

2023-2024 # _____ :

PROPOSED INITIATIVE 2023-2024 # _____

*Be it enacted by the People of the State of Colorado:***SECTION 1.** In Colorado Revised Statutes, 40-3-101, **add (4)** as follows:**40-3-101. Reasonable charges – adequate service.**

(1) All charges made, demanded, or received by any public utility for any rate, fare, product, or commodity furnished or to be furnished or any service rendered or to be rendered shall be just and reasonable. Every unjust or unreasonable charge made, demanded, or received for such rate, fare, product or commodity, or service is prohibited and declared unlawful. Rates and charges demanded or received by any public utility for gas transportation service furnished or to be furnished shall not be deemed to be unjust or unreasonable so long as said rate or charge is no greater than a maximum rate and no lower than a minimum rate determined by the commission (or, in the case of a municipal utility, by the governing body of the municipal utility in accordance with sections 40-3-102 and 40-3.5-102) to be just and reasonable, and the provision of such gas transportation service at such rates or charges shall not constitute per se unjust discrimination or the granting of a preference. Nothing in this subsection (1) shall limit or restrict the commission's authority to regulate rates and charges, correct abuses, or prevent unjust discrimination.

(2) Every public utility shall furnish, provide, and maintain such service, instrumentalities, equipment, and facilities as shall promote the safety, health, comfort, and convenience of its patrons, employees, and the public, and as shall in all respects be adequate, efficient, just, and reasonable.

(3)

(a) If a retail cooperative electric association, in conjunction with the payment of an applicable charge, withdraws from membership in a wholesale electric cooperative, as defined in section 40-2-136 (3)(c), that withdrawal is deemed to be a matter of statewide concern, and, in relation to such withdrawal:

(I) The wholesale electric cooperative will act in accordance with the obligation of good faith and fair dealing in implementing the withdrawal and shall not require or impose commercially unreasonable contractual terms on the retail cooperative electric association in relation to the withdrawal; and

(II) The wholesale electric cooperative shall, upon request from the withdrawing retail cooperative electric association, facilitate the retail cooperative electric association's transition from native load to a firm service transmission customer without diminishing the withdrawing retail cooperative electric association's native electric load priority for accessing firm transmission capacity.

(b) The commission has the authority to adjudicate complaints about the terms on which a wholesale electric cooperative implements withdrawal pursuant to this subsection (3).

(4) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY RATES OR CHARGES APPROVED BY THE PUBLIC UTILITIES COMMISSION FOR AN INVESTOR- OWNED UTILITY SUPPLYING ELECTRIC OR GAS SERVICE OR BOTH TO RESIDENTIAL, COMMERCIAL OR INDUSTRIAL RATEPAYERS IN COLORADO SHALL NOT INCLUDE CHARGES FOR ITS ATTORNEY'S FEES AND COSTS,

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EXPERT WITNESS FEES AND COSTS, EXPENSES FOR UTILITY CONSULTANT FEES AND COSTS, LOBBYING FEES AND COSTS, CAMPAIGN CONTRIBUTIONS, AND MARKETING AND PUBLIC RELATIONS FEES AND COSTS, IN ANY RATES SET. SUCH CHARGES SHALL NOT BE DEEMED “JUST AND REASONABLE.” THE PUBLIC UTILITIES COMMISSION SHALL ADOPT RULES IMPLEMENTING THESE RESTRICTIONS WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS SUBSECTION (4) PURSUANT TO THE “PUBLIC UTILITIES LAW” AS SET FORTH IN ARTICLE 1 OF THIS TITLE.

SECTION 2. Effective date. This act shall take effect upon proclamation by the governor pursuant to Section 1(4) of Article V of the Colorado Constitution and shall be self-executing.