

1 HB1326_L.001 Amendment No. _____
2 HB26-1326
3 HOUSE FLOOR AMENDMENT
4 Second Reading BY REPRESENTATIVES Duran and Willford

5 Amend printed bill, page 8, after line 27 insert:

6 "SECTION 8. In Colorado Revised Statutes, 40-7-113.5, amend
7 (1)(a) introductory portion, (1)(b), and (2)(a) as follows:

8 **40-7-113.5. Civil penalties applicable to public utilities -**
9 **exclusion from rate base.**

10 (1) (a) In addition to any other penalty otherwise authorized by
11 law and except as otherwise provided in subsections (3), (4), and (5) of
12 this section, a public utility furnishing electric, gas, water, water and
13 sewer, or telecommunications service that intentionally violates any
14 provision of articles 1 to 7 or 15 of this ~~title~~ TITLE 40 or of any rule,
15 TARIFF, or order of the commission ADOPTED OR ISSUED pursuant to ~~such~~
16 ~~articles~~ ARTICLES 1 TO 7 OR 15 OF THIS TITLE 40, which provision is
17 applicable to such utility, may be assessed a civil penalty of not more than
18 ~~two~~ SEVEN thousand FIVE HUNDRED dollars; except that nothing in this
19 subsection (1) shall be construed to authorize the imposition of civil
20 penalties upon:

21 (b) Civil penalties assessed pursuant to this section shall be paid
22 and credited to the general fund, in addition to any other sanctions that
23 may be imposed pursuant to law; EXCEPT THAT CIVIL PENALTIES ASSESSED
24 AGAINST AN ELECTRIC OR GAS UTILITY SHALL BE PAID TO THE PUBLIC
25 UTILITIES COMMISSION FIXED UTILITY FUND CREATED IN SECTION 40-2-114
26 (1)(b)(II) AND SHALL BE USED FOR AFFORDABILITY PROGRAMS OR
27 OUTREACH AND ENGAGEMENT DIRECTLY RELATED TO INCOME-QUALIFIED
28 CUSTOMERS OR DISPROPORTIONATELY IMPACTED COMMUNITIES. The
29 amount of any such penalties paid shall not be an allowable expense for
30 rate-making purposes.

31 (2) (a) The commission shall adopt rules specifying ~~the particular~~
32 ~~violations,~~ and the amount of the civil penalties to be assessed for each
33 violation pursuant to subsection (1) of this section. IN DETERMINING THE
34 AMOUNT OF CIVIL PENALTIES TO BE ASSESSED FOR EACH VIOLATION, THE
35 COMMISSION SHALL CONSIDER FACTORS INCLUDING THE UTILITY SIZE, THE
36 ACTUAL OR POTENTIAL HARM OF A VIOLATION, AND ANY MITIGATING
37 CIRCUMSTANCES OR ACTIONS OF THE UTILITY."

38 Renumber succeeding sections accordingly.

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