

## CHAPTER 68

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**PUBLIC UTILITIES**


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**HOUSE BILL 11-1083**

BY REPRESENTATIVE(S) Swerdfeger, Brown, Coram, Gardner B., Joshi, Liston, Looper, Massey, Ramirez, Sonnenberg, Soper, Szabo, Acree, Barker, Baumgardner, Becker, Casso, Conti, Duran, Ferrandino, Fields, Fischer, Kerr J., Labuda, Murray, Nikkel, Pace, Priola, Scott, Stephens, Summers, Todd, Vigil, Wilson, McNulty, Beezley, DelGrosso, Holbert, Hullinghorst, Lee, Peniston, Schafer S., Vaad;  
 also SENATOR(S) Giron and Grantham, Aguilar, Bacon, Boyd, Brophy, Guzman, Harvey, Heath, Jahn, King K., King S., Mitchell, Morse, Newell, Nicholson, Renfroe, Roberts, Scheffel, Schwartz, Shaffer B., Spence, Steadman, Tochtrop, White, Williams S.

**AN ACT**

**CONCERNING THE CONSIDERATION OF NEW HYDROELECTRICITY PROJECTS, AND, IN CONNECTION THEREWITH, ALLOWING THE PUBLIC UTILITIES COMMISSION TO CONSIDER HYDROELECTRICITY AND PUMPED HYDROELECTRICITY FOR THE GENERATION OF ELECTRICITY.**

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

**SECTION 1.** 40-2-123 (3.2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**40-2-123. New energy technologies - consideration by commission - incentives - demonstration projects - definitions - legislative declaration - repeal.** (3.2) In its consideration of generation acquisitions for electric utilities, the commission may give the fullest possible consideration, at a utility's request, to the cost-effective implementation of new energy technologies for the generation of electricity from:

(c) HYDROELECTRICITY AND PUMPED HYDROELECTRICITY, TAKING INTO ACCOUNT THE ASSOCIATED COSTS AND BENEFITS. FOR PURPOSES OF THIS PARAGRAPH (c):

(I) "HYDROELECTRICITY" MEANS THE GENERATION AND DELIVERY TO THE INTERCONNECTION METER OF ANY SOURCE OF ELECTRICAL OR MECHANICAL ENERGY BY HARNESSING THE KINETIC ENERGY OF WATER THAT IS:

(A) A NEW FACILITY THAT IS AN ADDITION TO WATER INFRASTRUCTURE SUCH AS

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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.*

A RESERVOIR, DITCH, OR PIPELINE THAT EXISTED BEFORE JANUARY 1, 2011, AND DOES NOT RESULT IN ANY CHANGE IN THE QUANTITY OR TIMING OF DIVERSIONS OR RELEASES FOR PURPOSES OF PEAK POWER GENERATION; OR

(B) A NEW FACILITY THAT IS PLACED INTO PRODUCTION AS PART OF NEW WATER INFRASTRUCTURE SUCH AS A RESERVOIR, DITCH, OR PIPELINE CONSTRUCTED ON OR AFTER JANUARY 1, 2011, AND OPERATED FOR PRIMARY BENEFICIAL USES OF WATER OTHER THAN SOLELY FOR PRODUCTION OF ELECTRICITY.

(II) "PUMPED HYDROELECTRICITY" MEANS ELECTRICITY THAT IS GENERATED DURING PERIODS OF HIGH ELECTRICAL DEMAND FROM WATER THAT HAS BEEN PUMPED DURING PERIODS OF LOW ELECTRICAL DEMAND FROM A LOWER-ELEVATION RESERVOIR TO A HIGHER-ELEVATION RESERVOIR TAKING INTO ACCOUNT THE POTENTIAL BENEFITS OR IMPACTS OF THE PROPOSED FACILITY ON FISHERY HEALTH.

**SECTION 2. Act subject to petition - 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 (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 29, 2011