

**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. 19-0353.02 Jennifer Berman x3286

**SENATE BILL 19-236**

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**SENATE SPONSORSHIP**

**Garcia and Fenberg**, Foote, Winter

**HOUSE SPONSORSHIP**

**(None)**,

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**Senate Committees**

Transportation & Energy  
Finance

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE CONTINUATION OF THE PUBLIC UTILITIES**  
102              **COMMISSION, AND, IN CONNECTION THEREWITH, IMPLEMENTING**  
103              **THE RECOMMENDATIONS CONTAINED IN THE 2018 SUNSET**  
104              **REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Sunset Process - Senate Transportation and Energy Committee.** The bill implements the recommendations of the department of regulatory agencies' sunset review and report on the public utilities

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.

commission (commission) by:

- ! Authorizing the commission to promulgate rules to delegate routine, administrative transportation matters to staff and clarifying that the commission provides initial review of each case submitted for adjudication and determines whether it wishes to retain the case or to assign it to an administrative law judge or to an individual commissioner (**section 14** of the bill);
- ! Providing for alternate forms of communication that a public utility may utilize to notify its customers of rate changes, including text message and e-mail, and requiring the public utility to post notice of the rate change on its public website (**section 11**);
- ! Transferring the administration of the legal services offset fund from the department of law to the department of regulatory agencies (**section 15**);
- ! Making technical changes regarding criminal history record checks and telecommunications (**sections 17 and 19 through 22**);
- ! Repealing a requirement that an electric utility, as part of the electric utility's plan for acquisition of renewable resources, purchase a certain amount of energy from community solar gardens in the years 2011 through 2013, but delaying the repeal until 2043 to keep the legislation in place until contracts entered into pursuant to the requirement have likely all expired (**section 9**);
- ! Repealing the requirement that the commission, in considering electric utilities' proposals for generation acquisition, give consideration to proposals to propose, fund, and construct integrated gasification combined cycle generation facilities (**section 8**); and
- ! Clarifying that the commission may impose a civil penalty for a violation of railroad crossing safety regulations (**section 13**).

The bill also:

- ! Creates the division of public utilities (division) as if it were transferred by a **type 2** transfer, as a separate entity from the commission (**sections 3 to 7**);
- ! Directs the commission to promulgate rules to require an investor-owned utility to file with the commission, for the commission's approval, a distribution system plan regarding the utility's anticipated distribution system investments (**section 10**);
- ! Requires an investor-owned utility, when submitting a filing to the commission that includes a proposed

retirement of an electric generating facility, to include in the filing a workforce transition plan that provides estimates of workforce transitions that will occur as a result of retiring the electric generating facility (**section 10**);

! Directs the commission to evaluate the cost of carbon dioxide emissions in any proceeding related to a public utility subject to the commission's jurisdiction and to promulgate rules to require those public utilities, when submitting filings related to planning processes, including electric resource plans, to include the cost of carbon dioxide emissions related to the activities proposed in the plan (**section 12**); and

! Authorizes the commission to regulate vehicle booting companies, which are private entities in the business of immobilizing motor vehicles through use of a boot, through issuance of permits and enforcement mechanisms including inspections, imposition of a civil penalty, and revocation of a permit (**sections 16 and 18**).

The bill continues the functions of the commission for and gives the division a life of 7 years, until 2026 (**sections 1 and 2**).

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

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

4 **40-2-101. Creation - appointment - term - subject to**  
5 **termination - repeal of part.** (3) (b) (I) This part 1 is repealed, effective  
6 September 1, ~~2019~~ 2026.

7 (II) ~~Prior to its~~ BEFORE THE repeal, the public utilities commission  
8 ~~shall be reviewed as provided for in~~ IS SCHEDULED FOR REVIEW IN  
9 ACCORDANCE WITH section 24-34-104. ~~C.R.S.~~

10 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**  
11 (17)(a)(I); and **add** (27)(a)(VIII) as follows:

12 **24-34-104. General assembly review of regulatory agencies**  
13 **and functions for repeal, continuation, or reestablishment - legislative**  
14 **declaration - repeal.** (17) (a) The following agencies, functions, or both,

1 are scheduled for repeal on September 1, 2019:

2 (I) ~~The Colorado public utilities commission created in article 2~~  
3 ~~of title 40, C.R.S.;~~

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

6 (VIII) THE COLORADO PUBLIC UTILITIES COMMISSION CREATED  
7 IN ARTICLE 2 OF TITLE 40.

8 =====

9 **SECTION 3.** In Colorado Revised Statutes, **repeal** 40-2-123 (2).

10 **SECTION 4.** In Colorado Revised Statutes, 40-2-127, **amend**  
11 (3)(b) introductory portion; and **add** (5)(a)(III.5) as follows:

12 **40-2-127. Community energy funds - community solar**  
13 **gardens - definitions - rules - legislative declaration - repeal.**

14 (3) **Subscriber organization - subscriber qualifications -**  
15 **transferability of subscriptions.** (b) ~~On or before October 1, 2010,~~ The  
16 commission shall ~~commence a rule-making proceeding to~~ adopt rules as  
17 necessary to implement this section, including ~~but not limited to~~ rules to  
18 facilitate the financing of subscriber-owned community solar gardens.  
19 ~~Such~~ THE rules ~~shall~~ MUST include:

20 (5) **Purchases of the output from community solar gardens.**

21 (a) (III.5) SUBSECTIONS (5)(a)(II) AND (5)(a)(III) OF THIS SECTION AND  
22 THIS SUBSECTION (5)(a)(III.5) ARE REPEALED, EFFECTIVE JULY 1, 2043.

23 **SECTION 5.** In Colorado Revised Statutes, **add** 40-2-132 and  
24 40-2-133 as follows:

25 **40-2-132. Distribution system planning - definition - rules.**

26 (1) THE COMMISSION SHALL PROMULGATE RULES ESTABLISHING THE  
27 FILING OF A DISTRIBUTION SYSTEM PLAN. THE COMMISSION'S RULES MUST:

1           (a) DEFINE THE FOLLOWING TERMS:  
2           (I) DISTRIBUTED ENERGY RESOURCES THAT INCLUDE:  
3           (A) DISTRIBUTED RENEWABLE ELECTRIC GENERATION;  
4           (B) ENERGY STORAGE SYSTEMS;  
5           (C) MICROGRIDS;  
6           (D) ENERGY EFFICIENCY MEASURES; AND  
7           (E) DEMAND RESPONSE MEASURES; AND  
8           (II) NON-WIRES ALTERNATIVES;  
9           (b) DEVELOP A METHODOLOGY FOR EVALUATING THE NET  
10          BENEFITS TO CUSTOMERS USING DISTRIBUTED ENERGY RESOURCES AS  
11          NON-WIRES ALTERNATIVES;  
12          (c) DIRECT EACH QUALIFYING RETAIL UTILITY TO FILE A  
13          DISTRIBUTION SYSTEM PLAN THAT AT A MINIMUM INCLUDES:  
14          (I) INFORMATION REGARDING:  
15          (A) SYSTEM AND SUBSTATION HISTORICAL DATA;  
16          (B) PEAK DEMAND;  
17          (C) ADOPTION OF DISTRIBUTED ENERGY RESOURCES; AND  
18          (D) DISTRIBUTION SYSTEM INVESTMENTS;  
19          (II) A DESCRIPTION OF THE QUALIFYING RETAIL UTILITY'S  
20          ANTICIPATED NEW DISTRIBUTION SYSTEM EXPANSION INVESTMENTS FOR  
21          THE YEARS COVERED BY THE PLAN, INCLUDING A GENERAL DISCUSSION OF  
22          THE QUALIFYING RETAIL UTILITY'S PROCESS TO EVALUATE THE PLAN'S  
23          FEASIBILITY AND THE ECONOMIC IMPACTS OF POTENTIALLY USING  
24          NON-WIRES ALTERNATIVES FOR THE PROJECTS. THE QUALIFYING RETAIL  
25          UTILITY SHALL PROVIDE ESTIMATES OF THE YEAR IN WHICH PEAK DEMAND  
26          GROWTH OR DISTRIBUTED ENERGY RESOURCE GROWTH MAY REQUIRE  
27          THESE NEW NON-WIRES ALTERNATIVE PROJECTS;

1           (III) TO PROVIDE NEW ELECTRIC SERVICE TO ANY PLANNED NEW  
2 NEIGHBORHOODS OR HOUSING DEVELOPMENTS EXPECTED TO INCLUDE  
3 MORE THAN TEN THOUSAND NEW RESIDENCES, A DESCRIPTION OF THE  
4 QUALIFYING RETAIL UTILITY'S CONSIDERATION OF NON-WIRES  
5 ALTERNATIVES, POTENTIALLY INCLUDING ENERGY EFFICIENCY MEASURES  
6 UNDER UTILITY PROGRAMS;

7           (IV) AN UPDATED LOAD FORECAST THAT INCLUDES ANY NEW LOAD  
8 RESULTING FROM PROJECTED OR FORECASTED GROWTH FROM BENEFICIAL  
9 ELECTRIFICATION PROGRAMS;

10          (V) A FORECAST OF THE GROWTH OF DISTRIBUTED ENERGY  
11 RESOURCES FOR THE YEARS COVERED BY THE PLAN;

12          (VI) A HIGH-LEVEL SUMMARY OF ITS PLANNING PROCESS FOR  
13 ADDRESSING CYBER AND PHYSICAL SECURITY RISKS. AS PART OF THE  
14 SUMMARY, THE QUALIFYING RETAIL UTILITY NEED NOT REPORT ANY  
15 CONFIDENTIAL, PROPRIETARY, OR OTHER INFORMATION IN THE PLAN THAT  
16 COULD IN ANY WAY COMPROMISE OR DECREASE THE QUALIFYING RETAIL  
17 UTILITY'S ABILITY TO PREVENT, MITIGATE, OR RECOVER FROM POTENTIAL  
18 SYSTEM DISRUPTIONS CAUSED BY WEATHER EVENTS, PHYSICAL EVENTS,  
19 OR CYBER ATTACKS.

20          (VII) ANY OTHER INFORMATION THAT THE COMMISSION DEEMS  
21 RELEVANT.

22          (2) THE COMMISSION SHALL APPROVE A QUALIFYING RETAIL  
23 UTILITY'S DISTRIBUTION SYSTEM PLAN IF THE COMMISSION FINDS THE PLAN  
24 TO BE IN THE PUBLIC INTEREST.

25          (3)(a) IF A QUALIFYING RETAIL UTILITY IS REQUIRED TO SPEND ON  
26 DISTRIBUTION INFRASTRUCTURE TO ACCOMPLISH ITS DISTRIBUTION  
27 SYSTEM PLAN, THE COST MUST BE PROPOSED AND CONSIDERED BY THE

1 COMMISSION AS PART OF THE QUALIFYING RETAIL UTILITY'S NEXT  
2 GENERAL RATE CASE.

3 (b) THE COMMISSION MAY PRESUME THAT ANY SPENDING OUTSIDE  
4 THE ORDINARY COURSE OF BUSINESS THAT THE QUALIFYING RETAIL  
5 UTILITY IDENTIFIES FOR DISTRIBUTION INFRASTRUCTURE IS PRUDENT IF  
6 THE COMMISSION DETERMINES THAT THE QUALIFYING RETAIL UTILITY'S  
7 RATEPAYERS WOULD REALIZE NET BENEFITS FROM THE DISTRIBUTION  
8 INFRASTRUCTURE AND THAT THE ASSOCIATED COSTS ARE JUST AND  
9 REASONABLE.

10 (c) TO EVALUATE THE SUCCESS OF ANY INVESTMENT AUTHORIZED  
11 PURSUANT TO A QUALIFYING RETAIL UTILITY'S DISTRIBUTION SYSTEM  
12 PLAN, THE COMMISSION MAY ADOPT CRITERIA, BENCHMARKS, OR  
13 ACCOUNTABILITY MECHANISMS WITH WHICH THE QUALIFYING RETAIL  
14 UTILITY MUST COMPLY.

15 (4) AS USED IN THIS SECTION, "QUALIFYING RETAIL UTILITY" HAS  
16 THE MEANING DESCRIBED IN SECTION 40-2-124 (1); EXCEPT THAT THE  
17 TERM DOES NOT MEAN A MUNICIPALLY OWNED UTILITY OR A COOPERATIVE  
18 ELECTRIC ASSOCIATION. \_\_\_\_\_

19 **40-2-133. Workforce transition planning filing - definition.**

20 (1) A QUALIFYING RETAIL UTILITY REGULATED BY THE COMMISSION THAT  
21 SUBMITS A FILING, INCLUDING A RESOURCE PLAN OR APPLICATION, THAT  
22 INCLUDES A PROPOSED RETIREMENT OF AN ELECTRIC GENERATING  
23 FACILITY SHALL ALSO INCLUDE A WORKFORCE TRANSITION PLAN AS PART  
24 OF ITS FILING.

25 (2) TO THE EXTENT PRACTICABLE, A WORKFORCE TRANSITION  
26 PLAN MUST INCLUDE ESTIMATES OF:

27 (a) THE NUMBER OF WORKERS EMPLOYED BY THE QUALIFYING

1 RETAIL UTILITY OR A CONTRACTOR OF THE QUALIFYING RETAIL UTILITY AT  
2 THE ELECTRIC GENERATING FACILITY, WHICH NUMBER MUST INCLUDE ALL  
3 WORKERS THAT DIRECTLY DELIVER FUEL TO THE ELECTRIC GENERATING  
4 UTILITY;

5 (b) THE TOTAL NUMBER OF WORKERS WHOSE EXISTING JOBS, AS A  
6 RESULT OF THE RETIREMENT OF THE ELECTRIC GENERATING FACILITY:

7 (I) WILL BE RETAINED; AND

8 (II) WILL BE ELIMINATED;

9 (c) WITH RESPECT TO THE WORKERS WHOSE EXISTING JOBS WILL  
10 BE ELIMINATED DUE TO THE RETIREMENT OF THE ELECTRIC GENERATING  
11 FACILITY, THE TOTAL NUMBER AND THE NUMBER BY JOB CLASSIFICATION  
12 OF WORKERS:

13 (I) WHOSE EMPLOYMENT WILL END WITHOUT THEM BEING  
14 OFFERED OTHER EMPLOYMENT;

15 (II) WHO WILL RETIRE AS PLANNED, BE OFFERED EARLY  
16 RETIREMENT, OR LEAVE ON THEIR OWN;

17 (III) WHO WILL BE RETAINED BY BEING TRANSFERRED TO OTHER  
18 ELECTRIC GENERATING FACILITIES OR OFFERED OTHER EMPLOYMENT BY  
19 THE QUALIFYING RETAIL UTILITY; AND

20 (IV) WHO WILL BE RETAINED TO CONTINUE TO WORK FOR THE  
21 QUALIFYING RETAIL UTILITY IN A NEW JOB CLASSIFICATION; AND

22 (d) IF THE QUALIFYING RETAIL UTILITY IS REPLACING THE ELECTRIC  
23 GENERATING FACILITY BEING RETIRED WITH A NEW ELECTRIC GENERATING  
24 FACILITY, THE NUMBER OF:

25 (I) WORKERS FROM THE RETIRED ELECTRIC GENERATING FACILITY  
26 WHO WILL BE EMPLOYED AT THE NEW ELECTRIC GENERATING FACILITY;

27 AND



1 (II) JOBS AT THE NEW ELECTRIC GENERATING FACILITY THAT WILL  
2 BE OUTSOURCED TO CONTRACTORS OR SUBCONTRACTORS.

3 (3) AS USED IN THIS SECTION, "QUALIFYING RETAIL UTILITY" HAS  
4 THE MEANING DESCRIBED IN SECTION 40-2-124 (1); EXCEPT THAT THE  
5 TERM DOES NOT MEAN A MUNICIPALLY OWNED UTILITY OR A COOPERATIVE  
6 ELECTRIC ASSOCIATION.

7 **SECTION 6.** In Colorado Revised Statutes, 40-3-104, **amend**  
8 (1)(c)(I) introductory portion, (1)(c)(I)(C), and (1)(c)(I)(D); and **add**  
9 (1)(c)(I)(E), (1)(c)(VI), and (1)(c)(VII) as follows:

10 **40-3-104. Changes in rates - notice.** (1) (c) (I) A public utility  
11 shall provide the notice required under ~~paragraph (a) of this subsection~~  
12 ~~(I)~~ SUBSECTION (1)(a) OF THIS SECTION by filing with the commission and  
13 keeping open for public inspection new schedules stating plainly the  
14 changes to be made in the schedules then in force and the time when the  
15 changes will go into effect. AT THE TIME OF THE PUBLIC UTILITY'S FILING  
16 WITH THE COMMISSION, THE PUBLIC UTILITY SHALL POST THE NOTICE ON  
17 ITS PUBLIC WEBSITE, WHICH POSTING MUST BE CONSPICUOUSLY DISPLAYED  
18 ON THE WEBSITE FOR AT LEAST THIRTY DAYS. The commission may  
19 require transportation and water utilities to give additional notice in a  
20 manner set forth by order or rule. For public utilities other than  
21 transportation and water utilities, the commission shall require additional  
22 notice prior to an increase or other change in any rate, fare, toll, rental,  
23 charge, classification, or service, which additional notice may be made,  
24 at the option of the public utility, by any of the following methods:

25 (C) Inclusion of an insert in, OR A CLEAR AND CONSPICUOUS  
26 STATEMENT ON, the bill mailed to each affected customer of the public  
27 utility during a regular billing cycle not later than the twentieth day of the

1 thirty-day period prior to the effective date of the increase or change; or

2 (D) ~~At the request of the public utility, such other manner as the~~  
3 ~~commission may prescribe.~~ SUBJECT TO SUBSECTION (1)(c)(VII) OF THIS  
4 SECTION, NOT LATER THAN THE TWENTIETH DAY OF THE THIRTY-DAY  
5 PERIOD BEFORE THE EFFECTIVE DATE OF THE INCREASE OR CHANGE,  
6 SENDING AN E-MAIL OR TEXT MESSAGE TO EACH AFFECTED CUSTOMER OF  
7 THE PUBLIC UTILITY FOR WHOM THE UTILITY HAS AN E-MAIL ADDRESS OR  
8 A MOBILE TELEPHONE NUMBER; OR

9 (E) AT THE REQUEST OF THE PUBLIC UTILITY, SUCH OTHER MANNER  
10 AS THE COMMISSION MAY PRESCRIBE.

11 (VI) A PUBLIC UTILITY THAT PROVIDES ADDITIONAL NOTICE  
12 PURSUANT TO SUBSECTION (1)(c)(I) OF THIS SECTION MUST INCLUDE IN  
13 THE ADDITIONAL NOTICE:

14 (A) THE PUBLIC UTILITY'S PUBLIC WEBSITE ADDRESS; AND

15 (B) A TOLL-FREE TELEPHONE NUMBER ASSOCIATED WITH THE  
16 PUBLIC UTILITY THAT A CUSTOMER MAY CALL FOR ADDITIONAL  
17 INFORMATION OR ASSISTANCE. IF A PUBLIC UTILITY SENDS ADDITIONAL  
18 NOTICE BY E-MAIL OR TEXT MESSAGE PURSUANT TO SUBSECTION  
19 (1)(c)(I)(D) OF THIS SECTION, THE E-MAIL OR TEXT MESSAGE NEED NOT  
20 INCLUDE ALL INFORMATION REQUIRED BY THIS SUBSECTION (1)(c)(VI);  
21 HOWEVER, THE E-MAIL OR TEXT MESSAGE MUST INCLUDE A LINK TO THE  
22 PORTION OF THE PUBLIC UTILITY'S PUBLIC WEBSITE WHERE THAT  
23 INFORMATION IS POSTED.

24 (VII) A PUBLIC UTILITY MAY PROVIDE ADDITIONAL NOTICE  
25 PURSUANT TO SUBSECTION (1)(c)(I)(D) OF THIS SECTION ONLY IF THE  
26 PUBLIC UTILITY PROVIDES ITS CUSTOMERS WITH A MECHANISM BY WHICH  
27 A CUSTOMER MAY OPT OUT OF RECEIVING E-MAIL OR TEXT MESSAGE

1 NOTIFICATIONS. FOR ANY CUSTOMER THAT OPTS OUT, THE PUBLIC UTILITY  
2 SHALL PROVIDE AN ALTERNATE METHOD OF ADDITIONAL NOTICE  
3 AUTHORIZED UNDER SUBSECTION (1)(c)(I) OF THIS SECTION.

4 **SECTION 7. In Colorado Revised Statutes, add 40-3-116 and**  
5 **40-3-117 as follows:**

6 **40-3-116. Performance-based rate-making - investigation -**  
7 **report - repeal.** (1) THE COMMISSION SHALL CONDUCT AN  
8 INVESTIGATION OF FINANCIAL PERFORMANCE-BASED INCENTIVES AND  
9 PERFORMANCE-BASED METRIC TRACKING TO IDENTIFY MECHANISMS THAT  
10 MAY SERVE TO ALIGN REGULATED UTILITY OPERATIONS, EXPENDITURES,  
11 AND INVESTMENTS WITH PUBLIC BENEFIT GOALS INCLUDING SAFETY,  
12 RELIABILITY, COST EFFICIENCY, EMISSIONS REDUCTIONS, AND EXPANSION  
13 OF DISTRIBUTED ENERGY RESOURCES. THE INVESTIGATION, WHICH SHALL  
14 BE CONDUCTED IN AN INVESTIGATORY PROCEEDING, MUST CONSIST OF A  
15 REVIEW OF EXISTING AND POTENTIAL METRICS, INCLUDING FUTURE TEST  
16 YEARS, AND CONSIDERATION OF NEW PERFORMANCE-BASED INCENTIVES.

17 (2) (a) WITHIN EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE OF  
18 THIS SECTION, THE COMMISSION SHALL REPORT ITS FINDINGS TO THE  
19 SENATE TRANSPORTATION AND ENERGY COMMITTEE AND THE HOUSE OF  
20 REPRESENTATIVES ENERGY AND ENVIRONMENT COMMITTEE, OR THEIR  
21 SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE THE FOLLOWING:

22 (I) A GENERAL DETERMINATION AS TO WHETHER A TRANSITION TO  
23 PERFORMANCE-BASED METRICS REGULATION OF A REGULATED UTILITY  
24 WOULD BE NET BENEFICIAL TO THE STATE, IN TERMS OF MEETING STATED  
25 OBJECTIVES OF THE COMMISSION AND OTHER RELATED STATUTORY  
26 REQUIREMENTS;

27 (II) ACTIONS THAT THE COMMISSION MAY PURSUE TO GUIDE THE

1 CHANGE TO A PERFORMANCE-BASED METRICS REGULATION;  
2 (III) DIRECTIVES TO BE GIVEN TO UTILITIES;  
3 (IV) A LIST OF TYPES OF FUTURE LITIGATED PROCEEDINGS WITHIN  
4 WHICH THE REPORT COULD BE IMPLEMENTED; AND  
5 (V) A PROPOSED TIMELINE FOR TRANSITION TO  
6 PERFORMANCE-BASED METRICS REGULATION.

7 (b) THE REPORT MAY INCLUDE ANY RECOMMENDATIONS OF  
8 LEGISLATION NEEDED TO FULLY REALIZE THE BENEFITS OF  
9 PERFORMANCE-BASED METRICS REGULATION, INCLUDING IDENTIFYING  
10 ANY EXISTING STATUTE THAT WOULD SERVE AS AN IMPEDIMENT TO  
11 REALIZING THE FULL BENEFITS OF A TRANSITION TO PERFORMANCE-BASED  
12 METRICS REGULATION AND SUGGESTED RECOMMENDED CHANGES TO THE  
13 EXISTING STATUTE.

14 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

15 **40-3-117. Utility wholesale and retail rates survey -**  
16 **nonadjudicatory proceeding - report - repeal.** (1) THE COMMISSION  
17 SHALL OPEN A NONADJUDICATORY PROCEEDING TO CONDUCT A SURVEY OF  
18 PUBLIC UTILITY WHOLESALE AND RETAIL RATES AND SPECIFICALLY  
19 CONSIDER RECOMMENDATIONS THAT WOULD RESULT IN RATE RELIEF IN  
20 CERTIFICATED UTILITY TERRITORIES WITH RETAIL RATES MATERIALLY  
21 GREATER THAN THE STATE AVERAGE. THE COMMISSION SHALL DETERMINE  
22 THE MINIMUM PERCENTAGE BY WHICH A RETAIL RATE THAT EXCEEDS THE  
23 STATE AVERAGE RATE QUALIFIES AS A MATERIALLY GREATER RATE.

24 (2) THE COMMISSION SHALL HOLD A PUBLIC HEARING WITHIN ANY  
25 CERTIFICATED UTILITY TERRITORY DETERMINED TO HAVE A MATERIALLY  
26 GREATER RETAIL RATE THAN THE STATE AVERAGE RATE.

27 (3) ON OR BEFORE FEBRUARY 1, 2021, THE COMMISSION SHALL

1 FILE A REPORT WITH THE HOUSE ENERGY AND ENVIRONMENT COMMITTEE  
2 AND THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR  
3 SUCCESSOR COMMITTEES, DESCRIBING THE SCOPE OF ANALYSIS  
4 CONDUCTED, POTENTIAL SOLUTIONS CONSIDERED, AND ANY  
5 RECOMMENDATIONS THAT COULD PROVIDE RATE RELIEF TO RATEPAYERS.

6 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2021.

7 **SECTION 8.** In Colorado Revised Statutes, **add** 40-3.2-106 as  
8 follows:

9 **40-3.2-106. Costs of pollution in utility planning - definitions**  
10 **- rules.** (1) THE COMMISSION SHALL REQUIRE AN ELECTRIC PUBLIC  
11 UTILITY SUBJECT TO COMMISSION JURISDICTION TO CONSIDER THE COST OF  
12 CARBON DIOXIDE EMISSIONS, AS SET FORTH PURSUANT TO SUBSECTION (4)  
13 OF THIS SECTION, WHEN DETERMINING THE COST, BENEFIT, OR NET  
14 PRESENT VALUE OF ANY PLAN OR PROPOSAL SUBMITTED IN ONE OF THE  
15 FOLLOWING PROCEEDINGS:

16 (a) ELECTRIC RESOURCE PLANS OR ANY UTILITY PLAN OR  
17 APPLICATION THAT CONSIDERS OR PROPOSES THE ACQUISITION OF NEW  
18 ELECTRIC GENERATING RESOURCES OR THE RETIREMENT OF EXISTING  
19 UTILITY GENERATION;

20 (b) APPLICATIONS RELATED TO SECTION 40-2-124;

21 (c) APPLICATIONS RELATED TO SECTION 40-3.2-104; OR

22 (d) A PLAN OR APPLICATION FOR TRANSPORTATION  
23 ELECTRIFICATION OR OTHER FORMS OF BENEFICIAL ELECTRIFICATION.

24 (2) IN A PROCEEDING LISTED IN SUBSECTION (1)(a) OF THIS  
25 SECTION, A UTILITY SHALL:

26 (a) AT A MINIMUM, MODEL AN OPTIMIZATION OF A BASE CASE  
27 PORTFOLIO OF RESOURCES USING THE COST OF CARBON DIOXIDE

1 EMISSIONS, AS SET FORTH PURSUANT TO SUBSECTION (4) OF THIS SECTION.  
2 THE COST OF CARBON DIOXIDE EMISSIONS MUST APPLY TO THE  
3 EVALUATION OF ALL EXISTING ELECTRIC GENERATION RESOURCES AND TO  
4 ANY NEW RESOURCES EVALUATED OR PROPOSED AS PART OF THE  
5 RESOURCE MODELING. THE COMMISSION MAY REQUIRE A UTILITY TO FILE  
6 OR PROPOSE ADDITIONAL BASE CASES. FOR THE PURPOSE OF DEVELOPING  
7 ADDITIONAL OPTIMIZED PORTFOLIOS OR FOR SCENARIO ANALYSIS, THE  
8 COMMISSION MAY AMEND ITS RULES TO ALLOW A UTILITY TO USE OTHER  
9 COSTS FOR CARBON DIOXIDE EMISSIONS IN ADDITION TO THE COST OF  
10 CARBON DIOXIDE EMISSIONS SET FORTH PURSUANT TO SUBSECTION (4) OF  
11 THIS SECTION.

12 (b) (I) PRESENT A CALCULATION OF THE NET PRESENT VALUE OF  
13 REVENUE REQUIREMENT FOR THE RESOURCES IN EACH OPTIMIZED  
14 PORTFOLIO. TO SHOW THE NET PRESENT VALUE OF REVENUE REQUIREMENT  
15 THAT WOULD BE INCURRED BY THE UTILITY FOR IMPLEMENTING THE  
16 PORTFOLIO, IN ADDITION TO PRESENTING THE FULL NET PRESENT VALUE OF  
17 REVENUE REQUIREMENT THROUGH A CALCULATION USING THE COST OF  
18 CARBON DIOXIDE EMISSIONS SET FORTH PURSUANT TO SUBSECTION (4) OF  
19 THIS SECTION, THE UTILITY SHALL ALSO PRESENT THE FULL NET PRESENT  
20 VALUE OF REVENUE REQUIREMENT THROUGH A CALCULATION WITHOUT  
21 USING THE COST OF CARBON DIOXIDE EMISSIONS SET FORTH PURSUANT TO  
22 SUBSECTION (4) OF THIS SECTION.

23 (II) IN ADDITION TO THE NET PRESENT VALUE OF REVENUE  
24 REQUIREMENT CALCULATIONS REQUIRED IN SUBSECTION (2)(b)(I) OF THIS  
25 SECTION, FOR EACH OPTIMIZED MODEL RUN THE UTILITY MUST PROVIDE A  
26 PRESENT VALUE CALCULATION SHOWING THE NET PRESENT VALUE OF THE  
27 TOTAL COST OF CARBON DIOXIDE EMISSIONS OF EACH PORTFOLIO.

1 CALCULATED BY MULTIPLYING THE TOTAL EMISSIONS OF THAT PORTFOLIO  
2 BY THE COST OF CARBON DIOXIDE SET FORTH PURSUANT TO SUBSECTION  
3 (4) OF THIS SECTION.

4 (3) IN APPROVING A RESOURCE PLAN, THE COMMISSION SHALL  
5 CONSIDER:

6 (a) THE NET PRESENT VALUE OF THE COST OF CARBON DIOXIDE  
7 EMISSIONS:

8 (b) THE NET PRESENT VALUE OF REVENUE REQUIREMENTS THAT  
9 WOULD BE INCURRED BY THE UTILITY FOR IMPLEMENTING THE PORTFOLIO:

10 AND

11 (c) OTHER RELEVANT FACTORS, AS DETERMINED BY THE  
12 COMMISSION.

13 (4) THE COMMISSION SHALL BASE THE COST OF CARBON DIOXIDE  
14 EMISSIONS ON THE MOST RECENT ASSESSMENT OF THE SOCIAL COST OF  
15 CARBON DIOXIDE DEVELOPED BY THE FEDERAL GOVERNMENT. STARTING  
16 IN 2020, THE COMMISSION SHALL USE A SOCIAL COST OF CARBON DIOXIDE  
17 OF NOT LESS THAN FORTY-SIX DOLLARS PER SHORT TON. THE COMMISSION  
18 SHALL MODIFY THE COST OF CARBON DIOXIDE EMISSIONS BASED ON  
19 ESCALATION RATES OF THE 2020 BASE COST BY AN AMOUNT THAT IS  
20 EQUAL TO OR GREATER THAN THE CENTRAL VALUE ESCALATION RATES  
21 ESTABLISHED IN THE TECHNICAL SUPPORT DOCUMENT. WHEN  
22 CALCULATING THE COST OF CARBON DIOXIDE EMISSIONS FOR ANY  
23 PROCEEDING LISTED IN SUBSECTION (1) OF THIS SECTION, THE COMMISSION  
24 SHALL USE THE SAME DISCOUNT RATE AS THAT USED TO DEVELOP THE  
25 FEDERAL SOCIAL COST OF CARBON DIOXIDE, AS SET FORTH IN THE  
26 TECHNICAL SUPPORT DOCUMENT.

27 (5) THE COMMISSION SHALL APPLY A COST OF CARBON DIOXIDE

1 EMISSIONS TO THE NONENERGY BENEFITS FOR PROGRAMS THAT ARE  
2 DEFINED TO BE BENEFICIAL ELECTRIFICATION.

3 (6) AS USED IN THIS SECTION:

4 (a) "BENEFICIAL ELECTRIFICATION" MEANS A UTILITY'S CHANGE IN  
5 THE ENERGY SOURCE POWERING AN END USE FROM A NONELECTRIC  
6 SOURCE TO AN ELECTRIC SOURCE, INCLUDING TRANSPORTATION, WATER  
7 HEATING, SPACE HEATING, OR INDUSTRIAL PROCESSES, IF THE CHANGE:

8 (I) REDUCES SYSTEM COSTS FOR THE UTILITY'S CUSTOMERS;

9 (II) REDUCES NET CARBON DIOXIDE EMISSIONS; OR

10 (III) PROVIDES FOR A MORE EFFICIENT UTILIZATION OF GRID  
11 RESOURCES.

12 (b) "TECHNICAL SUPPORT DOCUMENT" MEANS THE 2016  
13 TECHNICAL SUPPORT DOCUMENT OF THE FEDERAL INTERAGENCY WORKING  
14 GROUP ON SOCIAL COST OF GREENHOUSE GASES, ENTITLED "TECHNICAL  
15 UPDATE OF THE SOCIAL COST OF CARBON FOR REGULATORY IMPACT  
16 ANALYSIS - UNDER EXECUTIVE ORDER 12866".

17 **SECTION 9.** In Colorado Revised Statutes, 40-4-106, **amend** (1)  
18 as follows:

19 **40-4-106. Rules for public safety - crossings - civil fines -**  
20 **allocation of expenses.** (1) (a) The commission ~~shall have power~~ MAY,  
21 after hearing on its own motion or upon complaint, ~~to make general or~~  
22 special orders, PROMULGATE rules, or ~~regulations or otherwise~~ ACT BY  
23 OTHER MEANS to require each public utility to maintain and operate its  
24 lines, plant, system, equipment, electrical wires, apparatus, tracks, and  
25 premises in such A manner as to promote and safeguard the health and  
26 safety of its employees, passengers, customers, subscribers, and the public  
27 and to require the performance of any other act ~~which~~ THAT the health or



1 safety of its employees, passengers, customers, subscribers, or the public  
2 may demand.

3 (b) IF, PURSUANT TO THIS SUBSECTION (1), THE COMMISSION  
4 ISSUES AN ORDER OR PROMULGATES A RULE REQUIRING A RAILROAD  
5 COMPANY TO COMPLY WITH RAILROAD CROSSING SAFETY REGULATIONS,  
6 THE COMMISSION MAY IMPOSE A CIVIL PENALTY PURSUANT TO ARTICLE 7  
7 OF THIS TITLE 40, IN AN AMOUNT NOT TO EXCEED THE MAXIMUM AMOUNT  
8 SET FORTH IN SECTION 40-7-105 (1), AGAINST A RAILROAD COMPANY THAT  
9 FAILS TO COMPLY WITH THE ORDER OR RULE.

10 **SECTION 10.** In Colorado Revised Statutes, 40-6-101, **amend**  
11 (2); and **add** (5) as follows:

12 **40-6-101. Proceedings - delegation of duties - rules.**

13 (2) (a) ~~Except as otherwise provided in paragraph (b) of this subsection~~  
14 ~~(2)~~; The commission may by order direct that any of its work, business,  
15 or functions under any provision of law, except functions vested solely in  
16 the commission under this ~~title~~ TITLE 40, be assigned or referred to an  
17 individual commissioner or to an administrative law judge to be  
18 designated by order for action. ~~thereon, and~~ The commission may by  
19 order at any time amend, modify, supplement, or rescind any such  
20 assignment or reference. When an individual commissioner or an  
21 administrative law judge is unable to act upon any matter ~~so~~ assigned or  
22 referred because of absence or other cause, the ~~chairman~~ CHAIR of the  
23 commission may designate another commissioner or administrative law  
24 judge, as the case may be, to serve temporarily until the commission  
25 otherwise orders.

26 (b) Every case submitted to the commission for adjudication ~~shall~~  
27 **MUST BE HEARD** in the first instance, ~~be heard by an administrative law~~

1 ~~judge~~ THE COMMISSION unless, BY RULE, MINUTE ORDER, OR WRITTEN  
2 DECISION, the commission ~~by minute order~~, assigns the case to ~~the~~  
3 ~~commission~~ AN ADMINISTRATIVE LAW JUDGE or to an individual  
4 commissioner for hearing.

5 (5) NOTWITHSTANDING SUBSECTIONS (2) TO (4) OF THIS SECTION,  
6 THE COMMISSION MAY PROMULGATE RULES TO AUTHORIZE THE  
7 DELEGATION OF ITS ROUTINE ADMINISTRATIVE TRANSPORTATION MATTERS  
8 TO COMMISSION STAFF. IF THE COMMISSION PROMULGATES RULES  
9 PURSUANT TO THIS SUBSECTION (5), THE COMMISSION SHALL DEFINE IN  
10 RULE THE MEANING OF THE TERM "ROUTINE ADMINISTRATIVE  
11 TRANSPORTATION MATTER".

12 **SECTION 11. In Colorado Revised Statutes, 40-6-109, amend**  
13 **(1) as follows:**

14 **40-6-109. Hearings - orders - record - review - representation**  
15 **of entities in nonadjudicatory proceedings. (1) At the time fixed for**  
16 **any A hearing before the commission, any A commissioner, or an**  
17 **administrative law judge, or, at the time to which the same HEARING may**  
18 **have been continued, the applicant, petitioner, complainant; the person,**  
19 **firm, or corporation complained of; and such persons, firms, or**  
20 **corporations ANY PERSON, FIRM, OR CORPORATION as the commission may**  
21 **allow to intervene and such persons, firms, or corporations as will be**  
22 **THAT IS interested in or affected by any A COMMISSION order that may be**  
23 **made by the commission in such THE proceeding and who shall have**  
24 **THAT HAS become parties A PARTY to the proceeding shall be IS entitled**  
25 **to be heard, examine and cross-examine witnesses, and introduce**  
26 **evidence. AN INDIVIDUAL CUSTOMER OF A REGULATED UTILITY IS**  
27 **AUTHORIZED TO INTERVENE IN A MATTER BEFORE THE COMMISSION THAT**

1 AFFECTS THE CUSTOMER. A full and complete record of all proceedings  
2 had before the commission, any A commissioner, or an administrative law  
3 judge in any formal hearing and all testimony shall be taken down by any  
4 A reporter appointed by the commission or RECORDED ELECTRONICALLY  
5 as deemed appropriate by the commission, a commissioner, or an  
6 administrative law judge, as applicable. recorded electronically. All  
7 parties in interest shall be ARE entitled to be heard in person or TO BE  
8 REPRESENTED by attorney.

9 **SECTION 12.** In Colorado Revised Statutes, 40-7-118, **amend**  
10 (1)(a) as follows:

11 **40-7-118. Legal services offset fund - creation - exemption**  
12 **from maximum reserve.** (1) (a) The legal services offset fund is hereby  
13 created in the state treasury. The fund consists of the civil penalties that  
14 are collected and credited to the fund pursuant to section 40-7-112 (1)(b)  
15 for violations of article 10.1 of this title 40 or commission rules  
16 promulgated pursuant to article 10.1 OF THIS TITLE 40. The money in the  
17 fund is continuously appropriated to the department of law REGULATORY  
18 AGENCIES for use to offset the costs of legal representation of the staff of  
19 the commission in proceedings before the commission concerning the  
20 enforcement of article 10.1 of this title 40. The department of law  
21 REGULATORY AGENCIES shall use the money in the legal services offset  
22 fund ~~only to supplement~~ SUPPORT appropriations made to the department  
23 of regulatory agencies that are used for legal representation of the staff of  
24 the commission in proceedings concerning the enforcement of article 10.1  
25 of this title 40. ~~when the appropriations are insufficient to cover the costs~~  
26 ~~of such representation.~~

27 **SECTION 13.** In Colorado Revised Statutes, 40-10.1-101, **add**

1 (22) as follows:

2 **40-10.1-101. Definitions.** As used in this article 10.1, unless the  
3 context otherwise requires:

4 (22) "VEHICLE BOOTING COMPANY" MEANS A PRIVATE  
5 CORPORATION, PARTNERSHIP, OR SOLE PROPRIETOR IN THE BUSINESS OF  
6 IMMOBILIZING A MOTOR VEHICLE THROUGH USE OF A BOOT.

7 **SECTION 14.** In Colorado Revised Statutes, 40-10.1-110,  
8 **amend** (1) and (2) as follows:

9 **40-10.1-110. Criminal history record check - rules.** (1) (a) An  
10 individual who wishes to drive: A taxicab for a motor carrier that is the  
11 holder of a certificate to provide taxicab service issued under part 2 of  
12 this article 10.1; a motor vehicle for a motor carrier that is the holder of  
13 a permit to operate as a charter bus, children's activity bus, luxury  
14 limousine, medicaid client transport, or off-road scenic charter under part  
15 3 of this article 10.1; or a motor vehicle for a motor carrier that is the  
16 holder of a permit to operate as a large-market taxicab service under part  
17 7 of this article 10.1 ~~shall submit a set of his or her~~ MUST HAVE THE  
18 INDIVIDUAL'S fingerprints ~~to the commission. The commission shall~~  
19 ~~forward the fingerprints to~~ TAKEN BY A LOCAL LAW ENFORCEMENT  
20 AGENCY OR ANY THIRD PARTY APPROVED BY the Colorado bureau of  
21 investigation for the purpose of obtaining a fingerprint-based criminal  
22 history record check.

23 (b) IF AN APPROVED THIRD PARTY TAKES THE INDIVIDUAL'S  
24 FINGERPRINTS, THE FINGERPRINTS MAY BE ELECTRONICALLY CAPTURED  
25 USING COLORADO BUREAU OF INVESTIGATION-APPROVED LIVESCAN  
26 EQUIPMENT. THIRD-PARTY VENDORS SHALL NOT KEEP THE INDIVIDUAL'S  
27 INFORMATION FOR MORE THAN THIRTY DAYS UNLESS REQUESTED TO DO SO

1 BY THE INDIVIDUAL. THE INDIVIDUAL SHALL SUBMIT PAYMENT FOR THE  
2 FINGERPRINTS AND FOR ACTUAL COSTS OF THE RECORD CHECK AT THE  
3 TIME THE FINGERPRINTS ARE SUBMITTED TO THE COLORADO BUREAU OF  
4 INVESTIGATION.

5 (c) Upon receipt of fingerprints and payment for the costs, the  
6 Colorado bureau of investigation shall conduct a state and national  
7 fingerprint-based criminal history record check using records of the  
8 Colorado bureau of investigation and the federal bureau of investigation  
9 ~~The commission is the authorized agency to receive information~~  
10 ~~regarding the result of a national criminal history record check. The~~  
11 ~~individual whose fingerprints are checked shall pay the actual costs of the~~  
12 ~~state and national fingerprint-based criminal history record check AND~~  
13 SHALL FORWARD THE RESULTS OF THE CRIMINAL HISTORY RECORD CHECK  
14 TO THE COMMISSION.

15 (2) An individual whose fingerprints are checked in accordance  
16 with subsection (1) of this section may, pending the results of the criminal  
17 history record check, drive the motor vehicles for the motor carrier  
18 described in subsection (1) of this section for up to ninety days after ~~the~~  
19 ~~commission forwards~~ the fingerprints ARE FORWARDED to the Colorado  
20 bureau of investigation or until the commission receives the results of the  
21 check, whichever occurs first. The commission may temporarily extend  
22 the ninety-day period, in accordance with section 24-33.5-412 (7), ~~C.R.S.~~,  
23 based on a delay in processing criminal history record checks by the  
24 Colorado bureau of investigation or on other exigent circumstances  
25 beyond the commission's control. Upon the commission's receipt of the  
26 results, the individual may resume driving motor vehicles for the motor  
27 carrier described in subsection (1) of this section, so long as the driving

1 does not violate applicable law and does not occur while the individual  
2 has a criminal conviction that disqualifies ~~him or her~~ THE INDIVIDUAL  
3 from driving a motor vehicle in accordance with subsection (3) of this  
4 section.

5 **SECTION 15.** In Colorado Revised Statutes, **add** part 8 to article  
6 10.1 of title 40 as follows:

7 PART 8

8 VEHICLE BOOTING COMPANIES

9 **40-10.1-801. Permit requirements - rules.** (1) (a) EFFECTIVE  
10 JANUARY 1, 2020, A PERSON SHALL NOT OPERATE OR OFFER TO OPERATE  
11 AS A VEHICLE BOOTING COMPANY IN INTRASTATE COMMERCE WITHOUT  
12 FIRST HAVING OBTAINED A PERMIT FROM THE COMMISSION IN  
13 ACCORDANCE WITH THIS ARTICLE 10.1.

14 (b) A PERSON MAY APPLY FOR A PERMIT UNDER THIS PART 8 TO THE  
15 COMMISSION IN THE FORM AND WITH THE INFORMATION AS THE  
16 COMMISSION REQUIRES. PERMITS ARE VALID FOR ONE YEAR AFTER THE  
17 DATE OF ISSUANCE.

18 (2) THE COMMISSION MAY DENY AN APPLICATION UNDER THIS  
19 PART 8 OF A PERSON WHO HAS, WITHIN THE IMMEDIATELY PRECEDING FIVE  
20 YEARS, BEEN CONVICTED OF, OR PLED GUILTY OR NOLO CONTENDERE TO,  
21 A FELONY. THE COMMISSION MAY ALSO DENY AN APPLICATION UNDER THIS  
22 PART 8 OR REFUSE TO RENEW THE PERMIT OF A VEHICLE BOOTING  
23 COMPANY BASED UPON A DETERMINATION THAT THE VEHICLE BOOTING  
24 COMPANY OR ANY OF ITS OWNERS, PRINCIPALS, OFFICERS, MEMBERS,  
25 PARTNERS, OR DIRECTORS HAS NOT SATISFIED A CIVIL PENALTY ARISING  
26 OUT OF ANY ADMINISTRATIVE OR ENFORCEMENT ACTION BROUGHT BY THE  
27 COMMISSION.

1           (3) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF  
2 THIS SECTION AND SECTION 40-10.1-112 (4), THE COMMISSION SHALL  
3 ISSUE A PERMIT TO A VEHICLE BOOTING COMPANY UPON COMPLETION OF  
4 THE APPLICATION AND THE FILING OF PROOF OF WORKERS' COMPENSATION  
5 INSURANCE COVERAGE IN ACCORDANCE WITH THE "WORKERS'  
6 COMPENSATION ACT OF COLORADO", ARTICLES 40 TO 47 OF TITLE 8, AND  
7 WITH THE FINANCIAL RESPONSIBILITY REQUIREMENTS OF THIS TITLE 40  
8 AND MAY ATTACH TO THE PERMIT AND TO THE EXERCISE OF THE RIGHTS  
9 GRANTED BY THE PERMIT ANY RESTRICTIONS, TERMS, AND CONDITIONS,  
10 INCLUDING ALTERING THE RATES AND CHARGES OF THE APPLICANT, AS ARE  
11 REASONABLY DEEMED NECESSARY FOR THE PROTECTION OF THE PROPERTY  
12 OF THE PUBLIC.

13           (b) IF A VEHICLE BOOTING COMPANY VIOLATES THIS ARTICLE 10.1,  
14 ANY OTHER APPLICABLE PROVISION OF LAW, OR ANY RULE OR ORDER OF  
15 THE COMMISSION ISSUED UNDER THIS ARTICLE 10.1 AND AS A RESULT IS  
16 ORDERED BY A COURT OR BY THE COMMISSION TO PAY A FINE OR CIVIL  
17 PENALTY THAT THE VEHICLE BOOTING COMPANY SUBSEQUENTLY FAILS TO  
18 PAY IN FULL WITHIN THE TIME PRESCRIBED FOR PAYMENT, AND NOT  
19 BEFORE THE DECISION IMPOSING THE FINE OR CIVIL PENALTY BECOMES A  
20 FINAL DECISION BY THE COMMISSION, THEN:

21           (I) THE VEHICLE BOOTING COMPANY'S PERMIT IS REVOKED  
22 IMMEDIATELY; AND

23           (II) THE VEHICLE BOOTING COMPANY, ITS OWNERS, PRINCIPALS,  
24 OFFICERS, MEMBERS, PARTNERS, AND DIRECTORS, AND ANY OTHER ENTITY  
25 OWNED OR OPERATED BY ONE OR MORE OF THOSE OWNERS, PRINCIPALS,  
26 OFFICERS, MEMBERS, PARTNERS, OR DIRECTORS, MAY BE DISQUALIFIED  
27 FROM OBTAINING OR RENEWING ANY OPERATING AUTHORITY UNDER THIS

1 TITLE 40 FOR A PERIOD OF FIVE YEARS AFTER THE DATE ON WHICH THE  
2 FINE OR CIVIL PENALTY WAS DUE. THE PERIOD OF DISQUALIFICATION  
3 PURSUANT TO THIS SUBSECTION (3)(b)(II) IS IN ADDITION TO, AND NOT IN  
4 LIEU OF, AND DOES NOT AFFECT, ANY OTHER PENALTY OR PERIOD OF  
5 DISQUALIFICATION, INCLUDING THE PERIOD OF DISQUALIFICATION  
6 SPECIFIED IN SECTION 40-10.1-112 (4).

7 (c) A VEHICLE BOOTING COMPANY'S FACILITIES AND VEHICLES ARE  
8 SUBJECT TO INSPECTION BY THE COMMISSION AND BY AUTHORIZED  
9 PERSONNEL OF THE COLORADO STATE PATROL, WHICH AGENCY SHALL  
10 PROMPTLY REPORT TO THE COMMISSION CONCERNING ANY VIOLATIONS  
11 REVEALED BY AN INSPECTION.

12 (4) THE COMMISSION MAY PROMULGATE RULES AS NECESSARY  
13 AND REASONABLE TO IMPLEMENT THIS PART 8, INCLUDING RULES  
14 REGARDING SIGNAGE AND DROP FEES.

15 **SECTION 16.** In Colorado Revised Statutes, 40-15-302, **repeal**  
16 (5) as follows:

17 **40-15-302. Manner of regulation - rules.** (5) ~~Consistent with~~  
18 ~~section 40-15-301 (1), rates for nonoptional operator services must allow~~  
19 ~~the provider of the services the opportunity to earn a just and reasonable~~  
20 ~~return on the associated used and useful investment, including equipment~~  
21 ~~costs incurred to originate the services. The rates shall be set at or below~~  
22 ~~a single statewide benchmark rate as determined by the commission that~~  
23 ~~is applicable to all providers, unless the commission approves a higher~~  
24 ~~rate. The statewide benchmark rate must apply to all nonoptional operator~~  
25 ~~services regardless of whether the services are provided in connection~~  
26 ~~with a local exchange or interexchange telecommunications service. If the~~  
27 ~~commission approves a rate higher than the benchmark rate, and the~~



1 ~~commission determines that disclosure of the rate to customers is in the~~  
2 ~~public interest, the commission may require the nonoptional operator~~  
3 ~~services provider to orally disclose, to the person responsible for payment~~  
4 ~~of the telephone call, the total charges for the call and that the charges are~~  
5 ~~higher than the benchmark rate. The nonoptional operator services~~  
6 ~~provider shall make the disclosure at no charge to the caller and before~~  
7 ~~the call is connected, allowing the caller to disconnect before incurring~~  
8 ~~any charges. If the commission finds, after notice and opportunity for a~~  
9 ~~hearing, that a nonoptional operator services provider has violated this~~  
10 ~~subsection (5), the commission may, in addition to other enforcement~~  
11 ~~powers as may be authorized in this title, order any regulated~~  
12 ~~telecommunications service provider to block access to the nonoptional~~  
13 ~~operator services provider for all intrastate operator-handled calls. A~~  
14 ~~regulated telecommunications provider that blocks the access of a~~  
15 ~~nonoptional operator services provider in compliance with an order of the~~  
16 ~~commission and incurs attorney fees or costs to defend the action is~~  
17 ~~entitled to recover its costs and attorney fees in each proceeding. The~~  
18 ~~commission shall promulgate rules necessary to implement this~~  
19 ~~subsection (5).~~

20 **SECTION 17.** In Colorado Revised Statutes, 40-15-401, **amend**  
21 (1) introductory portion, (1)(s), and (1)(t); and **add** (1)(u) as follows:

22 **40-15-401. Services, products, and providers exempt from**  
23 **regulation - definition.** (1) The following products, services, and  
24 providers are exempt from regulation under this ~~article~~ ARTICLE 15 or  
25 under the "Public Utilities Law" of the state of Colorado:

26 (s) InterLATA toll, except with respect to interexchange carrier  
27 registration under section 40-15-302.5, complaints of unauthorized

1 charges on a subscriber's bill, or complaints of changing a subscriber's  
2 service without ~~his or her~~ THE SUBSCRIBER'S consent; and

3 (t) IntraLATA toll, except with respect to interexchange carrier  
4 registration under section 40-15-302.5, complaints of unauthorized  
5 charges on a subscriber's bill, or complaints of changing a subscriber's  
6 service without ~~his or her~~ THE SUBSCRIBER'S consent; AND

7 (u) NONOPTIONAL OPERATOR SERVICES.

8 **SECTION 18.** In Colorado Revised Statutes, 40-15-503, **amend**  
9 (2)(h) as follows:

10 **40-15-503. Opening of competitive local exchange market -**  
11 **process of negotiation and rule-making - issues to be considered by**  
12 **commission - definition.** (2) (h) The commission shall require by rule  
13 that any telecommunications service provider required to file temporary  
14 interim tariffs pursuant to paragraph (g) of this subsection (2) and, to the  
15 extent such a requirement is permissible under federal law, any basic  
16 local exchange provider that serves only rural exchanges of ten thousand  
17 or fewer access lines and that has received a bona fide request for  
18 interconnection shall file advice letters with the commission to place into  
19 effect temporary interim tariffs and commission tariffs for unbundled  
20 facilities or functions, interconnection, services for resale, or local  
21 number portability by such dates certain as the commission may  
22 determine by rule.

23 **SECTION 19.** In Colorado Revised Statutes, 40-15-503.5,  
24 **amend** (1)(c) as follows:

25 **40-15-503.5. Financial assurance.** (1) The commission may  
26 require regulated telecommunications service providers to post a bond or  
27 provide other security as a condition of obtaining a certificate,

1 registration, or operating authority, whichever instrument or instruments  
2 apply. In setting the amount of the bond or security, the commission may  
3 consider the following criteria:

4 (c) The history of the provider's statutory payment obligations,  
5 including those to the Colorado high cost support mechanism, the  
6 Colorado telephone relay system, and the Colorado ~~fixed~~  
7 TELECOMMUNICATIONS utility fund.

8 **SECTION 20.** In Colorado Revised Statutes, 24-38.5-102,  
9 **amend** (1)(n) as follows:

10 **24-38.5-102. Colorado energy office - duties and powers -**  
11 **definitions.** (1) The Colorado energy office shall:

12 (n) (I) Provide public utilities with reasonable assistance, if  
13 requested, in seeking and obtaining support and sponsorship for an IGCC  
14 project ~~as defined in section 40-2-123 (2)(b)(I), C.R.S.,~~ and manage and  
15 distribute to the utility some or all of any funds provided by the state or  
16 by the United States government to the state for purposes of study or  
17 development of an IGCC project. ~~as specified in section 40-2-123 (2)(j),~~  
18 ~~C.R.S.;~~

19 (II) AS USED IN THIS SUBSECTION (1)(n), "IGCC PROJECT" MEANS  
20 AN IGCC FACILITY THAT:

21 (A) DEMONSTRATES THE USE OF IGCC TECHNOLOGY TO  
22 GENERATE ELECTRICITY USING COLORADO OR OTHER WESTERN COAL;

23 (B) DOES NOT EXCEED THREE HUNDRED FIFTY MEGAWATTS  
24 NAMEPLATE CAPACITY; EXCEPT THAT IT MAY EXCEED THIS CAPACITY IF  
25 THE COLORADO ENERGY OFFICE DETERMINES THAT A LARGER SIZE IS  
26 NECESSARY TO OBTAIN THE BENEFITS OF FEDERAL COST-SHARING,  
27 FINANCIAL GRANTS OR TAX BENEFITS, OR OTHER FINANCIAL

1 OPPORTUNITIES OR ARRANGEMENTS BENEFITTING THE PROJECT,  
2 INCLUDING OPPORTUNITIES TO JOINTLY DEVELOP THE PROJECT WITH  
3 OTHER ELECTRIC UTILITIES;

4 (C) DEMONSTRATES THE CAPTURE AND SEQUESTRATION OF A  
5 PORTION OF THE PROJECT'S CARBON DIOXIDE EMISSIONS;

6 (D) INCLUDES METHODS AND PROCEDURES TO MONITOR THE FATE  
7 OF THE CARBON DIOXIDE CAPTURED AND SEQUESTERED FROM THE  
8 FACILITY; AND

9 (E) IS LOCATED IN COLORADO.

10 (III) AS USED IN THIS SUBSECTION (1)(n), "IGCC FACILITY" MEANS  
11 AN INTEGRATED GASIFICATION COMBINED CYCLE GENERATION FACILITY  
12 THAT CONVERTS COAL TO A GASEOUS FUEL FROM WHICH IMPURITIES ARE  
13 REMOVED PRIOR TO COMBUSTION, USES THE GASEOUS FUEL IN A  
14 COMBUSTION TURBINE TO PRODUCE ELECTRICITY, AND CAPTURES THE  
15 WASTE HEAT FROM THE COMBUSTION TURBINE TO DRIVE A STEAM TURBINE  
16 TO PRODUCE MORE ELECTRICITY. AN IGCC FACILITY MAY ALSO USE  
17 NATURAL GAS, IN ADDITION TO GASIFIED COAL, AS A FUEL IN THE  
18 COMBUSTION TURBINE.

19 **SECTION 21.** In Colorado Revised Statutes, 40-10.1-111,  
20 **amend** (1)(c)(I) as follows:

21 **40-10.1-111. Filing, issuance, and annual fees.** (1) A motor  
22 carrier shall pay the commission the following fees in amounts prescribed  
23 in this section or, if not prescribed in this section, as set administratively  
24 by the commission with approval of the executive director of the  
25 department of regulatory agencies:

26 (c) (I) The filing fee for a permit to operate under part 4 OR PART  
27 8 of this ~~article~~ ARTICLE 10.1 is one hundred fifty dollars.

1           **SECTION 22. Applicability.** This act applies to conduct  
2 occurring, including contracts entered into, on or after the applicable  
3 effective date of this act.

4           **SECTION 23. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety.