

## CHAPTER 335

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**PUBLIC UTILITIES**

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**SENATE BILL 93-18**

BY SENATORS Schaffer, Tebedo, and Ruddick;  
also REPRESENTATIVES Fleming and Tanner.

**AN ACT**

**CONCERNING THE REGULATION OF PUBLIC UTILITIES, AND, IN CONNECTION THEREWITH,  
CONTINUING THE AUTHORITY OF THE PUBLIC UTILITIES COMMISSION, AND MAKING AN  
APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 24-9-102 (1) (d), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-9-102. Salaries of appointed state officials.** (1) The following state officials shall receive annual salaries and allowances, payable monthly, as follows:

(d) Public utilities commission, each member, ~~forty-eight~~ FIFTY-EIGHT thousand four hundred dollars.

**SECTION 2.** 24-34-104 (22) (a), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (22) (a) The following divisions in the department of regulatory agencies shall terminate on July 1, 1993:

(I) Repealed, L. 90, p. 334, § 24, effective April 3, 1990.

(II) The division of racing events, including the Colorado racing commission, created by article 60 of title 12, C.R.S.;

(III) ~~The public utilities commission, created by article 2 of title 40, C.R.S.~~

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 3.** 24-34-104 (27), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (27) (c) THE FOLLOWING DIVISION IN THE DEPARTMENT OF REGULATORY AGENCIES SHALL TERMINATE ON JULY 1, 1998: THE PUBLIC UTILITIES COMMISSION, CREATED BY ARTICLE 2 OF TITLE 40, C.R.S.

**SECTION 4.** 40-2-101 (1) and (3) (b), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

**40-2-101. Creation - appointment - term - subject to termination - repeal of article.** (1) A public utilities commission is hereby created, which shall be known as the public utilities commission of the state of Colorado, to consist of three members who shall be appointed by the governor with the consent of the senate. ~~Persons appointed prior to June 15, 1987, shall be appointed for terms of six years, one to be appointed the second Tuesday of January, 1949, 1951, and 1953. Persons holding office on June 15, 1987, are subject to the provisions of section 24-1-137, C.R.S.~~ JULY 1, 1993, SHALL CONTINUE TO SERVE IN SUCH OFFICE, BUT THE TERM OF ONE OF THESE PERSONS SHALL EXPIRE ON THE MONDAY PRECEDING THE SECOND TUESDAY OF JANUARY, 1995, OF ANOTHER, THE MONDAY PRECEDING THE SECOND TUESDAY OF JANUARY, 1996, AND OF THE THIRD, THE MONDAY PRECEDING THE SECOND TUESDAY OF JANUARY, 1997, ALL AS THE GOVERNOR SHALL DESIGNATE; EXCEPT THAT SUCH DESIGNATION SHALL NOT RESULT IN THE EXTENSION OF THE TERM OF ANY MEMBER TO MORE THAN FOUR YEARS' DURATION. Thereafter, appointments shall be made for terms of four years.

(3) (b) This article is repealed, effective July 1, ~~1993~~ 1998.

**SECTION 5.** 40-2-103, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-2-103. Director - duties.** 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 ~~an executive secretary~~ A DIRECTOR of the commission. ~~In addition to serving as the division director, it shall be the duty of the secretary to keep a full and true record of all proceedings of the commission; to issue all necessary process, writs, warrants, and notices, and to perform such other duties as the commission may prescribe. He shall have the requisite power to serve warrants and other process in any county or city and county of this state.~~ THE DIRECTOR OF THE AGENCY 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, AS DEFINED IN SECTION 40-2-101 (1), AND TO MEET THE REQUIREMENTS OF THE COMMISSION CONCERNING ANY MATTERS WITHIN THE AUTHORITY OF AN AGENCY TRANSFERRED BY A **TYPE 1** TRANSFER, AS DEFINED IN SECTION 24-1-105, C.R.S., AND WHICH ARE UNDER THE JURISDICTION OF THE COMMISSION. THE DIRECTOR SHALL HAVE ALL THE POWERS AND RESPONSIBILITIES OF THE DIVISION DIRECTOR FOR THIS PURPOSE, INCLUDING THE POWER TO ISSUE ALL NECESSARY PROCESS, WRITS, WARRANTS, AND NOTICES. THE DIRECTOR SHALL HAVE 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.** 40-2-104, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-2-104. Assistants and employees.** (1) ~~The executive secretary~~ DIRECTOR of the commission may appoint such experts, engineers, statisticians, accountants, investigative personnel, clerks, and other employees as ~~he deems~~ ARE necessary to carry out the provisions of this title or to perform the duties and exercise the powers conferred by law upon the commission. ~~who, except experts employed temporarily for any special purpose, shall devote their entire time to the service of the commission to the exclusion of any other employment.~~

(2) ~~The executive director of the department of regulatory agencies has the power, with the approval of the governor, to appoint an attorney authorized to practice in the state of Colorado to serve as such, who shall serve at the pleasure of the commission.~~

(3) ~~The commission is hereby authorized to designate employees of the commission as administrative law judges who have the power to administer oaths, examine witnesses, receive evidence, and conduct hearings, investigations, and other proceedings for the commission. All provisions of this title applicable to the conduct of hearings before the commission, or any commissioner, shall also apply to hearings conducted by an administrative law judge of the commission. No one shall be designated an administrative law judge who is not an attorney-at-law admitted to practice in Colorado.~~ THE DIRECTOR OF THE COMMISSION SHALL HIRE AND DESIGNATE EMPLOYEES OF THE COMMISSION AS ADMINISTRATIVE LAW JUDGES WHO SHALL HAVE THE POWER TO ADMINISTER OATHS, EXAMINE WITNESSES, RECEIVE EVIDENCE, AND CONDUCT HEARINGS, INVESTIGATIONS, AND OTHER PROCEEDINGS ON BEHALF OF THE COMMISSION.

**SECTION 7.** 40-2-107 (2), Colorado Revised Statutes, 1984 Repl. Vol., is repealed as follows:

**40-2-107. Compensation and expenses of employees.** (2) ~~The salary or compensation of the attorney and any other appointee of the commission not under the state personnel system shall be as fixed by the commission with the approval of the governor. The salary or compensation of every other person holding employment under the commission shall be paid monthly by the controller from the funds of the commission upon voucher of the commission.~~

**SECTION 8.** 40-2-108, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-2-108. Rules and regulations.** The commission shall promulgate such rules and regulations as are necessary for the proper administration and enforcement of this title and shall furnish, without charge, copies of the appropriate rules and regulations to each public utility under its jurisdiction and, upon request, to any public officer, agency, political subdivision, association of officers, agencies, or political subdivisions and to any representative of twenty-five or more consumers. The

commission shall be governed by the provisions of article 4 of title 24, C.R.S., for the promulgation and adoption of rules and regulations; EXCEPT THAT, NOTWITHSTANDING ANY PROVISION OF THE SAID ARTICLE 4 OF TITLE 24, C.R.S., TO THE CONTRARY, THE COMMISSION SHALL ISSUE A DECISION WHENEVER IT ADOPTS RULES OR REGULATIONS IN ACCORDANCE WITH THIS SECTION.

**SECTION 9.** 40-2-110.5 (2) and (4), Colorado Revised Statutes, 1984 Repl. Vol., are amended to read:

**40-2-110.5. Annual fees - motor carriers.** (2) (a) Every motor vehicle carrier which has been registered with the commission pursuant to section 40-10-120 and every contract carrier by motor vehicle which has been registered with the commission pursuant to section 40-11-115 and carriers of household goods shall pay an annual identification fee of five dollars to the commission for each motor vehicle which said carrier owns, controls, operates, or manages which is operated within the state of Colorado. Said fees shall be valid for the period of February 1 through January 31 of the following year. ~~and, except as provided in paragraph (b) of this subsection (2), shall be valid only for those specific vehicles for which the fee has been paid.~~ Moneys derived from fees collected from carriers of household goods pursuant to this subsection (2) shall be exempt from any limitations imposed by section 43-4-201 (3) (a) (II), C.R.S.

~~(b) A motor vehicle carrier discontinuing the use of a vehicle for which a cab card has been prepared shall destroy the cab card at the time of such discontinuance; except that, if such carrier provides a newly acquired vehicle in substitution therefor, each identification stamp and number placed on the cab card prepared for such discontinued vehicle, if such card is still in the possession of the carrier, may be transferred to the substitute vehicle, or any subsequently substituted vehicle, by compliance with the following procedure:~~

~~(I) Such motor vehicle carrier shall duly complete and execute the form of certificate printed on the front of a new cab card, so as to identify itself and the substitute vehicle, and shall enter the appropriate expiration date in the space provided below such certificate;~~

~~(II) Such motor vehicle carrier shall indicate the date it terminated use of the discontinued vehicle by entering such date in the space provided for an early expiration date which appears after the signature portion on the cab card prepared for such vehicle; and~~

~~(III) Such motor vehicle carrier shall affix the cab card prepared for the substitute vehicle to the front of the cab card prepared for the discontinued vehicle, by permanently attaching the upper left-hand corners of both cards together in such a manner as to permit inspection of the contents of both cards, and thereupon, each identification stamp or number appearing on the back of the card prepared for the discontinued vehicle shall be deemed to apply to the operation of the substitute vehicle.~~

~~(c) Any erasure, improper alteration, or unauthorized use of a cab card shall render it void.~~

(d) ~~When a cab card is lost, destroyed, or mutilated or becomes illegible and a new cab card is prepared and new identification stamps are issued therefor, the same fee as prescribed for the original issuance thereof shall be assessed.~~

(e) ~~For purposes of this subsection (2), "cab card" means a uniform identification card which bears the seal of the national association of regulatory utility commissioners pursuant to 49 C.F.R. 1023.~~

(4) No such carriers shall use any motor vehicle for the transportation of persons or property for compensation on any public highway in this state unless the annual fees required by subsections (1) and (2) of this section have been paid. ~~for that particular vehicle.~~ In lieu of the penalty provisions specified in section 40-7-105, every motor vehicle carrier who violates the provisions of this section is subject to the penalties set forth in section 40-10-113 and every contract carrier by motor vehicle who violates the provisions of this section is subject to the penalties set forth in section 40-11-111.

**SECTION 10.** 40-2-112, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-2-112. Computation of fees.** (1) 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 all public utilities filing returns as provided in section 40-2-111. ~~He~~ THE EXECUTIVE DIRECTOR shall then compute the percentage which the full amount determined by the general assembly for administrative expenses of the public utilities commission for the supervision and regulation of such public utilities 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 the percentage so computed shall be the basis upon which fees for the ensuing year shall be fixed.

(2) IN RECOGNITION OF THE FACT THAT NONPROFIT GENERATION AND TRANSMISSION ELECTRIC CORPORATIONS OR ASSOCIATIONS MAY BE SUBJECT TO LESS REGULATION AND TO NO RATE REGULATION BY THE COMMISSION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL DISREGARD ANY REVENUES REPORTED BY SUCH ENTITIES IN MAKING THE COMPUTATIONS REQUIRED UNDER SUBSECTION (1) OF THIS SECTION. IN ADDITION, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL, IN CONSULTATION WITH THE DIRECTOR OF THE COMMISSION, ENTER INTO AN AGREEMENT WITH EACH NONPROFIT GENERATION AND TRANSMISSION ELECTRIC CORPORATION OR ASSOCIATION WHEREBY SUCH ENTITY AGREES TO PAY AN AMOUNT EQUAL TO THE ADMINISTRATIVE EXPENSES REASONABLY ANTICIPATED TO BE INCURRED BY THE COMMISSION FOR THE REGULATION OF SUCH ENTITY. SAID AGREEMENT SHALL BE MADE BY MAY 1 OF THE YEAR IN WHICH IT IS TO BECOME EFFECTIVE AND SHALL REMAIN EFFECTIVE FOR NOT LESS THAN TWO AND NOT MORE THAN FIVE YEARS. IN THE EVENT THAT THE ANTICIPATED AMOUNT SET FORTH IN THE AGREEMENT PROVES TO BE SUBSTANTIALLY HIGHER OR LOWER THAN THE COMMISSION'S ACTUAL EXPENSES INCURRED, THE AGREEMENT FOR THE NEXT FOLLOWING YEAR OR YEARS SHALL BE ADJUSTED SO AS TO TAKE SUCH FACT INTO ACCOUNT. IF NO SUCH AGREEMENT IS MADE AS PROVIDED IN THIS SUBSECTION (2), THE COMMISSION, ON ITS OWN MOTION OR UPON APPLICATION BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE OR BY SUCH ENTITY, SHALL SET THE

MATTER FOR HEARING AND DETERMINE THE AMOUNT TO BE PAID BY THE ENTITY. AMOUNTS PAID UNDER AGREEMENTS AS CONTEMPLATED BY THIS SUBSECTION (2) OR BY ORDER OF THE COMMISSION SHALL BE USED TO REDUCE AMOUNTS PAID BY OTHER UTILITIES UNDER SUBSECTION (1) OF THIS SECTION.

**SECTION 11.** 40-2-115, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-2-115. Cooperation with other states and with the United States.** (1) The commission is authorized to confer with or hold joint hearings with the authorities of any state or any agency of the United States in connection with any matter arising in proceedings under this title, under the laws of any state, or under the laws of the United States; to avail itself of the cooperation, services, records, and facilities of authorities of this state, any other state, or any agency of the United States as may be practicable in the enforcement or administration of the provisions of this title; and to enter into cooperative agreements with the various states and with any agency of the United States to enforce the economic and safety laws and regulations of this state and of the United States. The commission is authorized to provide for the exchange of information concerning the enforcement of the economic and safety laws and regulations of this state, of any other state, and of the United States relating to public utilities or to safety of transportation of gas by any person including a municipality; AND, IN PARTICULAR, THE COMMISSION MAY ENFORCE THE REGULATIONS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION CONCERNING PIPELINE SAFETY DRUG TESTING PROMULGATED UNDER THE FEDERAL "NATURAL GAS PIPELINE SAFETY ACT OF 1968", 49 U.S.C. APPX. 1671-1687, AND MAY ADOPT SUCH REGULATIONS AS ARE NECESSARY AND PROPER TO COMPLY WITH FEDERAL REQUIREMENTS UNDER SAID ACT.

(1.5) THE COMMISSION IS AUTHORIZED TO ADOPT SUCH RULES AS MAY BE NECESSARY TO ENFORCE AND ADMINISTER, IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE PROVISIONS OF THE "NATURAL GAS PIPELINE SAFETY ACT OF 1968", 49 U.S.C. 1671 TO 1687, FOR THE PURPOSE OF GAS PIPELINE SAFETY. SUCH RULES SHALL APPLY TO ALL PUBLIC UTILITIES AND ALL MUNICIPAL OR QUASI-MUNICIPAL CORPORATIONS TRANSPORTING NATURAL GAS OR PROVIDING NATURAL GAS SERVICE, ALL OPERATORS OF MASTER METER SYSTEMS, AS DEFINED IN 49 C.F.R. 191.3, AND ALL OPERATORS OF PIPELINES PROVIDING NATURAL GAS DIRECTLY TO THE ULTIMATE CONSUMER FOR THE PURPOSE OF MANUFACTURING GOODS OR GENERATING POWER.

(2) AS USED IN THIS SECTION:

(a) "Transportation of gas" ~~as used in this section~~, means the gathering, transmission, or distribution of gas by pipeline or its storage; except that it does not include the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area.

(b) "Gas" ~~as used in this section~~, means natural gas, flammable gas, or gas which is toxic or corrosive.

(c) "MANUFACTURING GOODS" DOES NOT INCLUDE FARMING OR ACTIVITIES ASSOCIATED WITH THE PRODUCTION OF OIL OR NATURAL GAS.

**SECTION 12.** 40-2.2-107 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-2.2-107. Violations - criminal penalties.** (1) Notwithstanding the provisions of section 40-7-107, any person who violates any provision of this article or rule or regulation promulgated by the commission pursuant to this article ~~is guilty of~~ ~~COMMITTS~~ a CLASS 2 misdemeanor and ~~upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment~~ AS PROVIDED IN SECTION 18-1-106, C.R.S. No conviction pursuant to this section shall bar enforcement by the commission of any provision of article 10 or 11 of this title with respect to violations by persons subject to those articles.

**SECTION 13.** Article 3 of title 40, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**40-3-114. Cost allocation - effect on competitive markets.** THE COMMISSION SHALL ENSURE THAT REGULATED ELECTRIC AND GAS UTILITIES DO NOT USE RATEPAYER FUNDS TO SUBSIDIZE NONREGULATED ACTIVITIES.

**SECTION 14.** 40-3.4-108 (1) and (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

**40-3.4-108. Funding - federal requirements - program participation.** (1) ~~On or before July 1, 1991,~~ The commission shall determine and impose a uniform charge on each business and residential access line in an amount sufficient to reimburse each provider of basic local exchange telecommunications services for its provision of low-income telephone assistance and to reimburse the department of social services for administrative expenses incurred under this article. The charge shall not be imposed on any state or local governmental body or on eligible subscribers. Each fiscal year, ~~after the fiscal year beginning July 1, 1991,~~ the commission, after considering any surplus revenues carried forward from the previous year, shall adjust the amount of the charge as necessary to provide the assistance authorized in this article. Each provider of basic local exchange telecommunications services providing low-income telephone assistance shall collect the entire charge imposed on business and residential access lines as determined by the commission. The charge established by the commission pursuant to this subsection (1) shall not generate any additional profit for the providers of basic local exchange telecommunications services.

(2) Upon collecting the charge imposed pursuant to subsection (1) of this section, each provider may retain, from the total charges collected, an amount sufficient to reimburse such provider for its provision of low-income telephone assistance and shall transmit the remaining portion of the total charges collected to the state treasurer, who shall credit the same to the low-income telephone assistance fund, which fund is hereby created. ~~For the fiscal years beginning on or after July 1, 1991,~~ The moneys in the fund shall be subject to annual appropriation by the general assembly for the direct and indirect costs incurred by the department of social services under this article. ~~Notwithstanding any provision of section 40-17-103 to~~

~~the contrary, for the fiscal year beginning July 1, 1990, the state treasurer is hereby directed to transfer to the low-income telephone assistance fund, out of any unexpended and unencumbered moneys at the end of the fiscal year beginning July 1, 1989, in the Colorado disabled telephone users fund created in section 40-17-103, the sum of eight hundred thousand dollars, which sum is available to and may be expended by the public utilities commission for the purpose of reimbursing the commission, telecommunications providers, and the department of social services in administering the low-income telephone assistance program in accordance with this article. Such moneys shall be available only for the fiscal year beginning July 1, 1990.~~

**SECTION 15.** 40-4-106 (3) (b) (I) (B), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is repealed as follows:

**40-4-106. Rules for public safety - crossings - allocation of expenses.** (3) (b) (I) (B) ~~Allocations made by the commission prior to July 1, 1986, which have not been paid by July 1, 1986, shall not be included in the one-million-two-hundred-fifty-thousand-dollar cap provided by this subparagraph (I).~~

**SECTION 16.** 40-6-101 (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-6-101. Proceedings - delegation of duties - rules.** (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), 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, be assigned or referred to an individual commissioner or to an administrative law judge to be designated by order for action thereon, and 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 so assigned or referred because of absence or other cause, the chairman 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 SHALL IN THE FIRST INSTANCE BE HEARD BY AN ADMINISTRATIVE LAW JUDGE UNLESS THE COMMISSION, BY MINUTE ORDER, ASSIGNS THE CASE TO THE COMMISSION OR TO AN INDIVIDUAL COMMISSIONER FOR HEARING.

**SECTION 17.** 40-6-108 (4), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-6-108. Complaints - service - notice of hearing.** (4) The commission shall fix the time when and place where any hearing required by this title or by article 4 of title 24, C.R.S., will be had upon any application, complaint, petition, investigation, or other proceeding, and shall serve notice thereof to the parties not less than ten days before the time set for such hearing, unless the commission finds that public interest or necessity requires that any such hearing be held at an earlier date. THE COMMISSION SHALL HOLD A HEARING AND ISSUE A FINAL ORDER IN COMPLAINT CASES WITHIN TWO HUNDRED TEN DAYS AFTER THE FILING OF TESTIMONY AND EXHIBITS BY THE COMPLAINANT. IN EXTRAORDINARY CIRCUMSTANCES, THE

COMMISSION MAY EXTEND THE TIME AN ADDITIONAL NINETY DAYS FOLLOWING A HEARING IN WHICH SUCH EXTRAORDINARY CIRCUMSTANCES ARE ESTABLISHED. THE COMPLAINANT MAY WAIVE THE TIME LIMITS ESTABLISHED IN THIS SECTION, IN WHICH CASE THE TIME LIMITS ARE NOT BINDING ON THE COMMISSION.

**SECTION 18.** 40-6-109, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**40-6-109. Hearings - orders - record - review - representation of entities in nonadjudicatory proceedings.** (7) THE COMMISSION MAY BY GENERAL RULE OR REGULATION PROVIDE FOR APPEARANCES PRO SE BY, OR FOR REPRESENTATION BY AUTHORIZED OFFICERS OR REGULAR EMPLOYEES OF, THE COMMISSION'S STAFF, CORPORATIONS, PARTNERSHIPS, LIMITED LIABILITY COMPANIES, SOLE PROPRIETORSHIPS, AND OTHER LEGAL ENTITIES IN CERTAIN NONADJUDICATORY MATTERS BEFORE THE COMMISSION.

**SECTION 19.** Article 6 of title 40, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

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

(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 THEREOF, TOGETHER WITH EXHIBITS, IF ANY, THE COMMISSION SHALL ISSUE ITS DECISION ON SUCH APPLICATION NO LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE APPLICATION IS DEEMED COMPLETE AS PRESCRIBED BY RULES PROMULGATED BY THE COMMISSION. 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 NINETY DAYS.

(2) IN THE CASE OF ANY APPLICATION NOT ACCOMPANIED BY PREFILED TESTIMONY AND EXHIBITS, THE COMMISSION SHALL ISSUE ITS DECISION NO LATER THAN TWO HUNDRED TEN DAYS AFTER THE APPLICATION IS DEEMED COMPLETE AS PRESCRIBED BY THE COMMISSION'S RULES.

(3) THE TIME LIMITS SPECIFIED IN SUBSECTIONS (1) AND (2) OF THIS SECTION MAY BE WAIVED BY THE APPLICANT AND, IF SO WAIVED, SHALL NOT BE BINDING ON THE COMMISSION.

(4) THE COMMISSION, IN PARTICULAR CASES, UNDER EXTRAORDINARY CONDITIONS AND AFTER NOTICE AND A HEARING AT WHICH THE EXISTENCE OF SUCH 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 NINETY DAYS.

**SECTION 20.** 40-6-114 (4), (5), and (6), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

**40-6-114. Reconsideration, reargument, or rehearing - application - basis of review - order - exception.** (4) ~~After a final decision is made by the commission on an~~ IF NO application for rehearing, reargument, or reconsideration HAS BEEN MADE OR, IF MADE, IS WITHDRAWN, a suit to enforce, enjoin, suspend, modify, or set aside ~~such~~ ANY FINAL decision OF THE COMMISSION, in whole or in part, may be brought in

a district court of the state of Colorado as set forth in this article; EXCEPT THAT, IF ANY PARTY TO A PROCEEDING APPLIES FOR RECONSIDERATION, REARGUMENT, OR REHEARING, NO OTHER PARTY MAY APPEAL UNTIL THE COMMISSION HAS RULED ON THE APPLICATION. For purposes of judicial review, a decision on an application for rehearing, reargument, or reconsideration shall be deemed final on the date said decision is served on the parties to the proceeding.

(5) Any court may stay or suspend, in whole or in part, the operation of any commission decision under section 40-6-116, even though the commission had not been previously requested to suspend or stay such decision.

(6) ~~Nothing in this section shall be construed as requiring a party subject to a final decision by the commission on exceptions filed pursuant to section 40-6-109 to file an application for reconsideration, reargument, or rehearing as a condition precedent to commencing an action for judicial review in a district court of the state of Colorado pursuant to the provisions of section 40-6-115.~~

**SECTION 21.** 40-6-115 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-6-115. Review by court of appeals - mandamus.** (1) Within thirty days after ~~the commission's A final decision on an application for reconsideration, reargument, or rehearing, or within thirty days after the commission's final decision on exceptions filed pursuant to section 40-6-109~~ BY THE COMMISSION IN ANY PROCEEDING, any party to the proceeding before the commission may apply to the district court for a writ of certiorari or review for the purpose of having the lawfulness of the final decision inquired into and determined. Such writ shall be made returnable not later than thirty days after the date of issuance and shall direct the commission to certify its record in the proceeding to ~~the~~ SAID court. On the return day, the cause shall be heard by the district court unless, for a good reason shown, the same be continued. No new or additional evidence may be introduced in the district court, but the cause shall be heard on the record of the commission as certified by it. The commission and each party to the action or proceeding before the commission shall have the right to appear in the review proceedings.

**SECTION 22.** 40-6-120 (4), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-6-120. Temporary authority.** (4) No temporary authority or approval may be issued by the commission unless, under such general rules as the commission may prescribe governing the application therefor and notice thereof to interested or affected carriers, any such interested or affected carrier has been given five days' notice of the filing of the application and afforded an opportunity to protest the granting thereof. If the commission is of the opinion that an emergency exists, it may issue temporary authority or approval at once by making specific reference in its order to the circumstances constituting the emergency, in which case no notice need be given, but any such emergency authority or approval shall expire no later than ~~fifteen~~ THIRTY days after it was issued.

**SECTION 23.** Article 6 of title 40, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW

SECTIONS to read:

**40-6-122. Ex parte communications - disclosure.** (1) COMMISSIONERS AND ADMINISTRATIVE LAW JUDGES SHALL FILE MEMORANDA, IN ACCORDANCE WITH THIS SECTION, OF ALL PRIVATE COMMUNICATIONS TO OR FROM INTERESTED PERSONS CONCERNING MATTERS UNDER THE COMMISSIONERS' OR JUDGES' JURISDICTION.

(2) FOR PURPOSES OF THIS SECTION, "INTERESTED PERSON" MEANS ANY PERSON OR ENTITY, OR ANY AGENT OR REPRESENTATIVE OF A PERSON OR ENTITY:

(a) WHOSE OPERATIONS ARE WITHIN THE JURISDICTION OF THE COMMISSION; OR

(b) WHO HAS PARTICIPATED IN A PROCEEDING BEFORE THE COMMISSION WITHIN ONE YEAR PRIOR TO THE COMMUNICATION; OR

(c) WHO ANTICIPATES PARTICIPATING IN A PROCEEDING BEFORE THE COMMISSION WITHIN ONE YEAR AFTER THE COMMUNICATION.

(3) EACH MEMORANDUM FILED PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL SET FORTH THE TIME AND PLACE AT WHICH THE COMMUNICATION WAS MADE, THE PERSONS WHO WERE PRESENT AT THAT TIME AND PLACE, A STATEMENT OF THE SUBJECT MATTER OF THE COMMUNICATION, OTHER THAN PROPRIETARY INFORMATION, AND A STATEMENT THAT THE SUBJECT MATTER OF THE COMMUNICATION DID NOT RELATE TO ANY PENDING PROCEEDING BEFORE THE COMMISSION. IT SHALL NOT BE NECESSARY FOR THE MEMORANDUM TO BE PREPARED BY THE COMMISSIONER OR JUDGE, BUT IT SHALL BE SIGNED OR OTHERWISE AUTHENTICATED BY THE COMMISSIONER OR JUDGE, WHOSE SIGNATURE OR AUTHENTICATION SHALL CONSTITUTE A CERTIFICATE BY SUCH COMMISSIONER OR JUDGE THAT THE MEMORANDUM IS COMPLETE AND ACCURATE. ALL SUCH MEMORANDA SHALL BE FILED WITH THE DIRECTOR OF THE COMMISSION, WHO SHALL KEEP THEM ON FILE AND AVAILABLE FOR PUBLIC INSPECTION FOR A MINIMUM OF THREE YEARS AFTER THEIR SUBMISSION.

(4) ANY PUBLIC UTILITY MAY REQUEST THAT THE COMMISSION CONDUCT A PUBLIC MEETING AT WHICH COMMUNICATIONS OTHERWISE SUBJECT TO THIS SECTION MAY BE MADE WITHOUT THE NECESSITY OF FILING MEMORANDA. THE COMMISSION SHALL ADOPT REASONABLE RULES AND REGULATIONS TO GOVERN SUCH REQUESTS. IN ADDITION, THE COMMISSION MAY ADOPT SUCH OTHER RULES AS ARE NECESSARY AND PROPER TO GOVERN EX PARTE COMMUNICATIONS GENERALLY.

**40-6-123. Standards of conduct.** (1) MEMBERS AND STAFF OF THE COMMISSION SHALL CONDUCT THEMSELVES IN SUCH A MANNER AS TO ENSURE FAIRNESS IN THE DISCHARGE OF THE DUTIES OF THE COMMISSION, TO PROVIDE EQUITABLE TREATMENT OF THE PUBLIC, UTILITIES, AND OTHER PARTIES, TO MAINTAIN PUBLIC CONFIDENCE IN THE INTEGRITY OF THE COMMISSION'S ACTIONS, AND TO PREVENT THE APPEARANCE OF IMPROPRIETY OR OF CONFLICT OF INTEREST. THE STANDARDS SET FORTH IN THIS SECTION APPLY AT ALL TIMES TO THE COMMISSIONERS, TO THEIR STAFF, INCLUDING ADMINISTRATIVE LAW JUDGES, AND TO PARTIES UNDER CONTRACT WITH THE COMMISSION FOR STATE BUSINESS.

(2) THE COMMISSIONERS, STAFF WHO ACT IN AN ADVISORY CAPACITY TO THE

COMMISSIONERS, AND ADMINISTRATIVE LAW JUDGES SHALL REFRAIN FROM FINANCIAL, BUSINESS, AND SOCIAL DEALINGS THAT ADVERSELY AFFECT THEIR IMPARTIALITY OR INTERFERE WITH THE PROPER PERFORMANCE OF THEIR OFFICIAL DUTIES.

(3) NEITHER COMMISSIONERS, STAFF MEMBERS, PARTIES UNDER CONTRACT FOR STATE WORK, OR MEMBERS OF THE IMMEDIATE FAMILIES OF SUCH PERSONS SHALL REQUEST OR ACCEPT ANY GIFT, BEQUEST, OR LOAN FROM PERSONS WHO APPEAR BEFORE THE COMMISSION; EXCEPT THAT COMMISSIONERS AND STAFF MEMBERS MAY PARTICIPATE IN MEETINGS, CONFERENCES, OR EDUCATIONAL PROGRAMS WHICH ARE OPEN TO OTHER PERSONS.

(4) COMMISSIONERS SHALL NOT LEND THE PRESTIGE OF THEIR OFFICE TO ADVANCE THE PRIVATE INTERESTS OF OTHERS, NOR SHALL THEY CONVEY THE IMPRESSION THAT SPECIAL INFLUENCE CAN BE BROUGHT TO BEAR UPON THEM.

(5) COMMISSIONERS AND PRESIDING ADMINISTRATIVE LAW JUDGES SHALL NOT OWN ANY STOCK, SECURITIES, OR OTHER FINANCIAL INTEREST IN ANY COMPANY REGULATED BY THE COMMISSION.

(6) VIOLATION OF THIS SECTION BY A COMMISSIONER SHALL BE GROUNDS FOR THE IMMEDIATE REMOVAL OF SUCH COMMISSIONER BY THE GOVERNOR.

**40-6-124. Disqualification.** (1) COMMISSIONERS AND PRESIDING ADMINISTRATIVE LAW JUDGES SHALL DISQUALIFY THEMSELVES IN ANY PROCEEDING IN WHICH THEIR IMPARTIALITY MAY REASONABLY BE QUESTIONED, INCLUDING, BUT NOT LIMITED TO, INSTANCES IN WHICH THEY:

(a) HAVE A PERSONAL BIAS OR PREJUDICE CONCERNING A PARTY;

(b) HAVE SERVED AS AN ATTORNEY OR OTHER REPRESENTATIVE OF ANY PARTY CONCERNING THE MATTER AT ISSUE, OR WERE PREVIOUSLY ASSOCIATED WITH AN ATTORNEY WHO SERVED, DURING SUCH ASSOCIATION, AS AN ATTORNEY OR OTHER REPRESENTATIVE OF ANY PARTY CONCERNING THE MATTER AT ISSUE;

(c) KNOW THAT THEY OR ANY MEMBER OF THEIR FAMILY, INDIVIDUALLY OR AS A FIDUCIARY, HAS A FINANCIAL INTEREST IN THE SUBJECT MATTER AT ISSUE, IS A PARTY TO THE PROCEEDING, OR OTHERWISE HAS ANY INTEREST THAT COULD BE SUBSTANTIALLY AFFECTED BY THE OUTCOME OF THE PROCEEDING; OR

(d) HAVE ENGAGED IN CONDUCT WHICH CONFLICTS WITH THEIR DUTY TO AVOID THE APPEARANCE OF IMPROPRIETY OR OF CONFLICT OF INTEREST.

**SECTION 24.** 40-6.5-109, Colorado Revised Statutes, 1984 Repl. Vol., is repealed as follows:

~~**40-6.5-109. Consumer counsel report.** The consumer counsel shall report to the general assembly no later than July 1, 1987, all of the moneys which the existence of the counsel has saved consumers as defined herein due to the existence of the counsel between July 1, 1984, and July 1, 1987.~~

**SECTION 25.** 40-7-106, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-7-106. Violations by agents - penalty.** Every officer, agent, or employee of any public utility who violates or fails to comply with or who procures, aids, or abets any violation by any public utility of any provision of the constitution of this state or of articles 1 to 7 of this title, or who fails to obey, observe, or comply with any order, decision, rule, direction, demand, or requirement of the commission or any part or provision thereof, except an order for the payment of money, or who procures, aids, or abets any public utility in its failure to obey, observe, and comply with any such order, decision, rule, direction, demand, or requirement or any part or provision thereof in a case in which a penalty has not been provided for such officer, agent, or employee ~~is guilty of~~ **COMMITTS** a CLASS 2 misdemeanor and ~~upon conviction thereof,~~ shall be punished ~~by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment~~ **AS PROVIDED IN SECTION 18-1-106, C.R.S.**

**SECTION 26.** 40-7-108, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-7-108. Violations by individuals - penalty.** Every person who, either individually or acting as an officer, agent, or employee of a corporation other than a public utility, violates any provision of articles 1 to 7 of this title or who fails to observe, obey, or comply with any order, decision, rule, direction, demand, or requirement of the commission or any part or portion thereof, or who procures, aids, or abets any such public utility in its violation of articles 1 to 7 of this title or in its failure to obey, observe, or comply with any such order, decision, rule, direction, demand, or requirement or any part or portion thereof in a case in which a penalty has not been provided for such person ~~is guilty of~~ **COMMITTS** a CLASS 2 misdemeanor and ~~upon conviction thereof,~~ shall be punished ~~by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment~~ **AS PROVIDED IN SECTION 18-1-106, C.R.S.**

**SECTION 27.** 40-7-113 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-7-113. Civil penalties - fines.** (1) In addition to any other penalty otherwise authorized by law and except as otherwise provided in subsections (3) and (4) of this section, any person who violates any provision of article 10, 11, 13, 14, or 16 of this title or any rule or regulation promulgated by the commission pursuant to such articles, which provision or rule or regulation is applicable to such person, may be subject to fines as specified in the following paragraphs:

(a) Any person who fails to carry the insurance required by law may be assessed a civil penalty of not more than ~~one~~ **FOUR** hundred dollars.

(b) Any person who operates a motor vehicle for hire as a common carrier without first having obtained a certificate of public convenience and necessity from the commission as required by section 40-10-104 may be assessed a civil penalty of not more than ~~one~~ **FOUR** hundred dollars.

(c) Any person who operates a motor vehicle for hire as a contract carrier without first having obtained a permit from the commission as required by section 40-11-103 may be assessed a civil penalty of not more than ~~one~~ FOUR hundred dollars.

(d) Any person who operates a motor vehicle for hire as a towing carrier without first having obtained a permit from the commission as required by section 40-13-103 may be assessed a civil penalty of not more than ~~one~~ FOUR hundred dollars.

(e) Any person subject to section 40-2-110.5 who operates a motor vehicle carrier without having paid the annual identification fee for any motor vehicle so operated as required by section 40-2-110.5 may be assessed a civil penalty of not more than ~~one~~ FOUR hundred dollars.

(f) Any person who operates a charter or scenic bus as defined in section 40-16-101 (1), a courier as defined in section 40-16-101 (2), a luxury limousine as defined in section 40-16-101 (3), or an off-road scenic charter as defined in section 40-16-101 (5) without having first registered with the commission as required by section 40-16-103 may be assessed a civil penalty of not more than ~~one~~ FOUR hundred dollars.

(g) Any person who operates a motor vehicle as defined in section 40-10-101 (3) or 40-11-101 (4) who intentionally violates any provision of articles 10, 11, 13, 14, and 16 of this title not enumerated in paragraphs (a) to (f) of this subsection (1) or any rule or regulation promulgated by the commission pursuant to this title may be assessed a civil penalty of not more than ~~one~~ FOUR hundred dollars.

**SECTION 28.** 40-7-114 (3), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-7-114. Applicability of civil penalties to owners, employers, or other persons.** (3) Any civil penalty against such owner or other person pursuant to the provisions of subsection (1) or (2) of this section shall be in addition to and not in lieu of any civil penalty against the actual driver of the vehicle; AND ANY SUCH PENALTY MAY BE ASSESSED UPON THE INITIAL VIOLATION BY SUCH PERSON.

**SECTION 29.** 40-7-116, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-7-116. Enforcement of civil penalties against carriers.** Investigative personnel of the commission shall have the authority to issue civil penalty assessments for the violations enumerated in sections 40-7-113 and 40-7-114. When a person is cited for such violation, the person operating the motor vehicle involved shall be given notice of such violation in the form of A civil penalty assessment notice. Such notice shall be tendered by the enforcement official, EITHER IN PERSON OR BY REGISTERED MAIL, and shall contain: The name and address of such person; the license plate number of the motor vehicle involved, if any; the driver's license number of such person; the nature of the violation; the range of penalty amounts prescribed for such violation; the date of the notice; a place for such person to execute a signed acknowledgment of his receipt of the civil penalty assessment notice; a place for such person to execute a signed acknowledgment of liability for the cited violation; and such other information as may be required by law to constitute notice

of a complaint to appear for hearing if the prescribed penalty is not paid within ten days. Every cited person shall execute the signed acknowledgment of his receipt of the civil penalty assessment notice. The acknowledgment of liability shall be executed at the time the cited person pays the prescribed penalty. The person cited shall pay the civil penalty specified for the violation involved at the office of the commission, either in person or by depositing such payment postpaid in the United States mail within ten days of the issuance of the citation. If the person cited does not pay the prescribed penalty within ten days of the issuance of the notice, the civil penalty assessment notice shall constitute a complaint to appear before the commission at the time, on the date, and at the place specified, to set the alleged violation for a hearing on the merits in accordance with section 40-6-109. At such hearing the commission shall have the burden of demonstrating a violation by a preponderance of the evidence.

**SECTION 30.** Article 7 of title 40, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**40-7-117. Gas pipeline safety rules - civil penalty for violations - compromise - other remedies.** (1) ANY PERSON VIOLATING ANY RULE ADOPTED OR ORDER ISSUED BY THE COMMISSION PURSUANT TO THE AUTHORITY GRANTED IN SECTION 40-2-115 (1.5) SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED TEN THOUSAND DOLLARS PER VIOLATION; EXCEPT THAT, IN THE CASE OF A GROUP OR SERIES OF RELATED VIOLATIONS, THE AGGREGATE AMOUNT OF SUCH PENALTIES SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS. EACH DAY OF A CONTINUING VIOLATION SHALL CONSTITUTE A SEPARATE VIOLATION.

(2) ANY CIVIL PENALTY AUTHORIZED BY THIS SECTION MAY BE COMPROMISED BY THE COMMISSION. IN DETERMINING THE AMOUNT OF THE PENALTY OR OF THE AMOUNT TO BE AGREED UPON IN COMPROMISE, THE COMMISSION SHALL CONSIDER THE GRAVITY OF THE VIOLATION, THE SIZE OF THE BUSINESS OF THE VIOLATOR, AND THE AMOUNT OF EFFORT EXPENDED BY THE VIOLATOR IN ANY ATTEMPTS MADE IN GOOD FAITH TO REMEDY THE VIOLATION OR PREVENT FUTURE SIMILAR VIOLATIONS. THE PENALTY OR ANY LESSER AMOUNT AGREED UPON IN COMPROMISE MAY BE RECOVERED BY THE COMMISSION IN A CIVIL ACTION IN ANY COURT OF COMPETENT JURISDICTION.

(3) THE REMEDY PROVIDED IN THIS SECTION IS IN ADDITION TO ANY OTHER REMEDIES AVAILABLE TO THE COMMISSION UNDER THE CONSTITUTION OR LAWS OF THIS STATE OR OF THE UNITED STATES.

**SECTION 31.** 40-8.5-103.5 (1), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-8.5-103.5. Commission created.** (1) There is hereby created the legislative commission on low income energy assistance. The commission shall be composed of eleven members to be appointed by the governor, each to serve a term of two years; except that the governor shall select seven of the initially appointed members to serve for one-year terms. Of the eleven members, five members shall be from private sector energy-related enterprises, one member shall be the director of the low-income energy assistance program in the state department of social services, one member shall be from the Colorado office of energy conservation, two members shall

be consumers who are low income energy assistance recipients, and two members shall be from the general public. ~~The initial members of the legislative commission on low income energy assistance shall be the members of the Colorado commission on low income energy assistance, established pursuant to the governor's executive order number B-032-88, dated October 28, 1988, who are serving on the Colorado commission on low income energy assistance on July 1, 1990.~~ Any interim appointment necessary to fill a vacancy which has occurred by any reason other than expiration of term shall be for the remainder of the term of the individual member whose office has become vacant.

**SECTION 32.** 40-8.5-104, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-8.5-104. Commencement of program - establishment of system for distribution of moneys to eligible recipients.** ~~Beginning July 1, 1990,~~ The commission shall establish a fund through a nonprofit corporation established for the purpose of collecting and distributing moneys to eligible recipients, who shall be designated by the administrator of the low-income energy assistance program in the department of social services, for use in the payment of electric and gas utility bills for services received.

**SECTION 33.** 40-8.5-106, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-8.5-106. Unclaimed deposits.** ~~Beginning July 1, 1990,~~ Unclaimed deposits shall be paid by the electric and gas utilities into the fund designated by the commission pursuant to section 40-8.5-104.

**SECTION 34.** 40-9.5-109, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-9.5-109. Regulations governing consumer complaints.** ~~Prior to November 1, 1985,~~ The board of directors of each cooperative electric association shall adopt regulations which specify a procedure for members and consumers to register complaints about and be given an opportunity to be heard by the board on the rates charged by such association, the manner in which the electric service is provided, and proposed changes in the rates or regulations. Such regulations may be amended whenever deemed appropriate by the board.

**SECTION 35.** 40-9.5-114.5, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-9.5-114.5. Applicability of sections 40-9.5-108 to 40-9.5-112.** ~~On and after July 1, 1985,~~ The provisions of sections 40-9.5-108 to 40-9.5-112 shall be applicable to all cooperative electric associations with membership of more than twenty-five thousand members whether regulated under this part 1 or the "Public Utilities Law", articles 1 to 7 of this title.

**SECTION 36.** 40-10-112, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-10-112. Commission may revoke certificate or impose civil penalty.**

(1) The commission, at any time, by order duly entered, after hearing upon notice to the holder of any certificate of public convenience and necessity or any registration by a motor vehicle carrier having registered under the provisions of section 40-10-120 and when it is established to the satisfaction of the commission that such holder has violated any of the provisions of this article or violated or refused to observe any of the proper orders, rules, or regulations of the commission, may suspend, revoke, alter, or amend any such certificate or registration issued under the provisions of this article or may impose a civil penalty as provided in sections 40-7-112 to 40-7-116, but the holder of such certificate or registration shall have all the rights of hearing, review, and appeal as to such order or ruling of the commission as are now provided by articles 1 to 7 of this title. No appeal from or review of any order or ruling of the commission shall be construed to supersede or suspend such order or rulings unless upon order of the proper court.

(2) NOTWITHSTANDING THE NOTICE AND HEARING PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE COMMISSION MAY SUMMARILY REVOKE THE REGISTRATION OF ANY CARRIER REGISTERED UNDER SECTION 40-10-120 FOR FAILURE TO MAINTAIN EFFECTIVE INSURANCE OR BOND COVERAGE AND FILE EVIDENCE OF THE SAME IN ACCORDANCE WITH SECTION 40-10-110 AND RULES ADOPTED PURSUANT THERETO.

**SECTION 37.** 40-10-113, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-10-113. Penalty for violations.** Every motor vehicle carrier, and every officer, agent, or employee of any motor vehicle carrier, and every other person who violates or fails to comply with or who procures, aids, or abets in the violating of any provisions of this article, or who fails to obey, observe, or comply with any order, decision, rule, or regulation of the commission, or who procures, aids, or abets any person in such failure to obey or observe such order, decision, rule, or regulation is ~~guilty of~~ **COMMITTS** a CLASS 2 misdemeanor and ~~upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment~~ **AS PROVIDED IN SECTION 18-1-106, C.R.S.** The investigative personnel of the commission have all the powers conferred by law upon peace officers to make arrests and to serve warrants and other process in any county or city and county of this state.

**SECTION 38.** 40-10-115, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-10-115. Commission to notify local authorities - procedure.** (1) Whenever the commission is of the opinion that any motor vehicle carrier is failing or omitting to do anything required of it by law or by any order, decision, rule, direction, or requirement of the commission or is doing anything or about to do anything or permitting anything or about to permit anything to be done contrary to or in violation of the law or of any order, decision, rule, direction, or requirement of the commission, it shall request the attorney general of the state or the district attorney of any district to commence an action or proceeding in the district court in and for the county or city and county in which the cause or some part thereof arose or in which the person complained of maintains a principal place of business or resides. ~~in the name of the people of the state of Colorado for the purpose of having such violations or threatened~~

~~violations stopped and prevented, either by mandamus or injunction. SUCH ACTION OR PROCEEDING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 40-7-104; EXCEPT THAT REFERENCES IN SAID SECTION 40-7-104 TO THE ATTORNEY GENERAL SHALL ALSO INCLUDE ANY DISTRICT ATTORNEY BRINGING THE ACTION OR PROCEEDING.~~

~~(2) The attorney general of the state or the district attorney of any district so requested shall begin such action by petition to the district court alleging the violation or threatened violation complained of and praying for appropriate relief by way of mandamus or injunction. It is thereupon the duty of the court to specify a time, not exceeding twenty days after the service of a copy of the petition, within which the motor vehicle carrier complained of must answer the petition, and in the meantime the said motor vehicle carrier may be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case, and such persons as the court may deem necessary or proper to be joined as parties in order to make its judgment or order effective may be joined as parties. The final judgment in any such action shall either dismiss the action or direct that an order in the nature of mandamus issue or that an injunction be made permanent as prayed for in the petition or in such modified or other form as will afford appropriate relief.~~

(3) Appellate review may be obtained in the supreme court concerning such final judgment in the same manner and with the same effect, subject to the provisions of this article, as appellate review of judgments of the district court in other actions for mandamus or injunction.

(4) Any person injured by such noncompliance of any motor vehicle carrier with the provisions of this article or of any other provisions of the law or orders, decisions, rules, directions, or requirements of the commission, may apply to any 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 any such motor vehicle 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 shall likewise have cause of action in damages and be privileged to pursue the usual and proper remedies to redress the same as in like cases provided by law.

**SECTION 39.** 40-10-120 (1), (2), (3), and (4), Colorado Revised Statutes, 1984 Repl. Vol., are amended to read:

**40-10-120. Registration of interstate carriers.** (1) No motor vehicle carrier shall engage in any interstate transportation of persons or property for compensation on any public highway in this state without first having ~~registered such operations as provided in subsections (2) to (6)~~ **COMPLIED WITH THE REQUIREMENTS** of this section.

(2) Any motor vehicle carrier operating into, from, within, or through the state of Colorado under authority issued by the interstate commerce commission shall ~~file with the public utilities commission and maintain a current record of such authority permitting operations within the borders of this state, and such motor carrier shall not exercise such authority unless and until there has been filed with and approved by the public utilities commission an application for the registration of such authority~~ **COMPLY WITH THE COMMISSION'S REQUIREMENTS RELATING TO PARTICIPATION IN THE**

INSURANCE REGISTRATION SYSTEM AUTHORIZED BY SECTION 4005 OF THE FEDERAL "INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991", 49 U.S.C. 11506.

(3) Any motor vehicle carrier operating into, from, within, or through the state of Colorado for hire, where such interstate transportation is performed by such motor carrier pursuant to exemptions or partial exemptions from economic regulation contained in the interstate commerce act, shall ~~not operate any motor vehicle within this state unless and until there has been filed with and approved by the public utilities commission an application for the registration of such operations~~ COMPLY WITH THE COMMISSION'S REQUIREMENTS RELATING TO PARTICIPATION IN THE INSURANCE REGISTRATION SYSTEM AUTHORIZED BY SECTION 4005 OF THE FEDERAL "INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991", 49 U.S.C. 11506.

(4) For the purpose of carrying out the provisions of this section, the commission has the power after hearing to adopt rules and regulations to ~~implement these registration procedures. In adopting such rules and regulations, the commission shall use as general guidelines the standards contained in part 1023 of title 49 of the code of federal regulations relating to definitions, registration of I.C.C. operating authority, designation of process agent, registration and identification of vehicles, driveaway operations, evidence of liability security, evidence of cargo security, notice of security cancellation, and evidence of self-insurance~~ PARTICIPATE IN THE SINGLE-STATE INSURANCE REGISTRATION SYSTEM FOR MOTOR CARRIERS AUTHORIZED BY SECTION 4005 OF THE FEDERAL "INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991", 49 U.S.C. 11506, AND BY APPLICABLE RULES OF THE INTERSTATE COMMERCE COMMISSION.

**SECTION 40.** 40-11-110, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-11-110. Commission may take action against permit or impose civil penalty.** (1) The commission, at any time, upon complaint by any interested party or upon its own motion, by order duly entered, after hearing upon notice to the holder of any permit or any registration by a contract carrier by motor vehicle having registered under the provisions of section 40-11-115, issued under this article, and when it has been established to the satisfaction of the commission that such holder has violated any of the provisions of this article or any of the terms and conditions of ~~his~~ SUCH HOLDER'S permit or registration, or has exceeded the authority granted by such permit or registration, or has violated or refused to observe any of the proper orders, rules, or regulations of the commission, may revoke, suspend, alter, or amend any permit or registration issued under this article or may impose a civil penalty as provided in sections 40-7-112 to 40-7-116; and the holder of such permit or registration shall have all of the rights of hearing, review, and appeal as to such order or ruling of the commission as are now provided by articles 1 to 7 of this title. No appeal from or review of any order or ruling of the commission shall be construed so as to supersede or suspend such order or ruling except upon order of a proper court obtained for such purpose.

(2) NOTWITHSTANDING THE NOTICE AND HEARING PROVISIONS OF SUBSECTION (1) OF THIS SECTION, THE COMMISSION MAY SUMMARILY REVOKE THE REGISTRATION OF

ANY CARRIER REGISTERED UNDER SECTION 40-11-115 FOR FAILURE TO MAINTAIN EFFECTIVE INSURANCE OR BOND COVERAGE AND FILE EVIDENCE OF THE SAME IN ACCORDANCE WITH SECTION 40-11-109 AND RULES ADOPTED PURSUANT THERETO.

**SECTION 41.** 40-11-111, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-11-111. Violation - penalty.** Every contract carrier by motor vehicle and every officer, agent, or employee of any contract carrier by motor vehicle and every other person who violates or fails to comply with or who procures, aids, or abets in the violating of any provision of this article, or who fails to obey, observe, or comply with any order, decision, rule, or regulation of the commission, or who procures, aids, or abets any person in such failure to obey or observe such order, decision, rule, or regulation is ~~guilty of~~ **COMMITTS** a CLASS 2 misdemeanor and ~~upon conviction thereof,~~ shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment **AS PROVIDED IN SECTION 18-1-106, C.R.S.** The investigative personnel of the commission have all the powers conferred by law upon peace officers to make arrests and to serve warrants and other process in any county or city and county of this state.

**SECTION 42.** 40-11-113, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-11-113. Actions against violators - procedure.** (1) Whenever the commission is of the opinion that any contract carrier by motor vehicle is failing or omitting to do anything required of it by law or by any order, decision, rule, regulation, direction, or requirement of the commission or is doing anything or about to do anything or permitting anything or about to permit anything to be done contrary to or in violation of law or of any order, decision, rule, direction, or requirement of the commission, it shall request the attorney general of the state or the district attorney of any district to commence an action or proceeding in the district court in and for the county or city and county in which the cause or some part thereof arises or in which the person complained of maintains a principal place of business or resides. ~~in the name of the people of the state of Colorado for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction.~~ **SUCH ACTION OR PROCEEDING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 40-7-104; EXCEPT THAT REFERENCES IN SAID SECTION 40-7-104 TO THE ATTORNEY GENERAL SHALL ALSO INCLUDE ANY DISTRICT ATTORNEY BRINGING THE ACTION OR PROCEEDING.**

(2) ~~The attorney general of the state or the district attorney of any district so requested shall thereupon begin such action or proceeding by petition to such district court alleging the violation or threatened violation complained of and praying for appropriate relief by way of mandamus or injunction. It is the duty of the court to specify a time, not exceeding twenty days after the service of a copy of the petition, within which the motor vehicle carrier complained of must answer the petition, and in the meantime, the said contract carrier by motor vehicle may be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case, and such persons as the court may deem necessary or proper to be joined as parties in order to make its judgment or order effective may be joined as parties. The final judgment in any such action or proceeding shall either~~

~~dismiss the action or proceeding or direct that an order in the nature of mandamus issue or that an injunction be made permanent as prayed for in the petition or in such modified or other form as will afford appropriate relief.~~

(3) Appellate review may be obtained in the supreme court concerning such final judgment in the same manner and with the same effect, subject to the provisions of this article, as appellate review of judgments of the district court in other actions for mandamus or injunction.

(4) Any person injured by such noncompliance of any contract carrier by motor vehicle with the provisions of this article or of any other provisions of the law or orders, decisions, rules, directions, or requirements of the commission may apply to any 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 any such contract carrier by motor vehicle 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 shall likewise have cause of action in damages and be privileged to pursue the usual and proper remedies to redress the same as in like cases provided by law.

**SECTION 43.** 40-11-115 (1), (2), (3), and (4), Colorado Revised Statutes, 1984 Repl. Vol., are amended to read:

**40-11-115. Registration of interstate carriers.** (1) No contract carrier by motor vehicle shall engage in any interstate transportation of persons or property for compensation on any public highway in this state without first having ~~registered such operations as provided in subsections (2) to (6)~~ COMPLIED WITH THE REQUIREMENTS of this section.

(2) Any contract carrier by motor vehicle operating into, from, within, or through the state of Colorado under authority issued by the interstate commerce commission shall ~~file with the public utilities commission and maintain a current record of such authority permitting operations within the borders of this state, and such motor carrier shall not exercise such authority unless and until there has been filed with and approved by the public utilities commission an application for the registration of such authority~~ COMPLY WITH THE COMMISSION'S REQUIREMENTS RELATING TO PARTICIPATION IN THE INSURANCE REGISTRATION SYSTEM AUTHORIZED BY SECTION 4005 OF THE FEDERAL "INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991", 49 U.S.C. 11506.

(3) Any contract carrier by motor vehicle operating into, from, within, or through the state of Colorado for hire, where such interstate transportation is performed by such motor carrier pursuant to exemptions or partial exemptions from economic regulation contained in the interstate commerce act, shall ~~not operate any motor vehicle within this state unless there has been filed with and approved by the public utilities commission an application for the registration of such operations~~ COMPLY WITH THE COMMISSION'S REQUIREMENTS RELATING TO PARTICIPATION IN THE INSURANCE REGISTRATION SYSTEM AUTHORIZED BY SECTION 4005 OF THE FEDERAL "INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991", 49 U.S.C. 11506.

(4) For the purpose of carrying out the provisions of this section, the commission has the power after hearing to adopt rules and regulations to ~~implement these registration procedures. In adopting such rules and regulations, the commission shall use as general guidelines the standards contained in part 1023 of title 49 of the code of federal regulations relating to definitions, registration of I.C.C. operating authority, designation of process agent, registration and identification of vehicles, driveaway operations, evidence of liability security, evidence of cargo security, notice of security cancellation, and evidence of self-insurance~~ PARTICIPATE IN THE SINGLE-STATE INSURANCE REGISTRATION SYSTEM FOR MOTOR CARRIERS AUTHORIZED BY SECTION 4005 OF THE FEDERAL "INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991", 49 U.S.C. 11506, AND BY APPLICABLE RULES OF THE INTERSTATE COMMERCE COMMISSION.

**SECTION 44.** 40-13-103 (1), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-13-103. Towing carrier permits required - exemptions.** (1) ~~On and after January 1, 1972;~~ No person coming within the definition of a towing carrier shall operate a towing vehicle on the public ways of this state without first having obtained a permit therefor from the public utilities commission, unless such person is exempt from the provisions of this article under subsection (2) of this section.

**SECTION 45.** 40-13-110 (2), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-13-110. Enforcement - violations - penalties - powers.** (2) Any towing carrier who operates a towing vehicle upon a public way in this state without holding a valid permit therefor ~~is guilty of~~ COMMITS a CLASS 3 misdemeanor and ~~upon conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment~~ AS PROVIDED IN SECTION 18-1-106, C.R.S.

**SECTION 46.** 40-13-112, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-13-112. Judicial proceedings.** (1) Whenever the commission is of the opinion that any towing carrier holding a permit under this article is failing or omitting to do anything required of it by law or by any order, decision, rule, regulation, direction, or requirement of the commission or is doing anything or about to do anything or permitting anything, or about to permit anything to be done contrary to or in violation of law or any order, decision, rule, direction, or requirement of the commission, it may request the attorney general of the state or the district attorney of any judicial district to commence an action or proceeding in the district court in and for the county or city and county in which the cause or some part thereof arose, or in which the person complained of maintains a principal place of business or resides. ~~in the name of the people of the state of Colorado for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction.~~ SUCH ACTION OR PROCEEDING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 40-7-104; EXCEPT THAT REFERENCES IN SAID SECTION 40-7-104 TO THE ATTORNEY GENERAL SHALL ALSO INCLUDE ANY DISTRICT ATTORNEY BRINGING THE ACTION OR PROCEEDING.

(2) ~~The attorney general of the state or the district attorney of any judicial district so requested may thereupon begin such action or proceeding by petition to such district court alleging the violation or threatened violation complained of and praying for appropriate relief by way of mandamus or injunction. It is the duty of the court to specify a time, not exceeding twenty days after the service of a copy of the petition, within which the towing carrier complained of must answer the petition, and in the meantime the said carrier may be restrained.~~

(3) ~~In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case, and such persons as the court may deem necessary or proper to be joined as parties in order to make its judgment or order effective may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that an order in the nature of mandamus issue or that an injunction be made permanent as prayed for in the petition or in such modified or other form as will afford appropriate relief. Appellate review may be obtained in the supreme court concerning such final judgment in the same manner and with the same effect, subject to the provisions of this article, as in appellate review of judgments of the district courts in other actions for mandamus or injunction.~~

(4) Any person injured by such noncompliance of any towing carrier with the provisions of this article or of any other provisions of the law or orders, decisions, rules, directions, or requirements of the commission may apply to any court of competent jurisdiction for the enforcement thereof, and the court shall have jurisdiction to enforce obedience thereto by injunction or other proper process, mandatory or otherwise, and to restrain any such towing carrier or its officers, employees, or representatives from further disobedience thereof or to enjoin upon them obedience to the same and any person so injured shall likewise have cause of action in damages and be privileged to pursue the usual and proper remedies to redress the same as in like cases provided by law.

**SECTION 47.** 40-14-103 (2) (a), Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

**40-14-103. Insurance requirements.** (2) (a) Cargo coverage insurance shall be in no less amount than four thousand five hundred dollars per unit, but no household goods carrier shall in any event accept or transport any single shipment unless the declared value of the shipment is stated in writing. ~~Up to and including December 31, 1987, the carrier shall file evidence of such insurance with the public utilities commission before conducting operations.~~

**SECTION 48.** 40-14-106 (3), Colorado Revised Statutes, 1984 Repl. Vol., is repealed as follows:

**40-14-106. Jurisdiction of courts.** (3) ~~Any district attorney for the county having jurisdiction to prosecute violations of this article shall send copies of any complaints received during each of the fiscal years 1984-85 through 1986-87 which refer to violations of this article no later than the October 1 following each such fiscal year to the public utilities commission. In the event that such complaints are not in written form, any district attorney may provide a summary of such complaints instead of a copy.~~

**SECTION 49.** 40-14-107, Colorado Revised Statutes, 1984 Repl. Vol., is repealed as follows:

**40-14-107. Office of regulatory reform - report to general assembly.** ~~During each of the years 1985 through 1990, the office of regulatory reform shall conduct a survey of district attorneys regarding compliance with this article. The office shall include the findings of each survey in its annual report required pursuant to section 24-34-904 (1) (j), C.R.S., following each such survey.~~

**SECTION 50.** 40-15-202, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-15-202. Certificate required.** (1) No ~~local exchange~~ provider OF SERVICES REGULATED IN THIS PART 2 shall operate in this state except in accordance with the provisions of this part 2.

(2) No ~~local exchange~~ provider OF SERVICES REGULATED IN THIS PART 2 shall operate within this state without first having obtained from the commission a certificate declaring that the present or future public convenience and necessity requires or will require such operation, unless such operation is authorized by section 40-5-102.

(3) The commission is authorized to issue a certificate of public convenience and necessity to a ~~local exchange~~ provider OF SERVICES REGULATED IN THIS PART 2, and the commission may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require.

(4) A ~~local exchange~~ provider OF SERVICES REGULATED IN THIS PART 2 holding a certificate of public convenience and necessity to offer or provide basic local exchange service or a ~~local exchange~~ provider OF SERVICES REGULATED IN THIS PART 2 that had authority lawfully to offer or provide basic local exchange service immediately prior to July 2, 1987, without a certificate of public convenience and necessity shall continue to have such authority without having to make application to the commission for additional or continued authority.

**SECTION 51.** Part 2 of article 15 of title 40, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**40-15-203.5. Simplified regulatory treatment for small local exchange providers.** THE COMMISSION, WITH DUE CONSIDERATION OF THE PUBLIC INTEREST, QUALITY OF SERVICE, FINANCIAL CONDITION, AND JUST AND REASONABLE RATES, SHALL GRANT REGULATORY TREATMENT WHICH IS LESS COMPREHENSIVE THAN OTHERWISE PROVIDED FOR UNDER THIS ARTICLE TO SMALL LOCAL EXCHANGE PROVIDERS THAT SERVE FEWER THAN FIFTY THOUSAND ACCESS LINES IN THE STATE. THE COMMISSION SHALL ISSUE POLICY STATEMENTS AND RULES AND REGULATIONS WHICH MAINTAIN REASONABLE REGULATORY OVERSIGHT AND THAT CONSIDER THE COST OF REGULATION IN RELATION TO THE BENEFIT DERIVED FROM SUCH REGULATION. THESE RULES AND REGULATIONS SHALL ENCOURAGE THE COST EFFECTIVE DEPLOYMENT AND USE OF MODERN TELECOMMUNICATIONS TECHNOLOGY. ALL

PROPOSED RULES APPLICABLE TO SMALL LOCAL EXCHANGE PROVIDERS WHICH COME BEFORE THE COMMISSION SHALL CONSIDER THE ECONOMIC IMPACT ON SMALL LOCAL EXCHANGE PROVIDERS AND THEIR SUBSCRIBERS. THE COMMISSION AND SMALL LOCAL EXCHANGE PROVIDERS ARE ENCOURAGED TO WORK TOGETHER IN A COOPERATIVE AND PROACTIVE FASHION TO IMPLEMENT THIS SECTION. INITIAL IMPLEMENTATION OF THIS SECTION SHALL CONSIST OF A REVIEW OF THE RULES IN EXISTENCE ON JULY 1, 1993, PRESENTATION OF PROPOSED CHANGES TO THE COMMISSION NO LATER THAN JANUARY 1, 1994, AND ADOPTION OF SIMPLIFIED RULES NO LATER THAN JUNE 30, 1994.

**SECTION 52.** 40-15-302 (1) and (2), Colorado Revised Statutes, 1984 Repl. Vol., as amended, are amended to read:

**40-15-302. Manner of regulation - rules and regulations.** (1) ~~Within ninety days from July 2, 1987,~~ The commission shall promulgate ~~emergency or temporary rules and regulations and within one hundred twenty days permanent~~ rules and regulations as may be appropriate to regulate services and products provided pursuant to this part 3. In promulgating such rules and regulations, the commission shall consider such alternatives to traditional rate of return regulations as flexible pricing, detariffing, and other such manner and methods of regulation that are deemed consistent with the general assembly's expression of intent pursuant to section 40-15-101. It is the intent of the general assembly that traditional rate base or rate of return regulation may be considered but shall not be the sole factor considered by the commission. Such rate of return information shall be provided by the local exchange provider as requested by the commission.

(2) The commission shall promulgate rules and regulations for the certification of providers of emerging competitive telecommunications services, but nothing in this part 3 shall require the ~~mandatory certification of~~ COMMISSION TO CERTIFICATE providers of telecommunications service REGULATED IN THIS PART 3.

**SECTION 53.** 40-15-308, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-15-308. Private line services.** Private line services shall be reviewed with all due haste pursuant to section 40-15-305. ~~except that in no event shall a decision on the pending action before the commission be issued later than one hundred twenty days after July 2, 1987, and, for good cause, an additional thirty days may be taken by the commission.~~

**SECTION 54.** 40-15-401 (1) (e), Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

**40-15-401. Services, products, and providers exempt from regulation.** (1) (e) New products and services other than those necessary to provide basic local exchange service, OR THOSE WHICH FUNDAMENTALLY CHANGE THE MANNER IN WHICH BASIC LOCAL EXCHANGE SERVICE FUNCTIONS, SUCH AS CALLER IDENTIFICATION OR LAST CALL RETURN SERVICE;

**SECTION 55. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public utilities commission fixed utility fund not otherwise appropriated, to the department of regulatory agencies, for

allocation to the public utilities commission, for the fiscal year beginning July 1, 1993, the sum of twenty-three thousand seven hundred forty dollars (\$23,740), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the public utilities commission motor carrier fund not otherwise appropriated, to the department of regulatory agencies, for allocation to the public utilities commission, for the fiscal year beginning July 1, 1993, the sum of ten thousand one hundred seventy-five dollars (\$10,175), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 56. Effective date - applicability.** This act shall take effect July 1, 1993, and shall apply to acts committed and events occurring on or after said date.

**SECTION 57. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 9, 1993