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Dear Chair and Members of the Committee,

I am commenting in support of SB26-102 on behalf of over 1,000 members at San Juan Citizens Alliance who care deeply about our climate, lands, water and wildlife.

Colorado has made commitments to reduce greenhouse gas emissions and transition away from fossil fuels. However, those climate goals are at risk as large new energy demands, particularly from data centers, begin to reshape our energy system.

We are already seeing increased demand used to justify keeping aging, polluting fossil fuel generation online longer than planned. In the Four Corners region, this concern is especially urgent. Our region is home to one of the largest methane hotspots in the country, a stark reminder of the cumulative impacts of fossil fuel development. Extending the life of coal and gas infrastructure in response to new industrial demand moves Colorado in the wrong direction at a time when we need to be accelerating emissions reductions.

Data centers highlight this challenge. They require enormous amounts of electricity, often more than the entire load of an electric co-op, yet typically create only a few dozen permanent jobs once operational. This imbalance between high energy demand and limited long-term community benefit makes it critical that Colorado set clear expectations now for how this growth will be managed.

Without strong policy, there is a real risk that new demand will be met by prolonging fossil fuel generation rather than accelerating investment in clean energy. There is also a risk that utilities will pursue discounted rates or incentives to attract these facilities, further increasing pressure on the grid while shifting costs onto existing ratepayers.

SB26-102 provides necessary guardrails to ensure that new large energy users are aligned with Colorado's climate goals. It promotes transparency and accountability, helping ensure that increased demand leads to new clean energy development, not backsliding toward fossil fuels.

If Colorado is serious about meeting its climate targets, we must ensure that new industrial growth does not lock in additional emissions or delay the retirement of polluting facilities.

We urge your support of SB26-102. Thank you for your consideration.

Brian Rogers
Operations Manager
San Juan Citizens Alliance



Mar. 18, 2026

Comments re: SB26-102

Senators,

My name is John Clark, and I'm the mayor of Ridgway. I support this bill. When it comes to the potential onslaught of data centers in our state, our communities deserve rules that guarantee fairness, accountability, and transparency. Rules that protect us from rising costs and the myriad of environmental impacts that are caused by data centers. Families and small businesses across the state should not pay higher electricity bills so that utilities and wealthy tech billionaires can profit from unchecked data center development. And of course, Colorado should hold corporate polluters accountable for cleaning up the aftereffects of the projects they build in our most underrepresented, and often polluted, communities.

The rise of AI is causing a 21st century gold rush, an unbelievably wasteful arms race, to be the king of the artificial intelligence hill. Yet we can't let that arms race keep Colorado from achieving its statutory climate goals for 2030 and beyond. Without unambiguous regulation, requiring data centers to be powered by new, clean electricity sources, there is a huge risk that Colorado would fail to meet its climate action targets.

In short, I urge you to support SB26-102, to ensure that the residents of Colorado won't be unnecessarily burdened by the construction of these humongous data centers, through increases in utility costs, impacts to our fragile and shrinking water resources, or other large potential climate impacts. As well as to guarantee that they aren't able to derail our climate action goals.

Thanks again for taking my testimony.

Sincerely,

John I. Clark
Mayor
Town of Ridgway, CO
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jclark@town.ridgway.co.us

March 18, 2026

SB26-102 is critically important because it would make large-scale data centers responsible for securing their own renewable energy resources to help protect our air quality, health, and climate. Please see what Coloradans from the widest array of groups have to say about impacts thus far and what is needed!

Dear Legislators,

We are writing on behalf of the small business community, faith community, former government officials and more. As leaders of more than 30 organizations we implore you to understand the importance of passing SB26-102, to support the bill to control air pollution, water usage, energy burdens, and noise caused by large-load data centers. It is critical to require data center developers to use renewable energy, cover their own infrastructure costs, and conduct studies on their impacts on local communities.

Communities including some of the signees below, that already have data centers are noting the ongoing light and noise pollution from them, in addition to the air pollution harm to local residents and overuse of water. Data Centers generally rely on polluting diesel backup generators that are tested frequently and sometimes used for extended periods, as [Harvard Business Review](#) notes. These emissions of particulate matter and nitrogen oxide pollution have a wide array of air quality health effects. Here is a recent review of the literature, with takeaways (bit.ly/AQheadlines) by health area of impact. Respiratory and cardio are but a few, and impacts to children are particularly great. To take just one example, the Coresite Data Center in North Denver will have 14 generators operating in close proximity to a new senior living facility, a health clinic, and hundreds of homes. SB26-102 would help by limiting usage of diesel generators, limits hours they can run each year, and requires the cleanest fuel available.

The massive energy demands from large scale data centers (often equal to the energy use of small cities) generates regional health harms. These data centers are building pressure to keep polluting coal plants running longer and to construct more gas-fueled power plants on and/or off-site. Coal and gas power generation emits air pollutants including NOx, PM2.5 and ozone precursors that degrade air quality and harm health (again see the literature review our experts compiled at bit.ly/AQheadlines)) respiratory and cardiovascular health across multi-county regions, including the Front Range nine-county ozone non-attainment area. Coal and gas greenhouse gas emissions disrupt Colorado's climate protection goals while data centers contribute to urban heat islands and eliminate shade and local vegetation as days of extreme heat increase.

Thus far noise and light pollution have been severely disrupting local residents' sleep and mental health, in Colorado. These are well-documented impacts on a national basis: See [Environmental Health Project https://www.environmentalhealthproject.org/post/the-dangers-of-data-centers](https://www.environmentalhealthproject.org/post/the-dangers-of-data-centers). With regard to noise health impacts, diesel generators plus HVAC systems create a constant hum that may exceed 90 decibels. Noise levels above 85 decibels are harmful to hearing and ambient noise disrupts sleep patterns. Data centers also generate light pollution, and large scale facilities typically require all-night lighting that disrupts sleep-wake cycles. Your support for SB26-102 is needed because it establishes standards to help local governments to address noise and light pollution impacts.

Please note the following peer-reviewed, multi-institution article on “The Unpaid Toll” of these data centers: <https://arxiv.org/pdf/2412.06288>. And from the documentation of impacts in the Harvard Business Review: <https://hbr.org/2025/11/mitigating-the-public-health-impacts-of-ai-data-centers> :

"These massive facilities not only strain already stressed power grids but also create air pollution, including fine particulate matter, resulting in significant respiratory-related health consequences that are estimated to cost up to \$20 billion per year in the United States by 2028."

"The released air pollutants include PM2.5 and nitrogen oxides (NOx). Often called “silent killers, these air pollutants can penetrate deep into the lungs and are linked to a variety of health outcomes, such as asthma, lung cancer, heart attacks, and even premature deaths. Importantly, air pollutants like PM2.5 are considered “non-threshold, meaning there is no safe level and any increase poses a health risk."

"...Even short-term exposure, lasting from just 30 minutes to 24 hours, can trigger breathing problems, especially for vulnerable individuals with preexisting lung conditions. Moreover, these pollutants can travel hundreds of miles with the wind, raising air pollutant concentrations in communities far from the emission source."

The [Smithsonian Magazine published on the Environmental Impacts of Data Centers](#). Health professionals have also published [Fueling Sickness: The Hidden Health Costs of Fossil Fuel Pollution](#). More information on [Water Pollution and Water Supply Issues](#), [E-waste](#), [PFAs air and water pollution](#), and the North Denver, Globeville-Elyria-Swansea [GES "Good Neighbor" proposal](#) can be found at the links contained within ur comments.

The public needs you. Please pass SB26-102!

We’re depending on you!

Marie Venner, Small Business Alliance and Former City Planning Commissioners Network

Fran Aguirre, President, Unite North Metro Denver

Patrick Santana, Vibrant Littleton and Littleton Business Alliance

Jan Brown, Citizens’ Alliance for a Sustainable Englewood

Paddy McClelland, Co-Chair, Wall of Women

Stefanie Klass, Colorado CatholicNetworkUS

Dr. David Mintzer, Hospitalist, on the board of Colorado Physicians for Social Responsibility

Dr. Velma Campbell, Pueblo, in cooperation with Colorado Mothers Out Front

Rev. Mark Meeks, Pastor, Capitol Heights Presbyterian Church

Rabbi Eliot J Baskin, D Min, with Together Colorado

J.D. Ruybal, COCRN Colorado Community Rights Network

Kristi Douglas, Co-chair, North Range Concerned Citizens

Philip Beck and Elizabeta Stacishin, Co-founders, Indivisible Ambassadors

Bridget Walsh, Greater Park Hill Community

Shannon Francis, Director, Spirit of the Sun

Moshe Kornfeld, Coordinator, CO Jewish Climate Action

Fred Kirsch, Director, Community for Sustainable Energy

Sid Farber, Co-Chair, Colorado Call to Action

Thomas Lundy, Co-Chair of the CDP Energy & Environment Initiative

Emmett Hobley, Co-Chair, Montbello Neighborhood Improvement Association

Maura Stephens, Coordinating Committee, System Change Not Climate Change

Debbie Thornburg James, Mayfair Park Neighborhood Association Board

Nic Venner, Metro State Students and Our Children's Trust Juliana Plaintiff

Amy Petré Hill, Founder and Community Chaplain, Mental Health & Inclusion Ministries

Rachael Lehman, Healthy Communities Chair, I-70/Vasquez Blvd Citizens Advisory Committee

Karen Bueno, Leaders Team, Accelerate Neighborhood Climate Action

Anna Ramirez, Working for Racial Equity and Southwest Organization for Sustainability

Yadira Sanchez, mother and longtime resident and community leader, Elyria Swansea

Paolo C. Solorzano of the Transit Riders Alliance and Colorado Cross Disabilities Coalition

Harmony Cummings, Co-Founder, Green House Connection Center

Jeff Hart, former EPA staff member and Co-Founder of Save EPA



Date: March 18, 2026

Written Testimony – SB26-102 Data Center Development

Submitted by: Associated Builders and Contractors Rocky Mountain Chapter (ABC)

Dear Chair and Members of the Committee:

On behalf of the Associated Builders and Contractors Rocky Mountain Chapter (ABC), I write to express our opposition with SB26-102 as currently drafted.

ABC represents a diverse membership of contractors, subcontractors, and construction professionals across Colorado who are responsible for building the commercial, industrial, and energy infrastructure that supports our state’s economy. Our members are directly involved in the types of large-scale projects contemplated under this bill, including data centers and the associated energy and utility infrastructure required to support them.

At the outset, we want to acknowledge and appreciate the underlying goals of SB26-102. Ensuring that existing ratepayers are not burdened by the costs of new, large energy users, and maintaining the reliability and integrity of Colorado’s electric grid, are both important and appropriate policy objectives. We share those priorities and support thoughtful, balanced approaches to achieving them.

Our concern is that SB26-102, as drafted, goes significantly beyond establishing reasonable guardrails and instead creates a regulatory framework that may make it difficult—or in some cases impractical—for data center projects to move forward anywhere in Colorado.

The bill imposes a series of interdependent requirements that must be satisfied prior to development and operation. These include long-term contractual obligations related to energy procurement and infrastructure costs, potential hourly clean energy matching requirements, and utility determinations regarding system reliability and emissions impacts before service can be provided. In addition, projects located in certain communities are subject to further predevelopment requirements, including cumulative impact analyses, multiple public engagement processes, and the negotiation of binding community agreements prior to construction.

Individually, each of these elements reflects a policy objective that can be debated on its merits. Taken together, however, they create a level of upfront complexity and uncertainty that is difficult to reconcile with the realities of large-scale project development. Before construction can begin, developers must have confidence in timelines, costs, and regulatory outcomes. When multiple

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discretionary determinations and long-term obligations are layered into the front end of a project, that certainty becomes harder to achieve.

As a result, the practical effect of the bill may not be to reshape how data centers are built in Colorado, but rather whether they are built here at all.

Demand for data centers and the digital infrastructure they support continues to grow nationally and globally. These projects will move forward—but they will do so in locations where the regulatory pathway is clear, predictable, and economically viable. If Colorado’s framework becomes too uncertain or restrictive, investment will simply be directed to other states.

This has direct implications for Colorado’s construction industry and workforce. Data center development supports significant construction activity over multi-year periods, engaging a wide range of skilled trades and generating high-quality jobs. These projects also contribute to ongoing operations, maintenance, and infrastructure support roles. When projects are not built in Colorado, those opportunities do not disappear—they occur elsewhere.

There are also broader economic considerations. Large infrastructure investments contribute to the state’s tax base and can support long-term funding for schools, public safety, and community infrastructure. In addition, large, consistent energy users can play a role in supporting grid investment and planning by providing stable, long-term demand signals that help finance generation and transmission improvements.

ABC believes that Colorado can achieve the goals of protecting ratepayers and ensuring grid reliability without creating a framework that discourages or prevents major infrastructure investment. A more balanced approach would provide clear protections against cost shifting and pollution while maintaining a predictable and workable path for development.

We respectfully urge the Committee to consider amendments that improve clarity, reduce upfront uncertainty, and ensure that Colorado remains a competitive and attractive location for large-scale infrastructure projects. Striking that balance is critical—not only for the construction industry, but for the broader economic health of the state.

Thank you for your time and consideration.

Sincerely,

Jack Tate

President & CEO

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TO: Senate Transportation & Energy Committee
FROM: Nick Torres – Director, Advocacy
Nick.Torres@Lung.org (303) 847-0267
DATE: March 18, 2026
SUBJECT: Senate Bill 26-102

The American Lung Association works on behalf of the 34 million Americans, including more than 700,000 Coloradans, living with lung diseases like asthma, COPD, and lung cancer.

To meet our health and climate goals, the growing demand for data centers must be met with clean, renewable power. But too often, it's being met with fossil fuels instead – which creates a significant risk to local air quality and health. Coal- and gas-fired power plants are being restarted, extended or even added to communities. Plus, many data centers use diesel generators for backup power on-site. All of this adds dangerous pollution into the air of the surrounding communities.

The American Lung Association supports the public health guardrails in Senate Bill 102 that reflect understandable concerns of everyday Coloradans and allow for community-level input – particularly in disproportionately impacted communities.

All data centers should be equipped to operate with new, non-combustion energy sources. Approved projects must be responsible for added grid capacity through clean sources of electricity, like wind, solar, battery storage and geothermal. Both baseline and backup power must come from clean energy sources.

Data centers must be developed with sensitivity to local utility consumer costs, regional air quality and broader sustainability needs. Projects must be developed with full and fair opportunities for community members, health experts and air quality agencies to engage in permitting, siting and other decisions to ensure the cleanest technologies and community protections are in place.

We ask for your support of Senate Bill 102.



TO: Senate Bill Sponsor: Committee Chair Senator Cathy Kipp
House Bill Sponsor: Representative Kyle Brown
Senate Transportation and Energy Committee
Chair Lisa Cutter
Vice Chair Senator Matt Ball
Members of the Senate Transportation and Energy Committee
Senator Mark Baisley
Senator Marc Catlin
Senator Tony Exum
Senator William Lindstedt
Senator Kyle Mullica
Senator Byron Pelton
Senator Tom Sullivan

FROM: The Colorado Renewable Energy Society (CRES)

DATE: February 25, 2026

RE: SB26-102 – “Concerning measures to ensure accountability for large-load data centers.”

After review of the bill, CRES strongly urges the committee to vote YES on SB26-102.

The bill meets the criteria described in our recently updated CRES [Policy Position Statement on Hyperscale Data Centers](#) (below).

About CRES:

The Colorado Renewable Energy Society drives environmental, social, and economic benefits for Colorado by promoting renewable energy and energy efficiency. CRES and its local chapters provide education, policy advocacy, and community engagement that accelerate the adoption of all forms of renewable energy, energy efficiency, high-performance building, energy storage, and emerging technologies that will help Colorado achieve 100% renewable energy. CRES is a statewide, non-partisan, non-profit, 501(c)3 membership organization.

Thank you for your positive consideration of our support for this important bill.

Sincerely,

Vincent P. Calvano
CRES Policy Committee
Colorado Renewable Energy Society



CREC Policy Position Statement on Hyperscale Data Centers (HDCs) Adopted January 28, 2026

CREC supports these Colorado Hyperscale Data Center (HDC) policy principles:

- Colorado **must not provide millions of dollars each year for 20 or 30 years to HDCs** through rebates on state sales and use taxes as proposed by HB26-1030.
- Colorado should **repeal the 2018 law** that provides deeply discounted economic development rates as allowed in HB18-1271 and the follow-on law HB25-1177.
- Colorado should require power generated and delivered by electric utilities to HDCs to **comply with the greenhouse gas emission reduction standards** defined in HB19-1261 and SB19-236. Emission standards must also be applied to third-party power providers, and HDCs' on-site behind-the-meter inside-the-fence generators.
- Colorado should require HDCs to **pay upfront for their full impact** on the electric load, providing renewable energy and storage equal to, or in excess of, their use of energy and capacity.
- Colorado should require HDCs to place **financial security guarantees with the state** to ensure that taxpayers are held harmless if their enterprises fail.

Q1. If HB26-1030 passes and is signed in to law, would Colorado's tax revenues be deprived of millions of dollars each year for decades while we face an \$840 million state budget shortfall?

A. HDC backers proposed bills in 2023, 2024, and 2025 to attract data centers to Colorado with rebates on state sales and use taxes. The legislature wisely rejected those efforts. The same approach is now being suggested in HB26-1030. The incentive would lower state tax revenues for 20 or 30 years. This is indefensible when the state faces an \$840 million shortfall. A recent Denver Post columnist opined, "Corporate welfare doesn't come cheap. If HB-1030 is anything like **last year's version, it will deprive the general fund of \$38 million in revenue each year.** Given the current budget shortfall, the price tag for keeping data centers from spiking utility rates should be a nonstarter." **We need guardrails to protect our state's environment and ratepayers, not legislation that would give handouts to HDCs to attract them to the state.**

Q2. Would new HDCs in Colorado cause major energy consequences?

A. Artificial intelligence is rapidly moving into our everyday lives, with hidden, yet enormous costs in energy, air pollution, land use, and water use. A Denver Post columnist said: "Over the past decade, demand for electricity for data centers for AI, data storage, cloud computing, and cryptocurrency has tripled and is poised to double or triple again by 2028, according to the U.S. Department of Energy. In 2024, data centers in the U.S. alone consumed 183 terawatt-hours or about 4% of the nation's electricity use that year. For comparison, that's the equivalent of Pakistan's electricity demand. The surge in demand requires new generating capacity and infrastructure, the cost of which is shouldered by all ratepayers. The increasing demand could raise

costs for residential ratepayers by 8%, a 2025 study conducted by Carnegie Mellon University predicted.” **Although more HDCs will likely be constructed somewhere, that does not necessitate that they be built in Colorado.**

Q3. Would new HDCs in Colorado consume such a high level of electric power that electricity could end up in short supply, slowing implementation of our state’s beneficial electrification policies?

A. HDCs require unprecedented amounts of electric power. HDCs are not legally defined, but typically fall within the range of a minimum of 25 to 50-megawatts of power consumption. HDCs place a burden on an electric grid that is already challenged. Expansion of grid capacity is needed to meet the needs of beneficial electrification in the transportation and building sectors. **Colorado’s electric utilities are already limited in their ability to offer available capacity for HDCs as they seek to interconnect within their preferred timelines.**

Q4. Would new HDCs in Colorado pose a risk of higher methane gas costs for small consumers?

A. When HDCs encounter a lack of local utility capacity, they generally turn to powering their centers with on-site, behind-the-meter inside-the-fence polluting, and water-intensive, methane gas generation. Market dynamics may result in lower methane gas prices for large-load customers like HDCs, while higher prices would be paid by lower-volume residential and commercial customers.

Q5. Would new HDCs in Colorado aggravate our air pollution problems?

A. HDCs electing to power their centers with on-site behind-the-meter inside-the-fence methane gas generation and/or diesel backup generators, **worsen our ongoing failure to address the severe Front Range ozone non-attainment problem.** We also anticipate that more energy-hungry HDCs interconnecting to our capacity-constrained grid will risk delaying the implementation of the state’s plan to close our remaining polluting coal plants by the end of 2030. Lawmakers must work closely with the Public Utilities Commission and the Department of Public Health and Environment to **craft enforceable policy frameworks that protect taxpayers, ratepayers, and residents’ right to breathe clean air.** Incentivizing the growth of HDCs in Colorado would move the state in the opposite direction of the need to make rapid progress to reduce greenhouse gas emissions that are heating Earth to dangerous levels.

Q6. Would new HDCs in Colorado risk burdening captive ratepayers with new costs?

A. Unregulated HDCs would drive up the electric load on the grid, increasing the risk that utilities will continue building polluting methane gas power plants, **causing upward rate pressure on captive customers.** In a positive direction, the Colorado Sun reports that “the PUC has outlined negotiating principles for electric utilities in talks with data center companies. These include up-front fees, 15-year contracts, security deposits, and early-exit fees of 75% of all the electricity that would have been used.” We support these initiatives. In contrast, HB26-1030 merely, vaguely, and unenforceably states that data centers “will not cause unreasonable cost impacts to other utility ratepayers.”

Q7. Would new HDCs in Colorado place new stress on our water resources?

A. If incentives result in HDCs locating in Colorado, they would place stress on our limited water resources. We are concerned that **HDCs may choose, for financial reasons, to use vast amounts of water for cooling directly on site to save on their biggest cost item—electric bills.** HDCs also cause an indirect increase in total water consumption when they purchase utility power from a utility's energy mix that includes water-intensive fossil generation, or when they self-generate with water-intensive methane gas power plants. A Denver Post opinion columnist recently noted that "data center consumption of water is also a concern, particularly given Colorado's drought conditions. Not all data centers are water-cooled, but those that are can consume as much as 5 million gallons a day, the same as a town with a population of 25,000 people." The state faces serious water supply problems, including rapid depletion of aquifers, and a looming crisis on the Colorado River, which provides approximately 60% of Denver's water supply. The agricultural industry is the state's largest water user, with 90% used to irrigate farms and ranches, much of it used to grow grass pasture, the state's predominant crop. A representative from Western Resource Advocates recently commented that "Agriculture is the piece that will ultimately suffer the most from additional use in other sectors." Public policy should ensure that HDCs don't contribute to the buying and drying of farm land.

Q8. Should the legislature repeal the 2018 and 2025 laws that permits sweetheart economic development electric rates?

A. Colorado law encourages HDCs to be built in the state, due to the unfortunate bill passed HB18-1271 and the follow-on law HB25-1177. These laws mandate that the PUC give a confidential sweetheart economic development rate if a utility sponsors the HDC's application at the PUC. The PUC followed the 2018 law in 2024 when it approved a below-market confidential rate for the QTS-Aurora HDC that may have resulted in ratepayer subsidization of that facility. **The legislature needs to repeal these laws before the economic development rate is used again.**

Q9. What are the specifics of the QTS-Aurora HDC, and an HDC in North Denver?

A. The Blackstone-owned \$1 billion 177-megawatt QTS HDC is located a few miles south of DIA. 177 megawatts may not be QTS' ultimate draw on the grid. QTS paid Xcel-Colorado \$28.1 million for a 1.5-mile-long double-circuit 230 kV line that connects their center to an Xcel-Colorado substation, capable of supporting almost 1,000 megawatts of transfer capacity. By comparison, Xcel-Colorado (which serves 65% of Colorado electric customers) has a peak summer load demand of approximately 7,200 megawatts. **This single HDC has invested in transmission to their facility, giving them potential power consumption equal to over 10% of Xcel-Colorado's peak load.** Both the QTS center, and an active plan for a three-building 200-megawatt CORE HDC campus in Denver's Globeville-Elyria-Swansea neighborhood will be **the largest single electric loads on Xcel's Colorado system,** aside from DIA's approximate 500-megawatt load. By comparison, Boulder's electric load is approximately **200 megawatts** during peak demand periods. **Encouraging HDCs to come to Colorado is the opposite of demand-side management,** a key energy-conservation policy rightfully pursued by state leaders for years.

Q10. Once constructed, how many people will an HDC employ?

A. The QTS-Aurora data center will employ approximately **eighty** permanent workers, with many of them working as security guards. Eighty employees are roughly equivalent to the workforce of **four Starbuck stores**.

Q11. Would more HDCs result in financial winners and losers?

A. HDC developers, some utilities, some gas suppliers, and some power generation developers are lobbying the legislature to vote for HB26-1030. If the bill passes and is signed in to law, utility customers will be at risk for higher utility bills. Although the arrival of HDCs seeking interconnection agreements poses timing, rate shock, and operational challenges to **investor-owned electric utilities, they have an economic incentive to favor adding large loads to their system**. That is because serving new large loads requires new investments in infrastructure, which receive a near-guaranteed annual rate of return. For example, Xcel-Colorado receives a near-guaranteed 9.3% rate of return on equity on new infrastructure investments. HDCs seeking to locate in Colorado should be regulated from the beginning with **strong, enforceable guardrails that protect captive electric customers**.

Summary

CRES urges state decision-makers to be fully informed about the threats that HDCs pose to our state. We need fiscal responsibility, stabilized electric rates, reduced greenhouse gas emissions, reduced air pollution, and conservation of our stressed water resources. We recommend the following policy actions:

- Oppose the tax subsidy incentive provisions in HB26-1030.
- Require that all electric power supplied to new HDCs comply with the greenhouse gas emission reduction standards defined in HB19-1261 and SB19-236. Similar requirements should be placed on any third-party power providers and on-site behind-the-meter power generators.
- Support requirements that if HDCs seek to build in Colorado, they must secure renewable energy sources and storage to match or exceed their energy use and load profile.
- Protect electric ratepayers from having costs shifted to them, by requiring HDCs pay the full cost of their energy and transmission services.
- Limit water consumption by HDCs. Prohibit the use of evaporative cooling technology in HDCs, and instead press for the use of technologies that minimize water consumption. Water consumption can be minimized when utilities offer power generated by a low concentration of water-thirsty fossil fuel plants in their mix.
- Protect local air quality by prohibiting or limiting the use of polluting diesel backup generators. This is especially relevant to disproportionately impacted communities, such as Denver's Globeville-Elyria-Swansea neighborhood, where a 60-megawatt center is under construction that includes fourteen 5,000-horsepower polluting diesel back-up generators. Two additional 70-megawatt data centers are contemplated for the same land, along with their associated large banks of diesel generators.
- Oppose the use of taxpayer or ratepayer funds to support new nuclear power plants in Colorado, because they are highly unlikely to provide timely, affordable, safe and reliable power. Although they don't emit carbon dioxide, they produce hazardous waste at every stage of production, and therefore are not clean.
- Set strict limits for noise and light pollution exposure to protect impacted residents who live in proximity to HDCs.

- Require HDCs to pay up front for any additional renewable energy generation and related transmission on the power system caused by their energy use.
- Ensure that Colorado ratepayers are protected by requiring HDCs to make an up-front termination liability payment, and a decommissioning bond to protect citizens from financial exposure should HDCs become stranded investments, or may experience a dot-com type or AI economic bubble downturn.

Good morning, and thank you for the opportunity to testify today in support of SB26-102.

My name is Nick Lenssen and I have worked in the energy sector for roughly 40 years. I have worked for-profit companies and non-profit organizations, including the Electric Power Research Institute, Vestas, and back in 1982, the Rocky Mountain Institute, then based in Snowmass. I am currently a principal with Bear Peak Energy Consulting and a Lecturer with the Masters of Environment Program at the University of Colorado, Boulder.

I support the intent of SB26-102, and I applaud Senator Kipp and Rep. Brown, for being the lead sponsors of this bill.

This bill is incredibly important to the future energy economy of Colorado. As you already know, just the prospect of new large electricity loads created by data centers is generating electricity price hikes in a growing number of regions in the U.S. The PJM region, in particular, has seen wholesale price increases that have become major political issues (e.g., the 2025 governor's race in New Jersey).

Public Service Company of Colorado (aka Xcel Energy Colorado) already has a \$22 billion (or \$35 billion) investment plan before the COPUC. The prospect of additional load from new data centers threatens to augment Xcel's request – with the potential that Xcel will borrow money to build out its system, and if the expected load does not materialize, the rest of Xcel Colorado's ratebase – that is, Xcel's residential and business customers – would be left paying for the new infrastructure. The upshot: huge rate increases for electricity prices.

The bill's 15-year+ contract requirement should protect Colorado consumers (though not being a lawyer, I hope there are no loopholes in this requirement). Most importantly, putting this and other requirements in statute will provide Chairman Blank and the COPUC with the necessary tools to protect Colorado consumers. (As a side note, I expect you've had discussions with the PUC commissioners to ensure this bill includes all the tools they believe are needed.)

Likewise, I support the obligations that large data centers be held to a 100% renewable goal, contribute to demand-side management programs, and comply with certain operational water management requirements.

Finally, I support the backup power requirements, and (if absent from the actual bill text), would encourage the addition of language specifically connecting such Large Data Center infrastructure to Xcel's forthcoming "virtual power plant" (or VPP) efforts. Numerous regional and national studies have been conducted that illustrate the potential to reduce utility capital spending by requiring flexible operation of data centers via the VPP approach. (I'd be glad point the Committee to such studies if requested; for example, Duke University's, [Nicholas Institute for Energy, Environment, and Sustainability studies](#).)

Now, I imagine that Xcel Energy CO is not particularly supportive of this legislation. Having worked my whole career with electric utilities, I understand that they never want to be told what to do. But given the regulatory compact between society and the monopoly utility, it is imperative that society holds to its demands as to what the monopoly utility – in this case Xcel Energy CO – should do.

Indeed, the recent history of Colorado's forward-looking approach to energy, particularly renewable energy and greenhouse gases illustrates this well. The 2004 Colorado Amendment 37, which required a growing share of electricity supply come from renewable energy sources, was opposed by Xcel, which created caution in the State Capitol. Only upon passage of this amendment, did Colorado truly set on its path toward a sustainable energy system. Xcel might be opposing SB26-102, though I hope the Legislature will proceed with passing – if not strengthening – this bill to ensure we continue down this path.

Thank you, again, for allowing me to testify this afternoon.

Nicholas Lenssen
1195 Albion Road
Boulder, CO 80305
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303.506.3399

My name is Rikki and I am a concerned citizen calling from Junction, Colorado. I am speaking on an amend position on this bill.

The Colorado River system is under severe strain and has been in a long term drought since 2000. Here on the Western Slope, this especially impacts our agriculture, recreational industries, and overall quality of life.

Data centers are already being built across Colorado and require substantial resources. According to the Environmental and Energy Study Institute, single large data center can use up to 5 million gallons of water per day, in some cases comparable to a small town.

SB26-102 takes important steps on power by requiring these facilities to fund their infrastructure, use clean energy, and report their energy and water use. I support these provisions.

However, the bill does not go far enough on water.

If these facilities are built in Colorado, they should be required to address the water challenges Colorado is facing by investing in public water infrastructure or technologies that reduce water consumption, such as more efficient cooling systems.

Without this, we risk placing additional pressure on an already overallocated Colorado's precious water resources.

I urge the committee to strengthen the water requirements in SB26-102.

Thank you for your time.

March 18, 2026

Senate Transportation & Energy Committee
Colorado State Capitol
200 E Colfax Avenue
Denver, CO 80203

Chair and Committee Members,

Thank you for the opportunity to provide written testimony. My name is Kevin Chandler, and I am the Director of Government and Regulatory Affairs for North America at Vantage Data Centers.

Vantage Data Centers is one of the world's leading developers and operators of hyperscale digital infrastructure. We have 41 data center campuses across 26 markets on five continents. Our company headquarters is in Denver, Colorado.

We are a data center developer committed to responsible development – protecting ratepayers, advancing clean energy, and being good community partners. Our concern is not about the goals of SB 26-102, but rather that the bill's structure makes responsible projects functionally impossible in Colorado.

Key provisions are operationally unworkable, creating conditions utilities and operators cannot satisfy, and the bill includes no mechanism to attract operators to Colorado in the first place.

Colorado is competing against the majority of states that incentivize data center development, and today the state currently only captures about 2% of national data center investment despite having major operators like Vantage and others headquartered here.

Data centers are the infrastructure of the modern economy. Cloud services, advanced computing, and the digital supply chain all depend on them, and they represent a real opportunity for union jobs, tax revenue, innovation, progress, and investment into energy efficiency and renewable energy. Without responsible, realistic regulation and support, data center development will continue to be a lost opportunity for Colorado.

Thank you,

Kevin Chandler

kevin.chandler@vantage-dc.com

Testimony from Elizabeth Smith, 4255 Parfet St., Wheat Ridge 80033. I am submitting this comment on my own behalf.

I am not persuaded that the construction and electricians jobs connected with data centers are worth the loss of the tax revenues for the state that will occur if Colorado provides the incentives set forth in HB 1030.

I am very concerned about water use. Colorado does not have enough water now to serve the people and agriculture needs that we have now. I have not seen any information that assures that data centers will not use huge volumes of water.

I am very concerned about increased pollution from emergency generators and new power plants using fossil fuels. Burning fossil fuels is not clean. I have asthma. I need Colorado to stay on track with its clear air goals.

As an Xcel rate payer I don't want to get stuck with rate increases to pay for the infrastructures required by data centers.

Given all of the above, I am not convinced that encouraging large load date centers to locate in Colorado is in the best interests of ALL Coloradoans. I urge the committee to vote in favor of SB26-102.

Thank-you for considering my testimony.

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Thank you,

Kevin Chandler

kevin.chandler@vantage-dc.com

Raymond C. Pilcher
President
Raven Ridge Resources, Incorporated
2275 Logos Court
Grand Junction, Colorado 81501
(970) 260-3170
pilcher@ravenridge.com

March 18, 2026

Senator Lisa Cutter, Chair
Senate Transportation & Energy Committee
Colorado State Capitol, Room SCR 352
200 East Colfax Avenue
Denver, Colorado 80203

**Re: Written Comments in Support of SB 26-102 — Large-Load Data Center
Accountability, With Recommended Amendments**

Dear Chair Cutter and Members of the Committee:

Thank you for your hard work and attention to this critical matter. Colorado has a long and proud tradition of opening its doors to transformative industrial sectors — from the gold and silver mines that built our cities, to the coal fields that powered a growing nation, to the oil and gas development that made the state an energy leader. Each of those industries brought prosperity, but each also left lessons — some of them costly — about what happens when growth outruns the regulatory frameworks meant to govern it. Data centers and AI infrastructure are the 21st century equivalent of that moment of opportunity, and SB 26-102 represents exactly the kind of thoughtful gatekeeping that Colorado's earlier industrial chapters sometimes lacked. I write in strong support of this bill and offer four targeted recommendations to make it even stronger.

I am a geologist and energy consultant with more than fifty years of experience advising the USEPA and international bodies including the United Nations and the World Bank on reducing greenhouse gas emissions and managing the environmental impacts of large-scale industrial development. I have worked extensively in Colorado's coal, oil, and gas sectors and bring direct knowledge of the regulatory successes and failures that inform the recommendations below.

I. RATEPAYER RATE STABILITY FUND

The bill's prohibition on economic development rates and its requirement for fifteen-year utility contracts are commendable first steps. However, these provisions primarily protect against infrastructure cost-shifting at the time of interconnection. They do not cap or stabilize electricity rates for existing residential, agricultural, and small commercial ratepayers over time. As grid infrastructure grows and operational costs accumulate to serve large-load data centers, those costs will eventually flow to ratepayers through routine rate cases that fall entirely outside the scope of any individual contract.

I recommend the Committee add a provision establishing a **Large-Load Data Center Ratepayer Stability Fund**, administered by the Public Utilities Commission and capitalized by mandatory operator contributions scaled to peak load — for example, a per-megawatt annual levy. This fund would be used exclusively to offset any documented rate

increases to residential, agricultural, and small commercial customers attributable to large-load data center grid impacts. This mechanism ensures that the bill's cost-causation principle is enforced not only at the time of interconnection, but throughout the full operational life of the facility. Without such a backstop, ratepayers remain exposed to cost creep that no contract language can fully prevent.

II. BINDING MITIGATION STANDARDS FOR DISPROPORTIONATELY IMPACTED COMMUNITIES

The cumulative impacts analysis and community benefit agreement provisions in the bill represent meaningful progress in environmental justice, and I commend the sponsors for including them. However, the current language requires local governments only to "consider" whether mitigation strategies are "sufficient," without establishing binding thresholds or granting communities legal recourse if a project proceeds despite documented net negative impacts.

I urge the Committee to amend this section to: (1) establish a presumption against approval when a third-party cumulative impacts analysis finds net negative impacts that are not fully mitigated; (2) require that mitigation commitments be legally enforceable and independently monitored throughout the life of the facility; and (3) provide community standing to formally challenge permits where mitigation commitments are subsequently violated. These communities have historically borne a disproportionate share of the burden of industrial development — as the bill's own legislative declaration acknowledges — and the protections offered should be structural and enforceable, not merely procedural.

III. WATER QUALITY AND AIR POLLUTION SAFEGUARDS

The bill commendably addresses water quantity reporting and requires operators to employ water-efficient technology. However, it does not adequately address the specific hazards associated with industrial-scale data center water systems, including those that employ closed-loop cooling configurations. In a state where water security is already under severe climate-driven stress, this is a critical gap that should be closed before the bill is enacted.

Specific risks the bill must address include:

Chemical contamination of water supplies. Closed-loop systems require ongoing treatment with corrosion inhibitors, biocides, and scale dispersants that concentrate over time. Heat exchanger failures can introduce glycol, chromates, and other toxic compounds into municipal water systems. Blowdown and discharge streams must be subject to mandatory third-party chemical monitoring and reporting to the Colorado Department of Public Health and Environment (CDPHE).

PFAS contamination. Certain cooling and dielectric fluids used in data centers contain per- and polyfluoroalkyl substances (PFAS), which are persistent groundwater contaminants. The bill should require full disclosure of all cooling chemicals used on-site and prohibit PFAS-containing fluids.

Legionella and biological risk. Warm recirculating water systems are well-documented vectors for *Legionella pneumophila* and biofilm growth when chemical treatment lapses.

Mandatory Legionella Water Safety Plans, consistent with CDC guidelines and ASHRAE Standard 188, should be required for all large-load data centers.

Air quality from cooling towers. Even systems marketed as "closed-loop" that employ cooling towers release chemical-laden aerosols, concentrated mineral particulates, and vapor emissions into adjacent neighborhoods. These emissions are not currently captured under the bill's backup generator air quality provisions and should be addressed in the site assessment and cumulative impacts analysis requirements.

Continuous makeup water demand. No recirculating cooling system eliminates water consumption entirely. Evaporative and leakage losses require ongoing withdrawals from municipal systems, groundwater, or surface water. The bill's current reporting requirements should be strengthened to include mandatory conservation targets and drought contingency plans tied to Colorado River basin conditions.

I recommend adding requirements for: mandatory water discharge quality monitoring and reporting to CDPHE; prohibition of PFAS-containing cooling chemicals; Legionella control plans subject to CDPHE review; cooling tower air emission disclosure in site assessments; and drought-triggered water use reduction protocols.

IV. HARDWARE LIFECYCLE MANAGEMENT AND CIRCULAR ECONOMY OBLIGATIONS

The bill is entirely silent on what may become the most visible and persistent environmental legacy of the large-scale data center buildout: electronic waste. This omission should be addressed before the bill is enacted.

Data center server and networking hardware typically has a functional lifespan of only three to five years, and AI-driven workloads are accelerating hardware refresh cycles further. Global e-waste reached 62 million metric tons in 2022 and is projected to reach 82 million metric tons by 2030, yet less than 25 percent is properly recycled. A single large-load data center carrying 30 to 100 or more megawatts of load may house tens of thousands of servers, along with cooling units, power distribution equipment, and battery backup systems — all of which will require disposal, in many cases within a decade of a facility opening. These materials include toxic heavy metals such as lead, cadmium, and mercury; rare earth elements of strategic importance; and recoverable metals including gold, silver, and copper that are irretrievably lost when hardware is landfilled.

I recommend the Committee add a new section requiring large-load data center operators to:

1. Submit a **Hardware Lifecycle Management Plan** with their development permit application, describing equipment refresh schedules, anticipated e-waste volumes, and planned disposition pathways;
2. Utilize **certified IT Asset Disposition (ITAD) providers** — specifically those holding R2v3 (Responsible Recycling) or e-Stewards certification — for all equipment decommissioning, with annual documentation submitted to CDPHE. ITAD is a well-established, certified industry with major national providers and established chain-of-custody standards;
3. **Prioritize refurbishment and reuse** over material recycling, consistent with circular economy principles. Research demonstrates that extending server lifespan by a single year can reduce associated e-waste by more than 60 percent;

4. **Disclose annually** the recovery rate of critical and rare earth materials from all decommissioned equipment; and
5. **Post an adequate decommissioning bond** — with the structural safeguards described below — to ensure that end-of-life obligations are met even if the operator exits the market or becomes insolvent.

On bond design, Colorado and the nation have direct and costly experience with the consequences of inadequate decommissioning bonds in closely analogous industries. In the oil and gas sector, a Government Accountability Office analysis found that federal well bonds were insufficient to cover cleanup costs for 99.5 percent of wells, and a 2022 Colorado-specific analysis found that the state's blanket bond of \$60,000 for operators with up to 100 wells would cover less than two wells' actual average cleanup cost of \$93,000 each — leaving hundreds of orphaned wells as a liability for Colorado taxpayers. Nationally, the unfunded liability for orphaned and abandoned oil and gas wells is estimated at \$271 billion. In the coal industry, self-bonding by major companies including Peabody Energy and Alpha Natural Resources — permitted under the federal Surface Mining Control and Reclamation Act precisely because those companies appeared financially healthy at the time — collapsed when they entered bankruptcy, leaving Wyoming, West Virginia, Virginia, and other states facing reclamation liabilities that far outstripped available bond funds. Virginia's pool bond fund currently faces outstanding coal reclamation liabilities estimated at more than fourteen times the total fund balance.

In both industries, the same structural failures recur: bonds set below actual cost at issuance, self-bonding permitted, no inflation adjustment, and no periodic recalculation as liability grew over time. To avoid repeating these well-documented mistakes, the decommissioning bond for large-load data centers should: (1) prohibit self-bonding and require third-party financial instruments such as surety bonds, letters of credit, or cash escrow accounts held by the state; (2) be set at issuance based on a third-party certified cost estimate, not operator-submitted figures; (3) be recalculated every five years — or whenever peak load increases by more than ten megawatts — by an independent engineer, with the operator required to increase the bond to match updated estimates; (4) be indexed annually for inflation using the Producer Price Index for Electronic Components or an equivalent index; and (5) follow a staggered contribution schedule tied to hardware refresh cycles, so the bond grows in proportion to accumulated decommissioning liability rather than remaining frozen at the initial development cost.

CONCLUSION

SB 26-102 is an important and well-conceived bill that addresses real gaps in Colorado's oversight of large-scale data center development. With the four targeted amendments described above — a ratepayer stability fund, binding community protection standards, rigorous water quality and air pollution safeguards, and a hardware lifecycle and bonding framework informed by hard lessons from Colorado's own extractive industry history — the state can establish a national model for responsible, equitable, and environmentally sound data center governance.

I am available to provide additional technical input to the Committee or its staff on any of these issues and would welcome the opportunity to testify in person.

Respectfully submitted,

Raymond C. Pilcher

Testimony Draft (Final):

Good afternoon Chair and members of the committee — thank you for the opportunity to testify.

My name is Ray Rivera, and I serve as Coalition Director for Colorado Energy Crossroads — a coalition of labor, business, utilities, and consumer advocates working to advance practical energy solutions that protect affordability, ensure reliability, and support jobs across Colorado.

“Colorado’s energy policy must support — not shut the door on — major new investments and large energy users that create jobs and expand our tax base. Whether it’s advanced manufacturing, digital infrastructure including data centers, or other large loads, we need a framework that protects affordability for families, strengthens reliability, and enables renewable energy and other clean resources to grow responsibly. Policies that effectively freeze large-scale development risk undermining Colorado’s economic competitiveness and slowing the very clean energy progress we all want to see.”

This is why we have taken a position in opposition to Senate Bill 102, and we look forward to continuing to engage on solutions like House Bill 1030 as it develops.

Representative Valdez, the sponsor of House Bill 1030, has made clear that we can strike a thoughtful balance between energy development and environmental responsibility — without sacrificing jobs, affordability, or reliability. That’s exactly the kind of approach we support at Colorado Energy Crossroads.

We all share the goal of protecting Colorado’s climate — while also protecting ratepayers and supporting the skilled workers who build and maintain our energy system.

Senate Transportation & Energy

03/18/2026 01:30 PM

SB26-102 Large-Load Data Centers

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Leslie Glustrom For Clean Energy Action	Dear Members of Senate Transportation and Energy, Clean Energy Action is a strong supporter of setting guardrails for any data centers (or other large loads) coming to Colorado. Our air, water and electricity are key to the long-term success of the state and we strongly support SB26-102. We would like to see stronger provisions on water use by data centers, especially given our current (and likely recurring) drought conditions and the brewing crisis on the Colorado River. Thank you for doing everything possible to prevent our state's increasingly scarce water from being used to support data centers. Sincerely Leslie Glustrom For Clean Energy Action
Dustin Owens For themselves	To Whom Concerned, Hello. I am concerned by the impact that data centers are making on communities. This bill SB26102 is needed for our protection from corporation negligence or malfeasance. Please help us by your support of this bill. Thank you.

	<p>-Dustin Owens registered voter Loma, CO.</p>
<p>Steve Szabo For Alchemy Farms LLC</p>	<p>Here at Alchemy Farms we are in favor of this bill. The bill incorporates measures to protect our environment and helps guard against financial harm to retail electric rate payers.</p>
<p>Scott Simmons For Climate Reality Project - Northern Colorado chapter</p>	<p>As a retired Information Technology professional for over 40 years, I wanted to comment on SB26-102. The HUGE resource requirements to run data centers runs head-on into the climate issues we are facing in Colorado. The huge power requirements will likely result in more damage to our natural lands as we continue to frack and extract coal and oil out of our planet to feed the huge appetite of these facilities. But worse yet - the water requirements of this technology are EXTREME. SB26-102 will provide needed guardrails for this expanding industry - and will be critically important for rural communities. Please pass this critical bill.</p>
<p>Zhulieta Stoyanova For themselves</p>	<p>Hello,</p> <p>I am writing in support of the guardrails proposed for data centers! Data centers cause an increase in demand for water and energy use in the neighborhoods and even city-wide areas they are built in! I would not want a data center in my community but if one were to be built - Coloradans need protections from skyrocketing electricity and water prices. Data centers also use an enormous amount of water, an already precious and limited resource for our area. If data centers were to be built here, we need them to preserve and recycle the water they are drawing from our waterways!</p> <p>Last but not least, I am writing in favor of this bill because it requires data centers to generate or purchase energy from renewable sources in order to meet 100% of its large-load annual electrical consumption. That is a huge deal! It will help our state and cities meet their environmental goals and decrease pollution from the additional energy generation needed to sustain data centers.</p> <p>Thank you!</p>
<p>Jerry Berg</p>	<p>Dear Legislators,</p>

<p>For themselves</p>	<p>I am in full support of SB26-102. I feel data centers everywhere are getting out of control. We can't really stop people's desire to use AI but we can make the companies building the data centers more responsible. This would in turn place the burden back onto the people using AI the most.</p> <p>I do believe that new large data centers should pay the full cost of investments in power generation, transmission, and distribution infrastructure needed to serve their electricity demands. This would then place the burden on the end user. I also think that these data centers should enter into long term contracts for power supply so that they cannot come back on all users in the short term for a different contract that makes us all pay for their profit.</p> <p>It would be best for any new data centers to be required to obtain all of their power from clean, renewable energy sources, and that any back-up generators be required to meet stringent emissions standards.</p> <p>Too many large companies have proven through past actions that they cannot simply be trusted to do the right thing anymore. There does seem to be too much greed in business today. So I agree that there should be requirements in place for any new large data centers to report annually on their energy use, water use and water use efficiency, and sources of water supply. We are all feeling the effects of climate change that is driving our increasing lack of water, especially on the West slope. It is no more acute than this year.</p> <p>Please do the right thing and pass this bill as written and don't let it be diluted by big money interests.</p> <p>Thank you, Jerry Berg Crawford, CO</p>
<p>Jennifer Hutton For themselves</p>	<p>I want to impress how important it is to hold aggressive Data and AI centers accountable for their affect on community.</p> <p>Transitioning to a clean future and creating more jobs does not mean or require holding on to old ones. Colorado has made this abundantly clear through voting that they are not threatened into existing with old world science.</p>

	<p>Not only do data centers take away the honor that students in Master of Library and Information Science ALREADY provide to the community, they do not provide the same personal touch, or understanding, or thought, or care - or accuracy. These data centers do not achieve what they claim. They mar everything they touch.</p> <p>These scholars also aren't used as a tool for violence, like data centers will soon serve. This makes data centers obsolete and unnecessary. I refuse to pay for war tools I did not vote to provide.</p> <p>Data centers talk business, We talk humans.</p> <p>So if it is business they want, they will pay for it, dearly.</p> <p>Moving forward it is imperative to send the message our well being is not dependent ON them, it exists OUTSIDE of them. They can realize this by abiding to all plans that hold to future targets for green reformation, not against it claiming proficiency in the name of vanity.</p> <p>Most importantly, are we really debating the existence of clean drinkable water, or just the next paycheck? If they're so assured it will still be great for the community let's see them drink water that's been processed by their plant. If they can't, that means they know they need to mitigate their affects. So let them pay for it, like they assume responsibility for their business.</p> <p>Colorado says no.</p> <p>You don't get to come in my back door and steal my children's future or use us as a weapon. Make these data centers pay for their own mistakes. All of them.</p>
<p>Karen Rose For themselves</p>	<p>There are so many concerns about data centers that it makes sense to regulate them. At a time when utility costs are increasing for everyone, data centers are likely to push prices even higher because of their tremendous need for energy. Data centers also use a lot of water -- in the desert, that's a problem and especially so in drought years like this. Data centers are noisy -- they are challenging to live near. Data centers support AI and data storage and I question the</p>

	<p>need for so much of either. For example, I could clean up my email list and not need the additional data storage that Google wants to sell me. And I could sure do without the intrusiveness of Google Gemini which monitors my every online move. I realize AI has important uses in many applications -- but does it need to be so ubiquitous? Let's be very careful about allowing huge, noisy, energy-gobbling data centers to dot our Colorado landscapes.</p>
<p>Cynthia Appel Amend themselves</p>	<p>Hello and thank you for considering my opinion regarding this bill. I do support this bill and its stated safeguards if data centers must be built. However, in this bill there is one very important resource that is not addressed sufficiently and that is water. There are no limitations of water use placed on data centers. I think that is a mistake. As you know we are in a significant drought situation and water scarcity is threatening agriculture and clean drinking water for communities. My fear is that hedge funds and corporations are buying up water rights in our state to build these data centers. I would rather eat locally grown food and support our local agricultural industry than build data centers. I am actually opposed to building them in Colorado.</p> <p>Thank you for your consideration of my opinion and thank you for your work.</p> <p>Sincerely, Cynthia Appel</p>
<p>Jess Richins For themselves</p>	<p>Hello. My name is Jess Richins. I am a resident of Garfield County Colorado. I work in forestry and have experience in wildland firefighting, and I am an avid outdoorsman. I am writing today to implore you to implement the regulations proposed in this bill on the construction and operation of large load data centers in our state. The impact of climate change is already impacting the people in our state. Data centers are drivers of emissions of greenhouse gasses, and they use an absurd amount of water. If we incentivize their construction, and have loose regulation, this will have an immensely deleterious affect on Coloradans.</p> <p>As you know, this has been a very bad winter for snow accumulation. This is one point in a larger trend towards drought. I am 26 years old. My whole adult life has been lived with the effects of climate change coming home to roost. Fire season in our state has extended to almost the whole 12 months of the year, weather is less and less predictable, more extreme, and everything is much, much, drier. Climate change is an existential threat to me, and everyone in my</p>

	<p>generation. Data centers are huge energy consumers and have the potential to produce an immense amount of greenhouse gasses through this energy consumption. They are also huge consumers of water, which can have damaging effect on water sources that they draw from, as well as on others that rely on the same utility for this water. Data centers will only make the problems we face because of climate change worse.</p> <p>I implore you to pass this bill as it is. The guard rails around the operation of data centers in this bill are essential to limiting their impact, if they must be built here. I understand that the state of Colorado cannot stem the tide of data centers being built nationwide, but that is no excuse to let them run rampant here. There is no economic benefit to this state large enough to justify their huge negative impact, if they go without regulation.</p> <p>I ask that you pass this bill as it is.</p> <p>Thank you for your consideration.</p>
<p>Bear Espinoza Against Action Colorado</p>	<p>Written Testimony – Opposition to SB26-102</p> <p>Bear Espinoza, Action Colorado</p> <p>Chair and Members of the Committee,</p> <p>My name is Bear Espinoza, submitting on behalf of Action Colorado in strong opposition to SB26-102.</p> <p>This bill disrupts established utility service territories, introduces uncertainty into Colorado’s energy system, and shifts risk onto existing ratepayers all to accommodate large-load development without adequate safeguards.</p> <p>Colorado already has a responsible framework. Tri-State Generation and Transmission, working with its member cooperatives like San Isabel Electric Association, has developed a large-load process (pending federal approval) that gets this right. It requires large loads</p>

to pay their own way, ensuring 100% consumer protection, and allows those loads to bring up to 100% of their own generation resources, including reserve requirements. It addresses speed-to-power concerns without shifting costs onto rural or existing customers.

SB26-102 ignores that progress.

Instead, it opens the door to cherry-picking of service territories, undermines long-standing utility structures, and creates real risk of cost shifting where rural and existing customers are left paying for infrastructure built to serve large, high-demand users. It also introduces regulatory confusion through overlapping authority and unclear processes, which will lead to delays, disputes, and higher costs.

We should not be rewriting Colorado's utility framework to chase speculative development opportunities especially when doing so puts reliability and affordability at risk.

If large-load customers want to come to Colorado, they should do so under clear rules: they pay their own way, meet system requirements, and do not destabilize existing service structures. Anything less is a subsidy paid for by the very communities this legislature claims to protect.

Action Colorado supports growth. We oppose policies that prioritize outside interests over the people already here.

We urge a NO vote on SB26-102.

Respectfully,
Bear Espinoza

	Action Colorado
<p>Jeffrey Otte For themselves</p>	<p>Testifying in support of SB26-102 - Measures to Ensure Accountability for Large-Load Data Centers</p> <p>big data centers are coming, probably whether we want them or not, and their impact on Colorado’s energy consumption will be huge.</p> <p>Xcel Energy estimates that new data centers could increase peak power demand by more than 40% by 2035. That’s an enormous increase in a short period of time, and there will be huge consequences for Colorado, both environmentally and economically. It is on us to prepare.</p> <p>Without regulation in place, the increased demand for energy is virtually certain to reverse Colorado’s progress toward reducing energy emissions by 80% by 2030.</p> <p>We can’t afford that. At the federal level, we have an administration that declared this winter that climate change doesn’t exist. But where I’m sitting, it’s March 18 and it’s 80 degrees outside. Our statewide snowpack is at about 60% of normal and fire season is coming.</p> <p>Nobody is coming to save us. It’s never been more crucial at the state level to recognize the threat of climate change to our state and to do everything we can to mitigate it.</p> <p>I like ChatGPT as much as the next guy, but we need to do this responsibly. We cannot allow industry to come into our state and saddle the burden of the enormous quantities of water and energy these data centers will gobble up on the health and finances of everyday people.</p> <p>That is precisely what will happen without this bill. Your constituents need you to vote in support.</p>

<p>Kenneth Scissors</p> <p>For themselves</p>	<p>Dear Transportation and Energy Committee,</p> <p>I am in full support of SB26-102 for the following reasons:</p> <ul style="list-style-type: none"> -It provides fair rules, accountability, and transparency that protects citizens from rising energy costs and environmental damage due to new data centers -The Colorado legislature has an obligation to hold corporations responsible for environmental harms and threats to affordable and reliable energy that comport with our clean energy transition goals <p>This bill is far superior to SB26-1030 which supports data center owners over citizens, our environment, and our laudable climate goals.</p> <p>Thank you for considering my comments, and I send my appreciation for the hard work all of you do.</p>
<p>Lynne Sullivan</p> <p>For themselves</p>	<p>Lynne Sullivan, Longmont, Colorado resident.</p> <p>Thank you opportunity to address SB26-102</p> <p>I support SB 102 and am asking this committee to pass strong, state-wide, transparent, enforceable rules to protect communities from data center challenges, that could be mitigated with strong legislation.</p> <p>Challenges include massive Energy needs.</p> <p>Financially, these for-profit companies must pay for the energy they use. We need rate payer protections so citizens do not pay via their personal energy bills</p> <p>And, given the extreme underfunding of our schools and healthcare systems, tax breaks for very wealthy Big Tech companies are unacceptable.</p>

	<p>And, without strong legislation, Energy and Air Pollution go hand in hand.</p> <p>We need policies that require data centers to build their own sources of clean, (not nuclear), renewable, healthy energy. Otherwise, ever more heat trapping CO2 will go straight into our record breaking temperatures.</p> <p>Nitrogen oxides and sulfur dioxide will further pollute our already unsafe air, increasing rates of respiratory diseases, cardiovascular failures and elevated cancer risks.</p> <p>We need legislation requiring better noise mitigation strategies.</p> <p>Low frequency noise created by diesel generators and HVAC systems are disrupting peoples lives - neighbors can't sleep, or focus on every day needs, and data center staff and nearby wildlife are showing ill effects.</p> <p>We need legislation that will require Colorado businesses to develop and implement Water-Sustainable practices and policies, to protect our limited water resources.</p> <p>Centers often pollute ground water, including PFAS contamination. Exposure to PFAS can compromise immune systems, increase risk for cancers, cause birth defects, and liver and kidney disease.</p> <p>Colorado is in extreme drought.</p> <p>Yet, one data center can use the water needed for a city of 50,000 people! Â 3â€"7 million gallons per day.</p> <p>Please continue to push for improved legislation to protect our air, water, lives and financial resources. Thank you.</p>
<p>THOMAS ACKER For themselves</p>	<p>My Name is Thomas Acker and I am speaking in favor of SB26-102.</p> <p>I thank Senator Kipp and Rep. Brown for sponsoring this important legislation.</p>

	<p>What I most like about this bill is the requirement that the processing center developer must comply with various elements before it can proceed. In this way the development of high load processing centers will respond to community standards as directed by elected officials, rather than the whims of big tech corporations.</p> <p>We all know that CO is in the midst of a drought. I have watched the Colorado River dwindling without the usual snowfall occurring this year. This bill is a welcome answer to the ill-conceived SB 26-1030. In SB102 An operator must report to the department of public health and environment certain large-load data center information, including the center's annual electricity and water consumption. Sb 102 requires that all data processing systems use a closed loop cooling system which addresses the concern about water consumption in our arid state. In addition, The department of public health and environment will monitor the processing centers and report to the general assembly and the Energy and Carbon Management commission.</p> <p>SB102 requires large data centers developers pay the investments in power generation, transmission and distribution infrastructure that will benefit big tech companies. This will protect residential and small businesses from rate increases.</p> <p>Recently, the Western slope lobbying association Club 20 pronounced their support for delaying the decommissioning of coal fired generators in anticipation of growing energy demands. SB102 requires the production of additional energy without the harmful pollution impacts that continued coal generation and natural gas generators would produce. SB102 requires clean, renewable energy generation and back up generators that comply with stringent emissions standards.</p> <p>The extensive protocols that this bill contains which will go far in protecting the Disproportionately Impacted communities from the negative impacts of a large data center as would likely happen in a rural region with little political power to otherwise protect them which characterizes many communities on the western slope.</p>
<p>Tracy Korb For themselves</p>	<p>Hello, I signed up for verbal testimony but I had to drop from the Zoom before I was called. Here is what I was planning to say:</p>

	<p>Hi, My name is Tracy Korb, I'm from Fort Collins and a resident of Durango for 26 years. I'm here to express my support for SB26-102.</p> <p>I'm grateful that Colorado is looking at this issue proactively, especially as I see how data centers have negatively impacted other communities across the country.</p> <p>From the energy required to the high water usage, noise and pollution, I am very concerned about the adverse and unknown impacts of data centers on our environment, our communities, our health and our way of life.</p> <p>I'm skeptical about the long-term environmental sustainability of data centers and feel strongly that data center companies need to be accountable to the communities they inhabit.</p> <p>Without any guardrails, how will data centers keep energy bills affordable? Protect Colorado's air and water quality? Meet our climate targets? And will they be transparent in their reporting to our communities and policy makers about what they are doing?</p> <p>I can't completely escape the fact that I'm a consumer of the output of data centers, but I feel strongly that the common sense guardrails that SB26-102 put in place will at the very least, help rein in and mitigate some of their negative impacts on the place I call home.</p> <p>I respectfully ask that you vote yes on SB26-102. Thank you for your consideration.</p>
<p>Janet Chapman For Citizens' Climate Lobby Montrose</p>	<p>AS a coleader of Citizens' Climate Lobby I want to testify for SB26-102 to ensure accountability for data centers to keep our energy rates affordable, protect our environment and keep our climate goals. They must do its part to ensure Colorado achieves its statutory climate goals for 2030. It requires data centers to be powered by clean electricity sources and limit water use. It must guarantee</p>

	<p>transparency. and protect our water. Thank you for your consideration and research. Janet Chapman Citizens' Climate Lobby</p>
<p>Art Curtis Against themselves</p>	<p>My name is Art Curtis. I am a resident of Lakewood, Colorado, and an officer of the Colorado Nuclear Alliance. I am opposed to this bill as written because it mandates the use of renewable energy for powering data centers and other large loads (e.g. industrial facilities, hydrogen electrolyzers, electric vehicle recharging stations). These facilities cannot be reliably powered by 100% wind, solar, and batteries. They need firm, clean, dispatchable electric power that can only be provided by nuclear plants. Defining clean electricity to include only renewable sources will assure that data centers and other industrial facilities will not be built in Colorado. There is another bill, HB26-1030, that addresses data centers and other large loads. SB26-102 and HB26-1030 should be combined into a single bill that includes nuclear as a clean energy resource for powering these facilities. Furthermore, off-grid, behind-the-meter alternatives should be included in the legislation. Thank you for your consideration of my concerns about this legislation.</p>
<p>Jill Hodges For themselves</p>	<p>If tech firms wish to partake in Colorado's future, they must intercalate with the current residents values: clean energy, environmental protection, and empathy for impacted communities. We are not just empty space to be exploited for a quick profit while polluting our air, water, soil, and even our digital environment by way of AI slop.</p>
<p>Nikita Welch For themselves</p>	<p>I live in Basalt, Colorado and we have already been suffering from extreme drought. The water that Data Centers will use will only make this worse. Our energy bills will increase as well, most cannot afford this. We have to protect our beautiful Colorado from more pollution into our water and air.</p> <p>This bill must be supported because the lack of regulation of large data centers will threaten the goal of protecting our water, air, and in course, the health of the environment that we rely on for resources. This bill will require new large data centers to report annually on their energy use, water use and water use efficiency.</p>

	<p>This bill will also protect communities from the pollution that could be caused by new large data centers. It will give the government moral guidelines to adhere to in order to protect those communities affected.</p>
<p>Noah Commerford Against Latino Chamber of Commerce of Pueblo</p>	<p>Dear Members of the Committee,</p> <p>My name is Noah Commerford, I serve as the President & CEO of the Latino Chamber of Commerce. I am writing on behalf of the small business community to respectfully express opposition to SB26-102.</p> <p>Small businesses across Colorado are already operating in one of the most challenging economic environments in recent years. Persistent inflation has driven up the cost of nearly expense including rent, payroll, insurance, inventory, and utilities. For many small business owners, there is little to no margin left to absorb additional cost increases.</p> <p>Energy costs, in particular, have become a growing concern. Electricity is not a discretionary expense, it is essential to daily operations. Any policy that risks increasing rates or introducing additional cost burdens ultimately falls on small businesses that are already stretched thin. Unlike larger corporations, small businesses often lack the ability to pass these costs on to customers without risking a loss in sales, competitiveness, or long-term viability.</p> <p>While SB26-102 may have been introduced with the intent of ensuring cost-causation and protecting ratepayers, the bill in its current form extends well beyond that scope. The expansion into broader regulatory requirements, such as emissions modeling, multi-agency oversight, and additional compliance layers creates uncertainty and the potential for increased costs across the energy system.</p> <p>At a time when inflation remains high and economic stability is still fragile, policies that may contribute to higher utility costs or reduced grid reliability could have unintended consequences. These impacts</p>

	<p>are not theoretical, they translate directly into higher operating costs, reduced hiring, delayed expansion, and, in some cases, business closures.</p> <p>Small businesses are the backbone of Colorado’s economy. They create jobs, support local communities, and drive innovation. However, they are also the most vulnerable to cost increases and regulatory complexity.</p> <p>I respectfully urge the committee to consider the cumulative economic impact of this legislation and the burden it may place on small businesses across the state. We ask that you oppose SB26-102 in its current form or pursue a more balanced approach that ensures energy affordability, reliability, and economic growth for all Coloradans.</p> <p>Thank you for your time and consideration.</p>
Kassidy Rowan For themselves	<p>It is imperative that we pass SB26-102 to hold data centers accountable for the resources they utilize. It is not the job of the American people to pay higher costs in utilities, in an already failing economy, for data centers to make a profit. It is unacceptable that these centers are operating entirely unchecked, using finite resources like water with no regard for the fact we need clean drinking water. If these data centers are to remain in existence, at the very least they must be held accountable to the people. As a social worker for the elderly, blind, and disabled community I can attest to the fact that Colorado is already poisoning its residents to the extent that countless individuals suffer respiratory diseases as a result. The immoral operation of unchecked data centers will inevitably harm these individuals further, be it due to pollution, lack of water, rising energy costs, or all of the above. There is no justification to allow these data centers to operate unchecked and unaccountable to Colorado residents, unless our state and local representatives are actively turning a profit. If not, these data centers are equally harmful to you, the representatives, to your families, to your friends, and to our state as a whole. In a time where countless representatives are flaunting their plans for unemployment, I hope that you will make the</p>

	<p>logical choice. Defending The People, and not backing profitable companies, is your job. The people, not profitable companies, are your bosses. Your bosses are telling you to get these resource-sucking centers in check. Thank you for your dedication to The People, and to your employment.</p> <p>Sincerely,</p> <p>Kassidy Rowan, Arapahoe County Resident</p>
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Chair, Members of the Committee

My name is Nathan Cooper, Executive Director of SMACNA Colorado, and I'm here today on behalf of our contractors in opposition to Senate Bill 26-102.

First, I want to thank the sponsors of SB 26-102, especially Senator Cathy Kipp, for bringing this issue forward. We appreciate the work and thought that has gone into the bill and the focus on ensuring responsible data center development in Colorado. We share that goal. At the same time, we believe it's important to strike the right balance to ensure Colorado remains competitive.

SMACNA represents union sheet metal and HVAC contractors across Colorado. Our members design, fabricate, install, and maintain air distribution and climate control systems in commercial, industrial, and high-performance buildings. These are highly skilled trades that support thousands of jobs and contribute significantly to the state's economy.

Our contractors play a key role in building and maintaining the mechanical systems that support data centers, including cooling and airflow systems that help ensure these facilities operate efficiently and reliably.

We support responsible growth in this sector and recognize the importance of thoughtful policy. However, SB 26-102, as currently drafted, risks missing the balance needed to keep Colorado competitive.

Data center development is highly competitive. States across the country are actively working to attract these projects because they bring significant private investment, long-term tax revenue, and thousands of high-quality jobs. When policy introduces uncertainty, excessive costs, or duplicative regulatory hurdles, those projects don't wait, they go somewhere else.

Our concern is not with oversight. We believe in responsible development. But SB 26-102 creates a framework that could discourage investment at a time when Colorado should be positioning itself as a leader in digital infrastructure.

If we get this wrong, we risk losing opportunities to grow our workforce, expand apprenticeship programs, and create long-term, family-sustaining careers in the skilled trades.

Our members are on the ground building these complex systems. We understand what it takes to deliver these projects successfully, and we know how important it is to maintain a competitive and predictable environment.

For these reasons, we respectfully urge you to oppose Senate Bill 26-102. I'm happy to continue talking about this measure and answer any questions you may have.

Re: **SB26-102 Large Load Datacenters** – March 16, 2026

To: Senate Sponsors Cathy Kipp
House Sponsors Kyle Brown
Senate Transportation & Energy Committee Members:
Senators Lisa Cutter, Matt Ball, Mark Baisley, Marc Catlin, Tony Exum,
William Lindstedt, Kyle Mullica, Byron Pelton, Tom Sullivan

Thank you for the good work towards reducing the pollution in our communities and towards meeting emission goals to reduce climate change impacts on our neighbors.

I advocate for the reduction of emissions that are causing our communities to be polluted in the vast Denver/Front Range Severe Ozone Pollution Area, and for the reduction of emissions from burning fossil fuels that cause climate change and contribute to the Severe Ozone Pollution.

Background on the Severe Ozone Pollution - Denver/Front Range Non-Attainment area:

- More air pollution affects more people and costs our communities – in 2022 the bad air we breathe went from ‘serious’ to ‘severe’ according to the EPA and the State Air Quality Control Commission (AQCC).
- About 4 million people live and breathe the pollution in the Severe Ozone non-attainment area – about 80% of states population - 9 counties including: Denver, Arapahoe, Jefferson, Adams, Douglas, Boulder, Broomfield, Larimer, Weld.
- This pollution causes breathing problems, asthma, lung damage, cardiac issues, heart attacks, and premature deaths, and represents a terrible cost to our communities.
 - Colorado Fiscal Institute (CFI) in the 2023 Clearing the Air Report estimated additional health related costs and lost workdays in Colorado to range \$480 million-\$1 billion per year.
 - CFI in the 2026 Colorado Climate Damages and Adaptation Cost Report estimated historical Colorado costs attributable to excess heat (1999-2024) to be about \$200 million per year and estimated future expected heat related climate attributable death costs to range from \$730 million to \$830 million per year.
 - CFI in their 2026 report estimated that future Colorado expected climate related costs to be roughly \$1.5 billion per year.

As a private citizen I urge you to approve SB26-102:

1. I believe that the database companies have both the capability and enough resources to build datacenters without adding new pollution in our communities. Building datacenters using alternative energy is both the least long-term cost option, and the best option for the health of our communities.
2. If datacenters are allowed to be built using onsite burning of fossil fuel power (such as diesel or gas), it will likely increase the number of years that the Severe Ozone Pollution will cost our neighbors and communities health, and make it harder for companies to gain air permits for needed expansion.

Sincerely,

Ted Wells
President ClimateUnified.org
4926 Coal Bank Drive

Written Testimony: Sara Axelrod, Vice President of Public Affairs, Government Affairs, and Sustainability, Crusoe
3/18/26

Crusoe works with leading technology companies and energy providers across the country to develop data centers and advanced computing infrastructure. Through that work, we see a consistent pattern: projects move forward where regulatory frameworks are workable and economic conditions support development.

By moving compute to the energy, instead of bringing energy to the data center, we eliminate many of the inefficiencies that drive up costs and delay development. This approach enables faster deployment timelines, more predictable energy pricing, and significantly lower infrastructure costs, benefits that can extend beyond the operators.

Equally important, this model is designed to work with, not against, local communities. By minimizing reliance on the grid, the risk of increased electricity costs for residents and businesses can be reduced. Flexible, dispatchable energy resources allow us to adjust operations during periods of peak demand, helping to stabilize, not stress, local energy systems. We also use closed-loop water systems, to minimize our water usage.

This is a fundamentally different approach to infrastructure development, one that prioritizes resource efficiency, reduces waste, and aligns economic growth with community benefit.

As demand for advanced computing continues to grow, energy-first solutions offer a practical and scalable path forward, supporting innovation while taking into account affordability, reliability, and quality of life in the communities we serve.

Colorado now stands at a critical decision point.

Data centers can bring long-term investment, grid system upgrades, job creation, and expanded local tax bases. But policy will determine whether those benefits are realized in-state.

Senate Bill 26-102 risks deterring investment into our State by requiring excessive regulatory burdens without consideration of broader stakeholder input or establishing a viable economic framework.

In contrast, House Bill 26-1030 provides a balanced, practical pathway, aligning development with energy, infrastructure coordination, and efficiency.

Colorado has the opportunity to lead. HB26-1030 makes that possible. SB26-102 does not.

