

CHAPTER 46

PUBLIC UTILITIES

SENATE BILL 04-096

BY SENATOR(S) Veiga, Anderson, Andrews, Arnold, Groff, Hillman, Phillips, Tapia, and Teck;
also REPRESENTATIVE(S) Fairbank and Frangas.

AN ACT

CONCERNING THE TRANSFER OF INTERESTS IN TELECOMMUNICATION UTILITY ASSETS THAT ARE NOT USED IN THE PROVISION OF REGULATED SERVICES WITHOUT AUTHORIZATION BY THE PUBLIC UTILITIES COMMISSION.

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

SECTION 1. 40-5-105, Colorado Revised Statutes, is amended to read:

40-5-105. Certificate or assets may be sold, assigned, or leased. (1) The assets of any public utility, including any certificate of public convenience and necessity or rights obtained under any such certificate held, owned, or obtained by any public utility, may be sold, assigned, or leased as any other property, ~~other than in the normal course of business~~ but only upon authorization by the commission and upon such terms and conditions as the commission may prescribe; EXCEPT THAT THIS SECTION DOES NOT APPLY TO ASSETS THAT ARE SOLD, ASSIGNED, OR LEASED:

(a) IN THE NORMAL COURSE OF BUSINESS; OR

(b) THAT ARE OWNED BY A TELECOMMUNICATIONS SERVICE PROVIDER AND:

(I) ARE NOT USED IN THE PROVISION OF REGULATED TELECOMMUNICATIONS SERVICES; OR

(II) (A) ARE LAND AND SUPPORT ASSETS AND ARE NOT DIRECTLY USED IN THE PROVISION OF REGULATED TELECOMMUNICATIONS SERVICES.

(B) A TELECOMMUNICATIONS SERVICE PROVIDER SHALL PROVIDE NOTICE TO THE COMMISSION OF TRANSACTIONS SUBJECT TO THIS SUBPARAGRAPH (II), ALONG WITH THE ASSOCIATED ACCOUNTING ENTRIES ON THE PROVIDER'S BOOKS AND RECORDS, TO

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

PERMIT THE COMMISSION TO DETERMINE, IF NECESSARY, THE DISPOSITION OF ANY GAIN OR LOSS FROM THE TRANSACTION.

SECTION 2. Applicability. This act shall apply to the sale, assignment, and leasing of utility assets occurring on or after the effective date of this act.

SECTION 3. 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: March 17, 2004