

CHAPTER 210

PUBLIC UTILITIES

HOUSE BILL 26-1326

BY REPRESENTATIVE(S) Duran and Willford, Goldstein, Joseph, Paschal, Smith, Velasco, Brown, English, Jackson, Lindsay, Marshall, Nguyen, McCluskie, Bacon, Boesenecker, Clifford, Garcia, Gilchrist, Mabrey, Mauro, McCormick, Ricks, Stewart K., Valdez;
also SENATOR(S) Rodriguez and Cutter, Ball, Bridges, Exum, Gonzales J., Kipp, Lindstedt, Marchman, Simpson, Snyder, Sullivan, Wallace, Coleman.

AN ACT

CONCERNING THE CONTINUATION OF THE PUBLIC UTILITIES COMMISSION, AND, IN CONNECTION THEREWITH, IMPLEMENTING RECOMMENDATIONS IN THE 2025 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

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

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

(3) (b) (I) This part 1 is repealed, effective ~~September 1, 2026~~ SEPTEMBER 1, 2033.

SECTION 2. In Colorado Revised Statutes, **add** 40-2-106.5 as follows:

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

(1) ON OR BEFORE JANUARY 31, 2027, AND ON OR BEFORE EACH JANUARY 31 THEREAFTER, AN ELECTRIC INVESTOR-OWNED UTILITY, A GAS INVESTOR-OWNED UTILITY, OR A COMBINED ELECTRIC AND GAS INVESTOR-OWNED UTILITY SHALL FILE WITH THE COMMISSION A SUMMARY OF THE UTILITY'S ANTICIPATED REGULATORY

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

FILINGS FOR THE FOLLOWING CALENDAR YEAR. THE COMMISSION SHALL MAKE THE UTILITY'S FILINGS PUBLICLY AVAILABLE ON ITS WEBSITE.

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

(3) ON OR BEFORE MARCH 31, 2027, AND ON OR BEFORE EACH MARCH 31 THEREAFTER, THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY SUMMARIZING ALL MAJOR ADJUDICATED CASES AND RULE-MAKINGS THAT THE COMMISSION ENGAGED IN DURING THE PREVIOUS YEAR. THE ANNUAL REPORT MUST INCLUDE:

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

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

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

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

(4) ON AND AFTER SEPTEMBER 1, 2026, THE COMMISSION SHALL INCLUDE IN EACH DECISION THAT THE COMMISSION REACHES ON A MATTER BEFORE THE COMMISSION A SUMMARY OF THE PUBLIC COMMENTS THE COMMISSION RECEIVED ON THE MATTER, INCLUDING A SUMMARY OF THE VOLUME OF COMMENTS RECEIVED; AN OVERVIEW OF THE ADVOCATED POSITIONS PRESENTED IN THE COMMENTS, INCLUDING COMMENTS THAT SPECIFICALLY ADDRESSED EQUITY ISSUES AND IMPACTS TO DISPROPORTIONATELY IMPACTED COMMUNITIES; AND A CLEAR EXPLANATION OF HOW THE COMMISSION CONSIDERED THE ADVOCATED POSITIONS IN REACHING ITS FINAL DECISION ON THE MATTER. PUBLIC COMMENTS SHALL NOT BE CONSIDERED AS PART OF THE EVIDENTIARY RECORD.

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

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

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

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

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

(XVII) THE COLORADO PUBLIC UTILITIES COMMISSION CREATED IN ARTICLE 2 OF TITLE 40.

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

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

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

(d) WHEN APPOINTING COMMISSIONERS, THE GOVERNOR SHALL CONSIDER INDIVIDUALS WHO ARE KNOWLEDGEABLE OF THE INDUSTRIES THAT THE COMMISSION REGULATES AND WHO PROVIDE A DIVERSITY OF EXPERIENCE AND UNDERSTANDING OF PUBLIC INTEREST CONSIDERATIONS, INCLUDING LAW, FINANCE, EMISSION REDUCTION STRATEGIES, AND CONSUMER PROTECTIONS.

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

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

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

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

40-2-103. Director - duties.

(1) The executive director of the department of regulatory agencies, pursuant to section 13 of article XII of the state constitution, and with the approval of the commission, shall appoint a director of the commission. The director shall manage the operations of the agency in order to carry out the public utilities law, to carry out

and implement policies, procedures, and decisions made by the commission, and to meet the requirements of the commission concerning any matters within the authority of a **type 1** entity, as defined in section 24-1-105, and which requirements are under the jurisdiction of the commission. The director has all the powers and responsibilities of the division director for this purpose, ~~including~~ AND IS RESPONSIBLE AND ACCOUNTABLE FOR THE ACTUAL OPERATIONS AND MANAGEMENT OF THE STATE PERSONNEL SYSTEM WITHIN THE DIRECTOR'S RESPECTIVE DIVISION. THE DIRECTOR HAS THE POWER TO SUBMIT AN ANNUAL BUDGET PURSUANT TO SECTION 40-2-110 AND IN COORDINATION WITH THE DEPARTMENT OF REGULATORY AGENCIES. ADDITIONALLY, THE DIRECTOR HAS THE POWER TO ISSUE ALL NECESSARY process, writs, warrants, and notices. The director has the requisite power to serve warrants and other process in any county or city and county of this state and to delegate such actions to duly authorized employees or agents of the agency as appropriate.

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

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

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

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

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

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

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

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

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

(B) A WORKFORCE WITH THE TOOLS, OPPORTUNITIES, AND ECONOMIC ASSISTANCE TO SUCCESSFULLY ADAPT DURING AN ENERGY TRANSITION, PARTICULARLY WITHIN COAL TRANSITION AND ENVIRONMENTAL JUSTICE COMMUNITIES; AND

(C) DECISIONS IN WHICH COLORADANS SHARE IN THE BENEFITS OF ENERGY CONSTRUCTION, MAINTENANCE, OPERATION, GENERATION, TRANSMISSION, AND PROCUREMENT.

(c)(III) IN ADOPTING RULES PURSUANT TO THIS SUBSECTION (3), THE COMMISSION SHALL IDENTIFY EQUITY IMPACT PROCEEDINGS THAT HAVE THE POTENTIAL TO IMPACT THE DISTRIBUTION OF BENEFITS AND BURDENS TO DISPROPORTIONATELY IMPACTED COMMUNITIES, WORKERS, AND INCOME-QUALIFIED CUSTOMERS. THE COMMISSION SHALL ENSURE THAT EQUITY IMPACT PROCEEDINGS INCLUDE PROCEDURALLY AND SUBSTANTIVELY APPROPRIATE REQUIREMENTS TO PROMOTE EQUITY.

(e) THE DIRECTOR OF THE COMMISSION SHALL HIRE AND DESIGNATE AN EMPLOYEE WITH A PRIMARY PURPOSE TO OVERSEE THE ONGOING IMPLEMENTATION OF THIS SUBSECTION (3), INCLUDING WORKING WITH THE COMMISSION TO ADOPT RULES THAT:

(I) MINIMIZE IMPACTS ON, AND PRIORITIZE BENEFITS TO, DISPROPORTIONATELY IMPACTED COMMUNITIES;

(II) IMPLEMENT EQUITABLE AND INCLUSIVE PRACTICES; AND

(III) ENGAGE DISPROPORTIONATELY IMPACTED COMMUNITIES AND JUST TRANSITION COMMUNITIES.

(f)(I) THE COMMISSION SHALL ESTABLISH AN EQUITY TASK FORCE TO PROVIDE INPUT AND RECOMMENDATIONS TO THE COMMISSION REGARDING THE IMPLEMENTATION OF THIS SUBSECTION (3), INCLUDING:

(A) IDENTIFICATION OF BARRIERS TO PARTICIPATION IN COMMISSION PROCEEDINGS;

(B) COMMUNITY ENGAGEMENT PRACTICES;

(C) THE IMPACTS OF COMMISSION DECISIONS ON DISPROPORTIONATELY IMPACTED COMMUNITIES AND INCOME-QUALIFIED CUSTOMERS;

(D) EQUITY IMPACT PROCEEDINGS; AND

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

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

(A) DISPROPORTIONATELY IMPACTED COMMUNITIES;

- (B) COMMUNITY-BASED ORGANIZATIONS;
- (C) TRIBAL COMMUNITIES;
- (D) INCOME-QUALIFIED RESIDENTIAL UTILITY CUSTOMERS;
- (E) UTILITY WORKERS;
- (F) LABOR ORGANIZATIONS; AND
- (G) ORGANIZATIONS WITH EXPERIENCE IN ENVIRONMENTAL JUSTICE.

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

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

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

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

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

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

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

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

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

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

(b) Every case submitted to the commission for adjudication must be heard in the first instance by ~~the commission~~ AN ADMINISTRATIVE LAW JUDGE unless, by rule,

minute order, or written decision, the commission assigns the case to ~~an administrative law judge~~ THE COMMISSION EN BANC or to an individual commissioner for hearing.

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

40-6-102. Service - fees - depositions - examination of witnesses.

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

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

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

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

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

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

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

(1) (d) NO LATER THAN MARCH 31, 2027, THE COMMISSION SHALL ADOPT RULES REGARDING THE FORMAT OF EN BANC COMMISSION AND HEARING COMMISSIONER HEARINGS AND MEETINGS, WHICH RULES MUST INCLUDE THE CRITERIA TO BE USED TO DETERMINE WHETHER EN BANC AND HEARING COMMISSIONER HEARINGS AND MEETINGS WILL BE HELD IN PERSON, VIRTUALLY, OR HYBRID IN PERSON AND VIRTUALLY. IN ADOPTING THE RULES, THE COMMISSION SHALL CONSIDER THE CURRENT PRACTICES OF DELIBERATIVE JUDICIAL BODIES AND CONSIDER RULES FOR FACTORS SUCH AS TRAVEL COSTS AND REIMBURSEMENTS, CHILD CARE CONSIDERATIONS, AND WEATHER AND EMERGENCY CONDITIONS THAT RENDER TRAVEL UNSAFE. BEFORE JULY 1, 2027, AN APPLICANT MAY REQUEST THAT HEARINGS BE HELD IN PERSON, VIRTUALLY, OR HYBRID IN PERSON AND VIRTUALLY, AND THE COMMISSION SHALL CONSIDER THE REQUEST.

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

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

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

(1) Whenever an application of any kind is filed with the commission and is accompanied by the applicant's supporting testimony or a detailed summary of the supporting testimony, together with exhibits, if any, the commission shall issue its decision on the application no later than one hundred twenty days after the application is deemed complete as prescribed by rules ~~promulgated~~ ADOPTED by the commission. THE RULES MUST PRESCRIBE THAT AN APPLICATION MAY BE DEEMED INCOMPLETE ONLY IF SUCH APPLICATION DOES NOT MEET THE APPLICATION REQUIREMENTS PRESCRIBED BY COMMISSION RULE AND DECISION. If the commission finds that additional time is required, it may, by separate order, extend the time for decision by an additional period not to exceed one hundred thirty days.

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

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

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

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

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

(1) (a) In addition to any other penalty otherwise authorized by law and except as otherwise provided in subsections (3), (4), and (5) of this section, a public utility furnishing electric, gas, water, water and sewer, or telecommunications service that intentionally violates any provision of articles 1 to 7 or 15 of this ~~title~~ TITLE 40 or of any rule, TARIFF, or order of the commission ADOPTED OR ISSUED pursuant to ~~such articles~~ ARTICLES 1 TO 7 OR 15 OF THIS TITLE 40, which provision is applicable to such utility, may be assessed a civil penalty of not more than ~~two~~ SEVEN thousand FIVE HUNDRED dollars; except that nothing in this subsection (1) shall be construed to authorize the imposition of civil penalties upon:

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

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

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

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

(1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) INTERVENOR PARTICIPATION IN COMMISSION PROCEEDINGS OFTEN REQUIRES LEGAL, TECHNICAL, AND EXPERT RESOURCES;

(b) THE GENERAL ASSEMBLY HAS PREVIOUSLY AUTHORIZED INTERVENOR COMPENSATION, BUT THE STATUTE LACKS SUFFICIENT CLARITY REGARDING

ELIGIBILITY, STANDARDS, AND PROCEDURES FOR INTERVENOR COMPENSATION, WHICH LACK OF CLARITY HAS RESULTED IN THE AUTHORITY GOING UNUSED;

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

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

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

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

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

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

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

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

(III) CONTRIBUTED TO A MORE COMPLETE RECORD OR UNDERSTANDING OF IMPACTS ON RATEPAYERS, INCOME-QUALIFIED CUSTOMERS, OR DISPROPORTIONATELY IMPACTED COMMUNITIES.

(d) "REASONABLE COSTS" INCLUDES:

(I) ATTORNEY FEES;

(II) EXPERT WITNESS FEES; AND

(III) OTHER REASONABLE OUT-OF-POCKET EXPENSES THAT AN INTERVENOR DIRECTLY INCURS.

(e) "SUBSTANTIAL CONTRIBUTION" MEANS THAT, IN THE COMMISSION'S JUDGMENT, AN INTERVENOR, THROUGH THEIR PARTICIPATION IN A COMMISSION PROCEEDING, HAS PROVIDED MATERIAL ASSISTANCE TO THE COMMISSION IN THE DEVELOPMENT OF THE ADMINISTRATIVE RECORD BY PROVIDING ANY OF THE FOLLOWING:

(I) FACTUAL CONTENTIONS;

(II) LEGAL CONTENTIONS; OR

(III) POLICY OR PROCEDURAL RECOMMENDATIONS.

(3)(a) THE COMMISSION MAY AWARD AN INTERVENOR COMPENSATION RELATED TO THE INTERVENOR'S PARTICIPATION IN A PROCEEDING IF:

(I) THE INTERVENOR MAKES A UNIQUE SUBSTANTIAL CONTRIBUTION; AND

(II) THE INTERVENOR'S COSTS INCURRED TO PARTICIPATE IN THE PROCEEDING ARE REASONABLE.

(b) AN INTERVENOR THAT MAKES A SUBSTANTIAL CONTRIBUTION MAY RECEIVE COMPENSATION FOR ALL REASONABLE COSTS RELATED TO THE SUBSTANTIAL CONTRIBUTION, EVEN IF THE COMMISSION DOES NOT EXPRESSLY CITE OR REFERENCE THE INTERVENOR IN THE COMMISSION'S FINAL ORDER OR DECISION ON THE MATTER.

(c) AN INTERVENOR IS NOT REQUIRED TO DEMONSTRATE THAT THE INTERVENOR'S PARTICIPATION IN A PROCEEDING ADDRESSED ISSUES THAT WERE NOT ADDRESSED BY THE OFFICE OF THE UTILITY CONSUMER ADVOCATE.

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

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

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

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

(III) GUIDELINES FOR DETERMINING MATERIAL ASSISTANCE.

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

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

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

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

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

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

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

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

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

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

SECTION 19. In Colorado Revised Statutes, 40-2-123, **add** (6) and (7) as follows:

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

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

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

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

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

(IV) ESTABLISHED STATE ENTERPRISES, SUCH AS THE BUILDING DECARBONIZATION ENTERPRISE CREATED IN SECTION 24-38.5-125, MAY PROVIDE AN

ALTERNATIVE OPTION FOR ADMINISTERING COMPETITIVE SOLICITATIONS FOR THIRD-PARTY PROGRAM ADMINISTRATION; AND

(V) THEREFORE, THE COMMISSION SHOULD BE AUTHORIZED TO REQUIRE COMMISSION-REGULATED INVESTOR-OWNED UTILITIES TO ENGAGE ONE OR MORE THIRD PARTIES TO ADMINISTER SPECIFIC CUSTOMER-FACING PROGRAMS IF THE COMMISSION DEEMS THE USE OF ONE OR MORE THIRD PARTIES PRUDENT AND IN THE BEST INTEREST OF RATEPAYERS. IN ADDITION, THE COMMISSION SHOULD BE AUTHORIZED TO REQUIRE THE USE OF A COMPETITIVE BIDDING PROCESS TO PROCURE THE SERVICES OF A THIRD-PARTY ADMINISTRATOR.

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

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

(7) (a) A COMMISSION-REGULATED INVESTOR-OWNED UTILITY MAY ENTER INTO A THIRD-PARTY AGREEMENT TO FACILITATE CUSTOMER-FACING PROGRAMS, SUBJECT TO COMMISSION APPROVAL. THE COMMISSION MAY DIRECT A COMMISSION-REGULATED INVESTOR-OWNED UTILITY TO PROPOSE TO THE COMMISSION THE USE OF THIRD-PARTY ADMINISTRATION FOR CUSTOMER-FACING PROGRAMS.

(b) IN A COMMISSION-REGULATED INVESTOR-OWNED UTILITY'S PROPOSAL TO UTILIZE THIRD-PARTY ADMINISTRATION OF A CUSTOMER-FACING PROGRAM, THE UTILITY SHALL EXPLAIN TO THE COMMISSION HOW THE UTILITY CONSIDERED THE FOLLOWING IN RELATION TO THE CUSTOMER-FACING PROGRAM:

(I) THE POTENTIAL FOR PROGRAM SUCCESS BASED ON AN ASSESSMENT OF SIMILAR ADMINISTRATION STRUCTURES THAT OTHER UTILITIES USE FOR SIMILAR CUSTOMER-FACING PROGRAMS;

(II) THE ADMINISTRATIVE COST RATIO OF ADMINISTERING REBATES VERSUS THE INCENTIVES PAID OUT AS PART OF THE PROGRAM;

(III) THE TIME REQUIRED TO FULFILL CUSTOMER REBATE REQUESTS; AND

(IV) PRIOR PROGRAM PERFORMANCE UNDER A UTILITY-LED MODEL.

(c) IN AN APPLICATION TO THE COMMISSION TO ENTER INTO A THIRD-PARTY AGREEMENT TO FACILITATE CUSTOMER-FACING PROGRAMS, THE UTILITY MAY NOT:

(I) FORCE A LAYOFF OF, OR UNILATERALLY CHANGE THE TERMS OF EMPLOYMENT FOR, THE UTILITY EMPLOYEES WHO, IN WHOLE OR IN PART, PERFORM THE

ADMINISTRATIVE OR SERVICE FUNCTIONS FOR THE SPECIFIC PROGRAM, SUBJECT TO A THIRD-PARTY AGREEMENT, AND WHO ARE COVERED BY A COLLECTIVE BARGAINING AGREEMENT UNLESS THE UTILITY AND THE LABOR UNION REPRESENTING THE EMPLOYEES COME TO AN AGREEMENT TO REASSIGN THE EMPLOYEES TO OTHER POSITIONS WITHIN THE UTILITY AT COMPARABLE PAY AND BENEFITS AS PER THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT AND ANY RELATED COMPANY POLICIES; AND

(II) PROPOSE TO ENTER INTO ANY THIRD-PARTY ADMINISTRATOR AGREEMENTS THAT CANCEL OR MODIFY AGREEMENTS WITH CONSTRUCTION OR UTILITY CONSTRUCTION CONTRACTORS WHO ARE UNDER A CURRENT CONTRACT TO PERFORM WORK DIRECTLY FOR THE UTILITY ON A DEMAND-SIDE MANAGEMENT, BENEFICIAL ELECTRIFICATION, CLEAN HEAT, OR TRANSPORTATION ELECTRIFICATION CUSTOMER-FACING PROGRAM. THE CONTRACTS SHALL REMAIN IN FORCE EVEN IF A THIRD-PARTY ADMINISTRATOR IS CONTRACTED TO ADMINISTER THE CUSTOMER-FACING PROGRAM. FUTURE CONSIDERATIONS AS TO WHETHER TO EXTEND OR RENEW THE CONSTRUCTION OR UTILITY CONSTRUCTION CONTRACTORS' AGREEMENTS CAN REMAIN WITH THE UTILITY, AND THE UTILITY CAN REMAIN THE CLIENT OF RECORD FOR THE CONSTRUCTION OR UTILITY CONSTRUCTION CONTRACTORS. PROGRAMS THAT DIRECT A RESIDENTIAL UTILITY CUSTOMER TO ENGAGE A CONTRACTOR DIRECTLY ARE EXEMPT FROM THIS SUBSECTION (7)(c)(II).

(d) SUBJECT TO COMMISSION APPROVAL BASED ON A DEMONSTRATION OF THE FACTORS SET FORTH IN SUBSECTION (7)(b) OF THIS SECTION, A COMMISSION-REGULATED INVESTOR-OWNED UTILITY SHALL UTILIZE THIRD-PARTY ADMINISTRATION FOR ANY CUSTOMER-FACING PROGRAM.

(e) A THIRD-PARTY ADMINISTRATOR OF A CUSTOMER-FACING PROGRAM IS DIRECTLY RESPONSIBLE FOR COMPLIANCE WITH, AND SHALL ADHERE TO APPLICABLE LABOR STANDARDS FOR, CONSTRUCTION- OR UTILITY-CONSTRUCTION-SPECIFIC WORK THAT WOULD OTHERWISE BE APPLICABLE TO THE UTILITY UNDER COLORADO LAW.

SECTION 20. In Colorado Revised Statutes, 40-2-124, **amend** (1)(a) introductory portion, (1)(a)(VIII), (1)(c)(I) introductory portion, (1)(c)(II)(A), (1)(e)(III), (1)(g)(I)(A), (3) introductory portion, (4) introductory portion, (5.5), and (8)(b); **repeal** (1)(a)(VII.5); and **add** (1)(a)(III.5) and (1)(c)(XI) as follows:

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

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

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

(III.5) "ENERGY STORAGE" MEANS COMMERCIALY AVAILABLE TECHNOLOGY THAT IS CAPABLE OF RETAINING ELECTRICITY, STORING THE ENERGY FOR A PERIOD OF TIME, AND DELIVERING THE ELECTRICITY AFTER STORAGE BY CHEMICAL, THERMAL, MECHANICAL, OR OTHER MEANS.

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

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

(c) Electric resource standards:

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

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

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

THE DIVISION OF ADMINISTRATION PURSUANT TO SECTION 25-7-105 (1)(e)(VII), MAY NOTIFY THE COMMISSION OF ITS COMPLIANCE EACH TIME THAT THE DIVISION OF ADMINISTRATION VERIFIES COMPLIANCE WITH THE CLEAN ENERGY TARGETS AND THAT THE QUALIFYING RETAIL UTILITY IS OPTING OUT OF THE ELECTRIC RESOURCE STANDARD REQUIREMENTS DESCRIBED IN SUBSECTION (1)(c)(I) OF THIS SECTION OR IS CONTINUING TO OPT OUT OF THE REQUIREMENTS.

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

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

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

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

(g) Retail rate impact rule:

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

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

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

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

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

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

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

SECTION 21. In Colorado Revised Statutes, 40-2-125.5, **amend** (5)(g) as follows:

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

(5) Regulatory matters.

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

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

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

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

SECTION 22. In Colorado Revised Statutes, **add** 40-2-144 and 40-2-145 as follows:

40-2-144. Joint resource procurement study - report - definition - repeal.

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

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

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

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

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

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

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

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

(b) MAY CONTRACT WITH A THIRD PARTY.

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

40-2-145. Investor-owned utilities - minimum quality-of-service metrics - rules.

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

(2) THE RULES MUST:

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

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

SECTION 23. In Colorado Revised Statutes, 40-10.1-605, **add** (13), (14), and (15) as follows:

40-10.1-605. Operational requirements - driver impersonation - misdemeanor - rules.

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

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

(c) NOTHING IN THIS SUBSECTION (13) PRECLUDES THE PROSECUTION OF CONDUCT FORMING THE BASIS OF A VIOLATION OF THIS SUBSECTION (13) UNDER THE CRIMINAL

IMPERSONATION STATUTE, SECTION 18-5-113, OR ANY OTHER RELEVANT CRIMINAL STATUTE.

(14) (a) A TRANSPORTATION NETWORK COMPANY SHALL CONDUCT FREQUENT CHECKS UTILIZING FACIAL RECOGNITION SOFTWARE OR EQUALLY OR MORE EFFECTIVE TECHNOLOGY, AS APPROVED BY THE COMMISSION, TO PREVENT DRIVER IMPERSONATION IN ACCORDANCE WITH RULES ADOPTED BY THE COMMISSION PURSUANT TO SUBSECTION (14)(b) OF THIS SECTION.

(b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (14), THE COMMISSION SHALL ADOPT RULES ESTABLISHING REQUIREMENTS AND PROCEDURES FOR FREQUENT CHECKS UTILIZING FACIAL RECOGNITION SOFTWARE OR EQUALLY OR MORE EFFECTIVE TECHNOLOGY, AS APPROVED BY THE COMMISSION, TO PREVENT DRIVER IMPERSONATION PROHIBITED PURSUANT TO SUBSECTION (13)(a) OF THIS SECTION.

(c) THIS SUBSECTION (14) DOES NOT APPLY TO A TRANSPORTATION NETWORK COMPANY THAT:

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

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

(15) (a) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE INFORMATION ABOUT THE COMMISSION TO A RIDER, INCLUDING HOW THE RIDER MAY CONTACT THE COMMISSION TO FILE A COMPLAINT USING THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK USED TO CONNECT WITH A DRIVER, IN ACCORDANCE WITH RULES ADOPTED BY THE COMMISSION PURSUANT TO SUBSECTION (15)(b) OF THIS SECTION.

(b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (15), THE COMMISSION SHALL ADOPT RULES ESTABLISHING REQUIREMENTS AND PROCEDURES FOR A TRANSPORTATION NETWORK COMPANY TO PROVIDE INFORMATION ABOUT THE COMMISSION, INCLUDING CONTACT INFORMATION FOR THE COMMISSION, TO A RIDER PURSUANT TO SUBSECTION (15)(a) OF THIS SECTION.

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

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

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

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

SECTION 25. In Colorado Revised Statutes, 40-10.1-110, **amend** (1)(a) as follows:

40-10.1-110. Record check - rules.

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

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

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

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

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

40-10.1-116. Commission to notify local authorities - procedure.

(3) (a) A person injured by the noncompliance of a motor carrier with this article 10.1 or any other provision of law or an order, decision, rule, direction, or requirement of the commission may apply to a court of competent jurisdiction for the enforcement thereof, and the court has jurisdiction to enforce obedience thereto by injunction or other proper process, mandatory or otherwise, and to restrain the motor carrier and its officers, agents, employees, or representatives from further disobedience thereof, or to enjoin upon them obedience to the same, and any person

so injured has a cause of action in damages, and is privileged to pursue the usual and proper remedies as in any other case, AND IS NOT REQUIRED TO PURSUE OR EXHAUST ADMINISTRATIVE REMEDIES BEFORE THE COMMISSION PRIOR TO COMMENCING SUIT OR OTHER ACTION SEEKING SUCH RELIEF.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40-10.1-302. Permit requirements - rules.

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

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

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

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

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

40-18-101. Definitions.

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

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

(2.6) "PUBLIC TRANSPORTATION AGENCY SAFETY PLAN" MEANS THE DOCUMENTED COMPREHENSIVE AGENCY SAFETY PLAN FOR A RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEM, INCLUDING A RAIL TRANSIT AUTHORITY, THAT IS

REQUIRED BY 49 U.S.C. SEC. 5329 (d) AND BASED ON A SAFETY MANAGEMENT SYSTEM, AS DEFINED IN 49 CFR 673.5.

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

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

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

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

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

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

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

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

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

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

40-18-103. Commission to adopt rules.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(1) Repealed.~~

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

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

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

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

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

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

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

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

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

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

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

(3) ON OR BEFORE NOVEMBER 1, 2027, THE COMMISSION SHALL SUBMIT A FINAL REPORT ON THE STUDY TO THE COMMITTEES LISTED IN SUBSECTION (2) OF THIS SECTION, WHICH FINAL REPORT MUST INCLUDE THE COMMISSION'S FINDINGS AND RECOMMENDATIONS, INCLUDING ANY LEGISLATIVE RECOMMENDATIONS.

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

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

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

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

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

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

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

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

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

~~subparagraph (H)~~ SUBSECTION (3)(b)(II). Each ~~such~~ person or entity shall provide a current business name, business address, email address if available, and telephone number when initially registering for the no-call list. This information shall be updated when changes occur.

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

40-2-112. Computation of fees.

(1) (a) On or before June 1 of each year, the executive director of the department of revenue shall ascertain the aggregate amount of gross operating revenues of telephone corporations and all other public utilities filing returns as provided in section 40-2-111. Based on appropriations made by the general assembly, the executive director of the department of regulatory agencies, IN CONSULTATION WITH THE DIRECTOR OF THE COMMISSION, shall specify, for the telecommunications utility fund, created in section 40-2-114 (1)(b)(I), and the public utilities commission fixed utility fund, created in section 40-2-114 (1)(b)(II), the revenue needed to provide for the direct and indirect costs of the supervision and regulation of telephone corporations and all other public utilities under the jurisdiction of the department of regulatory agencies, excluding the amount of money provided as administrative support from the various telecommunications programs administered by the commission, including the high cost support mechanism, established in section 40-15-208; the 911 surcharge, established in section 29-11-102.3; the 988 surcharge, established in section 40-17.5-102; and the telephone disability access surcharge, established in section 40-17-102.

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

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

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

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

(4) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, THE COMMISSION MAY SET ADMINISTRATIVELY A FILING FEE SCHEDULE FOR APPLICATIONS, PETITIONS, REGISTRATIONS, FORMAL COMPLAINTS, AND SIMILAR

FILINGS THAT ARE SUBMITTED TO THE COMMISSION THAT RELATE TO COMMUNICATIONS SERVICES, TELECOMMUNICATIONS SERVICES, AND BASIC EMERGENCY SERVICES. THE PURPOSE OF THE FILING FEES IS TO RECOVER THE COMMISSION'S COSTS ASSOCIATED WITH REGULATORY ACTIVITIES THAT ARE NOT COVERED BY THE FEES ASSESSED PURSUANT TO SECTIONS 40-2-112 AND 40-2-113.

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

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

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

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

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

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

29-11-104. Use of money collected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) EVALUATING AND IMPLEMENTING GEOGRAPHICALLY TARGETED ZONAL ELECTRIFICATION;

(f) EVALUATING AND MINIMIZING STRANDED ASSET RISKS; AND

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

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

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

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

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

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

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

(5) ON OR BEFORE NOVEMBER 30, 2027, THE COMMISSION SHALL SUBMIT THE REPORT TO THE HOUSE OF REPRESENTATIVES ENERGY AND ENVIRONMENT COMMITTEE, THE HOUSE OF REPRESENTATIVES TRANSPORTATION, HOUSING, AND

LOCAL GOVERNMENT COMMITTEE, AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

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

SECTION 49. Appropriation. (1) For the 2026-27 state fiscal year, \$298,448 is appropriated to the department of regulatory agencies. This appropriation consists of \$223,448 from the public utilities commission fixed utility fund created in section 40-2-114 (1)(b)(II), C.R.S., and \$75,000 from the public utilities commission motor carrier fund created in section 40-2-110.5 (6), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$232,712, including \$157,712 from the fixed utility fund and \$75,000 from the motor carrier fund, for use by the public utilities commission for personal services, which amount is based on an assumption that the commission will require an additional 1.6 FTE;

(b) \$16,048 from the fixed utility fund for use by the public utilities commission for operating expenses; and

(c) \$49,688 from the fixed utility fund for the purchase of legal services.

(2) For the 2026-27 state fiscal year, \$49,688 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of regulatory agencies under subsection (1)(c) of this section and is based on an assumption that the department of law will require an additional 0.2 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of regulatory agencies.

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

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

Approved: May 29, 2026