

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
9/5/24

Bill 5

LLS NO. 25-0186.01 Jennifer Berman x3286

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: Wildfire Public Safety Power Shutoff Guidelines

A BILL FOR AN ACT

101 **CONCERNING PUBLIC SAFETY POWER SHUTOFF GUIDELINES FOR**
102 **ELECTRIC UTILITIES.**

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/>.)

Wildfire Matters Review Committee. When faced with critical fire weather conditions, electric utilities will sometimes resort to deactivating portions of the electric system to reduce the risk of wildfire caused by electric infrastructure (public safety power shutoff). Despite the wildfire prevention and mitigation benefits of these public safety power shutoff practices, their implementation may cause negative impacts on the

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

health and safety of the communities and customers served by the electric utilities due to the temporary deactivation of electric service.

The bill requires the public utilities commission (commission) to adopt rules establishing guidelines for investor-owned electric utilities to follow regarding their public safety power shutoff practices to mitigate the potential negative impacts of the practices. The commission is required to adopt the rules on or before March 1, 2026.

The rules must establish guidelines regarding education and outreach requirements, public safety training requirements, and the setup and maintenance of community resource centers in affected areas when public safety power shutoffs occur. Investor-owned electric utilities are required to periodically report to the commission on their compliance with and implementation of the commission's guidelines.

Municipally owned utilities and cooperative electric associations are encouraged to establish their own public safety power shutoff guidelines.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 40-4-122 as
3 follows:

4 **40-4-122. Public safety power shutoffs - development of**
5 **guidelines - rules - reports - definitions.** (1) AS USED IN THIS SECTION,
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) (I) "ACCESS AND FUNCTIONAL NEEDS POPULATION" MEANS A
8 GROUP OF INDIVIDUALS WHO MAY NEED ADDITIONAL ASSISTANCE DURING
9 A DISASTER OR IN AN EMERGENCY SITUATION OR WHO MAY BE LIMITED IN
10 THEIR ABILITY TO ACT DURING A DISASTER OR IN AN EMERGENCY
11 SITUATION.

12 (II) "ACCESS AND FUNCTIONAL NEEDS POPULATION" INCLUDES
13 INDIVIDUALS WITH DISABILITIES, SENIORS, AND INDIVIDUALS WITH
14 MEDICAL NEEDS.

15 (b) "COMMUNITY ANCHOR INSTITUTION" HAS THE MEANING SET
16 FORTH IN SECTION 40-9.8-103 (1).

1 (c) "COOPERATIVE ELECTRIC ASSOCIATION" HAS THE MEANING SET
2 FORTH IN SECTION 40-9.5-102 (1).

3 (d) "CRITICAL FIRE WEATHER CONDITIONS" MEANS WEATHER
4 CONDITIONS THAT CAUSE A HEIGHTENED RISK OF WILDFIRE, INCLUDING
5 STRONG WINDS, LOW HUMIDITY, AND DRY VEGETATION.

6 (e) "CRITICAL INFRASTRUCTURE" HAS THE MEANING SET FORTH IN
7 SECTION 24-33.5-1602 (4).

8 (f) "ENERGY STORAGE SYSTEM" HAS THE MEANING SET FORTH IN
9 SECTION 40-2-202 (2).

10 (g) "FIRST RESPONDER" MEANS AN INDIVIDUAL WHO RESPONDS IN
11 A PROFESSIONAL OR VOLUNTEER CAPACITY TO AN EMERGENCY AND
12 INCLUDES PEACE OFFICERS, FIREFIGHTERS, AND EMERGENCY MEDICAL
13 SERVICE PROVIDERS.

14 (h) "LOCAL GOVERNMENT" MEANS THE GOVERNING BODY OF A
15 STATUTORY OR HOME RULE CITY, COUNTY, OR CITY AND COUNTY.

16 (i) "MICROGRID" HAS THE MEANING SET FORTH IN SECTION
17 40-9.8-103 (10).

18 (j) "OFFICE OF EMERGENCY MANAGEMENT" MEANS THE
19 STATEWIDE OFFICE OF EMERGENCY MANAGEMENT CREATED IN SECTION
20 24-33.5-705.

21 (k) "PUBLIC SAFETY POWER SHUTOFF" OR "PSPS" MEANS AN
22 ELECTRIC UTILITY'S INTENTIONAL AND TEMPORARY DEACTIVATION OF
23 ELECTRIC SERVICE WITHIN AN AREA OF THE ELECTRIC UTILITY'S SERVICE
24 TERRITORY THAT IS EXPERIENCING OR IS FORECASTED TO EXPERIENCE
25 CRITICAL FIRE WEATHER CONDITIONS FOR THE PURPOSE OF REDUCING THE
26 RISK OF WILDFIRE CAUSED BY ELECTRIC INFRASTRUCTURE IN THE AREA.

27 (l) "TRIBAL GOVERNMENT" MEANS THE TRIBAL GOVERNMENT OF

1 THE UTE MOUNTAIN UTE TRIBE OR THE SOUTHERN UTE INDIAN TRIBE.

2 (m) "WILDLAND-URBAN INTERFACE" HAS THE MEANING SET FORTH
3 IN SECTION 23-31-313 (3)(h).

4 (2) (a) ON OR BEFORE MARCH 1, 2026, THE COMMISSION SHALL
5 ADOPT RULES ESTABLISHING PUBLIC SAFETY POWER SHUTOFF GUIDELINES
6 FOR INVESTOR-OWNED ELECTRIC UTILITIES.

7 (b) (I) IN DEVELOPING THE GUIDELINES, THE COMMISSION SHALL
8 ALLOW PUBLIC INPUT AND, PURSUANT TO SECTION 24-4-103 (2), CONVENE
9 A REPRESENTATIVE GROUP OF PARTICIPANTS WITH INTEREST IN PSPS
10 GUIDELINES. TO THE EXTENT PRACTICABLE, THE COMMISSION SHALL
11 INCLUDE IN THE REPRESENTATIVE GROUP OF PARTICIPANTS:

12 (A) REPRESENTATIVES OF LOCAL GOVERNMENTS;

13 (B) REPRESENTATIVES OF TRIBAL GOVERNMENTS;

14 (C) FIRST RESPONDERS OR MEMBERS OF ASSOCIATIONS THAT
15 REPRESENT FIRST RESPONDERS;

16 (D) MEMBERS OF ACCESS AND FUNCTIONAL NEEDS POPULATIONS;

17 (E) HEALTH-CARE PROVIDERS;

18 (F) A LANGUAGE ACCESS PROFESSIONAL;

19 (G) A REPRESENTATIVE OF THE OFFICE OF EMERGENCY
20 MANAGEMENT;

21 (H) A REPRESENTATIVE OF AN ORGANIZATION THAT WORKS WITH
22 UNHOUSED INDIVIDUALS; AND

23 (I) A REPRESENTATIVE OF AN ORGANIZATION THAT WORKS WITH
24 MIGRANT COMMUNITIES.

25 (II) OF THE REPRESENTATIVE GROUP OF PARTICIPANTS CONVENE
26 PURSUANT TO SUBSECTION (2)(b)(I) OF THIS SECTION, THE COMMISSION
27 SHALL STRIVE TO INCLUDE REPRESENTATIVES WHO SERVE COMMUNITIES

1 IN THE WILDLAND-URBAN INTERFACE AND MEMBERS OF ACCESS AND
2 FUNCTIONAL NEEDS POPULATIONS WHO RESIDE IN THE WILDLAND-URBAN
3 INTERFACE.

4 (c) THE COMMISSION'S RULES MUST ESTABLISH GUIDELINES THAT
5 REQUIRE EACH INVESTOR-OWNED ELECTRIC UTILITY TO:

6 (I) SET UP AND MAINTAIN COMMUNITY RESOURCE CENTERS IN THE
7 AREA WITHIN WHICH THE UTILITY TEMPORARILY DEACTIVATES ELECTRIC
8 SERVICE THROUGH IMPLEMENTATION OF A **PSPS** FOR THE DURATION OF
9 THE **PSPS**;

10 (II) FOR EACH COMMUNITY RESOURCE CENTER SET UP AND
11 MAINTAINED, ENSURE THAT:

12 (A) THE CENTER INCLUDES MULTIPLE DEVICE CHARGING STATIONS
13 CAPABLE OF POWERING MEDICAL DEVICES AND CELL PHONES, WATER,
14 CHAIRS, AND RESTROOMS;

15 (B) THE CENTER AND ITS SERVICES REASONABLY ACCOMMODATE
16 INDIVIDUALS WITH DISABILITIES IN COMPLIANCE WITH REQUIREMENTS FOR
17 PLACES OF PUBLIC ACCOMMODATION UNDER THE FEDERAL "AMERICANS
18 WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ.; AND

19 (C) THE CENTER DOES NOT OFFER, PROVIDE, OR CLAIM TO PROVIDE
20 MEDICAL SERVICES TO INDIVIDUALS VISITING THE CENTER;

21 (III) CREATE AND MAINTAIN A PAGE ON THE UTILITY'S PUBLIC
22 WEBSITE THAT INCLUDES INFORMATION ABOUT THE UTILITY'S **PSPS**
23 PRACTICES;

24 (IV) AS PART OF THE **PSPS** INFORMATION PAGE INCLUDED ON THE
25 UTILITY'S WEBSITE, IDENTIFY THE CIRCUMSTANCES UNDER WHICH THE
26 UTILITY WOULD DETERMINE THAT A **PSPS** IS REQUIRED AND DESCRIBE THE
27 PROCESS BY WHICH THE UTILITY REACHES SUCH DETERMINATION;

1 (V) BEFORE IMPLEMENTING A PSPS, PROVIDE AS MUCH ADVANCE
2 NOTICE AS POSSIBLE TO CUSTOMERS AND EMERGENCY MANAGEMENT
3 DIVISIONS OF LOCAL GOVERNMENTS AND TRIBAL GOVERNMENTS LOCATED
4 IN THE AREA THAT WILL BE AFFECTED BY THE PSPS, WHICH NOTICE MUST
5 INCLUDE AN INDICATION OF WHEN THE PSPS WILL START AND AN
6 ESTIMATE OF THE DURATION OF THE PSPS;

7 (VI) IN ENGLISH AND IN THE MOST PREVALENT OTHER LANGUAGE
8 SPOKEN IN THE UTILITY'S SERVICE TERRITORY, DEVELOP AND DISTRIBUTE
9 EDUCATIONAL MATERIALS REGARDING PUBLIC SAFETY POWER SHUTOFFS,
10 INCLUDING EDUCATIONAL MATERIALS THAT INCORPORATE THE
11 INFORMATION DESCRIBED IN SUBSECTION (2)(c)(IV) OF THIS SECTION. THE
12 COMMISSION'S RULES MUST ALSO REQUIRE THAT ANY TRANSLATED
13 EDUCATIONAL MATERIALS BE APPROVED BY A QUALIFIED TRANSLATOR
14 BEFORE AN INVESTOR-OWNED ELECTRIC UTILITY DISTRIBUTES THE
15 MATERIALS.

16 (VII) CONDUCT OR CAUSE TO BE CONDUCTED COMMUNITY
17 OUTREACH REGARDING PUBLIC SAFETY POWER SHUTOFFS, WHICH
18 COMMUNITY OUTREACH MAY INCLUDE:

19 (A) CONDUCTING SURVEYS;

20 (B) CONVENING COMMUNITY MEETINGS THROUGHOUT THE
21 UTILITY'S SERVICE TERRITORY;

22 (C) ESTABLISHING PARTNERSHIPS WITH HEALTH-CARE PROVIDERS
23 IN THE UTILITY'S SERVICE TERRITORY TO MINIMIZE ANY NEGATIVE
24 HEALTH-CARE IMPACTS OF PUBLIC SAFETY POWER SHUTOFFS;

25 (D) COORDINATING WITH LOCAL GOVERNMENTS, TRIBAL
26 GOVERNMENTS, AND STATE AGENCIES TO HELP PROVIDE OUTREACH AND
27 SUPPORT TO BUILDING MANAGERS OF MULTILEVEL BUILDINGS IN THE

1 UTILITY'S SERVICE TERRITORY THAT RELY ON ELEVATOR SERVICE; AND

2 (E) ESTABLISHING PARTNERSHIPS WITH TRANSIT PROVIDERS
3 SERVING POPULATIONS IN THE SERVICE TERRITORY TO MINIMIZE ANY
4 NEGATIVE TRANSPORTATION IMPACTS OF PUBLIC SAFETY POWER
5 SHUTOFFS;

6 (VIII) CONDUCT OR CAUSE TO BE CONDUCTED PERIODIC PSPS
7 EXERCISES AND TRAINING FOR UTILITY STAFF, LOCAL GOVERNMENT AND
8 TRIBAL GOVERNMENT STAFF, FIRST RESPONDERS, AND HEALTH-CARE
9 PROVIDERS BY SIMULATING CIRCUMSTANCES THAT COULD BE TRIGGERED
10 BY A PSPS IN THE UTILITY'S SERVICE TERRITORY. TO THE EXTENT
11 PRACTICABLE, THE UTILITY SHOULD COORDINATE WITH THE OFFICE OF
12 EMERGENCY MANAGEMENT AND THE EMERGENCY MANAGEMENT
13 DIVISIONS OF LOCAL GOVERNMENTS AND TRIBAL GOVERNMENTS WITHIN
14 THE UTILITY'S SERVICE TERRITORY IN DEVELOPING AND CONDUCTING
15 PSPS EXERCISES AND TRAINING.

16 (IX) PROVIDE ADEQUATE OUTREACH, SUPPORT, AND SERVICES TO
17 CUSTOMERS WITH DURABLE MEDICAL EQUIPMENT AND ASSISTIVE
18 TECHNOLOGY NEEDS TO ENSURE THAT THE CUSTOMERS MAY CONTINUE TO
19 USE THE EQUIPMENT AND TECHNOLOGY DURING A PSPS;

20 (X) PROVIDE BACKUP ENERGY GENERATION, SUCH AS THE USE OF
21 GENERATORS, ENERGY STORAGE SYSTEMS, AND MICROGRIDS, FOR USE AT
22 CRITICAL INFRASTRUCTURE AND COMMUNITY ANCHOR INSTITUTIONS AND
23 WITH ENOUGH OUTPUT TO LAST AT LEAST TWO DAYS;

24 (XI) SHARE PSPS PLANS AND REQUIREMENTS DEVELOPED AND
25 UPDATED PURSUANT TO THE COMMISSION'S GUIDELINES WITH THE
26 EMERGENCY MANAGEMENT DIVISIONS OF LOCAL GOVERNMENTS AND
27 TRIBAL GOVERNMENTS LOCATED WITHIN THE UTILITY'S SERVICE

1 TERRITORY; AND

2 (XII) PREPARE PERIODIC REPORTS REGARDING THE UTILITY'S
3 COMPLIANCE WITH AND IMPLEMENTATION OF THE COMMISSION'S
4 GUIDELINES AND SUBMIT THE REPORTS TO THE COMMISSION IN THE FORM
5 AND MANNER DETERMINED BY THE COMMISSION.

6 (3) PERIODICALLY, BUT NO LESS OFTEN THAN EVERY THREE YEARS,
7 THE COMMISSION SHALL REVIEW ITS PSPS GUIDELINES AND, AS NEEDED,
8 ADOPT RULES AMENDING THE GUIDELINES TO ENSURE THAT
9 INVESTOR-OWNED ELECTRIC UTILITIES ARE FOLLOWING BEST PRACTICES
10 IN THE USE OF PUBLIC SAFETY POWER SHUTOFFS.

11 (4) MUNICIPALLY OWNED UTILITIES AND COOPERATIVE ELECTRIC
12 ASSOCIATIONS ARE ENCOURAGED TO DEVELOP THEIR OWN PSPS
13 GUIDELINES AND MAY MODEL THEIR GUIDELINES ON THE COMMISSION'S
14 GUIDELINES ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS SECTION.
15 IF A MUNICIPALLY OWNED UTILITY OR COOPERATIVE ELECTRIC
16 ASSOCIATION DEVELOPS PSPS GUIDELINES, THE MUNICIPALLY OWNED
17 UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION SHALL SHARE THE
18 GUIDELINES WITH THE EMERGENCY MANAGEMENT DIVISIONS OF LOCAL
19 GOVERNMENTS AND TRIBAL GOVERNMENTS LOCATED WITHIN THE
20 UTILITY'S OR ASSOCIATION'S SERVICE TERRITORY.

21 **SECTION 2. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.