

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 16-0710.01 Duane Gall x4335

HOUSE BILL 16-1376

HOUSE SPONSORSHIP

Esgar and Winter, Becker K., Danielson, Fields, Garnett, Hulinghorst, Kagan, Lebsock, Lontine, McCann, Melton, Mitsch Bush, Moreno, Pettersen, Primavera, Ryden, Salazar, Tyler

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Energy
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE AUTHORITY OF THE OFFICE OF**
102 **CONSUMER COUNSEL TO ADVOCATE ON BEHALF OF CONSUMERS**
103 **OF PUBLIC UTILITY SERVICES, AND, IN CONNECTION THEREWITH,**
104 **MAKING AN 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://www.leg.state.co.us/billsummaries>.)

Currently, the office of consumer counsel (OCC) is authorized to intervene on behalf of customers of electric utilities and gas utilities in proceedings before the Colorado public utilities commission. The bill

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

grants the OCC authority to speak for customers of providers of telecommunications, water, taxi and bus service, and all other services defined as public utilities under the "Public Utilities Law".

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-6.5-101, **amend**
3 (3) as follows:

4 **40-6.5-101. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (3) "Public utility" means: ~~an electric utility or gas~~

7 (a) A PUBLIC utility AS DEFINED IN SECTION 40-1-103; AND

8 (b) A TRANSPORTATION NETWORK COMPANY AS DEFINED IN
9 SECTION 40-10.1-602.

10 **SECTION 2.** In Colorado Revised Statutes, **amend** 40-6.5-107
11 as follows:

12 **40-6.5-107. Financing of office.** At each regular session, the
13 general assembly shall determine the amounts to be expended by the
14 office of consumer counsel for the direct and indirect costs of
15 administration in performing its duties and responsibilities required by
16 this article and shall appropriate to the office of consumer counsel from
17 the TELECOMMUNICATIONS UTILITY FUND CREATED IN SECTION 40-2-114,
18 THE public utilities commission fixed utility fund created in section
19 40-2-114, AND THE MOTOR CARRIER FUND CREATED IN SECTION
20 40-2-110.5, RESPECTIVELY, IN ACCORDANCE WITH THE OFFICE'S
21 ALLOCATION OF RESOURCES DURING EACH FISCAL YEAR, the full amount
22 so determined. ~~No~~ General fund ~~moneys~~ MONEY shall NOT be
23 appropriated to the office of consumer counsel for the performance of its
24 duties and responsibilities under this article.

1 **SECTION 3.** In Colorado Revised Statutes, 40-2-110, **amend** (2)
2 (a) (I) as follows:

3 **40-2-110. Appropriation and fees.** (2) (a) (I) At each regular
4 session, the general assembly shall determine the amounts to be expended
5 by the public utilities commission for its administrative expenses in the
6 supervision and regulation of motor carriers, AND BY THE OFFICE OF
7 CONSUMER COUNSEL FOR ITS COSTS INCURRED IN REPRESENTING THE
8 INTERESTS OF CONSUMERS OF MOTOR CARRIER SERVICES, as provided by
9 law and shall appropriate such amounts from the public utilities
10 commission motor carrier fund established in section 40-2-110.5 as are
11 necessary to be expended by the commission AND THE OFFICE OF
12 CONSUMER COUNSEL, RESPECTIVELY, to accomplish said purposes.

13 **SECTION 4. Appropriation.** (1) For the 2016-17 state fiscal
14 year, \$131,800 is appropriated to the department of regulatory agencies.
15 This appropriation is from the public utilities commission motor carrier
16 fund created in section 40-2-110.5 (6), C.R.S. To implement this act, the
17 department may use this appropriation as follows:

18 (a) \$63,143 for use by the office of consumer counsel for personal
19 services, which amount is based on an assumption that the office will
20 require an additional 0.8 FTE;

21 (b) \$30,653 for use by the office of consumer counsel for
22 operating expenses; and

23 (c) \$38,004 for the purchase of legal services.

24 (2) For the 2016-17 state fiscal year, \$38,004 is appropriated to
25 the department of law. This appropriation is from reappropriated funds
26 received from the department of regulatory agencies under paragraph (c)
27 of subsection (1) of this section and is based on an assumption that the

1 department of law will require an additional 0.2 FTE. To implement this
2 act, the department of law may use this appropriation to provide legal
3 services for the department of regulatory agencies.

4 **SECTION 5. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly (August
7 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
8 referendum petition is filed pursuant to section 1 (3) of article V of the
9 state constitution against this act or an item, section, or part of this act
10 within such period, then the act, item, section, or part will not take effect
11 unless approved by the people at the general election to be held in
12 November 2016 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.