

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 19-0711.01 Jery Payne x2157

**SENATE BILL 19-077**

---

**SENATE SPONSORSHIP**

**Priola and Williams A.**, Bridges, Fenberg, Foote

**HOUSE SPONSORSHIP**

**Hansen,**

---

**Senate Committees**

Business, Labor, & Technology

**House Committees**

Transportation & Local Government

---

**A BILL FOR AN ACT**

101      **CONCERNING MEASURES THAT AFFECT THE DEVELOPMENT OF**  
102                    **INFRASTRUCTURE USED BY ELECTRIC MOTOR VEHICLES, AND, IN**  
103                    **CONNECTION THEREWITH, ESTABLISHING A PROCESS AT THE**  
104                    **COLORADO PUBLIC UTILITIES COMMISSION WHEREBY A PUBLIC**  
105                    **UTILITY MAY UNDERTAKE IMPLEMENTATION OF AN ELECTRIC**  
106                    **MOTOR VEHICLE INFRASTRUCTURE PROGRAM WITHIN THE AREA**  
107                    **COVERED BY THE UTILITY'S CERTIFICATE OF PUBLIC**  
108                    **CONVENIENCE AND NECESSITY.**

---

**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*

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

SENATE  
3rd Reading Unamended  
March 8, 2019

SENATE  
Amended 2nd Reading  
March 5, 2019

<http://leg.colorado.gov>.)

Currently, public utilities may provide charging ports or fueling stations for motor vehicles as unregulated services. The bill authorizes public utilities to provide these services as regulated or unregulated services and allows cost recovery.

The bill allows a public utility to apply to the public utilities commission (commission) to build facilities to support electric vehicles. Standards are set for approval. When a facility is built, the rates and charges for the services:

- ! May allow a return on any investment made by a public utility at the utility's weighted average cost of capital at the utility's most recent rate of return on equity approved by the commission; and
- ! Must be recovered from all customers of a public utility in a manner that is similar to the recovery of distribution system investments.

---

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Widespread adoption of electric vehicles is necessary to  
5 diversify the transportation fuel mix, improve national security, and  
6 protect air quality;

7 (b) The number of electric vehicles registered in Colorado has  
8 doubled over the last three years, and, with expanded infrastructure  
9 investment, future growth is projected to accelerate;

10 (c) This growth will be assisted by investments in infrastructure  
11 necessary to maximize the benefits of the expanding electric vehicle  
12 market;

13 (d) Widespread adoption of electric vehicles requires that public  
14 utilities increase access to electricity as transportation fuel, including for  
15 low- and moderate-income and underserved communities;

16 (e) Widespread adoption of electric vehicles should provide

1 consumers with fuel cost savings and electric utility customers with  
2 potential cost-saving benefits;

3 (f) Widespread adoption of electric vehicles should stimulate  
4 innovation, competition, and increased choices in charging equipment and  
5 networks and should also attract private capital investments and create  
6 high-quality jobs in Colorado; and

7 (g) Widespread adoption of electric vehicles should improve an  
8 electric public utility's electrical system efficiency and operational  
9 flexibility, including the ability of the electric public utility to integrate  
10 variable renewable energy generation resources and to make use of  
11 off-peak generation resources.

12 **SECTION 2.** In Colorado Revised Statutes, 40-1-103.3, amend  
13 (2) and (6) as follows:

14 **40-1-103.3. Alternative fuel vehicles - definition.** (2) For the  
15 purposes of articles 1 to 7 of this title TITLE 40, persons generating  
16 electricity for use in alternative fuel vehicle charging or fueling facilities  
17 as authorized by subsection (4) of this section, persons reselling  
18 electricity supplied by a public utility, or persons reselling compressed or  
19 liquefied natural gas, liquefied petroleum gas, or any component parts or  
20 by-products to governmental entities or to the public for use as fuel in  
21 alternative fuel vehicles or buying electricity stored in such vehicles for  
22 resale are not subject to regulation as a public utility. Electric and natural  
23 gas public utilities may provide the services described in this subsection  
24 (2) as unregulated OR REGULATED services. and NATURAL GAS PUBLIC  
25 UTILITIES MAY PROVIDE these SERVICES AS unregulated services. may not  
26 be subsidized by the regulated services of the electric or natural gas  
27 public utility.

1           (6) The regulated expenditures and investments made by a public  
2 utility to accommodate alternative fuel vehicle charging and fueling  
3 facilities are equal in priority to all other infrastructure necessary to serve  
4 any customer of the public utility in its service territory, but are  
5 subordinate to the safety and reliability obligations of the utility AN  
6 ELECTRIC PUBLIC UTILITY MAY RECOVER THE COSTS OF DISTRIBUTION  
7 SYSTEM INVESTMENTS TO ACCOMMODATE ALTERNATIVE FUEL VEHICLE  
8 CHARGING, SUBJECT TO EVALUATION AND COST RECOVERY PROVISIONS  
9 THAT ARE COMPARABLE TO OTHER REGULATED INVESTMENTS IN THE  
10 DISTRIBUTION GRID; EXCEPT THAT DISTRIBUTION SYSTEM INVESTMENTS  
11 THAT ARE A COMPONENT OF A TRANSPORTATION ELECTRIFICATION PLAN  
12 SUBMITTED IN ACCORDANCE WITH SECTION 40-5-107 ARE SUBJECT TO  
13 SECTIONS 40-3-116 AND 40-5-107. THE COMMISSION SHALL CONSIDER  
14 REVENUES FROM ELECTRIC VEHICLES IN THE UTILITY'S SERVICE TERRITORY  
15 IN EVALUATING THE RETAIL RATE IMPACT. THE RETAIL RATE IMPACT FROM  
16 THE DEVELOPMENT OF ELECTRIC VEHICLE INFRASTRUCTURE MUST NOT  
17 EXCEED ONE-HALF OF ONE PERCENT OF THE TOTAL ANNUAL REVENUE  
18 REQUIREMENTS OF THE UTILITY.

19           **SECTION 3.** In Colorado Revised Statutes, **add 40-3-116 as**  
20 follows:

21           **40-3-116. Electric vehicle programs - rates.** (1) **THE RATES AND**  
22 **CHARGES SCHEDULE FOR SERVICES PROVIDED BY A PROGRAM CREATED**  
23 **UNDER SECTION 40-5-107 MAY ALLOW:**

24           (a) A RETURN ON ANY INVESTMENT MADE UNDER SECTION  
25 40-5-107 BY AN ELECTRIC PUBLIC UTILITY AT THE ELECTRIC PUBLIC  
26 UTILITY'S WEIGHTED AVERAGE COST OF CAPITAL, INCLUDING THE MOST  
27 RECENT RATE OF RETURN ON EQUITY, APPROVED BY THE COMMISSION.

1 INCLUDING BY ALLOWING A UTILITY TO EARN A RATE OF RETURN ON  
2 REBATES PROVIDED TO CUSTOMERS THROUGH A TRANSPORTATION  
3 ELECTRIFICATION PROGRAM;

4 (b) RATE RECOVERY MECHANISMS THAT ALLOW EARLIER, AS  
5 DETERMINED BY THE COMMISSION, RECOVERY OF COSTS, INCLUDING THE  
6 USE OF RATE ADJUSTMENT CLAUSES; AND

7 (c) PERFORMANCE-BASED INCENTIVE RETURNS OR SIMILAR  
8 INVESTMENT INCENTIVES.

9 (2) BY MAY 15, 2020, AN ELECTRIC UTILITY MUST SUBMIT TO THE  
10 COMMISSION A PROPOSAL FOR A SPECIFIC RATE CLASS FOR COMMERCIAL  
11 AND INDUSTRIAL FACILITIES USED TO CHARGE ELECTRIC VEHICLES.

12 **SECTION 4.** In Colorado Revised Statutes, **add 40-5-107** as  
13 **follows:**

14 **40-5-107. Electric vehicle programs - repeal.** (1) (a) NOLATER  
15 THAN MAY 15, 2020, AND ON OR BEFORE MAY 15 EVERY THREE YEARS  
16 THEREAFTER, AN ELECTRIC PUBLIC UTILITY SHALL FILE WITH THE  
17 COMMISSION AN APPLICATION FOR A PROGRAM FOR REGULATED  
18 ACTIVITIES TO SUPPORT WIDESPREAD TRANSPORTATION ELECTRIFICATION  
19 WITHIN THE AREA COVERED BY THE UTILITY'S CERTIFICATE OF PUBLIC  
20 CONVENIENCE AND NECESSITY.

21 (b) TO COMPLY WITH THIS SUBSECTION (1), AN APPLICATION MUST  
22 SEEK TO MINIMIZE OVERALL COSTS AND MAXIMIZE OVERALL BENEFITS AND  
23 MAY INCLUDE:

24 (I) INVESTMENTS OR INCENTIVES TO FACILITATE THE DEPLOYMENT  
25 OF CUSTOMER-OWNED OR UTILITY-OWNED CHARGING INFRASTRUCTURE,  
26 INCLUDING CHARGING FACILITIES, MAKE-READY INFRASTRUCTURE, AND  
27 ASSOCIATED ELECTRICAL EQUIPMENT THAT SUPPORT TRANSPORTATION

1 ELECTRIFICATION;

2 (II) INVESTMENTS OR INCENTIVES TO FACILITATE THE  
3 ELECTRIFICATION OF PUBLIC TRANSIT AND OTHER VEHICLE FLEETS;

4 (III) RATE DESIGNS, OR PROGRAMS THAT ENCOURAGE VEHICLE  
5 CHARGING THAT SUPPORTS THE OPERATION OF THE ELECTRIC GRID; AND

6 (IV) CUSTOMER EDUCATION, OUTREACH, AND INCENTIVE  
7 PROGRAMS THAT INCREASE AWARENESS OF THE PROGRAMS AND OF THE  
8 BENEFITS OF TRANSPORTATION ELECTRIFICATION AND ENCOURAGE  
9 GREATER ADOPTION OF ELECTRIC VEHICLES.

10 (2) WHEN CONSIDERING TRANSPORTATION ELECTRIFICATION  
11 PROGRAMS AND DETERMINING COST RECOVERY FOR INVESTMENTS AND  
12 OTHER EXPENDITURES RELATED TO PROGRAMS PROPOSED BY AN ELECTRIC  
13 PUBLIC UTILITY UNDER SUBSECTION (1) OF THIS SECTION, THE COMMISSION  
14 MAY CONSIDER WHETHER THE INVESTMENTS AND OTHER EXPENDITURES  
15 ARE:

16 (a) REASONABLY EXPECTED TO IMPROVE THE USE OF THE ELECTRIC  
17 GRID, INCLUDING IMPROVED INTEGRATION OF RENEWABLE ENERGY;

18 (b) REASONABLY EXPECTED TO INCREASE ACCESS TO THE USE OF  
19 ELECTRICITY AS A TRANSPORTATION FUEL;

20 (c) DESIGNED TO ENSURE SYSTEM SAFETY AND RELIABILITY;

21 (d) (I) REASONABLY EXPECTED TO CONTRIBUTE TO MEETING AIR  
22 QUALITY STANDARDS AND REDUCING STATEWIDE EMISSIONS OF  
23 GREENHOUSE GASES BY FORTY PERCENT BELOW 2005 LEVELS BY 2030 AND  
24 EIGHTY PERCENT BELOW 2005 LEVELS BY 2050.

25 (II) THIS SUBSECTION (2)(d) IS REPEALED, EFFECTIVE JULY 1, 2031.

26 (e) REASONABLY EXPECTED TO STIMULATE INNOVATION,  
27 COMPETITION, AND INCREASED CONSUMER CHOICES IN ELECTRIC VEHICLE

1 CHARGING AND RELATED INFRASTRUCTURE AND SERVICES; ATTRACT  
2 PRIVATE CAPITAL INVESTMENTS; AND UTILIZE HIGH-QUALITY JOBS AND  
3 SKILLED WORKER TRAINING PROGRAMS AS DEFINED IN SECTION 8-83-303;

4 (f) TRANSPARENT, INCORPORATING PUBLIC REPORTING  
5 REQUIREMENTS TO INFORM DESIGN AND COMMISSION POLICY; AND

6 (g) REASONABLY EXPECTED TO PROVIDE ACCESS FOR LOW-INCOME  
7 CUSTOMERS, IN THE TOTALITY OF THE UTILITY'S TRANSPORTATION  
8 ELECTRIFICATION PROGRAMS, WHILE GIVING DUE CONSIDERATION TO THE  
9 IMPACT ON LOW-INCOME CUSTOMERS.

10 (3)(a) ELECTRIC VEHICLE INFRASTRUCTURE ELECTRICAL WORK ON  
11 THE CUSTOMER SIDE OF THE UTILITY METER, INCLUDING THE  
12 INSTALLATION OF THE CHARGING STATION APPARATUS AND RELATED  
13 HARDWARE, MUST:

14 (I) BE PERFORMED BY A LICENSED MASTER ELECTRICIAN, LICENSED  
15 JOURNEYMAN ELECTRICIAN, LICENSED RESIDENTIAL WIREMAN, OR  
16 PROPERLY SUPERVISED ELECTRICAL APPRENTICE AS EACH TERM IS DEFINED  
17 IN SECTION 12-23-101; AND

18 (II) COMPLY WITH ARTICLE 23 OF TITLE 12, INCLUDING SECTIONS  
19 12-23-105 AND 12-23-110.5, AND ALL APPLICABLE RULES OF THE STATE  
20 ELECTRICAL BOARD.

21 (b) FOR ALL ELECTRIC VEHICLE INFRASTRUCTURE OR CHARGING  
22 STATIONS OWNED BY THE UTILITY, THE UTILITY SHALL USE UTILITY  
23 EMPLOYEES OR QUALIFIED CONTRACTORS IF THE CONTRACTORS'  
24 EMPLOYEES HAVE ACCESS TO AN APPRENTICESHIP PROGRAM AS DEFINED  
25 IN SECTION 8-83-303 (2). THIS APPRENTICESHIP REQUIREMENT DOES NOT  
26 APPLY TO:

27 (I) THE DESIGN, PLANNING, OR ENGINEERING OF THE

1 INFRASTRUCTURE:

2 (II) MANAGEMENT FUNCTIONS TO OPERATE THE INFRASTRUCTURE:

3 OR

4 (III) ANY WORK INCLUDED IN A WARRANTY.

5 **SECTION 5. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, and safety.