18 **CALENDAR YEAR. THE COMMISSION SHALL MAKE THE UTILITY'S FILINGS**  
19 **PUBLICLY AVAILABLE ON ITS WEBSITE.**

20           (2) **AFTER AN INVESTOR-OWNED UTILITY FILES WITH THE**  
21 **COMMISSION A SUMMARY OF ITS ANTICIPATED REGULATORY FILINGS**  
22 **PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL**  
23 **CONVENE AN INFORMATIONAL MEETING IN FEBRUARY OF THE YEAR**  
24 **FOLLOWING THE DATE OF THE FILING TO DISCUSS THE ANTICIPATED**  
25 **REGULATORY PROCEEDINGS.**

26           (3) **ON OR BEFORE MARCH 31, 2027, AND ON OR BEFORE EACH**  
27 **MARCH 31 THEREAFTER, THE COMMISSION SHALL SUBMIT AN ANNUAL**

1 REPORT TO THE GENERAL ASSEMBLY SUMMARIZING ALL MAJOR  
2 ADJUDICATED CASES AND RULE-MAKINGS THAT THE COMMISSION  
3 ENGAGED IN DURING THE PREVIOUS YEAR. THE ANNUAL REPORT MUST  
4 INCLUDE:

5 (a) A DESCRIPTION OF MAJOR COMMISSION CASES, AS DETERMINED  
6 BY THE COMMISSION, AND WORK IN ITS UTILITY, TRANSPORTATION, AND  
7 PIPELINE SAFETY INDUSTRY SECTORS;

8 (b) A DESCRIPTION OF PROGRESS THE COMMISSION ACHIEVED ON  
9 IMPLEMENTING THE EQUITY GOALS SET FORTH IN SECTION 40-2-108;

10 (c) A DESCRIPTION OF PROGRESS THAT THE COMMISSION ACHIEVED  
11 ON IMPLEMENTING THE "BEST VALUE" EMPLOYMENT METRICS, AS  
12 DESCRIBED IN SECTION 40-2-129, AND ENERGY SECTOR PUBLIC WORKS  
13 PROJECTS, AS DEFINED IN SECTION 24-92-303 (5)(a); AND

14 (d) DATA ON THE NUMBER OF CONSUMER COMPLAINTS RECEIVED  
15 AND RESOLVED BY THE COMMISSION AND THE NUMBER OF THOSE  
16 COMPLAINTS THAT RESULTED IN CONSUMER REFUNDS OR BILL  
17 ADJUSTMENTS.

18 (4) ON AND AFTER SEPTEMBER 1, 2026, THE COMMISSION SHALL  
19 INCLUDE IN EACH DECISION THAT THE COMMISSION REACHES ON A MATTER  
20 BEFORE THE COMMISSION A SUMMARY OF THE PUBLIC COMMENTS THE  
21 COMMISSION RECEIVED ON THE MATTER, INCLUDING A SUMMARY OF THE  
22 VOLUME OF COMMENTS RECEIVED; AN OVERVIEW OF THE ADVOCATED  
23 POSITIONS PRESENTED IN THE COMMENTS, INCLUDING COMMENTS THAT  
24 SPECIFICALLY ADDRESSED EQUITY ISSUES AND IMPACTS TO  
25 DISPROPORTIONATELY IMPACTED COMMUNITIES; AND A CLEAR  
26 EXPLANATION OF HOW THE COMMISSION CONSIDERED THE ADVOCATED  
27 POSITIONS IN REACHING ITS FINAL DECISION ON THE MATTER. PUBLIC

1 COMMENTS SHALL NOT BE CONSIDERED AS PART OF THE EVIDENTIARY  
2 RECORD.

3 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **repeal**  
4 (27)(a)(XVI); and **add (34)(a)(XIV)** as follows:

5 **24-34-104. General assembly review of regulatory agencies**  
6 **and functions for repeal, continuation, or reestablishment - legislative**  
7 **declaration - repeal.**

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

10 (XVI) ~~The Colorado public utilities commission created in article~~  
11 ~~2 of title 40;~~

12 (34) (a) The following agencies, functions, or both, are scheduled  
13 for repeal on September 1, 2033:

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

16

17 **SECTION 4.** In Colorado Revised Statutes, 40-2-101, **amend (2);**  
18 **and add (1)(c), (1)(d), and (2.5)** as follows:

19 **40-2-101. Creation - appointment - term - rules - subject to**  
20 **termination - repeal of part.**

21 (1) (c) ~~THE COMMISSION, ACTING THROUGH ITS DIRECTOR, HAS THE~~  
22 ~~POWERS, DUTIES, AND FUNCTIONS RELATED TO ITS BUDGETING,~~  
23 ~~PURCHASING, PLANNING, AND RELATED MANAGEMENT FUNCTIONS,~~  
24 ~~INCLUDING HUMAN RESOURCES.~~

25 (d) ~~WHEN APPOINTING COMMISSIONERS, THE GOVERNOR SHALL~~  
26 ~~CONSIDER INDIVIDUALS WHO ARE KNOWLEDGEABLE OF THE INDUSTRIES~~  
27 ~~THAT THE COMMISSION REGULATES AND WHO PROVIDE A DIVERSITY OF~~

1 EXPERIENCE AND UNDERSTANDING OF PUBLIC INTEREST CONSIDERATIONS,  
2 INCLUDING LAW, FINANCE, EMISSION REDUCTION STRATEGIES, AND  
3 CONSUMER PROTECTIONS.

4 (2) No more than two members of the ~~public utilities~~ commission  
5 shall be affiliated with the same political party, and any appointment to  
6 fill a vacancy shall be for the unexpired term. Each commissioner shall  
7 be a qualified elector of this state. The governor shall designate one  
8 member of the commission as chair of the commission. The  
9 commissioners shall devote their entire time to the duties of their office  
10 to the exclusion of any other employment and shall receive such  
11 compensation as is designated by law. A majority of the commission ~~shall~~  
12 ~~constitute~~ CONSTITUTES a quorum for the transaction of its business. THE  
13 COMMISSION MAY HOLD WEEKLY MEETINGS FOR THE TRANSACTION OF ITS  
14 BUSINESS AND, BEGINNING JULY 1, 2027, A MAJORITY OF THE  
15 COMMISSIONERS MUST ATTEND ANY SUCH WEEKLY MEETING IN PERSON.  
16 NOTHING IN THIS SECTION PROHIBITS THE COMMISSIONERS FROM MEETING  
17 IN PERSON AT ANY TIME PRIOR TO JULY 1, 2027.

18 (2.5) (a) IN PERFORMING ITS DUTIES PURSUANT TO THIS ARTICLE  
19 40, THE COMMISSION MAY SEND COMMUNICATIONS THROUGH EMAIL.

20 (b) THE COMMISSION SHALL ADOPT RULES ESTABLISHING  
21 PROTOCOLS FOR THE USE AND SECURITY OF EMAIL COMMUNICATIONS SENT  
22 BY THE COMMISSION.

23 **SECTION 5.** In Colorado Revised Statutes, 40-2-103, **amend** (1)  
24 as follows:

25 **40-2-103. Director - duties.**

26 (1) The executive director of the department of regulatory  
27 agencies, pursuant to section 13 of article XII of the state constitution,

1 and with the approval of the commission, shall appoint a director of the  
2 commission. The director shall manage the operations of the agency in  
3 order to carry out the public utilities law, to carry out and implement  
4 policies, procedures, and decisions made by the commission, and to meet  
5 the requirements of the commission concerning any matters within the  
6 authority of a **type 1** entity, as defined in section 24-1-105, and which  
7 requirements are under the jurisdiction of the commission. The director  
8 has all the powers and responsibilities of the division director for this  
9 purpose, ~~including~~ AND IS RESPONSIBLE AND ACCOUNTABLE FOR THE  
10 ACTUAL OPERATIONS AND MANAGEMENT OF THE STATE PERSONNEL  
11 SYSTEM WITHIN THE DIRECTOR'S RESPECTIVE DIVISION. THE DIRECTOR HAS  
12 THE POWER TO SUBMIT AN ANNUAL BUDGET PURSUANT TO SECTION  
13 40-2-110 AND IN COORDINATION WITH THE DEPARTMENT OF REGULATORY  
14 AGENCIES. ADDITIONALLY, THE DIRECTOR HAS the power to issue all  
15 necessary process, writs, warrants, and notices. The director has the  
16 requisite power to serve warrants and other process in any county or city  
17 and county of this state and to delegate such actions to duly authorized  
18 employees or agents of the agency as appropriate.

19 **SECTION 6.** In Colorado Revised Statutes, 40-2-104, **add** (5) as  
20 follows:

21 **40-2-104. Assistants and employees - utilization of**  
22 **independent experts.**

23 (5) THE COMMISSION SHALL EMPLOY AND DESIGNATE EMPLOYEES  
24 OF THE COMMISSION TO PERFORM INTERNAL AND EXTERNAL  
25 COMMUNICATIONS AND ENGAGEMENT FUNCTIONS, INCLUDING TO ENSURE  
26 CONSISTENCY AND INCLUSIVENESS OF PUBLIC COMMENT HEARINGS AND TO  
27 PROMOTE EFFECTIVE INTERAGENCY COORDINATION.

1           **SECTION 7.** In Colorado Revised Statutes, 40-2-108, **amend**  
2           **(3)(a); and add (3)(c)(III), (3)(e), and (3)(f) as follows:**

3           **40-2-108. Rules - legislative declaration - equity impacts**  
4           **proceedings - equity analyst - equity task force - creation.**

5           (3) (a) The general assembly finds, determines, and declares that:

6           (I) Certain communities, both in Colorado and internationally,  
7           have historically been forced to bear a disproportionate burden of adverse  
8           human health or environmental effects, as documented in numerous  
9           studies, including the "Toxic Wastes and Race at Twenty, 1987-2007"  
10          report by the United Church of Christ Justice & Witness Ministries; the  
11          federal environmental protection agency's annual environmental justice  
12          progress reports; and a 2021 report from the "Mapping for Environmental  
13          Justice" project at the Berkeley Public Policy/The Goldman School that  
14          shows how the pollution burden is distributed in Colorado, while also  
15          facing systemic exclusion from environmental decision-making processes  
16          and enjoying fewer environmental benefits; and

17          (II) The purpose of this subsection (3) is to ensure that the  
18          commission, in exercising its regulatory authority, will take account of  
19          and, where possible, help to correct these historical inequities AND TAKE  
20          REASONABLE ACTIONS TO BENEFIT COLORADO COMMUNITIES AND  
21          WORKERS, INCLUDING NET BENEFITS SUCH AS:

22               (A) HIGH-QUALITY JOBS IN COLORADO THAT PROVIDE  
23               AFFORDABLE HEALTH INSURANCE AND PAY WAGES THAT SUPPORT  
24               COLORADO FAMILIES;

25               (B) A WORKFORCE WITH THE TOOLS, OPPORTUNITIES, AND  
26               ECONOMIC ASSISTANCE TO SUCCESSFULLY ADAPT DURING AN ENERGY  
27               TRANSITION, PARTICULARLY WITHIN COAL TRANSITION AND

1 ENVIRONMENTAL JUSTICE COMMUNITIES; AND

2 (C) DECISIONS IN WHICH COLORADANS SHARE IN THE BENEFITS OF

3 ENERGY CONSTRUCTION, MAINTENANCE, OPERATION, GENERATION,

4 TRANSMISSION, AND PROCUREMENT.

5 (c) (III) IN ADOPTING RULES PURSUANT TO THIS SUBSECTION (3),

6 THE COMMISSION SHALL IDENTIFY EQUITY IMPACT PROCEEDINGS THAT

7 HAVE THE POTENTIAL TO IMPACT THE DISTRIBUTION OF BENEFITS AND

8 BURDENS TO DISPROPORTIONATELY IMPACTED COMMUNITIES, WORKERS,

9 AND INCOME-QUALIFIED CUSTOMERS. THE COMMISSION SHALL ENSURE

10 THAT EQUITY IMPACT PROCEEDINGS INCLUDE PROCEDURALLY AND

11 SUBSTANTIVELY APPROPRIATE REQUIREMENTS TO PROMOTE EQUITY.

12 (e) THE DIRECTOR OF THE COMMISSION SHALL HIRE AND

13 DESIGNATE AN EMPLOYEE WITH A PRIMARY PURPOSE TO OVERSEE THE

14 ONGOING IMPLEMENTATION OF THIS SUBSECTION (3), INCLUDING WORKING

15 WITH THE COMMISSION TO ADOPT RULES THAT:

16 (I) MINIMIZE IMPACTS ON, AND PRIORITIZE BENEFITS TO,

17 DISPROPORTIONATELY IMPACTED COMMUNITIES;

18 (II) IMPLEMENT EQUITABLE AND INCLUSIVE PRACTICES; AND

19 (III) ENGAGE DISPROPORTIONATELY IMPACTED COMMUNITIES AND

20 JUST TRANSITION COMMUNITIES.

21 (f) (I) THE COMMISSION SHALL ESTABLISH AN EQUITY TASK FORCE

22 TO PROVIDE INPUT AND RECOMMENDATIONS TO THE COMMISSION

23 REGARDING THE IMPLEMENTATION OF THIS SUBSECTION (3), INCLUDING:

24 (A) IDENTIFICATION OF BARRIERS TO PARTICIPATION IN

25 COMMISSION PROCEEDINGS;

26 (B) COMMUNITY ENGAGEMENT PRACTICES;

27 (C) THE IMPACTS OF COMMISSION DECISIONS ON

1 DISPROPORTIONATELY IMPACTED COMMUNITIES AND INCOME-QUALIFIED  
2 CUSTOMERS;

3 (D) EQUITY IMPACT PROCEEDINGS; AND

4 (E) OTHER MATTERS THAT RELATE TO EQUITY, ACCESSIBILITY,  
5 AND INCLUSIVE PARTICIPATION IN COMMISSION PROCEEDINGS.

6 (II) THE DIRECTOR OF THE COMMISSION SHALL APPOINT MEMBERS  
7 TO THE EQUITY TASK FORCE. TO THE EXTENT PRACTICABLE, THE  
8 MEMBERSHIP OF THE EQUITY TASK FORCE MUST INCLUDE  
9 REPRESENTATIVES OF:

10 (A) DISPROPORTIONATELY IMPACTED COMMUNITIES;

11 (B) COMMUNITY-BASED ORGANIZATIONS;

12 (C) TRIBAL COMMUNITIES;

13 (D) INCOME-QUALIFIED RESIDENTIAL UTILITY CUSTOMERS;

14 (E) UTILITY WORKERS;

15 (F) LABOR ORGANIZATIONS; AND

16 (G) ORGANIZATIONS WITH EXPERIENCE IN ENVIRONMENTAL  
17 JUSTICE.

18 (III) TASK FORCE MEMBERS SERVE WITHOUT COMPENSATION AND  
19 SHALL NOT RECEIVE REIMBURSEMENT FOR EXPENSES.

20 (IV) THE EMPLOYEE DESCRIBED IN SUBSECTION (3)(e) OF THIS  
21 SECTION SHALL STAFF THE EQUITY TASK FORCE.

22 (V) THE EQUITY TASK FORCE SHALL MEET AT LEAST QUARTERLY  
23 AND MAY PROVIDE RECOMMENDATIONS TO THE COMMISSION.

24 (VI) BEGINNING JULY 1, 2029, AND EVERY THREE YEARS  
25 THEREAFTER, THE COMMISSION SHALL FORMALLY EVALUATE THE PURPOSE  
26 AND FREQUENCY OF EQUITY TASK FORCE MEETINGS TO DETERMINE THE  
27 CONTINUED NECESSITY AND OPERATIONAL EFFICIENCY OF THE TASK

1     **FORCE.**

2             **SECTION 8.** In Colorado Revised Statutes, 40-5-106, **add** (3) as  
3 follows:

4             **40-5-106. Designation for service of process.**

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

7             **SECTION 9.** In Colorado Revised Statutes, 40-6-101, **amend** (2)  
8 as follows:

9             **40-6-101. Proceedings - delegation of duties - rules.**

10            (2) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(b) OF  
11 THIS SECTION, the commission may by order direct that any of its work,  
12 business, or functions under any provision of law, except functions vested  
13 solely in the commission under this title 40, be assigned or referred to an  
14 individual commissioner or to an administrative law judge to be  
15 designated by order for action. The commission may by order at any time  
16 amend, modify, supplement, or rescind any such assignment or reference.  
17 When an individual commissioner or an administrative law judge is  
18 unable to act upon any matter assigned or referred because of absence or  
19 other cause, the chair of the commission may designate another  
20 commissioner or administrative law judge, as the case may be, to serve  
21 temporarily until the commission otherwise orders.

22            (b) Every case submitted to the commission for adjudication must  
23 be heard in the first instance by ~~the commission~~ AN ADMINISTRATIVE LAW  
24 JUDGE unless, by rule, minute order, or written decision, the commission  
25 assigns the case to ~~an administrative law judge~~ THE COMMISSION EN BANC  
26 or to an individual commissioner for hearing.

27            **SECTION 10.** In Colorado Revised Statutes, 40-6-102, **amend**

1 (1) as follows:

2 **40-6-102. Service - fees - depositions - examination of**  
3 **witnesses.**

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

22 **SECTION 11.** In Colorado Revised Statutes, 40-6-108, **amend**  
23 (3) as follows:

24 **40-6-108. Complaints - service - notice of hearing - rules.**

25 (3) (a) Service in all applications, petitions, complaints, hearings,  
26 investigations, and other proceedings pending before the commission may  
27 be made upon any person upon whom a summons may be served in

1 accordance with the provisions of the Colorado rules of civil procedure  
2 or may be made personally or by first-class mail. In all cases wherein  
3 service is obtained by mail by the commission, the certificate of the  
4 director of the commission of ~~such~~ THE mailing ~~shall be~~ IS prima facie  
5 evidence that service has been obtained, and the time fixed in any order  
6 or notice ~~shall commence~~ COMMENCES to run from the date of mailing as  
7 shown in ~~such~~ THE certificate. The mailing of any notice or other paper  
8 by any other party to a proceeding shall be evidenced by the certificate of  
9 the person mailing ~~such~~ THE notice or other paper, and the time fixed in  
10 any ~~such~~ notice or other paper ~~shall commence~~ COMMENCES to run from  
11 the date of mailing as shown in ~~such~~ THE certificate.

12 (b) THE SERVICE DESCRIBED IN THIS SUBSECTION (3) MAY INSTEAD  
13 BE MADE ELECTRONICALLY. IF THE SERVICE IS MADE ELECTRONICALLY,  
14 THE ELECTRONIC CERTIFICATE OF THE DIRECTOR OF THE COMMISSION IS  
15 PRIMA FACIE EVIDENCE THAT SERVICE HAS BEEN OBTAINED, AND THE TIME  
16 FIXED IN AN ORDER OR NOTICE RUNS FROM THE DATE OF THE ELECTRONIC  
17 COMMUNICATION AS SHOWN IN THE CERTIFICATE.

18 **SECTION 12.** In Colorado Revised Statutes, 40-6-109, **amend**  
19 **(6); and add (1)(d) as follows:**

20 **40-6-109. Hearings - orders - record - review - representation**  
21 **of entities in nonadjudicatory proceedings - rules.**

22 (1) (d) **NO LATER THAN MARCH 31, 2027, THE COMMISSION SHALL**  
23 **ADOPT RULES REGARDING THE FORMAT OF EN BANC COMMISSION AND**  
24 **HEARING COMMISSIONER HEARINGS AND MEETINGS, WHICH RULES MUST**  
25 **INCLUDE THE CRITERIA TO BE USED TO DETERMINE WHETHER EN BANC AND**  
26 **HEARING COMMISSIONER HEARINGS AND MEETINGS WILL BE HELD IN**  
27 **PERSON, VIRTUALLY, OR HYBRID IN PERSON AND VIRTUALLY. IN ADOPTING**

1 THE RULES, THE COMMISSION SHALL CONSIDER THE CURRENT PRACTICES  
2 OF DELIBERATIVE JUDICIAL BODIES AND CONSIDER RULES FOR FACTORS  
3 SUCH AS TRAVEL COSTS AND REIMBURSEMENTS, CHILD CARE  
4 CONSIDERATIONS, AND WEATHER AND EMERGENCY CONDITIONS THAT  
5 RENDER TRAVEL UNSAFE. BEFORE JULY 1, 2027, AN APPLICANT MAY  
6 REQUEST THAT HEARINGS BE HELD IN PERSON, VIRTUALLY, OR HYBRID IN  
7 PERSON AND VIRTUALLY, AND THE COMMISSION SHALL CONSIDER THE  
8 REQUEST.

9 (6) The commission may make the initial decision ONLY in cases  
10 where ~~it~~ AN ADMINISTRATIVE LAW JUDGE has ~~not~~ presided at the taking of  
11 evidence, and the recommended decision of the ~~individual commissioner~~  
12 ~~or~~ administrative law judge may be omitted in any case in which the  
13 commission finds upon the record that due and timely execution of its  
14 functions imperatively and unavoidably so requires.

15 **SECTION 13.** In Colorado Revised Statutes, 40-6-109.5, **amend**  
16 (1) and (4); and **add** (5) and (6) as follows:

17 **40-6-109.5. Hearings on applications - time limits for decisions**  
18 **- rules.**

19 (1) Whenever an application of any kind is filed with the  
20 commission and is accompanied by the applicant's supporting testimony  
21 or a detailed summary of the supporting testimony, together with exhibits,  
22 if any, the commission shall issue its decision on the application no later  
23 than one hundred twenty days after the application is deemed complete  
24 as prescribed by rules ~~promulgated~~ ADOPTED by the commission. THE  
25 RULES MUST PRESCRIBE THAT AN APPLICATION MAY BE DEEMED  
26 INCOMPLETE ONLY IF SUCH APPLICATION DOES NOT MEET THE APPLICATION  
27 REQUIREMENTS PRESCRIBED BY COMMISSION RULE AND DECISION. If the

1 commission finds that additional time is required, it may, by separate  
2 order, extend the time for decision by an additional period not to exceed  
3 one hundred thirty days.

4 (4) The commission, in particular cases, under extraordinary  
5 conditions and after notice and a hearing at which the existence of  
6 extraordinary conditions is established, may extend the time limits  
7 specified in subsections (1) and (2) of this section for a period not to  
8 exceed an additional ~~one hundred thirty~~ NINETY days.

9 (5) A FAILURE TO ACT UPON AN APPLICATION WITHIN THE TIME  
10 PERIODS SPECIFIED IN THIS SECTION CONSTITUTES AN APPROVAL OF THE  
11 APPLICATION BY OPERATION OF LAW.

12 (6) AN UNOPPOSED MOTION FOR PERMISSIVE INTERVENTION IS  
13 APPROVED BY OPERATION OF LAW UNLESS THE COMMISSION ISSUES A  
14 DECISION DENYING THE MOTION WITHIN THIRTY DAYS AFTER THE MOTION  
15 HAS BEEN FILED.

16 **SECTION 14.** In Colorado Revised Statutes, 40-7-113.5, **amend**  
17 (1)(a) introductory portion, (1)(b), and (2)(a) as follows:

18 **40-7-113.5. Civil penalties applicable to public utilities -**  
19 **exclusion from rate base.**

20 (1) (a) In addition to any other penalty otherwise authorized by  
21 law and except as otherwise provided in subsections (3), (4), and (5) of  
22 this section, a public utility furnishing electric, gas, water, water and  
23 sewer, or telecommunications service that intentionally violates any  
24 provision of articles 1 to 7 or 15 of this ~~title~~ TITLE 40 or of any rule,  
25 TARIFF, or order of the commission ADOPTED OR ISSUED pursuant to ~~such~~  
26 ~~articles~~ ARTICLES 1 TO 7 OR 15 OF THIS TITLE 40, which provision is  
27 applicable to such utility, may be assessed a civil penalty of not more than

1 two SEVEN thousand FIVE HUNDRED dollars; except that nothing in this  
2 subsection (1) shall be construed to authorize the imposition of civil  
3 penalties upon:

4 (b) Civil penalties assessed pursuant to this section shall be paid  
5 and credited to the general fund, in addition to any other sanctions that  
6 may be imposed pursuant to law; EXCEPT THAT CIVIL PENALTIES ASSESSED  
7 AGAINST AN ELECTRIC OR GAS UTILITY SHALL BE PAID TO THE PUBLIC  
8 UTILITIES COMMISSION FIXED UTILITY FUND CREATED IN SECTION 40-2-114  
9 (1)(b)(II) AND SHALL BE USED FOR AFFORDABILITY PROGRAMS OR  
10 OUTREACH AND ENGAGEMENT DIRECTLY RELATED TO INCOME-QUALIFIED  
11 CUSTOMERS OR DISPROPORTIONATELY IMPACTED COMMUNITIES. The  
12 amount of any such penalties paid shall not be an allowable expense for  
13 rate-making purposes.

14 (2) (a) The commission shall adopt rules specifying ~~the particular~~  
15 ~~violations, and~~ the amount of the civil penalties to be assessed for each  
16 violation pursuant to subsection (1) of this section. IN DETERMINING THE  
17 AMOUNT OF CIVIL PENALTIES TO BE ASSESSED FOR EACH VIOLATION, THE  
18 COMMISSION SHALL CONSIDER FACTORS INCLUDING THE UTILITY SIZE, THE  
19 ACTUAL OR POTENTIAL HARM OF A VIOLATION, AND ANY MITIGATING  
20 CIRCUMSTANCES OR ACTIONS OF THE UTILITY.

21 **SECTION 15.** In Colorado Revised Statutes, **repeal and reenact,**  
22 **with amendments,** 40-6.5-105 as follows:

23 **40-6.5-105. Intervenor compensation - procedures - rules -**  
24 **legislative declaration - definitions.**

25 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:  
26 (a) INTERVENOR PARTICIPATION IN COMMISSION PROCEEDINGS  
27 OFTEN REQUIRES LEGAL, TECHNICAL, AND EXPERT RESOURCES;

1 (b) THE GENERAL ASSEMBLY HAS PREVIOUSLY AUTHORIZED  
2 INTERVENOR COMPENSATION, BUT THE STATUTE LACKS SUFFICIENT  
3 CLARITY REGARDING ELIGIBILITY, STANDARDS, AND PROCEDURES FOR  
4 INTERVENOR COMPENSATION, WHICH LACK OF CLARITY HAS RESULTED IN  
5 THE AUTHORITY GOING UNUSED;

6 (c) OTHER JURISDICTIONS, INCLUDING CALIFORNIA, HAVE  
7 SUCCESSFULLY IMPLEMENTED INTERVENOR COMPENSATION PROGRAMS  
8 THAT IMPROVE DECISION-MAKING AND PUBLIC PARTICIPATION; AND

9 (d) CLARIFYING COLORADO LAW REGARDING INTERVENOR  
10 COMPENSATION WILL PROMOTE MEANINGFUL PARTICIPATION, IMPROVE  
11 THE EVIDENTIARY RECORD, AND SUPPORT EQUITABLE ACCESS TO  
12 COMMISSION PROCEEDINGS.

13 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
14 REQUIRES:

15 (a) "EXPERT WITNESS FEES" MEANS RECORDED OR BILLED COSTS  
16 THAT AN INTERVENOR INCURS FOR AN EXPERT WITNESS.

17 (b) "INTERVENOR" MEANS A PARTY, OTHER THAN A PUBLIC UTILITY  
18 OR STATE OR LOCAL GOVERNMENT AGENCY, WHOSE MOTION FOR  
19 PERMISSION TO INTERVENE HAS BEEN GRANTED BY THE COMMISSION.

20 (c) "MATERIAL ASSISTANCE" MEANS THAT AN INTERVENOR'S  
21 TESTIMONY OR PARTICIPATION IN A COMMISSION PROCEEDING HAS:

22 (I) CONTRIBUTED TO THE DEVELOPMENT OF A MORE COMPLETE  
23 ADMINISTRATIVE RECORD IN THE PROCEEDING;

24 (II) ASSISTED THE COMMISSION IN ITS EVALUATION OF THE ISSUES  
25 PRESENTED IN THE PROCEEDING; OR

26 (III) CONTRIBUTED TO A MORE COMPLETE RECORD OR  
27 UNDERSTANDING OF IMPACTS ON RATEPAYERS, INCOME-QUALIFIED

1 CUSTOMERS, OR DISPROPORTIONATELY IMPACTED COMMUNITIES.

2 (d) "REASONABLE COSTS" INCLUDES:

3 (I) ATTORNEY FEES;

4 (II) EXPERT WITNESS FEES; AND

5 (III) OTHER REASONABLE OUT-OF-POCKET EXPENSES THAT AN

6 INTERVENOR DIRECTLY INCURS.

7 (e) "SUBSTANTIAL CONTRIBUTION" MEANS THAT, IN THE

8 COMMISSION'S JUDGMENT, AN INTERVENOR, THROUGH THEIR

9 PARTICIPATION IN A COMMISSION PROCEEDING, HAS PROVIDED MATERIAL

10 ASSISTANCE TO THE COMMISSION IN THE DEVELOPMENT OF THE

11 ADMINISTRATIVE RECORD BY PROVIDING ANY OF THE FOLLOWING:

12 (I) FACTUAL CONTENTIONS;

13 (II) LEGAL CONTENTIONS; OR

14 (III) POLICY OR PROCEDURAL RECOMMENDATIONS.

15 (3) (a) THE COMMISSION MAY AWARD AN INTERVENOR

16 COMPENSATION RELATED TO THE INTERVENOR'S PARTICIPATION IN A

17 PROCEEDING IF:

18 (I) THE INTERVENOR MAKES A UNIQUE SUBSTANTIAL

19 CONTRIBUTION; AND

20 (II) THE INTERVENOR'S COSTS INCURRED TO PARTICIPATE IN THE

21 PROCEEDING ARE REASONABLE.

22 (b) AN INTERVENOR THAT MAKES A SUBSTANTIAL CONTRIBUTION

23 MAY RECEIVE COMPENSATION FOR ALL REASONABLE COSTS RELATED TO

24 THE SUBSTANTIAL CONTRIBUTION, EVEN IF THE COMMISSION DOES NOT

25 EXPRESSLY CITE OR REFERENCE THE INTERVENOR IN THE COMMISSION'S

26 FINAL ORDER OR DECISION ON THE MATTER.

27 (c) AN INTERVENOR IS NOT REQUIRED TO DEMONSTRATE THAT THE

1 INTERVENOR'S PARTICIPATION IN A PROCEEDING ADDRESSED ISSUES THAT  
2 WERE NOT ADDRESSED BY THE OFFICE OF THE UTILITY CONSUMER  
3 ADVOCATE.

4 (4) (a) THE COMMISSION MAY ADOPT RULES TO IMPLEMENT THIS  
5 SECTION.

6 (b) IF THE COMMISSION ADOPTS RULES PURSUANT TO SUBSECTION  
7 (4)(a) OF THIS SECTION, THE RULES MUST INCLUDE:

8 (I) THE PROCESS BY WHICH AN INTERVENOR PETITIONS THE  
9 COMMISSION FOR PAYMENT OF REASONABLE COSTS;

10 (II) GUIDELINES FOR DETERMINING REASONABLE COSTS FOR  
11 REIMBURSEMENT; AND

12 (III) GUIDELINES FOR DETERMINING MATERIAL ASSISTANCE.

13 (5) THE IMPLEMENTATION OF THIS SECTION, INCLUDING ANY  
14 AWARD OF INTERVENOR COMPENSATION, IS SUBJECT TO AVAILABLE  
15 APPROPRIATIONS.

16 **SECTION 16.** In Colorado Revised Statutes, 40-7-116, **amend**  
17 (1)(b) introductory portion as follows:

18 **40-7-116. Enforcement of civil penalties against carriers.**

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

24 **SECTION 17.** In Colorado Revised Statutes, 40-7-116.5, **amend**  
25 (1)(b) introductory portion as follows:

26 **40-7-116.5. Enforcement of civil penalties against public**  
27 **utilities.**

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

5 **SECTION 18.** In Colorado Revised Statutes, 40-7-118, **amend**  
6 (1)(a) as follows:

7 **40-7-118. Legal services offset fund - creation - exemption**  
8 **from maximum reserve.**

9 (1) (a) The legal services offset fund is ~~hereby~~ created in the state  
10 treasury. The fund consists of the civil penalties that are collected and  
11 credited to the fund pursuant to section 40-7-112 (1)(b) for violations of  
12 article 10.1 of this title 40 or commission rules ~~promulgated~~ ADOPTED  
13 pursuant to article 10.1 of this title 40. The money in the fund is  
14 continuously appropriated to the ~~department of regulatory agencies~~  
15 COMMISSION for use to offset the costs of legal representation of the staff  
16 of the commission in proceedings before the commission concerning the  
17 enforcement of article 10.1 of this title 40. The ~~department of regulatory~~  
18 ~~agencies~~ COMMISSION shall use the money in the legal services offset fund  
19 to support appropriations made to the ~~department~~ AGENCY that are used  
20 for legal representation of the staff of the commission in proceedings  
21 concerning the enforcement of article 10.1 of this title 40.

22 **SECTION 19.** In Colorado Revised Statutes, 40-2-124, **amend**  
23 (1)(a) introductory portion, (1)(a)(VIII), (1)(c)(I) introductory portion,  
24 (1)(c)(II)(A), (1)(e)(III), (1)(g)(I)(A), (3) introductory portion, (4)  
25 introductory portion, (5.5), and (8)(b); **repeal** (1)(a)(VII.5); and **add**  
26 (1)(a)(III.5) and (1)(c)(XI) as follows:

27 **40-2-124. Renewable energy standards - qualifying retail and**

1 **wholesale utilities - definitions - net metering - exception - legislative**  
2 **declaration - rules.**

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

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

27 (III.5) "ENERGY STORAGE" MEANS AN ENERGY STORAGE SYSTEM,


1 AS DEFINED IN SECTION 40-2-130 (2)(a).

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

5 (VIII) Except as provided in subsection (1)(c)(II)(D) of this  
6 section with respect to cooperative electric associations, "retail distributed  
7 generation" means a renewable energy resource or renewable energy  
8 storage that is located on any property owned or leased by the customer  
9 within the service territory of the qualifying retail utility and is  
10 interconnected on the customer's side of the utility meter. In addition,  
11 retail distributed generation shall MUST provide electric energy primarily  
12 to serve the customer's loads and shall be sized to supply no more than  
13 two hundred percent of the reasonably expected average annual total  
14 consumption of electricity at all properties owned or leased by the  
15 customer within the utility's service territory.

16 (c) Electric resource standards:

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

22 

23 (II) (A) Of the amounts of distributed generation in  
24 ~~sub-subparagraphs (C), (D), and (E) of subparagraph (I),~~  
25 ~~sub-subparagraph (D) of subparagraph (V), and subparagraph (V.5) of~~  
26 ~~this paragraph (c)~~ SUBSECTIONS (1)(c)(I)(C), (1)(c)(I)(D), (1)(c)(I)(E),  
27 (1)(c)(V)(D), (1)(c)(V.5), AND (1)(c)(XI)(B) OF THIS SECTION, at least

1 one-half must be derived from retail distributed generation; except that  
2 this ~~sub-subparagraph (A)~~ SUBSECTION (1)(c)(II)(A) does not apply to a  
3 qualifying retail utility that is a municipal utility.

4 (XI) (A) ON AND AFTER JANUARY 1, 2027, A QUALIFYING RETAIL  
5 UTILITY WITH A CLEAN ENERGY PLAN, AS DEFINED IN SECTION 40-2-125.5  
6 (2)(a), THAT HAS BEEN APPROVED BY THE COMMISSION AND THAT  
7 DEMONSTRATES THE QUALIFYING RETAIL UTILITY'S COMPLIANCE WITH THE  
8 APPROVED CLEAN ENERGY PLAN, AS VERIFIED BY THE DIVISION OF  
9 ADMINISTRATION PURSUANT TO SECTION 25-7-105 (1)(e)(VII), MAY  
10 NOTIFY THE COMMISSION OF ITS COMPLIANCE EACH TIME THAT THE  
11 DIVISION OF ADMINISTRATION VERIFIES COMPLIANCE WITH THE CLEAN  
12 ENERGY TARGETS AND THAT THE QUALIFYING RETAIL UTILITY IS OPTING  
13 OUT OF THE ELECTRIC RESOURCE STANDARD REQUIREMENTS DESCRIBED  
14 IN SUBSECTION (1)(c)(I) OF THIS SECTION OR IS CONTINUING TO OPT OUT  
15 OF THE REQUIREMENTS.

16 (B) A QUALIFYING RETAIL UTILITY THAT OPTS OUT OF THE  
17 ELECTRIC RESOURCE STANDARD REQUIREMENTS PURSUANT TO  
18 SUBSECTION (1)(c)(XI)(A) OF THIS SECTION SHALL OBTAIN AT LEAST  
19 THREE PERCENT OF ITS RETAIL ELECTRICITY SALES FROM DISTRIBUTED  
20 GENERATION.

21 (C) A QUALIFYING RETAIL UTILITY THAT OPTS OUT OF THE  
22 ELECTRIC RESOURCE STANDARD REQUIREMENTS PURSUANT TO  
23 SUBSECTION (1)(c)(XI)(A) OF THIS SECTION IS STILL REQUIRED TO FILE  
24 APPLICATIONS WITH THE COMMISSION TO SUPPORT RETAIL DISTRIBUTED  
25 GENERATION AND STORAGE PROGRAMS IN ACCORDANCE WITH  
26 SUBSECTIONS (1)(e) AND (1)(j) OF THIS SECTION AND TO SUBMIT AN  
27 ANNUAL REPORT TO THE COMMISSION REGARDING THOSE RETAIL

1 DISTRIBUTED GENERATION AND STORAGE PROGRAMS IN ACCORDANCE  
2 WITH SUBSECTION (1)(h) OF THIS SECTION.

3 (e) A requirement that each qualifying retail utility, except for  
4 cooperative electric associations and municipally owned utilities, make  
5 available to their customers a standard rebate offer and net metering  
6 service, under which:

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

18 (g) Retail rate impact rule:

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

27

1           (3) EXCEPT FOR A MUNICIPALLY OWNED UTILITY THAT IS IN  
2 COMPLIANCE WITH A CLEAN ENERGY PLAN APPROVED PURSUANT TO  
3 SECTION 25-7-105 (1)(e), each municipally owned electric utility that is  
4 a qualifying retail utility shall implement a renewable energy standard  
5 substantially similar to this section ~~The municipally owned utility shall~~  
6 ~~submit a statement to the commission that demonstrates such municipal~~  
7 ~~utility has a substantially similar renewable energy standard. The~~  
8 ~~statement submitted by the municipally owned utility is for informational~~  
9 ~~purposes and is not subject to approval by the commission. Upon filing~~  
10 ~~of the certification statement, the municipally owned utility AND shall~~  
11 ~~have no further obligations under subsection (1) of this section. The~~  
12 ~~renewable energy standard of a municipally owned utility shall, at a~~  
13 ~~minimum, meet the following criteria:~~

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

22           (5.5) EXCEPT FOR A COOPERATIVE ELECTRIC ASSOCIATION THAT IS  
23 IN COMPLIANCE WITH A CLEAN ENERGY PLAN THAT IS APPROVED BY THE  
24 COMMISSION PURSUANT TO SECTION 40-2-125.5 (5)(g), each cooperative  
25 electric association that is a qualifying retail utility shall submit an annual  
26 compliance report to the commission no later than June 1 of each year in  
27 which the cooperative electric association is subject to the renewable

1 energy standard requirements established in this section. The annual  
2 compliance report ~~shall~~ MUST describe the steps taken by the cooperative  
3 electric association to comply with the renewable energy standards and  
4 shall include the same information set forth in the rules of the commission  
5 for jurisdictional utilities. Cooperative electric associations ~~shall~~ ARE not  
6 ~~be~~ subject to any part of the compliance report review process as provided  
7 in the rules for jurisdictional utilities. Cooperative electric associations  
8 ~~shall~~ ARE not ~~be~~ required to obtain commission approval of annual  
9 compliance reports, and no additional regulatory authority of the  
10 commission other than that specifically contained in this subsection (5.5)  
11 is created or implied by this subsection (5.5).

12 **(8) Qualifying wholesale utilities - definition - electric resource**  
13 **standard - tradable credits - reports.**

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

1 such energy necessary to enable the Colorado member to comply with the  
2 rate impact limitation.

3 **SECTION 20.** In Colorado Revised Statutes, 40-2-125.5, **amend**  
4 (5)(g) as follows:

5 **40-2-125.5. Carbon dioxide emission reductions - goal to**  
6 **eliminate by 2050 - legislative declaration - interim targets -**  
7 **submission and approval of plans - definitions - cost recovery -**  
8 **reports - rules.**

9 (5) **Regulatory matters.**

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

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

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

21 (II) Voluntary submission of a clean energy plan by a ~~municipal~~  
22 ~~utility~~ ~~or~~ a cooperative electric association does not alter the entity's  
23 regulatory status with respect to the commission, including under article  
24 9.5 of this title 40.

25 **SECTION 21.** In Colorado Revised Statutes, **add** 40-2-140 **and**  
26 40-2-141 as follows:

27 **40-2-140. Joint resource procurement study - report -**

1 **definition - repeal.**

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

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

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

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

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

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

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

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

1 (b) MAY CONTRACT WITH A THIRD PARTY.

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

3 **40-2-141. Investor-owned utilities - minimum**  
4 **quality-of-service metrics - rules.**

5 (1) ON OR BEFORE DECEMBER 31, 2027, THE COMMISSION SHALL  
6 ADOPT RULES ESTABLISHING MINIMUM QUALITY-OF-SERVICE METRICS FOR  
7 INVESTOR-OWNED GAS AND ELECTRIC UTILITIES IN THE STATE.

8 (2) THE RULES MUST:

9 (a) INCLUDE REQUIREMENTS FOR CUSTOMER-SPECIFIC INCENTIVES  
10 AND PENALTIES ASSOCIATED WITH CUSTOMER-EXPERIENCED SERVICE  
11 QUALITY, AND, IN ADOPTING THESE RULES, THE COMMISSION SHALL  
12 CONSIDER WHETHER INCENTIVES AND PENALTIES SHOULD BE ESTABLISHED  
13 IN A SYMMETRICAL MANNER TO PROMOTE QUALITY OF SERVICE; AND

14 (b) SPECIFICALLY ADDRESS EQUITY FOR DISPROPORTIONATELY  
15 IMPACTED COMMUNITIES IN ESTABLISHING THE QUALITY-OF-SERVICE  
16 METRICS.

17

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

20

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

25 (5) (a) (I) If a local government denies a permit or application of  
26 a public utility, A MUNICIPALLY OWNED UTILITY, A COOPERATIVE  
27 ELECTRIC ASSOCIATION, AN INDEPENDENT TRANSMISSION DEVELOPER, AN

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

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

22 (H) (B) A certificate of public convenience and necessity is not  
23 required for the public utility, MUNICIPALLY OWNED UTILITY,  
24 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT TRANSMISSION  
25 DEVELOPER, INDEPENDENT POWER PRODUCER, or power authority to  
26 construct the major electrical or natural gas facility that is the subject of  
27 the local government action; or

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

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

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

23           ■ ■ ■ ■ ■

24           **SECTION 23.** In Colorado Revised Statutes, 40-10.1-605, **repeal**  
25 **(7)(a);** and **add** (11), (12), and (13) as follows:

26           **40-10.1-605. Operational requirements - driver impersonation**  
27 **- misdemeanor - rules.**

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

9           (11) (a) AN INDIVIDUAL SHALL NOT IMPERSONATE A DRIVER OR  
10 ENGAGE IN AN ACT THAT FALSELY REPRESENTS THAT THE INDIVIDUAL IS  
11 REPRESENTING A TRANSPORTATION NETWORK COMPANY OR IS  
12 RESPONDING TO A RIDER'S REQUEST FOR TRANSPORTATION NETWORK  
13 COMPANY SERVICES.

14           (b) AN INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A CLASS  
15 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
16 18-1.3-501 (1)(a.5); EXCEPT THAT AN INDIVIDUAL WHO COMMITS A  
17 VIOLATION OF THIS SECTION DURING THE COMMISSION OF A FELONY  
18 OFFENSE COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS  
19 PROVIDED IN SECTION 18-1.3-401 (1)(a)(V.5).

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

24           (12) (a) A TRANSPORTATION NETWORK COMPANY SHALL CONDUCT  
25 FREQUENT CHECKS UTILIZING FACIAL RECOGNITION SOFTWARE OR  
26 EQUALLY OR MORE EFFECTIVE TECHNOLOGY, AS APPROVED BY THE  
27

1 COMMISSION, TO PREVENT DRIVER IMPERSONATION IN ACCORDANCE WITH  
2 RULES ADOPTED BY THE COMMISSION PURSUANT TO SUBSECTION (12)(b)  
3 OF THIS SECTION.

4 (b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE  
5 OF THIS SUBSECTION (12), THE COMMISSION SHALL ADOPT RULES  
6 ESTABLISHING REQUIREMENTS AND PROCEDURES FOR FREQUENT CHECKS  
7 UTILIZING FACIAL RECOGNITION SOFTWARE OR EQUALLY OR MORE  
8 EFFECTIVE TECHNOLOGY, AS APPROVED BY THE COMMISSION, TO PREVENT  
9 DRIVER IMPERSONATION PROHIBITED PURSUANT TO SUBSECTION (11)(a)  
10 OF THIS SECTION.

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

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

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

22 (13) (a) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE  
23 INFORMATION ABOUT THE COMMISSION TO A RIDER, INCLUDING HOW THE  
24 RIDER MAY CONTACT THE COMMISSION TO FILE A COMPLAINT USING THE  
25 TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK USED TO  
26 CONNECT WITH A DRIVER, IN ACCORDANCE WITH RULES ADOPTED BY THE  
27 COMMISSION PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION.

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

7 (c) TO AID IN THE PROCESSING OF TRANSPORTATION NETWORK  
8 COMPANY CUSTOMER COMPLAINTS, COMMISSION STAFF WHO PROCESS  
9 COMPLAINTS FROM THE GENERAL PUBLIC SHALL RECEIVE TRAINING IN  
10 TRAUMA-INFORMED PRACTICES.

11 **SECTION 24.** In Colorado Revised Statutes, 40-10.1-606,  
12 **amend (2)(b) as follows:**

13 **40-10.1-606. Permit required for transportation network**  
14 **companies - annual permit fee - penalty for violation - rules.**

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

26  
27 **SECTION 25.** In Colorado Revised Statutes, 40-10.1-110,

1 **amend** (1)(a) as follows:

2 **40-10.1-110. Record check - rules.**

3 (1) (a) An individual who wishes to ~~drive:~~ DRIVE a ~~taxicab~~ MOTOR  
4 VEHICLE for a motor carrier that is the holder of a certificate ~~to provide~~  
5 ~~taxicab service~~ OR A CONTRACT CARRIER PERMIT issued under part 2 of  
6 this article 10.1; a motor vehicle for a motor carrier that is the holder of  
7 a permit to operate as a charter bus, children's activity bus, luxury  
8 limousine, or off-road scenic charter under part 3 of this article 10.1; or  
9 a motor vehicle for a motor carrier that is the holder of a permit to operate  
10 as a large-market taxicab service under part 7 of this article 10.1 ~~must~~  
11 SHALL have the individual's fingerprints taken by a local law enforcement  
12 agency or ~~any~~ A third party approved by the Colorado bureau of  
13 investigation for the purpose of obtaining a fingerprint-based criminal  
14 history record check.

15 **SECTION 26.** In Colorado Revised Statutes, 40-10.1-111,  
16 **amend** (1) introductory portion as follows:

17 **40-10.1-111. Filing, issuance, and annual fees - fee setting by**  
18 **the commission.**

19 (1) A motor carrier shall pay the commission the following fees  
20 in amounts set administratively by the commission with approval of the  
21 executive director of the department of regulatory agencies, ~~IN~~  
22 ~~CONSULTATION WITH THE DIRECTOR OF THE~~ COMMISSION:

23 **SECTION 27.** In Colorado Revised Statutes, 40-10.1-116, **amend**  
24 (3)(a) as follows:

25 **40-10.1-116. Commission to notify local authorities -**  
26 **procedure.**

27 (3) (a) A person injured by the noncompliance of a motor carrier

1 with this article 10.1 or any other provision of law or an order, decision,  
2 rule, direction, or requirement of the commission may apply to a court of  
3 competent jurisdiction for the enforcement thereof, and the court has  
4 jurisdiction to enforce obedience thereto by injunction or other proper  
5 process, mandatory or otherwise, and to restrain the motor carrier and its  
6 officers, agents, employees, or representatives from further disobedience  
7 thereof, or to enjoin upon them obedience to the same, and any person so  
8 injured has A cause of action in damages, and is privileged to pursue the  
9 usual and proper remedies as in any other case, AND IS NOT REQUIRED TO  
10 PURSUE OR EXHAUST ADMINISTRATIVE REMEDIES BEFORE THE  
11 COMMISSION PRIOR TO COMMENCING SUIT OR OTHER ACTION SEEKING  
12 SUCH RELIEF.

13 **SECTION 28.** In Colorado Revised Statutes, **add 40-10.1-119** as  
14 follows:

15 **40-10.1-119. Market study and report - common and contract**  
16 **carriers - definition - repeal.**

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

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

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

27 (b) IF THE CURRENT MARKET ENTRY MODELS DESCRIBED IN

1 SUBSECTION (2)(a) OF THIS SECTION ARE NOT AN APPROPRIATE STANDARD,  
2 HOW THE CURRENT MODELS SHOULD BE CHANGED;

3 (c) WHETHER THE CURRENT MODELS FOR ECONOMIC REGULATION  
4 OF COMMON CARRIERS AND CONTRACT CARRIERS THAT REQUIRE RATE  
5 STRUCTURES TO BE APPROVED AND SET IN A JUST, REASONABLE, AND  
6 CONSISTENT MANNER FOR EACH PASSENGER ARE STILL BENEFICIAL TO THE  
7 INDUSTRY AND TO CONSUMERS;

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

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

15 (3) IN CONDUCTING THE STUDY, THE COMMISSION SHALL CONSIDER  
16 THE FOLLOWING:

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

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

26 (c) WHETHER EXISTING STATUTES AND COMMISSION RULES  
27 STIMULATE OR RESTRICT COMPETITION; AND

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

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

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

7 **SECTION 29.** In Colorado Revised Statutes, 40-10.1-302,  
8 **amend** (4) as follows:

9 **40-10.1-302. Permit requirements - rules.**

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

17 **SECTION 30.** In Colorado Revised Statutes, 40-10.1-702,  
18 **amend** (3) as follows:

19 **40-10.1-702. Large-market taxicab service - permit required**  
20 **- rules.**

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

26 **SECTION 31.** In Colorado Revised Statutes, 40-18-101, **amend**  
27 (3) and (6); **repeal** (5); and **add** (2.4) and (2.6) as follows:

1           **40-18-101. Definitions.**

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

3           (2.4) "PROGRAM STANDARD" MEANS A STATE SAFETY OVERSIGHT  
4 PROGRAM STANDARD DEVELOPED BY THE COMMISSION IN CONFORMANCE  
5 WITH 49 CFR 674, "STATE SAFETY OVERSIGHT".

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

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

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

17           (I) Funiculars that are passenger tramways as defined in section  
18 12-150-103 (5)(c) and are subject to the jurisdiction of the Colorado  
19 passenger tramway safety board created in section 12-150-104; OR

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

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

27           (6) "Transit agency" means an entity operating a rail fixed

1 guideway PUBLIC TRANSPORTATION system.

2 **SECTION 32.** In Colorado Revised Statutes, **amend** 40-18-102  
3 as follows:

4 **40-18-102. Rail fixed guideway public transportation system**  
5 **oversight program - commission may establish.**

6 The commission is authorized to establish an oversight program  
7 for the safety and security of rail fixed guideway PUBLIC  
8 TRANSPORTATION systems in accordance with ~~section 28 of the~~  
9 ~~"Intermodal Surface Transportation Efficiency Act of 1991", 49 U.S.C.~~  
10 ~~sec. 5330, and the "Moving Ahead for Progress in the 21st Century Act",~~  
11 49 U.S.C. sec. 5329.

12 **SECTION 33.** In Colorado Revised Statutes, **amend** 40-18-103  
13 as follows:

14 **40-18-103. Commission to adopt rules.**

15 (1) The commission shall ~~promulgate~~ ADOPT rules as are  
16 necessary to:

17 (a) Require, review, approve, and monitor the creation and  
18 implementation of a ~~system~~ PUBLIC TRANSPORTATION AGENCY safety  
19 ~~program~~ plan for each rail fixed guideway PUBLIC TRANSPORTATION  
20 system operating in Colorado;

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

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

26 (d) Require that ~~system safety~~ THE program ~~standards comply~~  
27 STANDARD THAT THE COMMISSION DEVELOPS COMPLIES with the

1 ~~requirements of 49 CFR 674, entitled "State Safety Oversight", at a~~  
2 ~~minimum, and also adequately address the issue of personal security~~  
3 PROGRAM STANDARD.

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

8 **SECTION 34.** In Colorado Revised Statutes, 40-4-106, **amend**  
9 (6)(e), (6)(f), and (6)(g)(II) as follows:

10 **40-4-106. Rules for public safety - crossings - civil fines -**  
11 **allocation of expenses - definitions.**

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

13 (e) "Rail fixed guideway" means a person possessing rail fixed  
14 guideway PUBLIC TRANSPORTATION system facilities by ownership or  
15 lease.

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

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

21 (g) (II) "Railroad" does not include A rail fixed ~~guideways~~  
22 GUIDEWAY or A rail fixed guideway ~~systems~~ PUBLIC TRANSPORTATION  
23 SYSTEM.

24 **SECTION 35.** In Colorado Revised Statutes, **repeal** 40-18-105  
25 as follows:

26 **40-18-105. Calculation and assessment of fees.**

27 ~~(1) Repealed.~~

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

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

12           **SECTION 36.** In Colorado Revised Statutes, 40-2-109, **amend**  
13 **(2)(a) introductory portion and (2)(a)(II); and repeal (2)(b) as follows:**

14           **40-2-109. Report to executive director of the department of**  
15 **revenue.**

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

21           (II) Rail fixed guideway PUBLIC TRANSPORTATION systems that are  
22 regulated by the ~~public utilities~~ commission pursuant to part 1 of article  
23 18 of this ~~title~~ TITLE 40.

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

1 ~~takes effect upon the receipt by the revisor of statutes of such written~~  
2 ~~notice.~~

3 **SECTION 37.** In Colorado Revised Statutes, **add 40-2-109.3** as  
4 follows:

5 **40-2-109.3. Study on modernizing commission structure -**  
6 **report - repeal.**

7 (1) TO ENSURE THAT THE COMMISSION AND COMMISSION STAFF  
8 HAVE SUFFICIENT CAPACITY, TECHNICAL EXPERTISE, AND RESOURCES TO  
9 FULFILL ITS STATUTORY DUTIES UNDER THIS TITLE 40, THE COMMISSION  
10 SHALL ENGAGE AN INDEPENDENT THIRD-PARTY CONSULTANT TO CONDUCT  
11 A STUDY ON HOW TO MODERNIZE ITS PERSONNEL, ORGANIZATIONAL, AND  
12 BUDGETARY STRUCTURES. IN CONDUCTING THE STUDY, THE COMMISSION  
13 SHALL CONSULT RELEVANT STAKEHOLDERS, INCLUDING REGULATED  
14 ENTITIES, TO SOLICIT FEEDBACK. THE STUDY MUST INCLUDE, AT A  
15 MINIMUM, AN EVALUATION OF, AND RECOMMENDATIONS REGARDING, THE  
16 SIZE OF THE COMMISSION, COMPENSATION FOR COMMISSIONERS INCLUDING  
17 SALARY AND TRAVEL REIMBURSEMENT, POTENTIAL FUNDING MECHANISMS  
18 TO SUPPORT STATUTORY EQUITY OBJECTIVES AND INTERVENOR  
19 PARTICIPATION, AND THE ADEQUACY OF CURRENT STAFFING LEVELS.

20 (2) ON OR BEFORE NOVEMBER 1, 2026, THE COMMISSION SHALL  
21 SUBMIT AN INITIAL REPORT ON THE STUDY SUMMARIZING ITS INITIAL  
22 FINDINGS AND RECOMMENDATIONS TO THE HOUSE OF REPRESENTATIVES  
23 ENERGY AND ENVIRONMENT COMMITTEE AND THE SENATE  
24 TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR  
25 COMMITTEES.

26 (3) ON OR BEFORE NOVEMBER 1, 2027, THE COMMISSION SHALL  
27 SUBMIT A FINAL REPORT ON THE STUDY TO THE COMMITTEES LISTED IN

1 SUBSECTION (2) OF THIS SECTION, WHICH FINAL REPORT MUST INCLUDE  
2 THE COMMISSION'S FINDINGS AND RECOMMENDATIONS, INCLUDING ANY  
3 LEGISLATIVE RECOMMENDATIONS.

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

5 SECTION 38. In Colorado Revised Statutes, 40-2-114, amend  
6 (1)(a) introductory portion and (1)(a)(I) as follows:

7 40-2-114. Disposition of fees collected - telecommunications  
8 utility fund - fixed utility fund - appropriation.

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

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

25 SECTION 39. In Colorado Revised Statutes, 6-1-905, amend  
26 (3)(b) introductory portion and (3)(b)(II) as follows:

27 6-1-905. Establishment and operation of a Colorado no-call

1 **list - rules.**

2 (3) (b) The public utilities commission shall establish, by rule,  
3 guidelines for the designated agent for the development and maintenance  
4 of the Colorado no-call list so that the no-call list can easily be accessed  
5 by persons or entities desiring to make telephone solicitations and by state  
6 and local law enforcement agencies. As soon as practicable, ~~after March~~  
7 ~~25, 2003~~, the public utilities commission shall ~~promulgate~~ ADOPT rules  
8 that:

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

1 commission ~~shall have the authority to~~ MAY annually adjust the fees  
2 below the stated maximum based on revenue history of the fees received  
3 by the designated agent. The designated agent shall provide means for  
4 online registration and credit card payment of fees charged pursuant to  
5 this ~~subparagraph (H)~~ SUBSECTION (3)(b)(II). Each ~~such~~ person or entity  
6 shall provide a current business name, business address, email address if  
7 available, and telephone number when initially registering for the no-call  
8 list. This information shall be updated when changes occur.

9

10 **SECTION 40.** In Colorado Revised Statutes, 40-2-112, **amend** (1)  
11 as follows:

12 **40-2-112. Computation of fees.**

13 (1) (a) On or before June 1 of each year, the executive director of  
14 the department of revenue shall ascertain the aggregate amount of gross  
15 operating revenues of telephone corporations and all other public utilities  
16 filing returns as provided in section 40-2-111. Based on appropriations  
17 made by the general assembly, the executive director of the department  
18 of regulatory agencies, IN CONSULTATION WITH THE DIRECTOR OF THE  
19 COMMISSION, shall specify, for the telecommunications utility fund,  
20 created in section 40-2-114 (1)(b)(I), and the public utilities commission  
21 fixed utility fund, created in section 40-2-114 (1)(b)(II), the revenue  
22 needed to provide for the direct and indirect costs of the supervision and  
23 regulation of telephone corporations and all other public utilities under  
24 the jurisdiction of the department of regulatory agencies, excluding the  
25 amount of money provided as administrative support from the various  
26 telecommunications programs administered by the commission, including  
27 the high cost support mechanism, established in section 40-15-208; the

1 911 surcharge, established in section 29-11-102.3; the 988 surcharge,  
2 established in section 40-17.5-102; and the telephone disability access  
3 surcharge, established in section 40-17-102.

4 (b) (I) For each telephone corporation, the executive director of  
5 the department of regulatory agencies, IN CONSULTATION WITH THE  
6 DIRECTOR OF THE COMMISSION, shall compute the percentage which the  
7 amount of revenue needed for the direct and indirect costs of the  
8 supervision and regulation of telephone corporations is of the aggregate  
9 amount of gross operating revenues of the telephone corporation derived  
10 from intrastate utility business transacted during the preceding calendar  
11 year, and that percentage shall be the basis upon which fees due from  
12 telephone corporations for the ensuing year shall be fixed.

13 (II) For each public utility other than a telephone corporation, the  
14 executive director of the department of regulatory agencies, IN  
15 CONSULTATION WITH THE DIRECTOR OF THE COMMISSION, shall compute  
16 the percentage which the amount of revenue needed for the direct and  
17 indirect costs of the supervision and regulation of public utilities other  
18 than telephone corporations is of the aggregate amount of gross operating  
19 revenues of such public utilities derived from intrastate utility business  
20 transacted during the preceding calendar year, and that percentage shall  
21 be the basis upon which fees due from the public utilities for the ensuing  
22 year shall be fixed.

23 **SECTION 41.** In Colorado Revised Statutes, 40-2-113, **add** (4)  
24 as follows:

25 **40-2-113. Collection of fees - limitation - filing fees.**

26 (4) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS  
27 SECTION, THE COMMISSION MAY SET ADMINISTRATIVELY A FILING FEE

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

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

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

16 **SECTION 42.** In Colorado Revised Statutes, 40-15-402, **amend**  
17 (1) as follows:

18 **40-15-402. No regulation by the commission - no certificate**  
19 **required.**

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

25 **SECTION 43.** In Colorado Revised Statutes, 29-11-104, **amend**  
26 (2)(a)(II)(A) as follows:

27 **29-11-104. Use of money collected.**

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

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

7 **SECTION 44.** In Colorado Revised Statutes, 17-42-103, **amend**  
8 (5)(a) and (5)(c)(III); and **add** (5)(d.5), (6), and (7) as follows:

9 **17-42-103. Policies concerning inmates' use of telephones -**  
10 **excessive rates prohibited - transparency of communications services**  
11 **in correctional facilities - report - definitions - rules.**

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

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

25 (III) Tests may be conducted remotely. All correctional facilities  
26 AND PENAL COMMUNICATIONS SERVICE PROVIDERS shall cooperate with  
27 the public utilities commission in conducting tests of penal

1 communications services.

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

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

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

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

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

21 **SECTION 45.** In Colorado Revised Statutes, 40-7-117, **amend**  
22 (2) introductory portion and (2)(c) as follows:

23 **40-7-117. Gas pipeline safety rules - civil penalty for violations**  
24 **- other remedies - rules.**

25 (2) ~~Any~~ THE COMMISSION MAY REDUCE THE AMOUNT OF A civil  
26 penalty authorized by this section ~~may be reduced by the commission~~  
27 based on consideration of objective metrics and factors set forth in rules.

1 The metrics and factors must include:

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

9 **SECTION 46.** In Colorado Revised Statutes, 40-3-104.4, **add** (3)  
10 as follows:

11 **40-3-104.4. Simplified regulatory treatment for small or**  
12 **nonprofit water utilities - study of privately owned water utilities -**  
13 **repeal.**

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

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

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

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

26 (IV) ADDRESSES WHAT UPGRADE COSTS ARE NECESSARY FOR THE  
27 MAINTENANCE OR ENVIRONMENTAL COMPLIANCE OF PRIVATELY OWNED

1 WATER UTILITY INFRASTRUCTURE AND WHETHER A DISTINCT FUNDING  
2 STREAM SHOULD BE MADE AVAILABLE TO SUPPORT THE UPGRADE COSTS.

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

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

8 **SECTION 47.** In Colorado Revised Statutes, **add 40-4-123** as  
9 follows:

10 **40-4-123. Electric utilities - interconnection information -**  
11 **disclosure for federal clean electricity investment credit compliance**  
12 **- definitions.**

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

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

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

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

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

27 (2) AN INTERCONNECTION UTILITY SHALL, UPON WRITTEN

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

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

17 **SECTION 48.** In Colorado Revised Statutes, add 40-2-132.7 as  
18 follows:

19 **40-2-132.7. Energy planning proceedings - investigation to**  
20 **streamline - report - repeal.**

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

1 RECOMMENDATIONS RELATED TO:

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

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

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

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

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

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

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

26 (d) IMPROVING COLLABORATION AMONG UTILITIES THAT HAVE  
27 OVERLAPPING SERVICE TERRITORIES;

1 (e) EVALUATING AND IMPLEMENTING GEOGRAPHICALLY TARGETED  
2 ZONAL ELECTRIFICATION;

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

4 (g) MODIFYING COST-RECOVERY METHODS TO REDUCE RATEPAYER  
5 RISK OR TO ALIGN UTILITY INCENTIVES WITH RELEVANT PUBLIC POLICY  
6 OBJECTIVES SUCH AS REDUCING GREENHOUSE GAS EMISSIONS.

7 (3) IN CONDUCTING THE MISCELLANEOUS PROCEEDINGS PURSUANT  
8 TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL SOLICIT  
9 INPUT FROM STAKEHOLDERS THROUGH PUBLIC WORKSHOPS, WRITTEN  
10 COMMENTS, AND OTHER FORUMS.

11 (4) (a) BASED ON THE MISCELLANEOUS PROCEEDINGS CONDUCTED  
12 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL  
13 PRODUCE A REPORT IDENTIFYING ITS FINDINGS, CONCLUSIONS, AND  
14 RECOMMENDATIONS. THE COMMISSION SHALL INCLUDE ANY  
15 RECOMMENDATIONS REGARDING LEGISLATIVE, REGULATORY, OR  
16 OPERATIONAL ACTIONS NEEDED TO:

17 (I) IMPROVE REGULATORY EFFICIENCY AND EFFECTIVENESS,  
18 INCLUDING THROUGH REVISING THE TIMING AND ORDER OF KEY PLANNING  
19 PROCEEDINGS;

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

22 (III) DELIVER COST-EFFECTIVE, IMPACTFUL, AND STREAMLINED  
23 UTILITY CUSTOMER PROGRAMMING TO ACHIEVE PUBLIC POLICY GOALS,  
24 INCLUDING GOALS OF REDUCING GREENHOUSE GAS EMISSIONS AND  
25 INCREASING ACCESS TO AND THE BENEFITS OF PROGRAMMING FOR  
26 INCOME-QUALIFIED CUSTOMERS AND DISPROPORTIONATELY IMPACTED  
27 COMMUNITIES.

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

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

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

14 **SECTION 49. Appropriation.** (1) For the 2026-27 state fiscal  
15 year, \$328,958 is appropriated to the department of regulatory agencies.  
16 This appropriation consists of \$253,958 from the public utilities  
17 commission fixed utility fund created in section 40-2-114 (1)(b)(II),  
18 C.R.S., and \$75,000 from the public utilities commission motor carrier  
19 fund created in section 40-2-110.5 (6), C.R.S. To implement this act, the  
20 department may use this appropriation as follows:

21 (a) \$75,000 from the public utilities commission motor carrier  
22 fund for use by the public utilities commission for personal services; and

23 (b) \$253,958 from the public utilities commission fixed utility  
24 fund for the purchase of legal services.

25 (2) For the 2026-27 state fiscal year, \$253,958 is appropriated to  
26 the department of law. This appropriation is from reappropriated funds  
27 received from the department of regulatory agencies under subsection

1 (1)(b) of this section and is based on an assumption that the department  
2 of law will require an additional 1.1 FTE. To implement this act, the  
3 department of law may use this appropriation to provide legal services for  
4 the department of regulatory agencies.

5 **SECTION 50. Act subject to petition - effective date -**  
6 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
7 the expiration of the ninety-day period after final adjournment of the  
8 general assembly (August 12, 2026, if adjournment sine die is on May 13,  
9 2026); except that, if a referendum petition is filed pursuant to section 1  
10 (3) of article V of the state constitution against this act or an item, section,  
11 or part of this act within such period, then the act, item, section, or part  
12 will not take effect unless approved by the people at the general election  
13 to be held in November 2026 and, in such case, will take effect on the  
14 date of the official declaration of the vote thereon by the governor.

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