

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

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LLS NO. 26-0365.01 Jennifer Berman x3286

SUNSET BILL

Sunset Process - House Energy and Environment Committee

BILL TOPIC: Sunset Public Utilities Commission

A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE PUBLIC UTILITIES
102 COMMISSION, AND, IN CONNECTION THEREWITH, IMPLEMENTING
103 THE RECOMMENDATIONS IN THE **2025** SUNSET REPORT BY THE
104 DEPARTMENT OF REGULATORY AGENCIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

The bill implements the recommendations of the department of regulatory agencies in its 2025 sunset review of the public utilities commission (commission) as follows:

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

- **Sections 1 and 2** of the bill continue the commission and schedule future sunset reviews by industry sector (*recommendation 1*);
- **Section 3** permits the commission members to engage in nonpublic communications regarding adjudicatory matters after the close of the evidentiary record if prior notice of the communications is provided and the final reasoning and determinations of the matter are later made at a public hearing (*recommendation 2*);
- **Sections 4 through 9** authorize the commission to send communications by email (*recommendation 3*);
- **Sections 10 through 16** modernize certain processes, provide additional transparency, and clarify inconsistencies in certain energy statutes by:
 - Aligning the renewable energy standard with the statutes governing clean energy plans;
 - Directing the commission to perform a study to identify any barriers to joint procurement by electric utilities with regard to advanced technology generation resources;
 - Authorizing the commission to require a commission-regulated utility to contract with one or more third parties to administer certain customer-facing programs; and
 - Clarifying that a municipally owned utility, cooperative electric association, independent transmission developer, or independent power producer may appeal to the commission a local government's decision to deny a land use permit or application for a major electric or natural gas facility owned by the municipally owned utility, cooperative electric association, independent transmission developer, or independent power producer (*recommendation 4*);
- **Sections 17 through 22** authorize the commission to direct investor-owned electric utilities to use securitization through the "Colorado Energy Impact Bond Act" as an alternative means of financing and recovering costs (*recommendation 5*);
- **Section 23** requires the commission to:
 - Adopt rules standardizing the implementation of the various income-based energy assistance programs provided by commission-regulated utilities in the state; and
 - Conduct a study into commission-regulated utilities'

income-based energy assistance programs to determine whether funding access and equity can be improved in the state (*recommendation 6*).

- **Section 24** prohibits an individual from impersonating a transportation network company (TNC) driver (driver). An individual who violates the prohibition commits a class 2 misdemeanor. An individual who impersonates a driver during the commission of a felony offense commits a class 6 felony. A TNC is required to conduct periodic checks utilizing facial recognition software to prevent driver impersonation in accordance with rules adopted by the commission (*recommendation 7*).
- **Section 25** requires TNCs to annually submit to the commission a report, redacted to protect personal identifying information, that contains all safety-related incident reports made to or created by the TNC in the preceding calendar year. The commission shall make the reports publicly available (*recommendation 8*).
- Under current law, a driver is required to report to the TNC any refusal by the driver to provide services to a rider, and the TNC is required to annually report all refusals to the commission. **Section 26** requires a TNC to anonymize the data reported to the commission and the commission to make the anonymized reports available to the public (*recommendation 9*).
- Under current law, a TNC is not liable for a driver's violation of certain prohibitions against discriminating against riders unless the violation has been previously reported to the TNC in writing and the TNC has failed to reasonably address the alleged violation. **Section 27** repeals this burden of proof and raises the fine for a violation from \$550 to \$1,100 (*recommendation 10*).
- **Section 28** requires a TNC to provide information about the commission, including the commission's contact information, to a rider in accordance with rules adopted by the commission (*recommendation 11*);
- **Section 29** expands the types of drivers who need to have criminal history record checks performed to include drivers who are employed by any motor carriers and contract carriers (*recommendation 12*);
- **Section 30** requires the commission to perform a market study to determine if the current systems of regulating intrastate contract and common carriers optimally balance consumer protections with industry and regulatory efficiency and to report its findings and recommendations

based on the study to the general assembly by January 1, 2028 (*recommendation 13*);

- **Sections 31 and 32** replace the current inspection requirements for a charter bus, children's activity bus, fire crew transport, luxury limousine, off-road scenic charter, and large-market taxicab with a requirement that these vehicles be inspected on a schedule and to a standard set by rules adopted by the commission (*recommendation 14*);
- **Sections 33 through 39** update the state railroad regulation requirements to mirror current federal law and to repeal obsolete provisions (*recommendation 15*);
- **Section 40** removes the \$500 fee cap paid by companies to access the Colorado no-call list, replaces it with a \$1,000 fee cap, and requires conforming list brokers, which are companies that purchase the no-call list and sell it to other companies, to pay a fee established by the commission by rule (*recommendations 16 and 17*);
- **Sections 41 through 45** apply the fees that the commission assesses on public utilities on intrastate telecommunications and voice service providers to help finance the commission's telecommunications-related work (*recommendation 18*);
- **Section 46** aligns the usage of money collected from charges related to the provision of 911 services with federal requirements by clarifying that the money may be expended for public safety radio equipment outside of a public safety answering point only if the equipment is used for dispatching emergency service providers to respond to 911 calls (*recommendation 19*);
- **Section 47** authorizes the commission to adopt rules that establish caps on rates charged by penal communications service providers on intrastate penal communications services provided for intrastate communications with individuals in correctional facilities. The commission is also authorized to enforce the intrastate rate caps (*recommendation 20*).
- **Section 48** requires penal communications service providers to cooperate with commission staff when the staff is performing biannual testing of penal communications services (*recommendation 21*);
- **Section 49** exempts small operators of natural gas pipelines from the minimum \$5,000 civil penalty required for violations of pipeline safety laws and authorizes the commission to impose a lesser civil penalty against a small operator (*recommendation 22*); and

- **Section 50** directs the commission to perform a study identifying all privately owned water utilities in the state and assessing their financial conditions and needs (*recommendation 23*).

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

2 ***Recommendation 1***

3 <{*We have drafted the language below in section 1 of the bill to*
4 *effectuate recommendation 1 of the public utilities commission sunset*
5 *report, as we are required to do pursuant to section 24-34-104 (5)(b),*
6 *C.R.S. ("The department of regulatory agencies shall submit its report*
7 *to the office of legislative legal services for the preparation of draft*
8 *legislation based solely on specific recommendations for legislation set*
9 *forth in the report.") Recommendation 1 of the sunset report*
10 *recommends continuing the public utilities commission and scheduling*
11 *future sunset reviews by industry sector, to be split up into separate*
12 *sunset reviews for the statutes pertaining to transportation and rail,*
13 *water, telecommunications, pipeline safety, and energy.*
14 *The public utilities commission's functions, however, are not clearly*
15 *delineated by industry sector in the Colorado Revised Statutes.*
16 *Specifically, there are many statutory provisions that relate to functions*
17 *of the public utilities commission that affect multiple industry sectors,*
18 *while other statutory provisions do not affect any industry sector at all.*
19 *Therefore, it is not clear from reading the below statutory language*
20 *which functions of the public utilities commission fall under which*
21 *industry sector sunset review or are no longer subject to the sunset*
22 *review process.*
23 *For future sunset reviews regarding functions of the public utilities*

1 commission, this inability to identify precisely which statutes are
2 affected by which industry sunset review will make it difficult for the
3 department of regulatory agencies to conduct future sunset reviews, for
4 our office to draft future sunset bills, and for members of the General
5 Assembly and members of the public to meaningfully participate in the
6 sunset review process. For the General Assembly, in particular, it would
7 be difficult to fulfill the statutory duty set forth in section 24-34-104
8 (6)(b)(III) and (6)(b)(V), C.R.S., because the provisions contemplate the
9 General Assembly reviewing "the existing statutes" during its sunset
10 review process. Without knowing which specific statutes to review in
11 relation to a specific sector, it is difficult to discern how a future
12 General Assembly will meaningfully fulfill its duty.
13 In addition, if any of these specific functions of the public utilities
14 commission were allowed to repeal, the revisor of statutes would not
15 have clear direction on what specific statutes of the Colorado Revised
16 Statutes to repeal. The revisor would be unable to perform their duty to
17 repeal statutes "in such form and manner as to preserve the intent,
18 effect, and meaning of any and every ... statute revised", as required
19 pursuant to section 2-3-703, C.R.S.}>

20 **SECTION 1.** In Colorado Revised Statutes, 40-2-101, **repeal** (3);
21 and **add** (4) as follows:

22 **40-2-101. Creation - appointment - term - sunset review by**
23 **sector - repeal.**

24 (3) (a) ~~The provisions of section 24-34-104, C.R.S., concerning~~
25 ~~the termination schedule for regulatory bodies of the state unless extended~~
26 ~~as provided in that section, are applicable to the public utilities~~
27 ~~commission created by this section.~~

1 ~~(b) (I) This part 1 is repealed, effective September 1, 2026.~~

2 ~~(II) Before the repeal, the public utilities commission is scheduled~~
3 ~~for review in accordance with section 24-34-104.~~

4 (4) (a) (I) THE FUNCTIONS OF THE COMMISSION RELATED TO THE
5 TRANSPORTATION SECTOR, INCLUDING RAIL, ARE REPEALED, EFFECTIVE
6 SEPTEMBER 1, 2030.

7 (II) BEFORE THE REPEAL DESCRIBED IN SUBSECTION (4)(a)(I) OF
8 THIS SECTION, THE FUNCTIONS OF THE COMMISSION RELATED TO THE
9 TRANSPORTATION AND RAIL SECTORS ARE SCHEDULED FOR REVIEW IN
10 ACCORDANCE WITH SECTION 24-34-104.

11 (b) (I) THE FUNCTIONS OF THE COMMISSION RELATED TO THE
12 WATER SECTOR ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2033.

13 (II) BEFORE THE REPEAL DESCRIBED IN SUBSECTION (4)(b)(I) OF
14 THIS SECTION, THE FUNCTIONS OF THE COMMISSION RELATED TO THE
15 WATER SECTOR ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH
16 SECTION 24-34-104.

17 (c) (I) THE FUNCTIONS OF THE COMMISSION RELATED TO THE
18 TELECOMMUNICATIONS SECTOR ARE REPEALED, EFFECTIVE SEPTEMBER 1,
19 2033.

20 (II) BEFORE THE REPEAL DESCRIBED IN SUBSECTION (4)(c)(I) OF
21 THIS SECTION, THE FUNCTIONS OF THE COMMISSION RELATED TO THE
22 TELECOMMUNICATIONS SECTOR ARE SCHEDULED FOR REVIEW IN
23 ACCORDANCE WITH SECTION 24-34-104.

24 (d) (I) THE FUNCTIONS OF THE COMMISSION RELATED TO PIPELINE
25 SAFETY ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2035.

26 (II) BEFORE THE REPEAL DESCRIBED IN SUBSECTION (4)(d)(I) OF
27 THIS SECTION, THE FUNCTIONS OF THE COMMISSION RELATED TO PIPELINE

1 SAFETY ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION
2 24-34-104.

3 (e) (I) THE FUNCTIONS OF THE COMMISSION RELATED TO THE
4 ENERGY SECTOR ARE REPEALED, EFFECTIVE SEPTEMBER 1, 2037.

5 (II) BEFORE THE REPEAL DESCRIBED IN SUBSECTION (4)(e)(I) OF
6 THIS SECTION, THE FUNCTIONS OF THE COMMISSION RELATED TO THE
7 ENERGY SECTOR ARE SCHEDULED FOR REVIEW IN ACCORDANCE WITH
8 SECTION 24-34-104.

9 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **repeal**
10 (27)(a)(XVI); and **add** (31)(a)(XVII), (34)(a)(XIV), (34)(a)(XV),
11 (36)(a)(VII), and (38)(a)(II) as follows:

12 **24-34-104. General assembly review of regulatory agencies**
13 **and functions for repeal, continuation, or reestablishment - legislative**
14 **declaration - repeal.**

15 (27) (a) The following agencies, functions, or both, are scheduled
16 for repeal on September 1, 2026:

17 (XVI) ~~The Colorado public utilities commission created in article~~
18 ~~2 of title 40;~~

19 (31) (a) The following agencies, functions, or both, are scheduled
20 for repeal on September 1, 2030:

21 (XVII) THE FUNCTIONS OF THE COLORADO PUBLIC UTILITIES
22 COMMISSION CREATED IN ARTICLE 2 OF TITLE 40 RELATED TO THE
23 TRANSPORTATION AND RAIL SECTORS.

24 (34) (a) The following agencies, functions, or both, are scheduled
25 for repeal on September 1, 2033:

26 (XIV) THE FUNCTIONS OF THE COLORADO PUBLIC UTILITIES
27 COMMISSION CREATED IN ARTICLE 2 OF TITLE 40 RELATED TO THE WATER

1 SECTOR;

2 (XV) THE FUNCTIONS OF THE COLORADO PUBLIC UTILITIES
3 COMMISSION CREATED IN ARTICLE 2 OF TITLE 40 RELATED TO THE
4 TELECOMMUNICATIONS SECTOR.

5 (36) (a) The following agencies, functions, or both, are scheduled
6 for repeal on September 1, 2035:

7 (VII) THE FUNCTIONS OF THE COLORADO PUBLIC UTILITIES
8 COMMISSION CREATED IN ARTICLE 2 OF TITLE 40 RELATED TO PIPELINE
9 SAFETY.

10 (38) (a) The following agencies, functions, or both, are scheduled
11 for repeal on September 1, 2037:

12 (II) THE FUNCTIONS OF THE COLORADO PUBLIC UTILITIES
13 COMMISSION CREATED IN ARTICLE 2 OF TITLE 40 RELATED TO THE ENERGY
14 SECTOR.

15 ***Recommendation 2***

16 **SECTION 3.** In Colorado Revised Statutes, **add** 40-6-122.5 as
17 follows:

18 **40-6-122.5. Nonpublic deliberations regarding adjudicatory**
19 **proceedings - exemption from open meetings law - requirements -**
20 **rules - definition.**

21 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
22 REQUIRES, "NONPUBLIC ADJUDICATORY PREDELIBERATION DISCUSSION" OR
23 "DISCUSSION" MEANS A NONPUBLIC PREDELIBERATION DISCUSSION HELD
24 BETWEEN ALL OF THE COMMISSIONERS REGARDING AN ADJUDICATORY
25 PROCEEDING BEFORE THE COMMISSION.

26 (2) SUBJECT TO THE REQUIREMENTS OF SUBSECTION (3) OF THIS
27 SECTION, A NONPUBLIC ADJUDICATORY PREDELIBERATION DISCUSSION IS

1 EXEMPT FROM PART 4 OF ARTICLE 6 OF TITLE 24.

2 (3) (a) THE PORTION OF AN ADJUDICATORY PROCEEDING AT WHICH
3 EVIDENCE IS OFFERED OR REBUTTED MUST BE CONDUCTED IN COMPLIANCE
4 WITH PART 4 OF ARTICLE 6 OF TITLE 24 AND OCCUR BEFORE A NONPUBLIC
5 ADJUDICATORY PREDELIBERATION DISCUSSION.

6 (b) AFTER THE CLOSE OF THE EVIDENTIARY RECORD FOR AN
7 ADJUDICATORY MATTER, ALL OF THE COMMISSIONERS, ALONG WITH ONE
8 OR MORE COMMISSION ADVISORS OR COUNSEL, MAY ENGAGE IN A
9 NONPUBLIC ADJUDICATORY PREDELIBERATION DISCUSSION IF:

10 (I) NOTICE OF THE DISCUSSION HAS FIRST BEEN PROVIDED IN THE
11 FORM AND MANNER DETERMINED BY THE COMMISSION BY RULE; AND

12 (II) THE FINAL REASONING AND ANY DETERMINATIONS OF THE
13 DISCUSSION, INCLUDING ANY DISSENTING OPINIONS, ARE SUMMARIZED IN
14 A SUBSEQUENT PUBLIC HEARING HELD IN ACCORDANCE WITH PART 4 OF
15 ARTICLE 6 OF TITLE 24, AT WHICH PUBLIC HEARING A FINAL
16 DETERMINATION MAY BE MADE ON THE RECORD.

17 (4) THE COMMISSION SHALL ADOPT RULES TO IMPLEMENT THIS
18 SECTION.

19 ***Recommendation 3***

20 **SECTION 4.** In Colorado Revised Statutes, 40-2-101, **add** (2.5)
21 as follows:

22 **40-2-101. Creation - appointment - term - rules - subject to**
23 **termination - repeal of part.**

24 (2.5) (a) IN PERFORMING ITS DUTIES PURSUANT TO THIS ARTICLE
25 40, THE COMMISSION MAY SEND COMMUNICATIONS THROUGH EMAIL.

26 (b) THE COMMISSION SHALL ADOPT RULES ESTABLISHING
27 PROTOCOLS FOR THE USE AND SECURITY OF EMAIL COMMUNICATIONS SENT

1 BY THE COMMISSION.

2 **SECTION 5.** In Colorado Revised Statutes, 40-5-106, **add** (3) as
3 follows:

4 **40-5-106. Designation for service of process.**

5 (3) A DESIGNATION FOR SERVICE OF PROCESS FILED PURSUANT TO
6 THIS SECTION MAY BE SENT ELECTRONICALLY.

7 **SECTION 6.** In Colorado Revised Statutes, 40-6-102, **amend** (1)
8 as follows:

9 **40-6-102. Service - fees - depositions - examination of**
10 **witnesses.**

11 (1) The commission, each commissioner, an administrative law
12 judge with respect to matters referred to such judge, and the director of
13 the commission ~~have power to~~ MAY issue notices, orders to satisfy or
14 answer, summonses, subpoenas, and commissions to take the deposition
15 of ~~any~~ A witness whose testimony is required in any proceeding pending
16 before the commission in like manner and to the same extent as courts of
17 record. The process issued by the commission, ~~any~~ A commissioner, an
18 administrative law judge, or the director of the commission ~~shall extend~~
19 EXTENDS to all parts of the state and beyond the boundaries ~~thereof~~ OF
20 THE STATE as may be provided by law or the Colorado rules of civil
21 procedure and may be served by ~~any~~ A person authorized to serve process
22 of courts of record, by ~~any~~ A person designated for that purpose by the
23 commission or a commissioner, or ~~by first-class mail, postage prepaid,~~ as
24 provided in section 40-6-108. The person executing any such process
25 shall receive such compensation as may be allowed by the commission,
26 not to exceed the fees now prescribed by law for similar services, and
27 such fees shall be paid in the same manner as provided for payment of the

1 fees of witnesses.

2 **SECTION 7.** In Colorado Revised Statutes, 40-6-108, **amend** (3)
3 as follows:

4 **40-6-108. Complaints - service - notice of hearing - rules.**

5 (3) (a) Service in all applications, petitions, complaints, hearings,
6 investigations, and other proceedings pending before the commission may
7 be made upon any person upon whom a summons may be served in
8 accordance with the provisions of the Colorado rules of civil procedure,
9 or may be made personally or by first-class mail. In all cases wherein
10 service is obtained by mail by the commission, the certificate of the
11 director of the commission of ~~such~~ THE mailing ~~shall be~~ IS prima facie
12 evidence that service has been obtained, and the time fixed in any order
13 or notice ~~shall commence~~ COMMENCES to run from the date of mailing as
14 shown in ~~such~~ THE certificate. The mailing of any notice or other paper
15 by any other party to a proceeding shall be evidenced by the certificate of
16 the person mailing ~~such~~ THE notice or other paper, and the time fixed in
17 any ~~such~~ notice or other paper ~~shall commence~~ COMMENCES to run from
18 the date of mailing as shown in ~~such~~ THE certificate.

19 (b) THE SERVICE DESCRIBED IN THIS SUBSECTION (3) MAY INSTEAD
20 BE MADE ELECTRONICALLY. IF THE SERVICE IS MADE ELECTRONICALLY,
21 THE ELECTRONIC CERTIFICATE OF THE DIRECTOR OF THE COMMISSION IS
22 PRIMA FACIE EVIDENCE THAT SERVICE HAS BEEN OBTAINED, AND THE TIME
23 FIXED IN AN ORDER OR NOTICE RUNS FROM THE DATE OF THE ELECTRONIC
24 COMMUNICATION AS SHOWN IN THE CERTIFICATE.

25 **SECTION 8.** In Colorado Revised Statutes, 40-7-116, **amend**
26 (1)(b) introductory portion as follows:

27 **40-7-116. Enforcement of civil penalties against carriers.**

1 (1) (b) The notice shall be tendered ~~by the enforcement official,~~
2 ~~either~~ in person, ~~or~~ by certified mail, BY EMAIL SENT BY INVESTIGATIVE
3 STAFF OF THE COMMISSION, or by personal service by a person authorized
4 to serve process under rule 4 (d) of the Colorado rules of civil procedure
5 and ~~shall~~ MUST contain:

6 **SECTION 9.** In Colorado Revised Statutes, 40-7-116.5, **amend**
7 (1)(b) introductory portion as follows:

8 **40-7-116.5. Enforcement of civil penalties against public**
9 **utilities.**

10 (1) (b) The notice shall be tendered by the director or ~~his or her~~
11 THE DIRECTOR'S designee ~~either~~ in person, ~~or~~ by certified mail OR EMAIL,
12 or by personal service by ~~any~~ A person authorized to serve process under
13 rule 4 (d) of the Colorado rules of civil procedure and ~~shall~~ MUST contain:

14 ***Recommendation 4A(1)***

15 **SECTION 10.** In Colorado Revised Statutes, 40-2-124, **amend**
16 (1)(c)(I) introductory portion; and **add** (1)(c)(XI) as follows:

17 **40-2-124. Renewable energy standards - qualifying retail and**
18 **wholesale utilities - definitions - net metering - exception - legislative**
19 **declaration - rules.**

20 (1) Each provider of retail electric service in the state of Colorado,
21 other than municipally owned utilities that serve forty thousand customers
22 or fewer, is a qualifying retail utility. Each qualifying retail utility, with
23 the exception of cooperative electric associations that have voted to
24 exempt themselves from commission jurisdiction pursuant to section
25 40-9.5-104 and municipally owned utilities, is subject to the rules
26 established under this article 2 by the commission. No additional
27 regulatory authority is provided to the commission other than that

1 specifically contained in this section. In accordance with article 4 of title
2 24, the commission shall revise or clarify existing rules to establish the
3 following:

4 (c) Electric resource standards:

5 (I) Except as provided in ~~subparagraph (V) of this paragraph (c)~~
6 SUBSECTIONS (1)(c)(V) AND (1)(c)(XI) OF THIS SECTION, the electric
7 resource standards ~~shall~~ MUST require each qualifying retail utility to
8 generate, or cause to be generated, electricity from eligible energy
9 resources in the following minimum amounts:

10 (XI) (A) ON AND AFTER JANUARY 1, 2027, A QUALIFYING RETAIL
11 UTILITY WITH A CLEAN ENERGY PLAN, AS DEFINED IN SECTION 40-2-125.5
12 (2)(a), THAT HAS BEEN APPROVED BY THE COMMISSION AND THAT
13 DEMONSTRATES THE QUALIFYING RETAIL UTILITY'S COMPLIANCE WITH THE
14 STATE'S CLEAN ENERGY TARGETS, AS VERIFIED BY THE DIVISION OF
15 ADMINISTRATION PURSUANT TO SECTION 25-7-105 (1)(e)(VII), MAY
16 NOTIFY THE COMMISSION OF ITS COMPLIANCE AND THAT THE QUALIFYING
17 RETAIL UTILITY IS OPTING OUT OF THE ELECTRIC RESOURCE STANDARD
18 REQUIREMENTS DESCRIBED IN SUBSECTION (1)(c)(I) OF THIS SECTION.

19 (B) A QUALIFYING RETAIL UTILITY THAT OPTS OUT OF THE
20 ELECTRIC RESOURCE STANDARD REQUIREMENTS PURSUANT TO
21 SUBSECTION (1)(c)(XI)(A) OF THIS SECTION IS STILL REQUIRED TO FILE
22 APPLICATIONS WITH THE COMMISSION TO SUPPORT RETAIL DISTRIBUTED
23 GENERATION AND STORAGE PROGRAMS IN ACCORDANCE WITH
24 SUBSECTIONS (1)(e) AND (1)(j) OF THIS SECTION AND TO SUBMIT AN
25 ANNUAL REPORT TO THE COMMISSION REGARDING THOSE RETAIL
26 DISTRIBUTED GENERATION AND STORAGE PROGRAMS IN ACCORDANCE
27 WITH SUBSECTION (1)(h) OF THIS SECTION.

Recommendation 4A(2)

SECTION 11. In Colorado Revised Statutes, 40-2-124, **amend**
(1)(g)(I)(A) as follows:

**40-2-124. Renewable energy standards - qualifying retail and
wholesale utilities - definitions - net metering - legislative declaration
- rules.**

(1) Each provider of retail electric service in the state of Colorado,
other than municipally owned utilities that serve forty thousand customers
or fewer, is a qualifying retail utility. Each qualifying retail utility, with
the exception of cooperative electric associations that have voted to
exempt themselves from commission jurisdiction pursuant to section
40-9.5-104 and municipally owned utilities, is subject to the rules
established under this article 2 by the commission. No additional
regulatory authority is provided to the commission other than that
specifically contained in this section. In accordance with article 4 of title
24, the commission shall revise or clarify existing rules to establish the
following:

(g) Retail rate impact rule:

(I) (A) Except as otherwise provided in ~~subparagraph (IV) of this
paragraph (g)~~ SUBSECTION (1)(g)(IV) OF THIS SECTION, for each
qualifying RETAIL utility, the commission shall establish a maximum retail
rate impact for this section for compliance with the electric resource
standards of two percent of the total electric bill annually for each
customer. ~~The retail rate impact shall be determined net of new
alternative sources of electricity supply from noneligible energy resources
that are reasonably available at the time of the determination.~~

Recommendation 4A(3)

1 **SECTION 12.** In Colorado Revised Statutes, 40-2-124, **amend**
2 (1)(c)(I) introductory portion, (1)(c)(I)(E), and (1)(c)(II)(A) as follows:

3 **40-2-124. Renewable energy standards - qualifying retail and**
4 **wholesale utilities - definitions - net metering - legislative declaration**
5 **- rules.**

6 (1) Each provider of retail electric service in the state of Colorado,
7 other than municipally owned utilities that serve forty thousand customers
8 or fewer, is a qualifying retail utility. Each qualifying retail utility, with
9 the exception of cooperative electric associations that have voted to
10 exempt themselves from commission jurisdiction pursuant to section
11 40-9.5-104 and municipally owned utilities, is subject to the rules
12 established under this article 2 by the commission. No additional
13 regulatory authority is provided to the commission other than that
14 specifically contained in this section. In accordance with article 4 of title
15 24, the commission shall revise or clarify existing rules to establish the
16 following:

17 (c) Electric resource standards:

18 (I) Except as provided in ~~subparagraph (V) of this paragraph (c)~~
19 SUBSECTION (1)(c)(V) OF THIS SECTION, the electric resource standards
20 shall require each qualifying retail utility to generate, or cause to be
21 generated, electricity from eligible energy resources in the following
22 minimum amounts:

23 (E) Thirty percent of its retail electricity sales in Colorado for the
24 years 2020 and thereafter. ~~with distributed generation equaling at least~~
25 ~~three percent of its retail electricity sales.~~

26 (II) (A) Of the amounts of distributed generation in
27 ~~sub-subparagraphs (C), (D), and (E) of subparagraph (I),~~

1 ~~sub-subparagraph (D) of subparagraph (V), and subparagraph (V.5) of~~
2 ~~this paragraph (c)~~ SUBSECTIONS (1)(c)(I)(C), (1)(c)(I)(D), (1)(c)(V)(D),
3 AND (1)(c)(V.5) OF THIS SECTION, at least one-half must be derived from
4 retail distributed generation; except that this ~~sub-subparagraph (A)~~
5 SUBSECTION (1)(c)(II)(A) does not apply to a qualifying retail utility that
6 is a municipal utility.

7 ***Recommendation 4A(4)***

8 **SECTION 13.** In Colorado Revised Statutes, 40-2-124, **amend**
9 (4) introductory portion and (5.5) as follows:

10 **40-2-124. Renewable energy standards - qualifying retail and**
11 **wholesale utilities - definitions - net metering - legislative declaration**
12 **- rules.**

13 (4) EXCEPT FOR A MUNICIPAL UTILITY THAT IS IN COMPLIANCE
14 WITH A CLEAN ENERGY PLAN THAT IS APPROVED BY THE COMMISSION
15 PURSUANT TO SECTION 40-2-125.5 (5)(g), for ~~municipal utilities that~~
16 ~~become qualifying retail utilities~~ A MUNICIPAL UTILITY THAT BECOMES A
17 QUALIFYING RETAIL UTILITY after December 31, 2006, the percentage
18 requirements identified in ~~subparagraph (V) of paragraph (c) of~~
19 ~~subsection (1)~~ SUBSECTION (1)(c)(V) of this section shall begin in the first
20 calendar year following qualification as follows:

21 (5.5) EXCEPT FOR A COOPERATIVE ELECTRIC ASSOCIATION THAT IS
22 IN COMPLIANCE WITH A CLEAN ENERGY PLAN THAT IS APPROVED BY THE
23 COMMISSION PURSUANT TO SECTION 40-2-125.5 (5)(g), each cooperative
24 electric association that is a qualifying retail utility shall submit an annual
25 compliance report to the commission no later than June 1 of each year in
26 which the cooperative electric association is subject to the renewable
27 energy standard requirements established in this section. The annual

1 compliance report ~~shall~~ MUST describe the steps taken by the cooperative
2 electric association to comply with the renewable energy standards and
3 shall include the same information set forth in the rules of the commission
4 for jurisdictional utilities. Cooperative electric associations ~~shall~~ ARE not
5 ~~be~~ subject to any part of the compliance report review process as provided
6 in the rules for jurisdictional utilities. Cooperative electric associations
7 ~~shall~~ ARE not ~~be~~ required to obtain commission approval of annual
8 compliance reports, and no additional regulatory authority of the
9 commission other than that specifically contained in this subsection (5.5)
10 is created or implied by this subsection (5.5).

11 ***Recommendation 4B***

12 **SECTION 14.** In Colorado Revised Statutes, **add** 40-2-140 as
13 follows:

14 **40-2-140. Joint resource procurement study - report -**
15 **definition - legislative declaration - repeal.**

16 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

17 (a) AS WITH MOST INDUSTRIES, PURCHASING POWER AND
18 ECONOMIES OF SCALE PLAY AN IMPORTANT ROLE IN THE ELECTRIC SECTOR.
19 LARGER UTILITIES ATTRACT MORE PARTICIPATION FROM GENERATION AND
20 TRANSMISSION PROJECT DEVELOPERS, AND LARGER PROJECTS OFTEN COST
21 LESS ON A PER-UNIT BASIS. THIS DYNAMIC LEADS TO LARGER UTILITIES
22 HAVING ACCESS TO MORE COMPETITIVELY PRICED PROJECTS WHEN
23 PROCURING NEW ENERGY RESOURCES THAN THEIR SMALLER UTILITY
24 COUNTERPARTS.

25 (b) RATEPAYERS OF SMALLER ELECTRIC UTILITIES WOULD LIKELY
26 BENEFIT FROM A SYSTEM THAT REDUCES THE BARRIERS TO
27 CO-DEVELOPMENT OF ENERGY PROJECTS AS A MEANS TO PROVIDE THE

1 SMALLER ELECTRIC UTILITIES WITH ACCESS TO BETTER FINANCING
2 OPTIONS, BETTER ECONOMIES OF SCALE, AND MORE COMPETITIVE PRICING
3 IN ENERGY PROJECT PROCUREMENT;

4 (c) THESE MATTERS ARE FURTHER COMPLICATED BY COMPETING
5 FORMS OF GENERATION, AS WELL AS THE EXISTENCE OF ORGANIZED
6 WHOLESALE MARKETS;

7 (d) AS ELECTRIC RATES CONTINUE TO RISE, IT IS REASONABLE TO
8 EXPLORE ALL OPTIONS FOR CONTAINING COSTS; AND

9 (e) THEREFORE, THE COMMISSION SHOULD CONDUCT A STUDY TO
10 IDENTIFY BARRIERS TO JOINT ENERGY RESOURCE PROCUREMENT
11 ENCOUNTERED BY ELECTRIC UTILITIES.

12 (2) AS USED IN THIS SECTION, "COLORADO ENERGY OFFICE" MEANS
13 THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

14 (3) (a) AS SOON AS PRACTICABLE, THE COMMISSION SHALL
15 CONDUCT A STUDY REGARDING BARRIERS THAT ELECTRIC UTILITIES FACE
16 IN JOINTLY PROCURING ENERGY RESOURCES IN THE STATE, WHICH STUDY
17 MUST:

18 (I) IDENTIFY BARRIERS TO JOINT PROCUREMENT OF ADVANCED
19 TECHNOLOGY GENERATION, WIND GENERATION, SOLAR GENERATION,
20 CONVENTIONAL OR INNOVATIVE STORAGE, AND TRANSMISSION
21 RESOURCES;

22 (II) IDENTIFY WHETHER AND HOW BARRIERS MAY VARY BETWEEN
23 UTILITIES REGULATED BY THE COMMISSION, COOPERATIVE ELECTRIC
24 ASSOCIATIONS THAT HAVE VOTED TO EXEMPT THEMSELVES FROM
25 COMMISSION JURISDICTION, AND MUNICIPALLY OWNED UTILITIES THAT ARE
26 NOT SUBJECT TO COMMISSION REGULATION AND PROPOSE SOLUTIONS TO
27 REDUCE ANY SUCH BARRIERS; AND

1 (III) EXAMINE WHETHER AND HOW PARTICIPATION IN AN
2 ORGANIZED WHOLESALE MARKET CREATES, INCREASES, OR REDUCES
3 BARRIERS TO JOINT RESOURCE PROCUREMENT.

4 (b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE
5 OF THIS SECTION, THE COMMISSION SHALL SUBMIT TO THE GENERAL
6 ASSEMBLY A FINAL REPORT DESCRIBING THE STUDY'S FINDINGS AND ANY
7 RECOMMENDATIONS.

8 (4) IN CONDUCTING THE STUDY PURSUANT TO SUBSECTION (3) OF
9 THIS SECTION, THE COMMISSION:

10 (a) SHALL CONSULT WITH THE COLORADO ENERGY OFFICE; AND

11 (b) MAY CONTRACT WITH A THIRD PARTY.

12 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.

13 ***Recommendation 4C***

14 **SECTION 15.** In Colorado Revised Statutes, 40-2-123, **add** (6)
15 as follows:

16 **40-2-123. Energy technologies - consideration by commission**
17 **- incentives - demonstration projects - commission may require**
18 **specific customer-facing programs - legislative declaration -**
19 **definitions.**

20 (6) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

21 (I) SINCE 2007, COLORADO HAS ENACTED SEVERAL STATUTES
22 THAT DIRECT COMMISSION-REGULATED UTILITIES TO IMPLEMENT
23 CUSTOMER-FACING PROGRAMS AIMED AT REDUCING ENERGY BILLS,
24 REDUCING ENERGY CONSUMPTION, OR SUPPORTING THE TRANSITION TO
25 LOWER- OR ZERO-CARBON-EMITTING TECHNOLOGIES;

26 (II) SUCH CUSTOMER-FACING PROGRAMS INCLUDE DEMAND-SIDE
27 MANAGEMENT, BENEFICIAL ELECTRIFICATION, CLEAN HEAT PLANS, AND

1 TRANSPORTATION ELECTRIFICATION;

2 (III) FOR MANY OF THESE PROGRAMS, UTILITIES MAY LACK A
3 NATURAL INCENTIVE TO TAKE CERTAIN ACTIONS OR IMPLEMENT THESE
4 PROGRAMS EFFECTIVELY. ADDITIONALLY, DUE TO STAFFING OR
5 ECONOMIES OF SCALE, SMALLER UTILITIES MAY LACK THE ABILITY TO
6 OPERATE SUCH PROGRAMS AT A REASONABLE COST TO RATEPAYERS.

7 (IV) CERTAIN RATEPAYER AFFORDABILITY PROGRAMS ARE
8 IMPLEMENTED BY A THIRD PARTY THAT WAS NOT SELECTED THROUGH A
9 COMPETITIVE PROCESS, AND THERE IS LIMITED OVERSIGHT OF THE THIRD
10 PARTY'S USE OF RATEPAYER DOLLARS;

11 (V) ESTABLISHED STATE ENTERPRISES, SUCH AS THE BUILDING
12 DECARBONIZATION ENTERPRISE CREATED IN SECTION 24-38.5-125, MAY
13 PROVIDE AN ALTERNATIVE OPTION FOR ADMINISTERING COMPETITIVE
14 SOLICITATIONS FOR THIRD-PARTY PROGRAM ADMINISTRATION; AND

15 (VI) THEREFORE, THE COMMISSION SHOULD BE AUTHORIZED TO
16 REQUIRE COMMISSION-REGULATED UTILITIES TO ENGAGE ONE OR MORE
17 THIRD PARTIES TO ADMINISTER SPECIFIC CUSTOMER-FACING PROGRAMS IF
18 THE COMMISSION DEEMS THE USE OF ONE OR MORE THIRD PARTIES
19 PRUDENT AND IN THE BEST INTEREST OF RATEPAYERS. IN ADDITION, THE
20 COMMISSION SHOULD BE AUTHORIZED TO REQUIRE THE USE OF A
21 COMPETITIVE BIDDING PROCESS TO PROCURE THE SERVICES OF A
22 THIRD-PARTY ADMINISTRATOR.

23 (b) IN AN ADJUDICATORY PROCEEDING, THE COMMISSION MAY
24 REQUIRE A COMMISSION-REGULATED UTILITY TO ENGAGE ONE OR MORE
25 THIRD PARTIES TO ADMINISTER SPECIFIC CUSTOMER-FACING PROGRAMS IF
26 THE COMMISSION DEEMS THE USE OF ONE OR MORE THIRD PARTIES
27 PRUDENT AND IN THE BEST INTEREST OF RATEPAYERS. THE COMMISSION

1 MAY REQUIRE A COMPETITIVE BIDDING PROCESS TO PROCURE THE
2 SERVICES OF A THIRD-PARTY ADMINISTRATOR.

3 (c) AS USED IN THIS SUBSECTION (6), "CUSTOMER-FACING
4 PROGRAM" MEANS A PROGRAM AIMED AT REDUCING ENERGY BILLS,
5 REDUCING ENERGY CONSUMPTION, OR SUPPORTING THE TRANSITION TO
6 LOWER- OR ZERO-CARBON-EMITTING TECHNOLOGIES.

7 ***Recommendation 4D***

8 **SECTION 16.** In Colorado Revised Statutes, 29-20-108, **add**
9 (5)(b.5) as follows:

10 **29-20-108. Local government regulation - location,**
11 **construction, or improvement of major electrical or natural gas**
12 **facilities - powerline trail notification - appeals process - expedited**
13 **review for certain transmission line projects - legislative declaration**
14 **- definitions.**

15 (5) (b.5) (I) NOTWITHSTANDING THE CONDITIONS SET FORTH IN
16 SUBSECTIONS (5)(a)(I) TO (5)(a)(III) OF THIS SECTION, A MUNICIPALLY
17 OWNED UTILITY, A COOPERATIVE ELECTRIC ASSOCIATION, AN
18 INDEPENDENT TRANSMISSION DEVELOPER, OR AN INDEPENDENT POWER
19 PRODUCER MAY APPEAL TO THE PUBLIC UTILITIES COMMISSION PURSUANT
20 TO THE PROCESS SET FORTH IN THIS SUBSECTION (5) A LOCAL
21 GOVERNMENT'S DENIAL OF A PERMIT OR AN APPLICATION THAT RELATES
22 TO THE LOCATION, CONSTRUCTION, OR IMPROVEMENT OF MAJOR
23 ELECTRICAL OR NATURAL GAS FACILITIES OWNED OR OPERATED BY THE
24 MUNICIPALLY OWNED UTILITY, COOPERATIVE ELECTRIC ASSOCIATION,
25 INDEPENDENT TRANSMISSION DEVELOPER, OR INDEPENDENT POWER
26 PRODUCER.

27 (II) ONLY TO THE EXTENT NECESSARY TO ADJUDICATE AN APPEAL

1 FILED PURSUANT TO THIS SUBSECTION (5)(b.5), THE PUBLIC UTILITIES
2 COMMISSION'S HEARING AND APPEALS PROCEDURES SET FORTH IN ARTICLE
3 6 OF TITLE 40 AND IN THE PUBLIC UTILITIES COMMISSION'S RULES
4 IMPLEMENTING ARTICLE 6 OF TITLE 40 APPLY TO A MUNICIPALLY OWNED
5 UTILITY, A COOPERATIVE ELECTRIC ASSOCIATION, AN INDEPENDENT
6 TRANSMISSION DEVELOPER, OR AN INDEPENDENT POWER PRODUCER THAT
7 HAS AVAILED ITSELF OF THE PUBLIC UTILITIES COMMISSION'S PROCEDURES
8 BY FILING AN APPEAL PURSUANT TO THIS SUBSECTION (5)(b.5).

9 (III) NOTHING IN THIS SUBSECTION (5)(b.5) SUBJECTS A
10 MUNICIPALLY OWNED UTILITY, A COOPERATIVE ELECTRIC ASSOCIATION,
11 AN INDEPENDENT TRANSMISSION DEVELOPER, OR AN INDEPENDENT POWER
12 PRODUCER TO REGULATION BY THE PUBLIC UTILITIES COMMISSION BEYOND
13 THE APPLICATION OF THE PUBLIC UTILITIES COMMISSION'S HEARING AND
14 APPEALS PROCEDURES TO WHICH A MUNICIPALLY OWNED UTILITY, A
15 COOPERATIVE ELECTRIC ASSOCIATION, AN INDEPENDENT TRANSMISSION
16 DEVELOPER, OR AN INDEPENDENT POWER PRODUCER AVAILS ITSELF BY
17 FILING AN APPEAL PURSUANT TO THIS SUBSECTION (5)(b.5).

18 ***Recommendation 5***

19 **SECTION 17.** In Colorado Revised Statutes, 40-41-102, **amend**
20 (7)(a), (12), and (18) as follows:

21 **40-41-102. Definitions.**

22 As used in this article 41, unless the context otherwise requires:

23 (7) (a) "CO-EI costs" means

24 ~~(f)(A) At the option of and upon petition by an electric utility, and~~
25 ~~as approved by the commission, any of the pretax costs that the electric~~
26 ~~utility has incurred or will incur that are caused by, associated with, or~~
27 ~~remain as a result of the retirement of an electric generating facility~~

1 located in the state.

2 ~~(B) As used in this subsection (7), "pretax costs", if approved by~~
3 ~~the commission, include, but are not limited to, the unrecovered~~
4 ~~capitalized cost of a retired electric generating facility, costs of~~
5 ~~decommissioning and restoring the site of the electric generating facility,~~
6 ~~and other applicable~~ ANY PRETAX COSTS APPROVED BY THE COMMISSION,
7 INCLUDING capital and operating costs, accrued carrying charges, deferred
8 expenses, reductions for applicable insurance and salvage proceeds,
9 AMOUNTS FOR ASSISTANCE TO AFFECTED WORKERS AND COMMUNITIES,
10 and the costs of retiring any existing indebtedness, fees, costs, and
11 expenses to modify existing debt agreements or for waivers or consents
12 related to existing debt agreements.

13 ~~(H) Amounts for assistance to affected workers and communities~~
14 ~~if approved by the commission;~~

15 ~~(HH) Pretax costs that an electric utility has previously incurred~~
16 ~~related to the commission-approved closure of an electric generating~~
17 ~~facility occurring before May 30, 2019; and~~

18 ~~(IV) As approved by the commission, any of the pretax costs~~
19 ~~associated with the implementation of an approved program or project to~~
20 ~~mitigate the effects of extreme weather, wildfires, climate change, or~~
21 ~~other hazards, including but not limited to the costs associated with an~~
22 ~~electric utility's wildfire mitigation plan that has been approved by the~~
23 ~~commission.~~

24 (12) "Electric utility" means an entity operating for the purpose of
25 supplying electricity to the public for domestic, mechanical, or public
26 uses and includes an investor-owned electric utility subject to regulation
27 under articles 1 to 7 of this title 40, a municipally owned utility, and a

1 cooperative electric association.

2 (18) "Successor" means, with respect to any legal entity, another
3 legal entity that succeeds by operation of law to the rights and obligations
4 of the first legal entity pursuant to any bankruptcy, reorganization,
5 restructuring, other insolvency proceeding, merger, acquisition,
6 consolidation, or sale or transfer of assets, whether any of these occur due
7 to a restructuring of the electric power industry or otherwise. ~~Solely for
8 the purpose of implementing this article 41, "successor" does not include
9 any municipally owned electric utility established and providing retail
10 electric service before the date on which CO-EI bonds are issued pursuant
11 to a financing order relating to electric generating facilities that serve or
12 previously served the service area of the municipally owned electric
13 utility.~~

14 **SECTION 18.** In Colorado Revised Statutes, 40-41-103, **amend**
15 (1) and (2)(c); and **repeal** (2)(a) and (2)(b) as follows:

16 **40-41-103. Financing orders - application requirements.**

17 (1) THE COMMISSION MAY DIRECT AN ELECTRIC UTILITY TO FILE AN
18 APPLICATION FOR A FINANCING ORDER WITH THE COMMISSION. An electric
19 utility ~~in its sole discretion~~, may ALSO apply to the commission for a
20 financing order as authorized by this section.

21 (2) (a) ~~An investor-owned or other regulated electric utility may
22 file an application for approval to issue CO-EI bonds in one or more
23 series, impose, charge, and collect CO-EI charges, and create CO-EI
24 property related to:~~

25 ~~(I) The retirement of an electric generating facility in Colorado
26 that has previously been approved by the commission; or~~

27 ~~(II) Other programs or projects as approved by the commission;~~

1 including programs or projects to mitigate the effects of extreme weather,
2 wildfires, climate change, or other hazards.

3 (b) ~~An electric utility that is not regulated may file an application~~
4 ~~for approval to issue CO-EI bonds in one or more series, impose, charge,~~
5 ~~and collect CO-EI charges, and create CO-EI property related to:~~

6 ~~(I) The retirement of an electric generating facility in Colorado;~~
7 ~~or~~

8 ~~(II) Other programs or projects as approved by the commission,~~
9 ~~including programs or projects to mitigate the effects of extreme weather,~~
10 ~~wildfires, climate change, or other hazards.~~

11 (c) The commission shall take final action to approve, deny, or
12 modify any application for a financing order ~~as described in subsection~~
13 ~~(2)(a) or (2)(b) of this section~~ in a final order issued in accordance with
14 the commission's rules for addressing applications.

15 **SECTION 19.** In Colorado Revised Statutes, 40-41-104, **amend**
16 (1) introductory portion, (1)(a), (2)(a), (2)(i), and (2)(l) as follows:

17 **40-41-104. Issuance of financing orders.**

18 (1) Following notice and A hearing on an application for a
19 financing order as required by the commission's ~~rules, practice, and~~
20 ~~procedure~~ RULES OF PRACTICE AND PROCEDURE, the commission may
21 issue a financing order if the commission finds that:

22 (a) The CO-EI costs ~~described in the application related to the~~
23 ~~retirement of the electric generating facilities~~ are reasonable AND IN THE
24 INTEREST OF RATEPAYERS;

25 (2) The financing order must:

26 (a) Determine the maximum amount of CO-EI costs ~~that may~~ TO
27 be financed from proceeds of CO-EI bonds authorized to be issued by the

1 financing order;

2 (i) Authorize the applicant electric utility to finance CO-EI costs
3 through the issuance of one or more series of CO-EI bonds. ~~An electric~~
4 ~~utility is not required to secure a separate financing order for each~~
5 ~~issuance of CO-EI bonds or for each scheduled phase of the previously~~
6 ~~approved retirement of electric generating facilities approved in the~~
7 ~~financing order.~~

8 (l) Specify the timing of actions required by the order, including:

9 (I) The timing of issuance of the CO-EI bonds; ~~independent of the~~
10 ~~schedule of retirement of the electric generating facility;~~

11 (II) The energy assistance funds, if included in the bond issue,
12 may be transferred to a third-party entity designated by the commission
13 to administer transition assistance on behalf of displaced workers and
14 affected communities; ~~no later than the date on which the electric~~
15 ~~generating facility ceases operation;~~ and

16 (III) The applicant electric utility files to reduce its rates as
17 required in subsection (4) of this section simultaneously with the
18 inception of the CO-EI charges; ~~and independently of the schedule of~~
19 ~~closing and decommissioning of the electric generating facility;~~ and

20 **SECTION 20.** In Colorado Revised Statutes, 40-41-105, **amend**
21 (4) introductory portion as follows:

22 **40-41-105. Effect of financing order.**

23 (4) Notwithstanding subsection (3) of this section, ~~upon the~~
24 ~~request of an electric utility or at the request of parties in the commission~~
25 ~~proceeding,~~ the commission may commence a proceeding and issue a
26 subsequent financing order that provides for refinancing, retiring, or
27 refunding CO-EI bonds issued pursuant to the original financing order if:

1 **SECTION 21.** In Colorado Revised Statutes, 40-41-106, **amend**
2 (3) as follows:

3 **40-41-106. Effect on commission jurisdiction - rules.**

4 (3) UNLESS A FINANCING ORDER REQUIRES THE RECOVERY OF
5 COSTS ASSOCIATED WITH THE RETIREMENT OF AN ELECTRIC GENERATION
6 FACILITY TO BE FINANCED THROUGH CO-EI BONDS, the commission ~~may~~
7 SHALL not refuse to allow the recovery of any costs associated with the
8 retirement of electric generating facilities by an electric utility solely
9 because the electric utility has elected to recover those costs through
10 traditional rate-making methods or to finance those activities through a
11 financing mechanism other than CO-EI bonds, whether or not a financing
12 order with respect to such costs has been applied for by the utility or
13 issued by the commission.

14 **SECTION 22.** In Colorado Revised Statutes, 40-41-109, **amend**
15 (1)(c) as follows:

16 **40-41-109. Electric utilities - duties - rate impact notice to**
17 **customers.**

18 (1) The electric bills of an electric utility that has obtained a
19 financing order and caused CO-EI bonds to be issued:

20 (c) Must explain to customers in an annual filing with the
21 commission the rate impact that ~~financing the retirement of electric~~
22 ~~generating facilities~~ THE FINANCING ORDER will have on customer rates.

23 ***Recommendation 6***

24 **SECTION 23.** In Colorado Revised Statutes, **add** 40-8.7-113 as
25 follows:

26 **40-8.7-113. Responsibilities of the public utilities commission**
27 **- study - rules.**

1 (1) THE COMMISSION SHALL ADOPT RULES REGARDING THE
2 IMPLEMENTATION OF INCOME-QUALIFIED ENERGY ASSISTANCE PROGRAMS
3 PROVIDED BY INVESTOR-OWNED GAS AND ELECTRIC UTILITIES. THE RULES
4 MUST ESTABLISH A STANDARD PROCESS FOR:

5 (a) HOW INVESTOR-OWNED GAS AND ELECTRIC UTILITIES
6 IMPLEMENT INCOME-QUALIFIED ENERGY ASSISTANCE PROGRAMS;

7 (b) CUSTOMER ACCESS TO INCOME-QUALIFIED ENERGY
8 ASSISTANCE PROGRAMS, INCLUDING STANDARDIZING THE APPLICATION
9 PROCESS, ELIGIBILITY REQUIREMENTS, AND TIMELINES FOR ENROLLMENT;
10 AND

11 (c) HOW INCOME-QUALIFIED ENERGY ASSISTANCE PROGRAMS
12 ACCOUNT FOR:

13 (I) THE LOW-INCOME ENERGY ASSISTANCE PROGRAM CREATED IN
14 SECTION 40-8.7-104 (1);

15 (II) THE COLORADO ENERGY OFFICE'S WEATHERIZATION
16 ASSISTANCE PROGRAM;

17 (III) THE ENERGY ASSISTANCE PROGRAM IMPLEMENTED BY THE
18 ORGANIZATION; AND

19 (IV) THE FUEL ASSISTANCE PAYMENTS PROGRAM IMPLEMENTED BY
20 THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-2-307.

21 (2) AS SOON AS PRACTICABLE, THE COMMISSION SHALL CONDUCT
22 A STUDY REGARDING LOW-INCOME ENERGY ASSISTANCE PROGRAMS
23 OFFERED BY UTILITIES IN THE STATE. THE PURPOSE OF THE STUDY IS TO
24 DETERMINE WHETHER ACCESS TO AND EQUITY IN LOW-INCOME ENERGY
25 ASSISTANCE FUNDING CAN BE IMPROVED.

26 ***Recommendation 7***

27 **SECTION 24.** In Colorado Revised Statutes, 40-10.1-605, **add**

1 (11) and (12) as follows:

2 **40-10.1-605. Operational requirements - driver impersonation**
3 **- misdemeanor - rules.**

4 (11) (a) AN INDIVIDUAL SHALL NOT IMPERSONATE A DRIVER OR
5 ENGAGE IN AN ACT THAT FALSELY REPRESENTS THAT THE INDIVIDUAL IS
6 REPRESENTING A TRANSPORTATION NETWORK COMPANY OR IS
7 RESPONDING TO A RIDER'S REQUEST FOR TRANSPORTATION NETWORK
8 COMPANY SERVICES.

9 (b) AN INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A CLASS
10 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
11 18-1.3-501 (1)(a.5); EXCEPT THAT AN INDIVIDUAL WHO COMMITS A
12 VIOLATION OF THIS SECTION DURING THE COMMISSION OF A FELONY
13 OFFENSE COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
14 PROVIDED IN SECTION 18-1.3-401 (1)(a)(V.5).

15 (c) NOTHING IN THIS SUBSECTION (11) PRECLUDES THE
16 PROSECUTION OF CONDUCT FORMING THE BASIS OF A VIOLATION OF THIS
17 SUBSECTION (11) UNDER THE CRIMINAL IMPERSONATION STATUTE,
18 SECTION 18-5-113, OR ANY OTHER RELEVANT CRIMINAL STATUTE.

19 (12) (a) A TRANSPORTATION NETWORK COMPANY SHALL CONDUCT
20 PERIODIC CHECKS UTILIZING FACIAL RECOGNITION SOFTWARE TO PREVENT
21 DRIVER IMPERSONATION IN ACCORDANCE WITH RULES ADOPTED BY THE
22 COMMISSION PURSUANT TO SUBSECTION (12)(b) OF THIS SECTION.

23 (b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE
24 OF THIS SUBSECTION (12), THE COMMISSION SHALL ADOPT RULES
25 ESTABLISHING REQUIREMENTS AND PROCEDURES FOR PERIODIC CHECKS
26 UTILIZING FACIAL RECOGNITION SOFTWARE TO PREVENT DRIVER
27 IMPERSONATION PROHIBITED PURSUANT TO SUBSECTION (11)(a) OF THIS

1 SECTION.

2 ***Recommendation 8***

3 **SECTION 25.** In Colorado Revised Statutes, 40-10.1-609, **add**
4 (3) as follows:

5 **40-10.1-609. Reporting requirements - report - rules.**

6 (3) (a) ON AN ANNUAL BASIS, A TRANSPORTATION NETWORK
7 COMPANY SHALL SUBMIT A REPORT TO THE COMMISSION, REDACTED TO
8 PROTECT PERSONAL IDENTIFYING INFORMATION OF DRIVERS AND RIDERS,
9 THAT CONTAINS ALL SAFETY-RELATED INCIDENT REPORTS MADE TO OR
10 CREATED BY THE TRANSPORTATION NETWORK COMPANY IN THE
11 PRECEDING CALENDAR YEAR. THE COMMISSION SHALL DETERMINE THE
12 DEADLINE FOR THE ANNUAL REPORTS BY RULE.

13 (b) THE COMMISSION SHALL MAKE THE REPORTS SUBMITTED
14 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION AVAILABLE TO THE
15 PUBLIC.

16 ***Recommendation 9***

17 **SECTION 26.** In Colorado Revised Statutes, 40-10.1-605,
18 **amend** (9) as follows:

19 **40-10.1-605. Operational requirements - rules.**

20 (9) A driver shall immediately report to the transportation network
21 company any refusal to transport a passenger pursuant to ~~paragraph (a) of~~
22 ~~subsection (6)~~ SUBSECTION (6) of this section, and the transportation
23 network company shall ANONYMIZE AND annually report all ~~such~~ refusals
24 to the commission in a form and manner determined by the commission.
25 THE COMMISSION SHALL MAKE THE ANONYMIZED REPORTS AVAILABLE TO
26 THE PUBLIC.

27 ***Recommendation 10***

1 **SECTION 27.** In Colorado Revised Statutes, 40-10.1-605,
2 **amend** (7) as follows:

3 **40-10.1-605. Operational requirements - rules.**

4 ~~(7) (a) A transportation network company is not liable for a~~
5 ~~driver's violation of subsection (6) of this section unless the driver's~~
6 ~~violation has been previously reported to the transportation network~~
7 ~~company in writing, and the transportation network company has failed~~
8 ~~to reasonably address the alleged violation. The commission shall afford~~
9 ~~a transportation network company the same due process rights afforded~~
10 ~~transportation providers in defending against civil penalties assessed by~~
11 ~~the commission.~~

12 ~~(b) The commission may assess a civil penalty IN AN AMOUNT up~~
13 ~~to five hundred fifty ONE THOUSAND ONE HUNDRED dollars under this~~
14 ~~subsection (7) FOR A DRIVER'S VIOLATION OF SUBSECTION (6) OF THIS~~
15 ~~SECTION.~~

16 ***Recommendation 11***

17 **SECTION 28.** In Colorado Revised Statutes, 40-10.1-605, **add**
18 (13) as follows:

19 **40-10.1-605. Operational requirements - rules.**

20 (13) (a) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE
21 INFORMATION ABOUT THE COMMISSION TO A RIDER IN ACCORDANCE WITH
22 RULES ADOPTED BY THE COMMISSION PURSUANT TO SUBSECTION (13)(b)
23 OF THIS SECTION.

24 (b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE
25 OF THIS SUBSECTION (13), THE COMMISSION SHALL ADOPT RULES
26 ESTABLISHING REQUIREMENTS AND PROCEDURES FOR A TRANSPORTATION
27 NETWORK COMPANY TO PROVIDE INFORMATION ABOUT THE COMMISSION,

1 INCLUDING CONTACT INFORMATION FOR THE COMMISSION, TO A RIDER
2 PURSUANT TO SUBSECTION (13)(a) OF THIS SECTION.

3 ***Recommendation 12***

4 **SECTION 29.** In Colorado Revised Statutes, 40-10.1-110,
5 **amend** (1)(a) as follows:

6 **40-10.1-110. Record check - rules.**

7 (1) (a) An individual who wishes to ~~drive:~~ drive a ~~taxicab~~ MOTOR
8 VEHICLE for a motor carrier that is the holder of a certificate ~~issued to~~
9 ~~provide taxicab service~~ OR A CONTRACT CARRIER PERMIT ISSUED under
10 part 2 of this article 10.1; a motor vehicle for a motor carrier that is the
11 holder of a permit to operate as a charter bus, children's activity bus,
12 luxury limousine, or off-road scenic charter under part 3 of this article
13 10.1; or a motor vehicle for a motor carrier that is the holder of a permit
14 to operate as a large-market taxicab service under part 7 of this article
15 10.1 ~~must~~ SHALL have the individual's fingerprints taken by a local law
16 enforcement agency or ~~any~~ A third party approved by the Colorado bureau
17 of investigation for the purpose of obtaining a fingerprint-based criminal
18 history record check.

19 ***Recommendation 13***

20 **SECTION 30.** In Colorado Revised Statutes, **add** 40-10.1-119 as
21 follows:

22 **40-10.1-119. Market study and report - common and contract**
23 **carriers - definition - repeal.**

24 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES, "STUDY" MEANS THE STUDY REQUIRED BY THIS SECTION.

26 (2) THE COMMISSION SHALL CONDUCT A STUDY ON THE CURRENT
27 REGULATORY STRUCTURE FOR INTRASTATE CONTRACT AND COMMON

1 CARRIERS. THE STUDY MUST ADDRESS THE FOLLOWING ISSUES:

2 (a) WHETHER THE CURRENT MODELS, INCLUDING REGULATED
3 MONOPOLY AND REGULATED COMPETITION, FOR MARKET ENTRY OF
4 COMMON CARRIERS AND CONTRACT CARRIERS ARE STILL AN APPROPRIATE
5 STANDARD TO BE IMPLEMENTED IN THE STATE IN LIGHT OF FACTORS SUCH
6 AS THE ECONOMIC LANDSCAPE AND JOB CREATION;

7 (b) IF THE CURRENT MARKET ENTRY MODELS DESCRIBED IN
8 SUBSECTION (2)(a) OF THIS SECTION ARE NOT AN APPROPRIATE STANDARD,
9 HOW THE CURRENT MODELS SHOULD BE CHANGED;

10 (c) WHETHER THE CURRENT MODELS FOR ECONOMIC REGULATION
11 OF COMMON CARRIERS AND CONTRACT CARRIERS THAT REQUIRE RATE
12 STRUCTURES TO BE APPROVED AND SET IN A JUST, REASONABLE, AND
13 CONSISTENT MANNER FOR EACH PASSENGER ARE STILL BENEFICIAL TO THE
14 INDUSTRY AND TO CONSUMERS;

15 (d) IF THE CURRENT ECONOMIC REGULATION MODELS DESCRIBED
16 IN SUBSECTION (2)(c) OF THIS SECTION ARE NOT AN APPROPRIATE
17 STANDARD, HOW THE CURRENT MODELS SHOULD BE CHANGED; AND

18 (e) IDENTIFYING THE PROPER BALANCE BETWEEN SERVICE
19 TERRITORY PROTECTIONS, SUCH AS REGULATED MONOPOLY AND
20 REGULATED COMPETITION, AND THE POTENTIAL BURDENS ASSOCIATED
21 WITH THESE MARKET ENTRY AND ECONOMIC REGULATION STANDARDS.

22 (3) IN CONDUCTING THE STUDY, THE COMMISSION SHALL CONSIDER
23 THE FOLLOWING:

24 (a) WHETHER THE CONDITIONS THAT LED TO THE CURRENT
25 REGULATION OF COMMON CARRIERS AND CONTRACT CARRIERS HAVE
26 CHANGED AND WHETHER OTHER CONDITIONS HAVE ARISEN THAT
27 WARRANT MORE, LESS, OR THE SAME DEGREE OF OVERSIGHT BY THE

1 COMMISSION;

2 (b) WHETHER EXISTING STATUTES AND COMMISSION RULES
3 ESTABLISH THE LEAST RESTRICTIVE FORM OF OVERSIGHT THAT IS
4 CONSISTENT WITH THE PUBLIC INTEREST, CONSIDERING OTHER AVAILABLE
5 MEANS OF REGULATION;

6 (c) WHETHER EXISTING STATUTES AND COMMISSION RULES
7 STIMULATE OR RESTRICT COMPETITION; AND

8 (d) WHETHER STATUTORY OR RULE CHANGES ARE NECESSARY TO
9 IMPROVE COMMISSION EFFICIENCY OR TO ENHANCE THE PUBLIC INTEREST.

10 (4) AFTER CONDUCTING THE STUDY, THE COMMISSION SHALL
11 PUBLISH A REPORT OF THE STUDY'S FINDINGS AND MAKE
12 RECOMMENDATIONS TO THE GENERAL ASSEMBLY BY JANUARY 1, 2028.

13 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2028.

14 ***Recommendation 14***

15 **SECTION 31.** In Colorado Revised Statutes, 40-10.1-302,
16 **amend** (4) as follows:

17 **40-10.1-302. Permit requirements - rules.**

18 (4) In order to obtain a permit under this section, an applicant
19 ~~must have~~ SHALL DEMONSTRATE THAT each vehicle operated under the
20 permit HAS BEEN inspected ~~within the immediately preceding twenty days~~
21 ~~by a qualified mechanic in accordance with rules promulgated by the~~
22 ~~commission. The applicant must also attach a report showing each vehicle~~
23 ~~passed inspection~~ IN ACCORDANCE WITH RULES ADOPTED BY THE
24 COMMISSION.

25 **SECTION 32.** In Colorado Revised Statutes, 40-10.1-702,
26 **amend** (3) as follows:

27 **40-10.1-702. Large-market taxicab service - permit required**

1 - rules.

2 (3) In order to obtain a permit under this section, an applicant
3 ~~must~~ SHALL demonstrate that each vehicle operated under the permit has
4 been inspected ~~within the immediately preceding twelve months by a~~
5 ~~qualified mechanic~~ in accordance with rules ~~promulgated~~ ADOPTED by the
6 commission.

7 ***Recommendation 15***

8 **SECTION 33.** In Colorado Revised Statutes, 40-18-101, **amend**
9 (3) and (6); **repeal** (5); and **add** (2.4) and (2.6) as follows:

10 **40-18-101. Definitions.**

11 As used in this article 18, unless the context otherwise requires:

12 (2.4) "PROGRAM STANDARD" MEANS A STATE SAFETY OVERSIGHT
13 PROGRAM STANDARD DEVELOPED BY THE COMMISSION IN CONFORMANCE
14 WITH 49 CFR 674, "STATE SAFETY OVERSIGHT".

15 (2.6) "PUBLIC TRANSPORTATION AGENCY SAFETY PLAN" MEANS
16 THE DOCUMENTED COMPREHENSIVE AGENCY SAFETY PLAN FOR A RAIL
17 FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEM, INCLUDING A RAIL
18 TRANSIT AUTHORITY, THAT IS REQUIRED BY 49 U.S.C. SEC. 5329 (d) AND
19 BASED ON A SAFETY MANAGEMENT SYSTEM, AS DEFINED IN 49 CFR 673.5.

20 (3) (a) "Rail fixed guideway PUBLIC TRANSPORTATION system"
21 means ~~any~~ A light, heavy, or rapid rail system, monorail, inclined plane,
22 funicular, trolley, or automated guideway used to transport passengers
23 that is not regulated by the federal railroad administration.

24 (b) ~~The term~~ "Rail fixed guideway PUBLIC TRANSPORTATION
25 system" does not include:

26 (I) Funiculars that are passenger tramways as defined in section
27 12-150-103 (5)(c) and are subject to the jurisdiction of the Colorado

1 passenger tramway safety board created in section 12-150-104; OR

2 (II) AUTOMATED PEOPLE MOVERS THAT ARE CONVEYANCES, AS
3 DEFINED IN SECTION 9-5.5-103 (11), AND ARE SUBJECT TO THE
4 JURISDICTION OF THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC
5 SAFETY CREATED IN SECTION 8-20-101.

6 (5) ~~"System safety program standard" means a safety standard~~
7 ~~developed by the commission in conformance with 49 CFR 674, entitled~~
8 ~~"State Safety Oversight".~~

9 (6) "Transit agency" means an entity operating a rail fixed
10 guideway PUBLIC TRANSPORTATION system.

11 **SECTION 34.** In Colorado Revised Statutes, **amend** 40-18-102
12 as follows:

13 **40-18-102. Rail fixed guideway public transportation system**
14 **oversight program - commission may establish.**

15 The commission is authorized to establish an oversight program
16 for the safety and security of rail fixed guideway PUBLIC
17 TRANSPORTATION systems in accordance with ~~section 28 of the~~
18 ~~"Intermodal Surface Transportation Efficiency Act of 1991", 49 U.S.C.~~
19 ~~sec. 5330, and the "Moving Ahead for Progress in the 21st Century Act",~~
20 49 U.S.C. sec. 5329.

21 **SECTION 35.** In Colorado Revised Statutes, **amend** 40-18-103
22 as follows:

23 **40-18-103. Commission to adopt rules.**

24 (1) The commission shall ~~promulgate~~ ADOPT rules as are
25 necessary to:

26 (a) Require, review, approve, and monitor the creation and
27 implementation of a ~~system~~ PUBLIC TRANSPORTATION AGENCY safety

1 ~~program~~ plan for each rail fixed guideway PUBLIC TRANSPORTATION
2 system operating in Colorado;

3 (b) Investigate hazardous conditions and ~~accidents~~ SAFETY
4 EVENTS on rail fixed guideway PUBLIC TRANSPORTATION systems;

5 (c) Require corrective action BY A RAIL FIXED GUIDEWAY PUBLIC
6 TRANSPORTATION SYSTEM OPERATED by a transit agency to correct or
7 eliminate hazardous conditions; AND

8 (d) Require that ~~system safety~~ THE program standards comply
9 STANDARD THAT THE COMMISSION DEVELOPS COMPLIES with the
10 requirements of ~~49 CFR 674~~, entitled "State Safety Oversight", at a
11 minimum, and also adequately address the issue of personal security
12 PROGRAM STANDARD.

13 (2) The commission shall ~~promulgate~~ ADOPT rules to establish a
14 ~~system~~ safety oversight program for rail fixed guideway PUBLIC
15 TRANSPORTATION systems operating within the state. ~~that, at a minimum,~~
16 ~~meets the requirements of 49 CFR 674, entitled "State Safety Oversight".~~

17 **SECTION 36.** In Colorado Revised Statutes, 40-4-106, **amend**
18 (6)(e), (6)(f), and (6)(g)(II) as follows:

19 **40-4-106. Rules for public safety - crossings - civil fines -**
20 **allocation of expenses - definitions.**

21 (6) As used in this section, unless the context otherwise requires:

22 (e) "Rail fixed guideway" means a person possessing rail fixed
23 guideway PUBLIC TRANSPORTATION system facilities by ownership or
24 lease.

25 (f) (I) "Rail fixed guideway PUBLIC TRANSPORTATION system" has
26 the meaning set forth in section 40-18-101 (3).

27 (II) "Rail fixed guideway PUBLIC TRANSPORTATION system"

1 includes street railroads, street railways, and electric railroads, as those
2 terms are used in article 24 of this title 40.

3 (g) (II) "Railroad" does not include A rail fixed ~~guideways~~
4 GUIDEWAY or A rail fixed guideway ~~systems~~ PUBLIC TRANSPORTATION
5 SYSTEM.

6 **SECTION 37.** In Colorado Revised Statutes, **repeal** 40-18-105
7 as follows:

8 **40-18-105. Calculation and assessment of fees.**

9 ~~(1) Repealed.~~

10 ~~(2) (a) At each regular session, the general assembly shall~~
11 ~~determine the amounts to be expended by the commission from the public~~
12 ~~utilities commission fixed utility fund created in section 40-2-114 for its~~
13 ~~administrative expenses under this article, including any additional FTE~~
14 ~~that may be necessary.~~

15 ~~(b) The director of the public utilities commission shall provide~~
16 ~~written notice to the revisor of statutes once the federal grant moneys~~
17 ~~made available under the "Moving Ahead for Progress in the 21st Century~~
18 ~~Act", 49 U.S.C. sec. 5329, have been awarded to the state. This~~
19 ~~subsection (2) takes effect upon the receipt by the revisor of statutes of~~
20 ~~such written notice.~~

21 **SECTION 38.** In Colorado Revised Statutes, 40-2-109, **amend**
22 (2)(a) introductory portion and (2)(a)(II); and **repeal** (2)(b) as follows:

23 **40-2-109. Report to executive director of the department of**
24 **revenue.**

25 (2) (a) On March 1 of each year, the ~~public utilities~~ commission
26 shall furnish the executive director of the department of revenue with a
27 list of those public utilities subject to ~~its~~ THE COMMISSION'S jurisdiction,

1 supervision, and regulation on January 1 of each year. ~~The provisions of~~
2 This subsection (2) ~~shall~~ DOES not apply to:

3 (II) Rail fixed guideway PUBLIC TRANSPORTATION systems that are
4 regulated by the ~~public utilities~~ commission pursuant to part 1 of article
5 18 of this ~~title~~ TITLE 40.

6 (b) ~~The director of the public utilities commission shall provide~~
7 ~~written notice to the revisor of statutes once the federal grant money made~~
8 ~~available under the "Moving Ahead for Progress in the 21st Century Act",~~
9 ~~49 U.S.C. sec. 5329, have been awarded to the state. This subsection (2)~~
10 ~~takes effect upon the receipt by the revisor of statutes of such written~~
11 ~~notice.~~

12 **SECTION 39.** In Colorado Revised Statutes, 40-2-114, **amend**
13 (1)(a) introductory portion and (1)(a)(I) as follows:

14 **40-2-114. Disposition of fees collected - telecommunications**
15 **utility fund - fixed utility fund - appropriation.**

16 (1) (a) ~~Three percent of the fees collected under section 40-2-113~~
17 ~~by the department of revenue shall be remitted to the state treasurer and~~
18 ~~credited by~~ The state treasurer SHALL CREDIT THE FEES COLLECTED UNDER
19 SECTION 40-2-113 as follows:

20 (I) Notwithstanding any other provision of this ~~paragraph (a), for~~
21 ~~the 2016-17 fiscal year and~~ SUBSECTION (1)(a), for any STATE fiscal year
22 ~~thereafter~~ in which a grant match is required for the receipt of federal
23 money under the federal "~~Moving Ahead for Progress in the 21st Century~~
24 ~~Act", Pub.L. 112-141, 126 Stat. 405, 49 U.S.C. SEC. 5329 for rail fixed~~
25 ~~guideway system~~ PUBLIC TRANSPORTATION safety oversight
26 responsibilities under article 18 of this title, ~~the lesser of all of the fees or~~
27 ~~up to one hundred fifty thousand dollars of the fees, or as much thereof~~

1 as THE AMOUNT the commission deems necessary to the public utilities
2 commission fixed utility fund created in ~~paragraph (b) of this subsection~~
3 ~~(1) SUBSECTION (1)(b) OF THIS SECTION IN ORDER TO OBTAIN THE FEDERAL~~
4 GRANT MATCH;

5 ***Recommendations 16 and 17***

6 **SECTION 40.** In Colorado Revised Statutes, 6-1-905, **amend**
7 (3)(b) introductory portion and (3)(b)(II) as follows:

8 **6-1-905. Establishment and operation of a Colorado no-call**
9 **list.**

10 (3) (b) The public utilities commission shall establish, by rule,
11 guidelines for the designated agent for the development and maintenance
12 of the Colorado no-call list so that the no-call list can easily be accessed
13 by persons or entities desiring to make telephone solicitations and by state
14 and local law enforcement agencies. As soon as practicable, ~~after March~~
15 ~~25, 2003~~, the public utilities commission shall ~~promulgate~~ ADOPT rules
16 that:

17 (II) Specify ~~that there shall be~~ an annual registration fee IN AN
18 AMOUNT of not more than ~~five hundred~~ ONE THOUSAND dollars ~~for~~ TO BE
19 PAID BY persons or entities that wish to make telephone solicitations or
20 otherwise access the database of telephone numbers and zip codes
21 contained in the Colorado no-call list database. The public utilities
22 commission shall determine ~~such~~ THE AMOUNT OF THE fee on a sliding
23 scale so that persons or entities with fewer than five employees ~~shall~~ DO
24 NOT pay ~~no~~ A fee. In addition, ~~there~~ A FEE shall ~~be no fee~~ NOT BE charged
25 to ~~confirming list brokers or~~ nonprofit corporations, as defined in section
26 7-121-401 (26). ~~C.R.S.~~ The maximum fee AMOUNT TO BE PAID BY
27 PERSONS OR ENTITIES THAT WISH TO MAKE TELEPHONE SOLICITATIONS OR

1 OTHERWISE ACCESS THE COLORADO NO-CALL LIST DATABASE shall be
2 charged only to persons or entities with more than one thousand
3 employees. ~~Moneys~~ THE COMMISSION SHALL ESTABLISH, BY RULE, A
4 SEPARATE FEE CHARGED TO CONFORMING LIST BROKERS. MONEY collected
5 from ~~such~~ AS FEES PURSUANT TO THIS SUBSECTION (3)(b)(II) shall BE USED
6 TO cover the direct and indirect costs related to the creation and operation
7 of the Colorado no-call list. ~~Moneys from such~~ THE fees shall be
8 collected by and paid directly to the designated agent. The public utilities
9 commission ~~shall have the authority to~~ MAY annually adjust the fees
10 below the stated maximum based on revenue history of the fees received
11 by the designated agent. The designated agent shall provide means for
12 online registration and credit card payment of fees charged pursuant to
13 this ~~subparagraph (H)~~ SUBSECTION (3)(b)(II). Each ~~such~~ person or entity
14 shall provide a current business name, business address, email address if
15 available, and telephone number when initially registering for the no-call
16 list. This information shall be updated when changes occur.

17 ***Recommendation 18***

18 **SECTION 41.** In Colorado Revised Statutes, 40-1-102, **add** (8.4),
19 (13), (14), and (15) as follows:

20 **40-1-102. Definitions.**

21 As used in articles 1 to 7 of this title 40, unless the context
22 otherwise requires:

23 (8.4) (a) "INTRASTATE TELECOMMUNICATIONS" MEANS A
24 COMMUNICATION OR TRANSMISSION USING A TELECOMMUNICATIONS
25 SERVICE THAT ORIGINATES AND TERMINATES WITHIN THE STATE.

26 (b) "INTRASTATE TELECOMMUNICATIONS" INCLUDES ALL
27 COMMUNICATION OR TRANSMISSION BETWEEN TWO POINTS WITHIN THE

1 STATE USING:

2 (I) LANDLINE OR WIRELINE TELECOMMUNICATIONS SERVICES;

3 (II) WIRELESS OR CELLULAR TELECOMMUNICATIONS SERVICES;

4 (III) INTERCONNECTED VOICE-OVER-INTERNET PROTOCOL
5 SERVICES;

6 (IV) SATELLITE-BASED TELECOMMUNICATIONS SERVICES; OR

7 (V) A FUNCTIONALLY EQUIVALENT INTERCONNECTED
8 TELECOMMUNICATIONS SERVICE, INCLUDING PENAL COMMUNICATIONS
9 SERVICES AS DEFINED IN SECTION 17-42-103 (2)(e), REGARDLESS OF THE
10 TECHNOLOGY USED TO PROVIDE THE SERVICE.

11 (13) "TELECOMMUNICATIONS" AND "TELECOMMUNICATIONS
12 SERVICE" HAVE THE MEANING SET FORTH IN 47 U.S.C. SEC. 153.

13 (14) "VOICE-OVER-INTERNET PROTOCOL SERVICE" HAS THE
14 MEANING SET FORTH IN SECTION 40-15-102 (33).

15 (15) "VOICE SERVICE PROVIDER" MEANS ANY PERSON THAT
16 PROVIDES A TELECOMMUNICATIONS SERVICE, REGARDLESS OF WHETHER
17 THE PERSON IS CONSIDERED A PUBLIC UTILITY PURSUANT TO SECTION
18 40-1-103. "VOICE SERVICE PROVIDER" INCLUDES:

19 (a) A PROVIDER OF A WIRELESS, CELLULAR, OR MOBILE
20 TELECOMMUNICATIONS SERVICE;

21 (b) AN INTERCONNECTED VOICE-OVER-INTERNET PROTOCOL
22 SERVICE;

23 (c) A LANDLINE OR WIRELINE TELECOMMUNICATIONS SERVICE;

24 (d) A SATELLITE-BASED TELECOMMUNICATIONS SERVICE; AND

25 (e) A PENAL COMMUNICATIONS SERVICE PROVIDER, AS DEFINED IN
26 SECTION 17-42-103 (2).

27 **SECTION 42.** In Colorado Revised Statutes, 40-2-109, **amend**

1 (2)(a) introductory portion as follows:

2 **40-2-109. Report to executive director of the department of**
3 **revenue.**

4 (2) (a) On March 1 of each year, the public utilities commission
5 shall furnish the executive director of the department of revenue with a
6 list of those public utilities subject to ~~its~~ THE PUBLIC UTILITIES
7 COMMISSION'S jurisdiction, supervision, and regulation on January 1 of
8 each year AND A LIST OF VOICE SERVICE PROVIDERS. The provisions of this
9 subsection (2) ~~shall~~ DO not apply to:

10 **SECTION 43.** In Colorado Revised Statutes, **amend** 40-2-111 as
11 follows:

12 **40-2-111. Report of utilities to department of revenue.**

13 Each public utility AND VOICE SERVICE PROVIDER required to pay
14 ~~such~~ fees shall, on or before May 15 of each year, file a return with the
15 department of revenue on such forms as shall be prescribed by the
16 executive director of the department of revenue and the public utilities
17 commission setting forth the gross operating revenues of ~~such~~ THE public
18 utility OR VOICE SERVICE PROVIDER from intrastate utility business ~~only~~
19 transacted ONLY in the state of Colorado during the preceding calendar
20 year. ~~Such~~ THE return shall be executed and verified by two of the
21 executive officers of the PUBLIC utility OR VOICE SERVICE PROVIDER
22 making the return and shall contain or be verified by a written declaration
23 that it is made under the penalties of perjury in the second degree, and any
24 officer who knowingly and willfully makes and signs a false return is
25 guilty of perjury in the second degree.

26 **SECTION 44.** In Colorado Revised Statutes, 40-2-112, **amend**
27 (1) as follows:

1 **40-2-112. Computation of fees.**

2 (1) (a) On or before June 1 of each year, the executive director of
3 the department of revenue shall ascertain the aggregate amount of gross
4 operating revenues of ~~telephone corporations~~ VOICE SERVICE PROVIDERS
5 and all ~~other~~ public utilities filing returns as provided in section 40-2-111.
6 Based on appropriations made by the general assembly ~~the executive~~
7 ~~director of the department of regulatory agencies shall specify~~, for the
8 telecommunications utility fund created in section 40-2-114 (1)(b)(I) and
9 the public utilities commission fixed utility fund created in section
10 40-2-114 (1)(b)(II), THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
11 REGULATORY AGENCIES SHALL SPECIFY the AMOUNT OF revenue THAT IS
12 needed to ~~provide~~ PAY for the direct and indirect costs of the supervision
13 and regulation of ~~telephone corporations~~ VOICE SERVICE PROVIDERS and
14 all ~~other~~ public utilities under the jurisdiction of the department of
15 regulatory agencies, excluding the amount of money provided as
16 administrative support from the various telecommunications programs
17 administered by the commission, including the high cost support
18 mechanism established in section 40-15-208, the 911 surcharge
19 established in section 29-11-102.3, the 988 surcharge established in
20 section 40-17.5-102, and the telephone disability access surcharge
21 established in section 40-17-102.

22 (b) (I) For each ~~telephone corporation~~ VOICE SERVICE PROVIDER,
23 the executive director of the department of regulatory agencies shall
24 ~~compute~~ CALCULATE the percentage which the amount of revenue needed
25 for the direct and indirect costs of the supervision and regulation of
26 ~~telephone corporations~~ VOICE SERVICE PROVIDERS is of the aggregate
27 amount of gross operating revenues of the ~~telephone corporation~~ VOICE

1 SERVICE PROVIDER derived from intrastate utility AND INTRASTATE
2 TELECOMMUNICATIONS business transacted during the preceding calendar
3 year, and that percentage shall be the basis upon which fees due from
4 ~~telephone corporations~~ VOICE SERVICE PROVIDERS for the ensuing year
5 shall be fixed.

6 (II) For each public utility other than a telephone corporation, the
7 executive director of the department of regulatory agencies shall compute
8 the percentage which the amount of revenue needed for the direct and
9 indirect costs of the supervision and regulation of public utilities other
10 than telephone corporations is of the aggregate amount of THE PUBLIC
11 UTILITY'S gross operating revenues ~~of such public utilities~~ THAT WERE
12 derived from intrastate utility business transacted during the preceding
13 calendar year, and that percentage shall be the basis upon which fees due
14 from the public utilities for the ensuing year shall be fixed.

15 **SECTION 45.** In Colorado Revised Statutes, 40-2-113, **amend**
16 (1) and (2) as follows:

17 **40-2-113. Collection of fees - limitation.**

18 (1) On or before June 15 of each year, the department of revenue
19 shall notify each public utility subject to this article 2 AND EACH VOICE
20 SERVICE PROVIDER of the amount of its fee for the ensuing fiscal year
21 beginning July 1, computed by multiplying its gross intrastate utility AND
22 INTRASTATE TELECOMMUNICATIONS operating revenues for the preceding
23 calendar year, as set forth in ~~its~~ THE PUBLIC UTILITY'S OR VOICE SERVICE
24 PROVIDER'S return filed for that purpose, by the percentage determined in
25 accordance with section 40-2-112; except that the department of revenue
26 shall not require a ~~public utility that is~~ a telephone corporation to pay a
27 fee in excess of two-fifths of one percent of its gross intrastate utility AND

1 INTRASTATE TELECOMMUNICATIONS operating revenues for the preceding
2 calendar year and shall not require any other public utility to pay a fee in
3 excess of forty-five one-hundredths of one percent of its gross intrastate
4 utility AND INTRASTATE TELECOMMUNICATIONS operating revenues for the
5 preceding calendar year.

6 (2) Each public utility ~~including penal communications service~~
7 ~~providers, as defined in section 17-42-103 (2),~~ AND EACH VOICE SERVICE
8 PROVIDER shall pay the fee assessed against it to the department of
9 revenue in equal quarterly installments on or before July 15, October 15,
10 January 15, and April 15 in each fiscal year. If a public utility OR VOICE
11 SERVICE PROVIDER does not make a payment by one of the quarterly
12 deadlines, the department of revenue shall charge the public utility OR
13 VOICE SERVICE PROVIDER a penalty of ten percent of the installment due,
14 together with interest at the rate of one percent per month on the amount
15 of the unpaid installment until the full amount of the installment, penalty,
16 and interest has been paid. Upon failure, refusal, or neglect of any public
17 utility OR VOICE SERVICE PROVIDER to pay the fee, or any penalty or
18 interest, the attorney general shall bring suit in the name of the state to
19 collect the amount due.

20 ***Recommendation 19***

21 **SECTION 46.** In Colorado Revised Statutes, 29-11-104, **amend**
22 (2)(a)(II)(A) as follows:

23 **29-11-104. Use of money collected.**

24 (2) (a) (II) If money is available after the costs and charges
25 enumerated in subsection (2)(a)(I) of this section are fully paid in a given
26 year, the money may be expended for:

27 (A) Public safety radio equipment outside the PSAP THAT IS USED

1 FOR DISPATCHING EMERGENCY SERVICE PROVIDERS TO RESPOND TO 911
2 CALLS; or

3 ***Recommendation 20***

4 **SECTION 47.** In Colorado Revised Statutes, 17-42-103, **amend**
5 (5)(a) as follows:

6 **17-42-103. Policies concerning inmates' use of telephones -**
7 **excessive rates prohibited - transparency of communications services**
8 **in correctional facilities - report - definitions - rules.**

9 (5) (a) ~~Starting on January 1, 2022,~~ THE PUBLIC UTILITIES
10 COMMISSION MAY ESTABLISH, BY RULE, INTRASTATE rate caps AND CAPS
11 ON ANCILLARY SERVICE CHARGES established by the federal
12 communications commission TO apply to all in-state debit, prepaid, and
13 collect calls to or from a correctional facility. THE INTRASTATE RATE CAPS
14 MAY TAKE EFFECT JANUARY 1, 2027. THE PUBLIC UTILITIES COMMISSION
15 MAY ANNUALLY ADJUST THE RATE CAPS IN AN AMOUNT NOT TO EXCEED
16 ANY INTRASTATE RATE CAPS ESTABLISHED BY THE FEDERAL
17 COMMUNICATIONS COMMISSION. THE PUBLIC UTILITIES COMMISSION MAY
18 ENFORCE THE RATE CAPS.

19 ***Recommendation 21***

20 **SECTION 48.** In Colorado Revised Statutes, 17-42-103, **amend**
21 (5)(c)(III) as follows:

22 **17-42-103. Policies concerning inmates' use of telephones -**
23 **excessive rates prohibited - transparency of communications services**
24 **in correctional facilities - report - definitions - rules.**

25 (5) (c) The public utilities commission shall comply with the
26 following steps when conducting trial tests of penal communications
27 services:

1 (III) Tests may be conducted remotely. All correctional facilities
2 AND PENAL COMMUNICATIONS SERVICE PROVIDERS shall cooperate with
3 the public utilities commission in conducting tests of penal
4 communications services.

5 ***Recommendation 22***

6 **SECTION 49.** In Colorado Revised Statutes, 40-7-117, **amend**
7 (2) introductory portion and (2)(c) as follows:

8 **40-7-117. Gas pipeline safety rules - civil penalty for violations**
9 **- other remedies - rules.**

10 (2) ~~Any~~ THE COMMISSION MAY REDUCE THE AMOUNT OF A civil
11 penalty authorized by this section ~~may be reduced by the commission~~
12 based on consideration of objective metrics and factors set forth in rules.
13 The metrics and factors must include:

14 (c) The extent to which the violator agrees to spend, in lieu of
15 payment of part of the civil penalty, a specified dollar amount on
16 commission-approved measures to reduce the overall risk to pipeline
17 system safety or integrity; except that the amount of the penalty payable
18 to the commission ~~shall~~ MUST be no less than five thousand dollars
19 UNLESS THE VIOLATOR IS A SMALL OPERATOR, AS THAT TERM IS DEFINED
20 BY THE COMMISSION BY RULE.

21 ***Recommendation 23***

22 **SECTION 50.** In Colorado Revised Statutes, 40-3-104.4, **add** (3)
23 as follows:

24 **40-3-104.4. Simplified regulatory treatment for small or**
25 **nonprofit water utilities - study of privately owned water utilities -**
26 **repeal.**

27 (3) (a) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE

1 DATE OF THIS SUBSECTION (3), THE COMMISSION SHALL CONDUCT A STUDY
2 THAT:

3 (I) IDENTIFIES ALL PRIVATELY OWNED WATER UTILITIES IN THE
4 STATE;

5 (II) ASSESSES THE FINANCIAL CONDITION OF EACH OF THE
6 PRIVATELY OWNED WATER UTILITIES;

7 (III) ANALYZES WHAT OPTIONS ARE AVAILABLE TO THE PRIVATELY
8 OWNED WATER UTILITIES TO TRANSITION INTO SPECIAL DISTRICTS,
9 MUNICIPAL ENTITIES, PUBLIC INTEREST NONPROFIT ORGANIZATIONS,
10 MEMBER-OWNED NONPROFIT ORGANIZATIONS, OR OTHER TYPES OF
11 ENTITIES; AND

12 (IV) ADDRESSES WHAT UPGRADE COSTS ARE NECESSARY FOR THE
13 MAINTENANCE OR ENVIRONMENTAL COMPLIANCE OF PRIVATELY OWNED
14 WATER UTILITY INFRASTRUCTURE AND WHETHER A DISTINCT FUNDING
15 STREAM SHOULD BE MADE AVAILABLE TO SUPPORT THE UPGRADE COSTS.

16 (b) THE COMMISSION SHALL COMPLETE AND MAKE THE RESULTS OF
17 THE STUDY PUBLICLY AVAILABLE ON THE COMMISSION'S WEBSITE ON OR
18 BEFORE OCTOBER 1, 2031.

19 (c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE SEPTEMBER 1,
20 2032.

21 **SECTION 51. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly (August 12, 2026, if adjournment sine die is on May 13,
25 2026); except that, if a referendum petition is filed pursuant to section 1
26 (3) of article V of the state constitution against this act or an item, section,
27 or part of this act within such period, then the act, item, section, or part

1 will not take effect unless approved by the people at the general election
2 to be held in November 2026 and, in such case, will take effect on the
3 date of the official declaration of the vote thereon by the governor.

4 (2) This act applies to conduct occurring on or after the applicable
5 effective date of this act.