

CHAPTER 38

PUBLIC UTILITIES

HOUSE BILL 00-1087

BY REPRESENTATIVES Tapia, Coleman, Mace, Taylor, and Vigil;
also SENATOR Dennis.

AN ACT

CONCERNING THE PUBLIC UTILITIES COMMISSION'S SUPERVISION OF A PUBLIC UTILITY'S GUARANTEE OF SECURITIES.

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

SECTION 1. 40-1-104 (2), (3), (5), (6), and (7), Colorado Revised Statutes, are amended to read:

40-1-104. Securities - issuance. (2) The power of every gas corporation and of every electrical corporation operating as a public utility as defined in section 40-1-103 that derives more than five percent of its consolidated gross revenues in the state of Colorado as a public utility, or derives a lesser percentage if said revenues are realized by supplying an amount of energy which equals five percent or more of this state's consumption, to issue OR assume ~~or guarantee~~ securities and to create liens on its property situated within this state is a special privilege, hereby subjected to the supervision and control of the commission. Such public utility, when authorized by order of the commission and not otherwise, may issue OR assume ~~or guarantee~~ securities with a maturity date of more than twelve months after the date of issuance for the following purposes: The acquisition of property; the construction, completion, extension, or improvement of its facilities; the improvement or maintenance of its service; the discharge or lawful refunding of its obligations; the reimbursement of moneys actually expended for said purposes from income or from any other moneys in the treasury not secured by or obtained from the issue of securities within five years next prior to the filing of an application with the commission for the required authorization; or any of such purposes or any other lawful purpose authorized by the commission.

(3) Such public utility, by written petition filed with the commission setting forth the pertinent facts involved, shall make application to the commission for an order

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

authorizing the proposed issue OR assumption ~~or guarantee~~ of securities and the application of the proceeds therefrom to the purpose specified. The commission, with or without a hearing and upon such notice as the commission may prescribe, shall enter its written order approving the petition and authorizing the proposed securities transactions unless the commission finds that such transactions are inconsistent with the public interest or that the purpose thereof is not permitted or is inconsistent with the provisions of this section.

(5) All applications for the issuance OR assumption ~~or guarantee~~ of securities shall be placed at the head of the commission's docket and shall be disposed of promptly, within thirty days after the petition is filed with the commission unless it is necessary for good cause to continue the same for a longer period. Whenever such application is continued beyond thirty days after the time it is filed, the commission shall enter an order making such continuance and stating fully the facts necessitating the continuance.

(6) No provision of this section nor any act or deed performed in connection therewith shall be construed to obligate the state of Colorado to pay or guarantee in any manner whatsoever any security authorized, issued, OR assumed ~~or guaranteed~~ under the provisions of this section.

(7) All securities issued OR assumed ~~or guaranteed~~ without application to and approval of the commission, except the securities mentioned in subsection (4) of this section, shall be void.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: March 16, 2000