



COLORADO ENERGY CROSSROADS

February 26th, 2026

Written Comments Submitted to the Energy & Environment House Committee

Sunset Review of Public Utilities Commission

On behalf of Colorado Energy Crossroads, we respectfully submit the attached materials for the Committee's consideration as part of the Public Utilities Commission sunset hearing on February 26th, 2026.

The first document responds to selected recommendations contained in the Department of Regulatory Agencies' sunset review. Of the 23 total recommendations, our coalition analyzed 12 that relate directly to energy policy and governance and has taken positions on 10. In several instances, we support the stated objective but urge refinement to ensure clarity, statutory precision, cost and price analysis, and protection against unintended expansion of regulatory authority. In others, we raise substantive concerns where recommendations would add new mandates without addressing structural fragmentation or affordability pressures.

The second document sets forth the coalition's independent governance proposals to modernize and strengthen the Public Utilities Commission. These proposals focus on Commission structure, composition, term length, stakeholder engagement, legislative oversight, and clarification of the Commission's quasi-judicial role. Together, these reforms are intended to improve institutional resilience, enhance accountability, and better align the Commission's structure with the complexity and economic impact of its decisions.

Colorado Energy Crossroads is a statewide coalition of labor, business, utilities, industry, consumer advocates, and community stakeholders united around a balanced path forward that protects affordability, ensures reliability, supports economic growth, and advances transparent and accountable regulation.

We appreciate the Committee's consideration of these materials and welcome the opportunity to engage further as the legislation advances.

Policy Framework: DORA Recommendations in Public Utilities Commission Sunrise Legislation

In response to the Department of Regulatory Agencies' sunset review, the Colorado Energy Crossroads coalition respectfully requests that the Public Utilities Commission sunrise legislation consider targeted amendments to DORA's recommendations to accommodate for the policy suggestions and concerns raised by our coalition in this document.

Summary

Below is a summary of the coalition's positions on a subset of the Department of Regulatory Agencies' recommendations, with detailed explanation provided in the sections that follow.

- Recommendation 1 — Continue the PUC and move to sector based sunset reviews
 - **Concern.** Retain comprehensive sunset structure unless clear guardrails are established to prevent fragmentation, overregulation, and reduced legislative oversight.
- Recommendation 2 — Permit Commissioners to communicate outside public meetings with safeguards
 - **Concern.** Structural expansion to five commissioners is a more appropriate solution than altering quasi-judicial communication rules.
- Administrative Recommendation 1 — Require proceedings to follow a logical cadence
 - **Concern.** Sequencing matters, but statutory direction may reduce flexibility and create unintended consequences.
- Recommendation 4 — Modernize certain energy statutes
 - **Support with refinement.** Modernization and cleanup are warranted, but specificity is required to prevent expansion of mandates under the guise of clarity.
- Recommendation 4A — Modify the Renewable Energy Standard
 - **Concern.** Existing Clean Energy Plan frameworks are functioning; avoid layering additional prescriptive requirements.
- Recommendation 4B — Study joint procurement across utility types
 - **Support with refinement.** Collaborative investment may provide benefits, but any study must be narrowly tailored with defined objectives and not serve as a precursor to centralized mandates.
- Recommendation 4C — Maximize efficiency of customer facing programs
 - **Concern/ Oppose.** Clarify intent and preserve optionality; opposed to requiring third-party administration or structural mandates without demonstrated benefit or optionality.
- Recommendation 4D — Clarify appeals process for critical projects
 - **Concern.** Preserve jurisdictional distinctions and local governance; ensure any backstop authority respects existing pathways.
- Recommendation 5 — Authorize Commission to mandate securitization

- **Oppose as recommended.** Securitization has been appropriately used in Colorado for limited, nonrecurring costs such as asset retirements and wildfire mitigation. It should remain a voluntary, case specific financing option, not a Commission mandated mechanism.
- Recommendation 6 — Standardize and study PIPP
 - **Support with refinement.** Codification and improved access may be appropriate, but expansion must be disciplined, cost analyzed, and mindful of rate impacts to all customers.

Coalition's Position

Over the past decade, successive legislative actions, combined with an increasing concentration of authority within the Commission, have significantly expanded the scope and complexity of Title 40 and the operational layers of the Public Utilities Commission. New responsibilities have been added without comprehensive statutory consolidation, leaving the governing framework increasingly fragmented and difficult to navigate. Addressing this accumulation should have been a central priority of the sunset review. Colorado Energy Crossroads believes the sunset process presented a meaningful opportunity to rationalize and streamline Title 40. Instead, many of DORA's recommendations would further expand regulatory authority and administrative requirements without addressing underlying structural fragmentation or clarifying state-directed mandates and regulatory interpretation. Of the 23 recommendations, most add new requirements, while those framed as cleanup or accountability measures remain broad and imprecise. Accordingly, this document outlines the coalition's positions on 10 of DORA's 23 recommendations, and explains why opposition or further refinement is necessary to avoid increased regulatory burden without corresponding improvements in clarity and outcomes.

Commentary to DORA's Policy Proposals

Administrative & Governance

- **Recommendation 1 — Continue the Public Utilities Commission and schedule future sunset reviews by sector.**

DORA's recommendation to move from a comprehensive, Commission-wide sunset review to a sector-based structure has surface appeal given the breadth of industries overseen by the PUC. However, the proposal raises meaningful execution and governance concerns. A sector-based cadence risks weakening legislative oversight and increasing the likelihood of regulatory overreach at a moment when PUC decisions are already under heightened scrutiny. Reviews spaced over long intervals would limit the General Assembly's ability to evaluate the cumulative impact of Commission actions across industries, and fragmenting sunset oversight risks obscuring how decisions in one area affect overall costs, staffing, and regulatory posture. A sector-only approach may also encourage overregulation within individual silos, as narrowly focused reviews tend to intensify scrutiny of specific programs without sufficient attention to system-wide tradeoffs, regulatory burden, or cumulative impacts. In addition, the proposal lacks clarity around balance and sequencing. Absent clear guardrails, the existing comprehensive sunset

framework remains the most effective tool for evaluating the performance, scope, rationality, and accountability of the Public Utilities Commission.

- **Recommendation 2 — Permit Commissioners to communicate outside of public meetings with safeguards.**

DORA's recommendation is intended to address *ex-parte* and open meetings constraints that stem from the current 3-commissioner structure. Colorado Energy Crossroads agrees that this structure limits effective internal deliberation, but views the problem as one of Commission design rather than procedure. If the Commission is expanded from 3 to 5 members, as the coalition has proposed, the concerns underlying this recommendation are largely resolved. A 5-member Commission allows internal discussion without routinely implicating quorum or *ex parte* issues. In that context, authorizing communications outside of public meetings becomes unnecessary and risks blurring the Commission's quasi-judicial role. For these reasons, the coalition recommends reconsidering this proposal in light of Commission expansion, as structural reform provides a clearer solution than adding new communication authorities.

- **Administrative Recommendation 1 — The PUC should schedule proceedings so that they follow a logical cadence and order.**

We understand the intent behind this recommendation and agree that sequencing can matter in complex proceedings. While it is unclear what constitutes a "logical" order, we agree that timely decision-making and the efficient processing of proceedings is imperative. Under current law, there are statutory timelines for proceedings, timelines that were extended as part of the last PUC sunset review, via Senate Bill 19-236. Establishing milestones and meaningful timelines can and should be a focus of the sunset bill. Some options include: (1) re-establishing the prior proceeding timelines, i.e., unwinding the modifications implemented by Senate Bill 19-236; (2) establishing key post-filing milestones, such as a date certain for answer testimony; and (3) ensuring an adequate remedy exists where statutory timelines are not met by the PUC. To be clear, stakeholders and the PUC should still have flexibility in structuring schedules for proceedings, but these types of modifications could help promote the notion of "a logical cadence and order," providing more certainty to the PUC, intervening parties, and applicants alike.

Energy

- **Recommendation 4 — Modernize certain energy statutes for transparency and clarity, and to remove redundant requirements.**

We strongly support efforts to improve clarity and reduce redundancy within the energy statutes, as given the cumulative layering of requirements in Title 40, meaningful modernization and statutory cleanup would be timely and constructive. However, as presented, this recommendation is largely aspirational, because it does not identify specific statutes, redundancies, or areas of confusion, nor does it articulate a framework for distinguishing true cleanup from the creation of new mandates. Without that specificity, the recommendation offers little practical guidance. The coalition is concerned by the

contrast between this recommendation and others in the report. Proposals that impose new obligations on regulated entities are detailed and prescriptive, while recommendations that could provide regulatory relief remain vague. If modernization is to be pursued, it should be approached with the same level of rigor and precision applied elsewhere in the report, and must not be a vehicle for new costly mandates that impact businesses and ratepayers.

- **Recommendation 4A — Modernize the Renewable Energy Standard (RES) to promote retail distributed generation and storage that benefits the grid and aligns the RES with Clean Energy Plans.**

Colorado Energy Crossroads supports the goals of the Renewable Energy Standard and recognizes the role distributed generation, and storage can play in supporting grid performance and emissions reduction. The coalition also acknowledges the importance of flexibility in how utilities deploy these resources as technology and system needs evolve. However, we have concerns about further modifying the RES itself at this stage. Colorado has already met or exceeded core RES requirements, and utilities are concurrently implementing Clean Energy Plans that impose significant planning, investment, and compliance obligations for decades to come. Expanding or reformulating the RES risks layering additional mandates onto an already demanding framework without clear evidence that existing mechanisms are insufficient. If changes are considered, they should focus on addressing overlapping or conflicting policy directives, and not increasing prescriptive requirements. Hybrid approaches to distributed generation and storage are better evaluated through utility planning processes, instead of embedding it directly into the RES. We are against reinventing a statutory structure that is functioning as intended, particularly where current tools already provide multiple pathways to achieve clean energy objectives.

- **Recommendation 4B — Direct the PUC to commission a study into the joint procurement of advanced technology generation resources, wind, solar, and transmission between jurisdictional and non-jurisdictional utilities.**

We support exploring opportunities for collaborative procurement where it can enhance reliability and reduce costs, and there may be meaningful potential for joint investment across utility types in advanced thermal generation, geothermal development, emerging nuclear technologies, long duration storage, and large scale transmission infrastructure, particularly where coordinated transmission projects that include participation from public power entities could create efficiencies that benefit the broader system. As drafted, however, the recommendation remains too high level and does not clearly identify the specific problem the study is intended to solve, the statutory or regulatory barriers it seeks to examine, or the policy outcome it is meant to inform, and given that Colorado has already produced substantial energy analysis in recent years, commissioning another study without a clearly defined objective risks adding process without advancing actionable reform. If this proposal moves forward, its purpose should be narrowly tailored to identify concrete obstacles to voluntary collaboration rather than to lay groundwork for new mandates, centralized procurement structures, or prescriptive technology selection, with the focus remaining on enabling practical and cost effective cooperation,

preserving jurisdictional boundaries, maintaining optionality, allowing alternative pathways, and ensuring room for exploration across the full range of emerging technologies.

- **Recommendation 4C — Maximize the efficiency and impact of utilities’ customer-facing programs.**

As drafted, this recommendation lacks clarity, because it does not define what “maximize efficiency and impact” means, which specific programs are implicated, or what measurable standard would be used to evaluate performance. Utilities differ significantly in structure, scale, geography, and customer composition, and the design and administration of customer-facing programs such as demand side management, energy efficiency, and electrification initiatives necessarily reflect those differences. If there are concerns about how certain programs are currently managed, those concerns merit discussion, including whether alternative administrative models could improve outcomes in specific circumstances. However, mandating or presuming a third-party administrator as a default solution would introduce additional cost, create new layers of bureaucracy, and potentially weaken the institutional knowledge and customer relationships that utilities have built over time, particularly in models where programs are coordinated internally with direct accountability. A third party will not inherently deliver better results, especially where success depends on local relationships, operational familiarity, and integration with broader system planning. Any effort to improve program performance should preserve optionality, allow utilities to opt-in to alternative administrative structures where appropriate, and remain grounded in transparent cost effectiveness metrics rather than structural mandates that risk raising costs without clear evidence of improved outcomes.

- **Recommendation 4D — Clarify the applicability of the Commission’s appeals process for critical energy production and transmission projects.**

Clarifying the applicability of the Commission’s appeals process for critical energy production and transmission projects warrants careful consideration, particularly in light of recent disputes and procedural tensions, yet any reform must respect the fundamental distinctions between investor-owned utilities and municipally governed or cooperative utilities. Extending Commission authority in a way that blurs the line between regulated, for-profit entities and locally governed public power providers would alter long standing jurisdictional boundaries and weaken local accountability structures. Different utility models exist by design, reflecting different governance philosophies, rate setting frameworks, and democratic oversight mechanisms, and those differences should not be de facto collapsed through procedural consolidation. At the same time, prolonged process impasses can create cost escalation and reliability risks, and there may be merit in ensuring that some form of backstop authority exists when proceedings stall. This concern is particularly relevant where local jurisdictions impose categorical prohibitions or moratoria on certain types of energy production or transmission projects, regardless of broader system needs. In those circumstances, a carefully defined state level backstop could help prevent fragmentation that drives up costs for consumers and constrains economic growth. Courts already provide an avenue of appeal in many circumstances, and utilities today have differentiated pathways for resolving disputes. Any clarification should preserve optionality, allow utilities to choose

the most appropriate forum consistent with their governance structure, and avoid centralizing authority in a manner that diminishes control or undermines the balance between regulatory oversight and democratic accountability.

- **Recommendation 5 — Authorize the Commission to direct investor-owned electric utilities to use securitization as an alternative means of financing and recovering costs as compared to traditional methods when securitization is shown to lower ratepayer costs.**

We oppose expanding the Commission's authority to mandate securitization as a financing mechanism. Securitization has played a constructive role in Colorado when applied in defined and appropriate circumstances, including coal plant retirements and more recent wildfire mitigation cost recovery. In those contexts, it has functioned as a targeted tool to address extraordinary or legacy costs, particularly those associated with asset retirement or recovery following natural disasters. The recent wildfire mitigation proceedings demonstrate that utilities are already exercising this authority where it makes economic sense for customers, and where it aligns with statutory intent. If there is interest in clarifying or refining the statute, the focus should be on identifying the categories of costs for which securitization may be suitable, such as storm damage, wildfire mitigation, or other discrete, nonrecurring events. It should not be converted into a standing mechanism for financing new infrastructure or routine capital investment. Securitization was designed to manage exceptional circumstances, not to replace traditional ratemaking for forward looking system build-out. Capital structure, financing strategy, and allocation of return are core management responsibilities that directly affect credit quality, access to capital, long term system planning, and economic development. Under current law, utilities may propose securitization and the Commission retains authority to review those proposals in a formal proceeding to determine whether they are just and reasonable. That framework preserves both regulatory oversight and managerial discretion. Granting the Commission unilateral authority to require securitization would move beyond oversight into direct financial control. No other state commission holds comparable authority to mandate this financing tool. Expanding that power risks distorting capital market signals, introducing uncertainty into investment decisions, and constraining flexibility in ways that could ultimately increase, not reduce, costs to ratepayers. Securitization should remain a voluntary option available when demonstrably appropriate, particularly in response to natural disasters or asset retirement. It should not become a compulsory instrument imposed by regulatory directive.

- **Recommendation 6 — Direct the Commission to standardize implementation and access to the various Percentage of Income Payment Programs (PIPPs) and to study the PIPP concept more generally to determine whether funding access and equity can be improved.**

Directing the Commission to standardize implementation and access to Percentage of Income Payment Programs deserves careful framing. Programs designed to assist income qualified customers play an important role in addressing affordability pressures, and codifying certain elements of PIPP could provide clarity and consistency, particularly if informed by phased implementation models already underway among regulated utilities. At the same time, PIPP applies to regulated utilities and is funded within the rate structure, with required periodic reviews that utilities ultimately support, meaning any expansion or redesign carries direct rate implications. Standardization should not become a vehicle for

broad program expansion without full evaluation of cost recovery, enrollment mechanics, and long-term funding sustainability. If enrollment processes can be improved, that discussion is appropriate, but this venue should not be used to layer additional mandates or reshape affordability policy without comprehensive fiscal analysis. Care must also be taken to avoid setting precedent for future legislation that incrementally expands obligations in ways that compound upward pressure on bills for nonparticipating customers. Any refinement should be disciplined, data driven, and mindful of the balance between targeted assistance and overall system affordability.

Colorado Energy Crossroads - Who We Are

Colorado Energy Crossroads is a growing, diverse, statewide coalition bringing together Colorado's labor, business, utilities, industry, consumer advocates, and community stakeholders. We are united around a practical, balanced path to meet the state's climate and clean-energy goals, while protecting affordability, ensuring reliable power, supporting high-quality jobs and economic growth, and advancing solutions through a transparent, accountable, and modernized regulatory process. We are building momentum by uniting a broad spectrum of interests, aligning shared values, and leading a constructive, solutions-oriented conversation about Colorado's energy future, grounded in the real-world experience of those on the front lines of energy every day.



Proposal to Modernize & Strengthen the Public Utilities Commission

In response to the Department of Regulatory Agencies' sunset review, the coalition respectfully requests that forthcoming Public Utilities Commission legislation consider the governance reforms outlined below.

Coalition's Proposed Policies

1. Expand the Commission from 3 to 5 members through a phased, staggered approach.
2. Update political party balance requirements, including limits on same-party affiliation, party balance, and retention of pre-appointment party status.
3. Extend commissioner terms to 6 years to better align with long-range planning.
4. Require structured stakeholder engagement following nomination and prior to Senate confirmation.
5. Establish baseline statutory expectations for professional or experiential diversity across the Commission.
6. Require periodic legislative oversight hearings, with the Commission Chair in attendance.
7. Codify clear statutory boundaries affirming the Commission's role and limiting policy advocacy.

Background

The Colorado Department of Regulatory Agencies recently completed its sunset review of the Public Utilities Commission, a body whose decisions shape some of the most consequential aspects of daily life in Colorado, from electricity and natural gas to water, telecommunications, and transportation. Those responsibilities are becoming more complex at precisely the moment when Colorado's economic and demographic pressures are intensifying.

Energy systems are being reconfigured, load growth is accelerating, and transportation and infrastructure demands are evolving in ways that would have been difficult to anticipate even a decade ago. At the same time, affordability concerns are weighing more heavily on households and businesses, increasing scrutiny of regulatory decisions that influence costs across the economy. In this context, the structure of the Public Utilities Commission matters as much as the policies it implements, because governance determines how those policies are developed, debated, and ultimately enforced.

The upcoming legislative session therefore presents a timely opportunity to examine whether the Commission reflects modern expectations for good governance, public accountability, and institutional resilience. This is not simply a conversation about energy policy, but a broader examination of how one of the most powerful regulatory bodies in state government is designed, and whether it is equipped to manage complexity, sustain public trust, and provide continuity across administrations during periods of rapid political, technological, and policy changes.

A well-functioning Commission must balance deep technical expertise with transparency, resist the concentration of authority in too few hands, and preserve institutional memory while remaining

accountable to both elected officials and the public. Thoughtfully adjusting the composition and terms of the Commission would strengthen its credibility, improve the quality of decision making, and better align the PUC with the scale and stakes of the challenges Colorado will confront in the years ahead.

Current Structure

Statutory Provisions: 40-2-101 and 40-2-102.

Under current law, the Public Utilities Commission is composed of 3 commissioners appointed by the Governor to 4-year terms and confirmed by the Senate. No more than two commissioners may be affiliated with the same political party. Each commissioner must be a qualified elector of the state, serve full time, and refrain from outside employment. The Governor designates one commissioner to serve as Chair, and a majority of the Commission constitutes a quorum for the transaction of business. Commissioners are subject to conflict-of-interest prohibitions. Individuals employed by, officially affiliated with, or financially invested in any entity subject to regulation by the Commission are ineligible to serve. If a commissioner acquires such an interest involuntarily after appointment, they must divest within 6 months or vacate the office.

Reasoning and Background for Policy Proposals

1. Expand the Commission to 5 members

Increasing the number of commissioners would broaden the Commission's collective expertise and better position it to oversee an increasingly complex and technical regulatory agenda. The current 3-member structure concentrates authority and restricts meaningful internal engagement, particularly given open meetings constraints that limit discussion when more than one commissioner is present. Expanding the Commission would ease those structural limitations, allow for more substantive deliberation, and improve public confidence by reducing reliance on the existing exemption from standard open meetings requirements. We recognize the state's fiscal constraints and believe a phased, staggered expansion from 3 to 5 members would allow the transition to occur in a fiscally responsible and operationally manageable manner.

2. Update political party balance requirements

If the Commission is expanded, statutory party balance provisions should be updated to preserve political diversity and guard against the concentration of authority within a single party. No more than 3 commissioners should be affiliated with the same political party, commissioners should be required to retain the party affiliation held at least 1 year prior to appointment, to prevent changes made solely to satisfy eligibility requirements, and at least one commissioner be affiliated with the minority political party holding seats in the General Assembly. Political balance in this context is about safeguarding against insular decision making. A commission, dominated by a single political perspective, risks narrowing debate and reinforcing an echo chamber at precisely the moment when Commission decisions demand careful judgment, informed dissent, and sustained credibility.

3. Extend commissioner terms to 6 years

The Commission's decisions are cumulative and long life, often resting on years of prior proceedings, infrastructure planning, and regulatory precedent. 4-year terms compress that learning curve and create avoidable disruption in a body whose work unfolds over extended regulatory and investment cycles. Extending commissioner terms to 6 years would improve continuity and allow commissioners to develop the institutional understanding necessary to oversee complex, capital intensive systems with greater consistency. Staggered 6-year terms would further stabilize the Commission by reducing turnover and limiting the effects of short-term political shifts, while leaving open the question of reappointment for consideration as part of the broader policy debate.

4. Pre-appointment stakeholder engagement requirements

Prospective commissioners should be required to participate in structured stakeholder engagement following nomination and prior to Senate confirmation. The Public Utilities Commission would identify and maintain a list of intervenors and affected parties for nominees to meet with during this period. This engagement would be intended to familiarize nominees with the scope of the Commission's authority and the impacts of its decisions, without soliciting policy commitments or prejudging matters that may come before the Commission.

5. Establish baseline professional and experiential diversity expectations

A Commission that regulates complex, technical, and capital-intensive industries benefits from a mix of professional backgrounds rather than uniform credentials. Some states rely on conflict-of-interest prohibitions to safeguard independence; others go further by embedding expectations for professional competence or representation directly in statute. As the scope and economic impact of Commission decisions have expanded, independence increasingly requires not only the absence of ties to regulated utilities, but insulation from financial or professional interests in entities that are material beneficiaries of Commission outcomes. These approaches do not assign identical qualifications to each seat, but instead ensure that the Commission, taken as a whole, reflects the expertise needed to oversee highly technical systems and adjudicate consequential disputes. A review of other state public utility commissions shows that Colorado would not be an outlier in articulating baseline expectations around professional diversity. Some states reserve at least one seat for a legal professional, while others require commissioners to demonstrate experience or knowledge in areas such as public utilities, engineering, economics, or public administration, or emphasize general competence and familiarity with regulated industries as a condition of appointment. The core policy question for Colorado is whether the Commission collectively includes the range of experience necessary to evaluate system planning, infrastructure investment, labor impacts, rate design, and legal standards. Establishing baseline expectations would strengthen decision quality while preserving appointment flexibility, and inviting a broader governance discussion about the relative importance of professional qualifications and geographic representation. We recognize that questions around regional representation are likely to be part of the broader dialogue. While this is not a priority issue for our group at this time, we understand the concern and are open to engaging in discussion.

State	Statutory approach to commissioner qualifications
Arkansas	The commission shall consist of members who are qualified electors of the state. At least one commissioner must be a licensed attorney. No commissioner may own stock in, be employed by, or have a financial interest in any public utility subject to regulation.
Indiana	Commissioners must be appointed from qualified electors of the state. At least one commissioner must be an attorney admitted to practice law in Indiana. Commissioners may not have any financial interest in, or employment relationship with, a regulated public utility.
Connecticut	Commissioners shall be appointed to ensure a high standard of public utility regulation and management. Appointments are to reflect experience, judgment, and the ability to oversee complex public utility systems. Commissioners may not have financial interests in regulated entities.
Florida	Commissioners must be competent and knowledgeable regarding the regulated industries and capable of performing the technical and regulatory duties of the commission. Commissioners may not hold other employment and may not have financial interests in regulated utilities.
Hawaii	When appointing commissioners, the Governor shall select persons who have had experience in accounting, business, engineering, government, finance, law, or other similar fields. Commissioners must serve full time and may not hold other employment. No person with a financial interest in a public utility may be appointed.
District of Columbia	Commissioners must possess experience and knowledge relevant to public utility regulation and public service. Commissioners may not hold other employment and may not have financial or ownership interests in regulated utilities.
Texas	Commissioners must have demonstrated experience in public utilities, regulation, law, economics, engineering, or a closely related field. Commissioners may not have been employed by or represented a regulated utility for a defined period prior to appointment and may not hold financial interests in regulated entities.
Iowa	Commissioners must be appointed from individuals with knowledge of public utilities or public service matters. Commissioners may not be employed by or hold a financial interest in any public utility subject to regulation.
Kansas	Commissioners must be appointed from individuals familiar with regulated industries and public interest considerations. Commissioners may not own stock in, be employed by, or derive income from regulated utilities.

6. Periodic legislative audit and oversight hearings

The Chair of the Commission should be required to appear before the General Assembly at defined intervals to discuss significant regulatory actions, emerging trends, and how Commission decisions align with legislative intent. These hearings would not reopen or revisit adjudicated decisions. Instead, they would focus on transparency, accountability, and institutional performance, and provide an opportunity to explain the rationale behind past decisions. Structured in this way, legislative oversight would complement existing DORA reviews, reduce siloed discussions, and allow lawmakers to assess whether the regulatory framework is operating as intended while preserving the Commission's *quasi-judicial* independence.

7. Clear statutory boundaries on the *quasi-judicial* role of commissioners

The Public Utilities Commission exercises *quasi-judicial* authority grounded in constitutional principles and long-standing administrative law. However, existing frameworks do not clearly articulate the boundaries of commissioner conduct outside formal proceedings. As the Commission's responsibilities and public profile have expanded, so too has the risk of role confusion between adjudication and policymaking. Statute should more explicitly affirm that commissioners serve in a *quasi-judicial* capacity and are not policymakers. Commissioners should be prohibited from proposing, drafting, or advocating for non-technical or outcome driven legislation. Clarifying these boundaries would protect due process for parties appearing before the Commission, provide clearer guidance to commissioners navigating external pressures, and strengthen public confidence that decisions are made impartially and based on the evidentiary record or not advocacy behavior.

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House Energy & Environment Committee
Colorado General Assembly
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Dear Chair Valdez, Vice Chair Velasco, and Members of the Committee,

Thank you for the opportunity to submit comments regarding the Sunset Review of the Public Utilities Commission (PUC). Mothers Against Drunk Driving is specifically concerned with PUC's oversight of Transportation Network Companies and ridesharing services.

MADD's focus when it comes to ridesharing is simple: keeping people safe and preventing impaired driving. Since ridesharing came to Colorado, it's become one of the most important tools we have to stop crashes, save lives, and prevent injuries. In many communities, there are few, if any, alternatives.

We need these options now more than ever. For six years in a row, more than 200 people have been killed in crashes involving impaired drivers in Colorado. Every year, more than five hundred others are seriously hurt by impaired drivers. These aren't just statistics — they're real people, families, and communities changed forever. Ridesharing helps prevent additional tragedies by giving people a safe, easy way to get home.

At the same time, we know safety inside the rideshare vehicle matters, too. We've been following the PUC's discussions about protecting riders and drivers, and we agree that more needs to be done to prevent assaults, harassment, and violence. Everyone who uses ridesharing — whether they're riding or driving — deserves to feel safe.

MADD doesn't take official positions on every policy detail in this area, but we do know this: if people stop feeling safe in rideshares, some will go back to driving themselves after drinking, using cannabis or other impairing substances. That could mean more crashes, more injuries, and more families grieving 100% preventable losses.

The crimes committed by imposter or off-app drivers are especially concerning. From our experience in prevention, there are really two things that work best together:

- 1) Holding individuals accountable when they commit crimes, and
- 2) Making it clear to bad actors that they're likely to get caught if they try.

Tough penalties matter, but they only work if the individuals who are committing crimes believe they'll actually be caught. One of the best ways to stop account sharing/renting or driver impersonation is to use technology that checks who's really behind the wheel. Tools like facial recognition or other driver-verification systems already exist — and they could make a big difference in keeping riders and drivers safe.

We've also seen rideshare companies roll out new safety tools lately — things like PIN verification, safety check-ins, live helplines, and location sharing. It could be useful for the PUC to review those features and look at which ones should be standard for safety across all rideshare apps. Something as simple as PIN verification could go a long way toward stopping off-app imposter pickups.

In addition, we recommend that the Commission develop a centralized system to track and prevent bad actors from moving from one rideshare platform to another. Once drivers have been caught and deactivated from one platform, they should be prevented from driving in our state again.

We are committed to being a part of this conversation and part of the solution. We all share the same goals: keeping people safe, protecting riders and drivers, and making sure ridesharing continues to be a key resource in the fight to prevent impaired driving in Colorado.

Thank you,
Rebecca Green
State Executive Director
Mothers Against Drunk Driving Colorado & Wyoming

House Energy & Environment

02/26/2026 01:30 PM

Sunset Review of Public Utilities Commission

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Brian Cerkenik Questions Only Home James Transportation	<p>The PUC is extremely valuable to the traveling public. Its ability to allow or deny operators on routes makes sure that prices are fair, vehicles are well-maintained, drivers are properly trained, and the companies are profitable.</p> <p>The issue is that the Federal Motor Carrier Safety Administration (FMCSA) is undermining the good that the PUC is supposed to be doing. With the FMCSA allowing anyone to get a permit for any route, it is now a race to the bottom. We have to compete on price, which makes the companies less profitable, which means that operators will cut corners to save on costs. This leads to unsafe vehicles and untrained drivers. Everything is getting more expensive. We need the PUC more than ever.</p> <p>Colorado shouldn't be looking at sunseting the PUC. Colorado should be looking at ways to overrule the FMCSA.</p> <p>Thank you,</p> <p>Brian Cerkenik</p>