

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB26-1326 be amended as follows:

1 Amend printed bill, page 16, lines 16 and 17, strike "**add (5)(b.5)**" and  
2 substitute "**amend (5)(a)**".

3 Page 16, strike lines 18 through 27.

4 Page 17, strike lines 1 through 25 and substitute:

5 **"29-20-108. Local government regulation - location,**  
6 **construction, or improvement of major electrical or natural gas**  
7 **facilities - powerline trail notification - expedited review for certain**  
8 **transmission line projects - legislative declaration - definitions.**

9 (5) (a) (I) If a local government denies a permit or application of  
10 a public utility, A MUNICIPALLY OWNED UTILITY, A COOPERATIVE  
11 ELECTRIC ASSOCIATION, AN INDEPENDENT TRANSMISSION DEVELOPER, AN  
12 INDEPENDENT POWER PRODUCER, or A power authority that relates to the  
13 location, construction, or improvement of major electrical or natural gas  
14 facilities, or if the local government imposes requirements or conditions  
15 upon such permit or application that will unreasonably impair the ability  
16 of the public utility, A MUNICIPALLY OWNED UTILITY, A COOPERATIVE  
17 ELECTRIC ASSOCIATION, AN INDEPENDENT TRANSMISSION DEVELOPER, AN  
18 INDEPENDENT POWER PRODUCER, or A power authority to provide safe,  
19 reliable, and economical service to the public, the public utility,  
20 MUNICIPALLY OWNED UTILITY, COOPERATIVE ELECTRIC ASSOCIATION,  
21 INDEPENDENT TRANSMISSION DEVELOPER, INDEPENDENT POWER  
22 PRODUCER, or power authority may appeal the local government action to  
23 the public utilities commission for a determination under section  
24 40-4-102, ~~C.R.S.~~, so long as one or more of the following conditions  
25 exist:

26 (⊕) (A) The public utility, MUNICIPALLY OWNED UTILITY,  
27 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT TRANSMISSION  
28 DEVELOPER, INDEPENDENT POWER PRODUCER, or power authority has  
29 applied for or has obtained a certificate of public convenience and  
30 necessity from the public utilities commission pursuant to section  
31 40-5-101, ~~C.R.S.~~, to construct the major electrical or natural gas facility  
32 that is the subject of the local government action;

33 (⊕) (B) A certificate of public convenience and necessity is not  
34 required for the public utility, MUNICIPALLY OWNED UTILITY,  
35 COOPERATIVE ELECTRIC ASSOCIATION, INDEPENDENT TRANSMISSION  
36 DEVELOPER, INDEPENDENT POWER PRODUCER, or power authority to  
37 construct the major electrical or natural gas facility that is the subject of  
38 the local government action; or

1           ~~(H)~~ (C) The public utilities commission has previously entered  
2 an order pursuant to section 40-4-102, ~~C.R.S.~~, that conflicts with the local  
3 government action.

4           (II) ONLY TO THE EXTENT NECESSARY TO ADJUDICATE AN APPEAL  
5 FILED PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION, THE PUBLIC  
6 UTILITIES COMMISSION'S HEARING AND APPEALS PROCEDURES SET FORTH  
7 IN ARTICLE 6 OF TITLE 40 AND IN THE PUBLIC UTILITIES COMMISSION'S  
8 RULES IMPLEMENTING ARTICLE 6 OF TITLE 40 APPLY TO A MUNICIPALLY  
9 OWNED UTILITY, A COOPERATIVE ELECTRIC ASSOCIATION, AN  
10 INDEPENDENT TRANSMISSION DEVELOPER, OR AN INDEPENDENT POWER  
11 PRODUCER THAT HAS AVAILED ITSELF OF THE PUBLIC UTILITIES  
12 COMMISSION PROCEDURES BY FILING AN APPEAL PURSUANT TO  
13 SUBSECTION (5)(a)(I) OF THIS SECTION.

14           (III) NOTHING IN SUBSECTION (5)(a)(I) OF THIS SECTION SUBJECTS  
15 A MUNICIPALLY OWNED UTILITY, A COOPERATIVE ELECTRIC ASSOCIATION,  
16 AN INDEPENDENT TRANSMISSION DEVELOPER, OR AN INDEPENDENT POWER  
17 PRODUCER TO REGULATION BY THE PUBLIC UTILITIES COMMISSION BEYOND  
18 THE APPLICATION OF THE PUBLIC UTILITIES COMMISSION'S HEARING AND  
19 APPEALS PROCEDURES TO WHICH A MUNICIPALLY OWNED UTILITY, A  
20 COOPERATIVE ELECTRIC ASSOCIATION, AN INDEPENDENT TRANSMISSION  
21 DEVELOPER, OR AN INDEPENDENT POWER PRODUCER AVAILS ITSELF BY  
22 FILING AN APPEAL PURSUANT TO SUBSECTION (5)(a)(I) OF THIS SECTION."

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