

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 26-0365.01 Jennifer Berman x3286

HOUSE BILL 26-1326

HOUSE SPONSORSHIP

Duran and Willford, Goldstein, Joseph, Paschal, Smith, Velasco, Brown, English, Jackson, Lindsay, Marshall, McCluskie, Nguyen

SENATE SPONSORSHIP

Rodriguez and Cutter,

House Committees

Energy & Environment
Finance
Appropriations

Senate Committees

Finance
Appropriations

A BILL FOR AN ACT

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

Bill Summary

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

Sunset Process - House Energy and Environment Committee.
The bill implements recommendations of the department of regulatory

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
May 11, 2026

HOUSE
Amended 3rd Reading
May 11, 2026

HOUSE
Amended 2nd Reading
May 9, 2026

agencies in its 2025 sunset review of the public utilities commission (commission) as follows:

- **Sections 1 and 2** of the bill continue the commission for 11 years to September 1, 2037;
- **Section 3** permits the commission members to engage in nonpublic communications regarding adjudicatory matters after the close of the evidentiary record if prior notice of the communications is provided and the final reasoning and determinations of the matter are later made at a public hearing;
- **Sections 4 through 9** authorize the commission to send communications by email;
- **Sections 10 through 13** modernize certain processes, provide additional transparency, and clarify inconsistencies in certain energy statutes by:
 - Aligning the renewable energy standard with the statutes governing clean energy plans;
 - Directing the commission to perform a study to identify any barriers to joint procurement by electric utilities with regard to advanced technology generation resources;
 - Authorizing the commission to require a commission-regulated utility to contract with one or more third parties to administer certain customer-facing programs; and
 - Clarifying that a municipally owned utility, cooperative electric association, independent transmission developer, or independent power producer may appeal to the commission a local government's decision to deny a land use permit or application for a major electrical or natural gas facility owned by the municipally owned utility, cooperative electric association, independent transmission developer, or independent power producer;
- **Sections 14 through 19** authorize the commission to direct investor-owned electric utilities to use securitization through the "Colorado Energy Impact Bond Act" as an alternative means of financing and recovering costs;
- **Section 20** requires the commission to:
 - Adopt rules standardizing the implementation of the various income-based energy assistance programs provided by commission-regulated utilities in the state; and
 - Conduct a study into commission-regulated utilities'

income-based energy assistance programs to determine whether funding access and equity can be improved in the state;

- **Section 21:**
 - Prohibits an individual from impersonating a transportation network company (TNC) driver (driver). An individual who violates the prohibition commits a class 2 misdemeanor. An individual who impersonates a driver during the commission of a felony offense commits a class 6 felony. A TNC is required to conduct periodic checks utilizing facial recognition software to prevent driver impersonation in accordance with rules adopted by the commission.
 - Requires a TNC to anonymize data reported to the commission concerning driver refusals to provide service to a rider and the commission to make the anonymized reports available to the public;
 - Requires a TNC to provide information about the commission, including the commission's contact information, to a rider in accordance with rules adopted by the commission; and
 - Repeals the burden to prove that a driver's violation was reported to the TNC for the TNC to be held liable for the violation and raises the fine for a violation from \$550 to \$1,100;
- **Section 22** requires TNCs to annually submit to the commission a report, redacted to protect personal identifying information, that contains all safety-related incident reports made to or created by the TNC in the preceding calendar year. The commission shall make the reports publicly available.
- **Section 23** expands the types of drivers who need to have criminal history record checks performed to include drivers who are employed by any motor carriers and contract carriers;
- **Section 24** requires the commission to perform a market study to determine if the current systems of regulating intrastate contract and common carriers optimally balance consumer protections with industry and regulatory efficiency and to report its findings and recommendations based on the study to the general assembly by January 1, 2028;
- **Sections 25 and 26** replace the current inspection requirements for a charter bus, children's activity bus, fire

crew transport, luxury limousine, off-road scenic charter, and large-market taxicab with a requirement that these vehicles be inspected on a schedule and to a standard set by rules adopted by the commission;

- **Sections 27 through 33** update the state railroad regulation requirements to mirror current federal law and to repeal obsolete provisions;
- **Section 34** removes the \$500 fee cap paid by companies to access the Colorado no-call list, replaces it with a \$1,000 fee cap, and requires conforming list brokers, which are companies that purchase the no-call list and sell it to other companies, to pay a fee established by the commission by rule;
- **Sections 35 through 39** apply the fees that the commission assesses on public utilities on intrastate telecommunications and voice service providers to help finance the commission's telecommunications-related work;
- **Section 40** aligns the usage of money collected from charges related to the provision of 911 services with federal requirements by clarifying that the money may be expended for public safety radio equipment outside of a public safety answering point only if the equipment is used for dispatching emergency service providers to respond to 911 calls;
- **Section 41** authorizes the commission to adopt rules that establish caps on rates charged by penal communications service providers on intrastate penal communications services provided for intrastate communications with individuals in correctional facilities and to enforce the intrastate rate. **Section 41** also requires penal communications service providers to cooperate with commission staff when the staff is performing biannual testing of penal communications services.
- **Section 42** exempts small operators of natural gas pipelines from the minimum \$5,000 civil penalty required for violations of pipeline safety laws and authorizes the commission to impose a lesser civil penalty against a small operator; and
- **Section 43** directs the commission to perform a study identifying all privately owned water utilities in the state and assessing their financial conditions and needs.

1 **SECTION 1.** In Colorado Revised Statutes, 40-2-101, **amend**
2 (3)(b)(I) as follows:

3 **40-2-101. Creation - appointment - term - subject to**
4 **termination - repeal of part.**

5 (3) (b) (I) This part 1 is repealed, effective ~~September 1, 2026~~
6 **SEPTEMBER 1, 2033.**

7 **SECTION 2.** In Colorado Revised Statutes, **add 40-2-106.5 as**
8 **follows:**

9 **40-2-106.5. Transparency about electric and gas**
10 **investor-owned utility regulatory filings - commission informational**
11 **meetings - annual reports - summary of public comments in**
12 **commission decisions.**

13 (1) **ON OR BEFORE JANUARY 31, 2027, AND ON OR BEFORE EACH**
14 **JANUARY 31 THEREAFTER, AN ELECTRIC INVESTOR-OWNED UTILITY, A GAS**
15 **INVESTOR-OWNED UTILITY, OR A COMBINED ELECTRIC AND GAS**
16 **INVESTOR-OWNED UTILITY SHALL FILE WITH THE COMMISSION A SUMMARY**
17 **OF THE UTILITY'S ANTICIPATED REGULATORY FILINGS FOR THE FOLLOWING**
18 **CALENDAR YEAR. THE COMMISSION SHALL MAKE THE UTILITY'S FILINGS**
19 **PUBLICLY AVAILABLE ON ITS WEBSITE.**

20 (2) **AFTER AN INVESTOR-OWNED UTILITY FILES WITH THE**
21 **COMMISSION A SUMMARY OF ITS ANTICIPATED REGULATORY FILINGS**
22 **PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL**
23 **CONVENE AN INFORMATIONAL MEETING IN FEBRUARY OF THE YEAR**
24 **FOLLOWING THE DATE OF THE FILING TO DISCUSS THE ANTICIPATED**
25 **REGULATORY PROCEEDINGS.**

26 (3) **ON OR BEFORE MARCH 31, 2027, AND ON OR BEFORE EACH**
27 **MARCH 31 THEREAFTER, THE COMMISSION SHALL SUBMIT AN ANNUAL**

1 REPORT TO THE GENERAL ASSEMBLY SUMMARIZING ALL MAJOR
2 ADJUDICATED CASES AND RULE-MAKINGS THAT THE COMMISSION
3 ENGAGED IN DURING THE PREVIOUS YEAR. THE ANNUAL REPORT MUST
4 INCLUDE:

5 (a) A DESCRIPTION OF MAJOR COMMISSION CASES, AS DETERMINED
6 BY THE COMMISSION, AND WORK IN ITS UTILITY, TRANSPORTATION, AND
7 PIPELINE SAFETY INDUSTRY SECTORS;

8 (b) A DESCRIPTION OF PROGRESS THE COMMISSION ACHIEVED ON
9 IMPLEMENTING THE EQUITY GOALS SET FORTH IN SECTION 40-2-108;

10 (c) A DESCRIPTION OF PROGRESS THAT THE COMMISSION ACHIEVED
11 ON IMPLEMENTING THE "BEST VALUE" EMPLOYMENT METRICS, AS
12 DESCRIBED IN SECTION 40-2-129, AND ENERGY SECTOR PUBLIC WORKS
13 PROJECTS, AS DEFINED IN SECTION 24-92-303 (5)(a); AND

14 (d) DATA ON THE NUMBER OF CONSUMER COMPLAINTS RECEIVED
15 AND RESOLVED BY THE COMMISSION AND THE NUMBER OF THOSE
16 COMPLAINTS THAT RESULTED IN CONSUMER REFUNDS OR BILL
17 ADJUSTMENTS.

18 (4) ON AND AFTER SEPTEMBER 1, 2026, THE COMMISSION SHALL
19 INCLUDE IN EACH DECISION THAT THE COMMISSION REACHES ON A MATTER
20 BEFORE THE COMMISSION A SUMMARY OF THE PUBLIC COMMENTS THE
21 COMMISSION RECEIVED ON THE MATTER, INCLUDING A SUMMARY OF THE
22 VOLUME OF COMMENTS RECEIVED; AN OVERVIEW OF THE ADVOCATED
23 POSITIONS PRESENTED IN THE COMMENTS, INCLUDING COMMENTS THAT
24 SPECIFICALLY ADDRESSED EQUITY ISSUES AND IMPACTS TO
25 DISPROPORTIONATELY IMPACTED COMMUNITIES; AND A CLEAR
26 EXPLANATION OF HOW THE COMMISSION CONSIDERED THE ADVOCATED
27 POSITIONS IN REACHING ITS FINAL DECISION ON THE MATTER. PUBLIC

1 COMMENTS SHALL NOT BE CONSIDERED AS PART OF THE EVIDENTIARY
2 RECORD.

3 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **repeal**
4 (27)(a)(XVI); and **add (34)(a)(XIV)** as follows:

5 **24-34-104. General assembly review of regulatory agencies**
6 **and functions for repeal, continuation, or reestablishment - legislative**
7 **declaration - repeal.**

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

10 (XVI) ~~The Colorado public utilities commission created in article~~
11 ~~2 of title 40;~~

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

14 (XIV) ~~THE COLORADO PUBLIC UTILITIES COMMISSION CREATED IN~~
15 ~~ARTICLE 2 OF TITLE 40.~~

16

17 **SECTION 4.** In Colorado Revised Statutes, 40-2-101, **amend (2);**
18 **and add (1)(c), (1)(d), and (2.5)** as follows:

19 **40-2-101. Creation - appointment - term - rules - subject to**
20 **termination - repeal of part.**

21 (1) (c) ~~THE COMMISSION, ACTING THROUGH ITS DIRECTOR, HAS THE~~
22 ~~POWERS, DUTIES, AND FUNCTIONS RELATED TO ITS BUDGETING,~~
23 ~~PURCHASING, PLANNING, AND RELATED MANAGEMENT FUNCTIONS,~~
24 ~~INCLUDING HUMAN RESOURCES.~~

25 (d) ~~WHEN APPOINTING COMMISSIONERS, THE GOVERNOR SHALL~~
26 ~~CONSIDER INDIVIDUALS WHO ARE KNOWLEDGEABLE OF THE INDUSTRIES~~
27 ~~THAT THE COMMISSION REGULATES AND WHO PROVIDE A DIVERSITY OF~~

1 EXPERIENCE AND UNDERSTANDING OF PUBLIC INTEREST CONSIDERATIONS,
2 INCLUDING LAW, FINANCE, EMISSION REDUCTION STRATEGIES, AND
3 CONSUMER PROTECTIONS.

4 (2) No more than two members of the ~~public utilities~~ commission
5 shall be affiliated with the same political party, and any appointment to
6 fill a vacancy shall be for the unexpired term. Each commissioner shall
7 be a qualified elector of this state. The governor shall designate one
8 member of the commission as chair of the commission. The
9 commissioners shall devote their entire time to the duties of their office
10 to the exclusion of any other employment and shall receive such
11 compensation as is designated by law. A majority of the commission ~~shall~~
12 ~~constitute~~ CONSTITUTES a quorum for the transaction of its business. THE
13 COMMISSION MAY HOLD WEEKLY MEETINGS FOR THE TRANSACTION OF ITS
14 BUSINESS AND, BEGINNING JULY 1, 2027, A MAJORITY OF THE
15 COMMISSIONERS MUST ATTEND ANY SUCH WEEKLY MEETING IN PERSON.
16 NOTHING IN THIS SECTION PROHIBITS THE COMMISSIONERS FROM MEETING
17 IN PERSON AT ANY TIME PRIOR TO JULY 1, 2027.

18 (2.5) (a) IN PERFORMING ITS DUTIES PURSUANT TO THIS ARTICLE
19 40, THE COMMISSION MAY SEND COMMUNICATIONS THROUGH EMAIL.

20 (b) THE COMMISSION SHALL ADOPT RULES ESTABLISHING
21 PROTOCOLS FOR THE USE AND SECURITY OF EMAIL COMMUNICATIONS SENT
22 BY THE COMMISSION.

23 **SECTION 5.** In Colorado Revised Statutes, 40-2-103, **amend** (1)
24 as follows:

25 **40-2-103. Director - duties.**

26 (1) The executive director of the department of regulatory
27 agencies, pursuant to section 13 of article XII of the state constitution,

1 and with the approval of the commission, shall appoint a director of the
2 commission. The director shall manage the operations of the agency in
3 order to carry out the public utilities law, to carry out and implement
4 policies, procedures, and decisions made by the commission, and to meet
5 the requirements of the commission concerning any matters within the
6 authority of a **type 1** entity, as defined in section 24-1-105, and which
7 requirements are under the jurisdiction of the commission. The director
8 has all the powers and responsibilities of the division director for this
9 purpose, ~~including~~ AND IS RESPONSIBLE AND ACCOUNTABLE FOR THE
10 ACTUAL OPERATIONS AND MANAGEMENT OF THE STATE PERSONNEL
11 SYSTEM WITHIN THE DIRECTOR'S RESPECTIVE DIVISION. THE DIRECTOR HAS
12 THE POWER TO SUBMIT AN ANNUAL BUDGET PURSUANT TO SECTION
13 40-2-110 AND IN COORDINATION WITH THE DEPARTMENT OF REGULATORY
14 AGENCIES. ADDITIONALLY, THE DIRECTOR HAS the power to issue all
15 necessary process, writs, warrants, and notices. The director has the
16 requisite power to serve warrants and other process in any county or city
17 and county of this state and to delegate such actions to duly authorized
18 employees or agents of the agency as appropriate.

19 **SECTION 6.** In Colorado Revised Statutes, 40-2-104, **add** (5) as
20 follows:

21 **40-2-104. Assistants and employees - utilization of**
22 **independent experts.**

23 (5) THE COMMISSION SHALL EMPLOY AND DESIGNATE EMPLOYEES
24 OF THE COMMISSION TO PERFORM INTERNAL AND EXTERNAL
25 COMMUNICATIONS AND ENGAGEMENT FUNCTIONS, INCLUDING TO ENSURE
26 CONSISTENCY AND INCLUSIVENESS OF PUBLIC COMMENT HEARINGS AND TO
27 PROMOTE EFFECTIVE INTERAGENCY COORDINATION.

1 **SECTION 7.** In Colorado Revised Statutes, 40-2-108, **amend**
2 (3)(a); and **add** (3)(c)(III), (3)(e), and (3)(f) as follows:

3 **40-2-108. Rules - legislative declaration - equity impacts**
4 **proceedings - equity analyst - equity task force - creation.**

5 (3) (a) The general assembly finds, determines, and declares that:

6 (I) Certain communities, both in Colorado and internationally,
7 have historically been forced to bear a disproportionate burden of adverse
8 human health or environmental effects, as documented in numerous
9 studies, including the "Toxic Wastes and Race at Twenty, 1987-2007"
10 report by the United Church of Christ Justice & Witness Ministries; the
11 federal environmental protection agency's annual environmental justice
12 progress reports; and a 2021 report from the "Mapping for Environmental
13 Justice" project at the Berkeley Public Policy/The Goldman School that
14 shows how the pollution burden is distributed in Colorado, while also
15 facing systemic exclusion from environmental decision-making processes
16 and enjoying fewer environmental benefits; and

17 (II) The purpose of this subsection (3) is to ensure that the
18 commission, in exercising its regulatory authority, will take account of
19 and, where possible, help to correct these historical inequities AND TAKE
20 REASONABLE ACTIONS TO BENEFIT COLORADO COMMUNITIES AND
21 WORKERS, INCLUDING NET BENEFITS SUCH AS:

22 (A) HIGH-QUALITY JOBS IN COLORADO THAT PROVIDE
23 AFFORDABLE HEALTH INSURANCE AND PAY WAGES THAT SUPPORT
24 COLORADO FAMILIES;

25 (B) A WORKFORCE WITH THE TOOLS, OPPORTUNITIES, AND
26 ECONOMIC ASSISTANCE TO SUCCESSFULLY ADAPT DURING AN ENERGY
27 TRANSITION, PARTICULARLY WITHIN COAL TRANSITION AND

1 ENVIRONMENTAL JUSTICE COMMUNITIES; AND

2 (C) DECISIONS IN WHICH COLORADANS SHARE IN THE BENEFITS OF
3 ENERGY CONSTRUCTION, MAINTENANCE, OPERATION, GENERATION,
4 TRANSMISSION, AND PROCUREMENT.

5 (c) (III) IN ADOPTING RULES PURSUANT TO THIS SUBSECTION (3),
6 THE COMMISSION SHALL IDENTIFY EQUITY IMPACT PROCEEDINGS THAT
7 HAVE THE POTENTIAL TO IMPACT THE DISTRIBUTION OF BENEFITS AND
8 BURDENS TO DISPROPORTIONATELY IMPACTED COMMUNITIES, WORKERS,
9 AND INCOME-QUALIFIED CUSTOMERS. THE COMMISSION SHALL ENSURE
10 THAT EQUITY IMPACT PROCEEDINGS INCLUDE PROCEDURALLY AND
11 SUBSTANTIVELY APPROPRIATE REQUIREMENTS TO PROMOTE EQUITY.

12 (e) THE DIRECTOR OF THE COMMISSION SHALL HIRE AND
13 DESIGNATE AN EMPLOYEE WITH A PRIMARY PURPOSE TO OVERSEE THE
14 ONGOING IMPLEMENTATION OF THIS SUBSECTION (3), INCLUDING WORKING
15 WITH THE COMMISSION TO ADOPT RULES THAT:

16 (I) MINIMIZE IMPACTS ON, AND PRIORITIZE BENEFITS TO,
17 DISPROPORTIONATELY IMPACTED COMMUNITIES;

18 (II) IMPLEMENT EQUITABLE AND INCLUSIVE PRACTICES; AND

19 (III) ENGAGE DISPROPORTIONATELY IMPACTED COMMUNITIES AND
20 JUST TRANSITION COMMUNITIES.

21 (f) (I) THE COMMISSION SHALL ESTABLISH AN EQUITY TASK FORCE
22 TO PROVIDE INPUT AND RECOMMENDATIONS TO THE COMMISSION
23 REGARDING THE IMPLEMENTATION OF THIS SUBSECTION (3), INCLUDING:

24 (A) IDENTIFICATION OF BARRIERS TO PARTICIPATION IN
25 COMMISSION PROCEEDINGS;

26 (B) COMMUNITY ENGAGEMENT PRACTICES;

27 (C) THE IMPACTS OF COMMISSION DECISIONS ON

1 DISPROPORTIONATELY IMPACTED COMMUNITIES AND INCOME-QUALIFIED
2 CUSTOMERS;

3 (D) EQUITY IMPACT PROCEEDINGS; AND

4 (E) OTHER MATTERS THAT RELATE TO EQUITY, ACCESSIBILITY,
5 AND INCLUSIVE PARTICIPATION IN COMMISSION PROCEEDINGS.

6 (II) THE DIRECTOR OF THE COMMISSION SHALL APPOINT MEMBERS
7 TO THE EQUITY TASK FORCE. TO THE EXTENT PRACTICABLE, THE
8 MEMBERSHIP OF THE EQUITY TASK FORCE MUST INCLUDE
9 REPRESENTATIVES OF:

10 (A) DISPROPORTIONATELY IMPACTED COMMUNITIES;

11 (B) COMMUNITY-BASED ORGANIZATIONS;

12 (C) TRIBAL COMMUNITIES;

13 (D) INCOME-QUALIFIED RESIDENTIAL UTILITY CUSTOMERS;

14 (E) UTILITY WORKERS;

15 (F) LABOR ORGANIZATIONS; AND

16 (G) ORGANIZATIONS WITH EXPERIENCE IN ENVIRONMENTAL
17 JUSTICE.

18 (III) TASK FORCE MEMBERS SERVE WITHOUT COMPENSATION AND
19 SHALL NOT RECEIVE REIMBURSEMENT FOR EXPENSES.

20 (IV) THE EMPLOYEE DESCRIBED IN SUBSECTION (3)(e) OF THIS
21 SECTION SHALL STAFF THE EQUITY TASK FORCE.

22 (V) THE EQUITY TASK FORCE SHALL MEET AT LEAST QUARTERLY
23 AND MAY PROVIDE RECOMMENDATIONS TO THE COMMISSION.

24 (VI) BEGINNING JULY 1, 2029, AND EVERY THREE YEARS
25 THEREAFTER, THE COMMISSION SHALL FORMALLY EVALUATE THE PURPOSE
26 AND FREQUENCY OF EQUITY TASK FORCE MEETINGS TO DETERMINE THE
27 CONTINUED NECESSITY AND OPERATIONAL EFFICIENCY OF THE TASK

1 **FORCE.**

2 **SECTION 8.** In Colorado Revised Statutes, 40-5-106, **add** (3) as
3 follows:

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

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

7 **SECTION 9.** In Colorado Revised Statutes, 40-6-101, **amend** (2)
8 as follows:

9 **40-6-101. Proceedings - delegation of duties - rules.**

10 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(b) OF
11 THIS SECTION, the commission may by order direct that any of its work,
12 business, or functions under any provision of law, except functions vested
13 solely in the commission under this title 40, be assigned or referred to an
14 individual commissioner or to an administrative law judge to be
15 designated by order for action. The commission may by order at any time
16 amend, modify, supplement, or rescind any such assignment or reference.
17 When an individual commissioner or an administrative law judge is
18 unable to act upon any matter assigned or referred because of absence or
19 other cause, the chair of the commission may designate another
20 commissioner or administrative law judge, as the case may be, to serve
21 temporarily until the commission otherwise orders.

22 (b) Every case submitted to the commission for adjudication must
23 be heard in the first instance by ~~the commission~~ AN ADMINISTRATIVE LAW
24 JUDGE unless, by rule, minute order, or written decision, the commission
25 assigns the case to ~~an administrative law judge~~ THE COMMISSION EN BANC
26 or to an individual commissioner for hearing.

27 **SECTION 10.** In Colorado Revised Statutes, 40-6-102, **amend**

1 (1) as follows:

2 **40-6-102. Service - fees - depositions - examination of**
3 **witnesses.**

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

22 **SECTION 11.** In Colorado Revised Statutes, 40-6-108, **amend**
23 (3) as follows:

24 **40-6-108. Complaints - service - notice of hearing - rules.**

25 (3) (a) Service in all applications, petitions, complaints, hearings,
26 investigations, and other proceedings pending before the commission may
27 be made upon any person upon whom a summons may be served in

1 accordance with the provisions of the Colorado rules of civil procedure
2 or may be made personally or by first-class mail. In all cases wherein
3 service is obtained by mail by the commission, the certificate of the
4 director of the commission of ~~such~~ THE mailing ~~shall be~~ IS prima facie
5 evidence that service has been obtained, and the time fixed in any order
6 or notice ~~shall commence~~ COMMENCES to run from the date of mailing as
7 shown in ~~such~~ THE certificate. The mailing of any notice or other paper
8 by any other party to a proceeding shall be evidenced by the certificate of
9 the person mailing ~~such~~ THE notice or other paper, and the time fixed in
10 any ~~such~~ notice or other paper ~~shall commence~~ COMMENCES to run from
11 the date of mailing as shown in ~~such~~ THE certificate.

12 (b) THE SERVICE DESCRIBED IN THIS SUBSECTION (3) MAY INSTEAD
13 BE MADE ELECTRONICALLY. IF THE SERVICE IS MADE ELECTRONICALLY,
14 THE ELECTRONIC CERTIFICATE OF THE DIRECTOR OF THE COMMISSION IS
15 PRIMA FACIE EVIDENCE THAT SERVICE HAS BEEN OBTAINED, AND THE TIME
16 FIXED IN AN ORDER OR NOTICE RUNS FROM THE DATE OF THE ELECTRONIC
17 COMMUNICATION AS SHOWN IN THE CERTIFICATE.

18 **SECTION 12.** In Colorado Revised Statutes, 40-6-109, **amend**
19 **(6); and add (1)(d) as follows:**

20 **40-6-109. Hearings - orders - record - review - representation**
21 **of entities in nonadjudicatory proceedings - rules.**

22 (1) (d) **NO LATER THAN MARCH 31, 2027, THE COMMISSION SHALL**
23 **ADOPT RULES REGARDING THE FORMAT OF EN BANC COMMISSION AND**
24 **HEARING COMMISSIONER HEARINGS AND MEETINGS, WHICH RULES MUST**
25 **INCLUDE THE CRITERIA TO BE USED TO DETERMINE WHETHER EN BANC AND**
26 **HEARING COMMISSIONER HEARINGS AND MEETINGS WILL BE HELD IN**
27 **PERSON, VIRTUALLY, OR HYBRID IN PERSON AND VIRTUALLY. IN ADOPTING**

1 THE RULES, THE COMMISSION SHALL CONSIDER THE CURRENT PRACTICES
2 OF DELIBERATIVE JUDICIAL BODIES AND CONSIDER RULES FOR FACTORS
3 SUCH AS TRAVEL COSTS AND REIMBURSEMENTS, CHILD CARE
4 CONSIDERATIONS, AND WEATHER AND EMERGENCY CONDITIONS THAT
5 RENDER TRAVEL UNSAFE. BEFORE JULY 1, 2027, AN APPLICANT MAY
6 REQUEST THAT HEARINGS BE HELD IN PERSON, VIRTUALLY, OR HYBRID IN
7 PERSON AND VIRTUALLY, AND THE COMMISSION SHALL CONSIDER THE
8 REQUEST.

9 (6) The commission may make the initial decision ONLY in cases
10 where it AN ADMINISTRATIVE LAW JUDGE has not presided at the taking of
11 evidence, and the recommended decision of the individual commissioner
12 or administrative law judge may be omitted in any case in which the
13 commission finds upon the record that due and timely execution of its
14 functions imperatively and unavoidably so requires.

15 **SECTION 13.** In Colorado Revised Statutes, 40-6-109.5, amend
16 (1) and (4); and add (5) and (6) as follows:

17 **40-6-109.5. Hearings on applications - time limits for decisions**
18 **- rules.**

19 (1) Whenever an application of any kind is filed with the
20 commission and is accompanied by the applicant's supporting testimony
21 or a detailed summary of the supporting testimony, together with exhibits,
22 if any, the commission shall issue its decision on the application no later
23 than one hundred twenty days after the application is deemed complete
24 as prescribed by rules promulgated ADOPTED by the commission. THE
25 RULES MUST PRESCRIBE THAT AN APPLICATION MAY BE DEEMED
26 INCOMPLETE ONLY IF SUCH APPLICATION DOES NOT MEET THE APPLICATION
27 REQUIREMENTS PRESCRIBED BY COMMISSION RULE AND DECISION. If the

1 commission finds that additional time is required, it may, by separate
2 order, extend the time for decision by an additional period not to exceed
3 one hundred thirty days.

4 (4) The commission, in particular cases, under extraordinary
5 conditions and after notice and a hearing at which the existence of
6 extraordinary conditions is established, may extend the time limits
7 specified in subsections (1) and (2) of this section for a period not to
8 exceed an additional ~~one hundred thirty~~ NINETY days.

9 (5) A FAILURE TO ACT UPON AN APPLICATION WITHIN THE TIME
10 PERIODS SPECIFIED IN THIS SECTION CONSTITUTES AN APPROVAL OF THE
11 APPLICATION BY OPERATION OF LAW.

12 (6) AN UNOPPOSED MOTION FOR PERMISSIVE INTERVENTION IS
13 APPROVED BY OPERATION OF LAW UNLESS THE COMMISSION ISSUES A
14 DECISION DENYING THE MOTION WITHIN THIRTY DAYS AFTER THE MOTION
15 HAS BEEN FILED.

16 **SECTION 14.** In Colorado Revised Statutes, 40-7-113.5, **amend**
17 (1)(a) introductory portion, (1)(b), and (2)(a) as follows:

18 **40-7-113.5. Civil penalties applicable to public utilities -**
19 **exclusion from rate base.**

20 (1) (a) In addition to any other penalty otherwise authorized by
21 law and except as otherwise provided in subsections (3), (4), and (5) of
22 this section, a public utility furnishing electric, gas, water, water and
23 sewer, or telecommunications service that intentionally violates any
24 provision of articles 1 to 7 or 15 of this ~~title~~ TITLE 40 or of any rule,
25 TARIFF, or order of the commission ADOPTED OR ISSUED pursuant to ~~such~~
26 ~~articles~~ ARTICLES 1 TO 7 OR 15 OF THIS TITLE 40, which provision is
27 applicable to such utility, may be assessed a civil penalty of not more than

1 two SEVEN thousand FIVE HUNDRED dollars; except that nothing in this
2 subsection (1) shall be construed to authorize the imposition of civil
3 penalties upon:

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

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

21 **SECTION 15.** In Colorado Revised Statutes, **repeal and reenact,**
22 **with amendments,** 40-6.5-105 as follows:

23 **40-6.5-105. Intervenor compensation - procedures - rules -**
24 **legislative declaration - definitions.**

25 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:
26 (a) INTERVENOR PARTICIPATION IN COMMISSION PROCEEDINGS
27 OFTEN REQUIRES LEGAL, TECHNICAL, AND EXPERT RESOURCES;

1 (b) THE GENERAL ASSEMBLY HAS PREVIOUSLY AUTHORIZED
2 INTERVENOR COMPENSATION, BUT THE STATUTE LACKS SUFFICIENT
3 CLARITY REGARDING ELIGIBILITY, STANDARDS, AND PROCEDURES FOR
4 INTERVENOR COMPENSATION, WHICH LACK OF CLARITY HAS RESULTED IN
5 THE AUTHORITY GOING UNUSED;

6 (c) OTHER JURISDICTIONS, INCLUDING CALIFORNIA, HAVE
7 SUCCESSFULLY IMPLEMENTED INTERVENOR COMPENSATION PROGRAMS
8 THAT IMPROVE DECISION-MAKING AND PUBLIC PARTICIPATION; AND

9 (d) CLARIFYING COLORADO LAW REGARDING INTERVENOR
10 COMPENSATION WILL PROMOTE MEANINGFUL PARTICIPATION, IMPROVE
11 THE EVIDENTIARY RECORD, AND SUPPORT EQUITABLE ACCESS TO
12 COMMISSION PROCEEDINGS.

13 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "EXPERT WITNESS FEES" MEANS RECORDED OR BILLED COSTS
16 THAT AN INTERVENOR INCURS FOR AN EXPERT WITNESS.

17 (b) "INTERVENOR" MEANS A PARTY, OTHER THAN A PUBLIC UTILITY
18 OR STATE OR LOCAL GOVERNMENT AGENCY, WHOSE MOTION FOR
19 PERMISSION TO INTERVENE HAS BEEN GRANTED BY THE COMMISSION.

20 (c) "MATERIAL ASSISTANCE" MEANS THAT AN INTERVENOR'S
21 TESTIMONY OR PARTICIPATION IN A COMMISSION PROCEEDING HAS:

22 (I) CONTRIBUTED TO THE DEVELOPMENT OF A MORE COMPLETE
23 ADMINISTRATIVE RECORD IN THE PROCEEDING;

24 (II) ASSISTED THE COMMISSION IN ITS EVALUATION OF THE ISSUES
25 PRESENTED IN THE PROCEEDING; OR

26 (III) CONTRIBUTED TO A MORE COMPLETE RECORD OR
27 UNDERSTANDING OF IMPACTS ON RATEPAYERS, INCOME-QUALIFIED

1 CUSTOMERS, OR DISPROPORTIONATELY IMPACTED COMMUNITIES.

2 (d) "REASONABLE COSTS" INCLUDES:

3 (I) ATTORNEY FEES;

4 (II) EXPERT WITNESS FEES; AND

5 (III) OTHER REASONABLE OUT-OF-POCKET EXPENSES THAT AN

6 INTERVENOR DIRECTLY INCURS.

7 (e) "SUBSTANTIAL CONTRIBUTION" MEANS THAT, IN THE

8 COMMISSION'S JUDGMENT, AN INTERVENOR, THROUGH THEIR

9 PARTICIPATION IN A COMMISSION PROCEEDING, HAS PROVIDED MATERIAL

10 ASSISTANCE TO THE COMMISSION IN THE DEVELOPMENT OF THE

11 ADMINISTRATIVE RECORD BY PROVIDING ANY OF THE FOLLOWING:

12 (I) FACTUAL CONTENTIONS;

13 (II) LEGAL CONTENTIONS; OR

14 (III) POLICY OR PROCEDURAL RECOMMENDATIONS.

15 (3) (a) THE COMMISSION MAY AWARD AN INTERVENOR

16 COMPENSATION RELATED TO THE INTERVENOR'S PARTICIPATION IN A

17 PROCEEDING IF:

18 (I) THE INTERVENOR MAKES A UNIQUE SUBSTANTIAL

19 CONTRIBUTION; AND

20 (II) THE INTERVENOR'S COSTS INCURRED TO PARTICIPATE IN THE

21 PROCEEDING ARE REASONABLE.

22 (b) AN INTERVENOR THAT MAKES A SUBSTANTIAL CONTRIBUTION

23 MAY RECEIVE COMPENSATION FOR ALL REASONABLE COSTS RELATED TO

24 THE SUBSTANTIAL CONTRIBUTION, EVEN IF THE COMMISSION DOES NOT

25 EXPRESSLY CITE OR REFERENCE THE INTERVENOR IN THE COMMISSION'S

26 FINAL ORDER OR DECISION ON THE MATTER.

27 (c) AN INTERVENOR IS NOT REQUIRED TO DEMONSTRATE THAT THE

1 INTERVENOR'S PARTICIPATION IN A PROCEEDING ADDRESSED ISSUES THAT
2 WERE NOT ADDRESSED BY THE OFFICE OF THE UTILITY CONSUMER
3 ADVOCATE.

4 (4) (a) THE COMMISSION MAY ADOPT RULES TO IMPLEMENT THIS
5 SECTION.

6 (b) IF THE COMMISSION ADOPTS RULES PURSUANT TO SUBSECTION
7 (4)(a) OF THIS SECTION, THE RULES MUST INCLUDE:

8 (I) THE PROCESS BY WHICH AN INTERVENOR PETITIONS THE
9 COMMISSION FOR PAYMENT OF REASONABLE COSTS;

10 (II) GUIDELINES FOR DETERMINING REASONABLE COSTS FOR
11 REIMBURSEMENT; AND

12 (III) GUIDELINES FOR DETERMINING MATERIAL ASSISTANCE.

13 (5) THE IMPLEMENTATION OF THIS SECTION, INCLUDING ANY
14 AWARD OF INTERVENOR COMPENSATION, IS SUBJECT TO AVAILABLE
15 APPROPRIATIONS.

16 **SECTION 16.** In Colorado Revised Statutes, 40-7-116, **amend**
17 (1)(b) introductory portion as follows:

18 **40-7-116. Enforcement of civil penalties against carriers.**

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

24 **SECTION 17.** In Colorado Revised Statutes, 40-7-116.5, **amend**
25 (1)(b) introductory portion as follows:

26 **40-7-116.5. Enforcement of civil penalties against public**
27 **utilities.**

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

5 **SECTION 18.** In Colorado Revised Statutes, 40-7-118, **amend**
6 (1)(a) as follows:

7 **40-7-118. Legal services offset fund - creation - exemption**
8 **from maximum reserve.**

9 (1) (a) The legal services offset fund is ~~hereby~~ created in the state
10 treasury. The fund consists of the civil penalties that are collected and
11 credited to the fund pursuant to section 40-7-112 (1)(b) for violations of
12 article 10.1 of this title 40 or commission rules ~~promulgated~~ ADOPTED
13 pursuant to article 10.1 of this title 40. The money in the fund is
14 continuously appropriated to the ~~department of regulatory agencies~~
15 COMMISSION for use to offset the costs of legal representation of the staff
16 of the commission in proceedings before the commission concerning the
17 enforcement of article 10.1 of this title 40. The ~~department of regulatory~~
18 ~~agencies~~ COMMISSION shall use the money in the legal services offset fund
19 to support appropriations made to the ~~department~~ AGENCY that are used
20 for legal representation of the staff of the commission in proceedings
21 concerning the enforcement of article 10.1 of this title 40.

22 **SECTION 19.** In Colorado Revised Statutes, 40-2-123, **add (6)**
23 **and (7) as follows:**

24 **40-2-123. Energy technologies - consideration by commission**
25 **- incentives - demonstration projects - commission may require**
26 **specific customer-facing programs - legislative declaration -**
27 **definitions.**

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

2 (I) SINCE 2007, COLORADO HAS ENACTED SEVERAL STATUTES
3 THAT DIRECT COMMISSION-REGULATED INVESTOR-OWNED UTILITIES TO
4 IMPLEMENT CUSTOMER-FACING PROGRAMS AIMED AT REDUCING ENERGY
5 BILLS, REDUCING ENERGY CONSUMPTION, OR SUPPORTING THE TRANSITION
6 TO LOWER- OR ZERO-CARBON-EMITTING TECHNOLOGIES;

7 (II) SUCH CUSTOMER-FACING PROGRAMS INCLUDE DEMAND-SIDE
8 MANAGEMENT, BENEFICIAL ELECTRIFICATION, CLEAN HEAT PLANS, AND
9 TRANSPORTATION ELECTRIFICATION;

10 (III) FOR MANY OF THESE PROGRAMS, UTILITIES MAY LACK A
11 NATURAL INCENTIVE TO TAKE CERTAIN ACTIONS OR IMPLEMENT THESE
12 PROGRAMS EFFECTIVELY. ADDITIONALLY, DUE TO STAFFING OR
13 ECONOMIES OF SCALE, SMALLER UTILITIES MAY LACK THE ABILITY TO
14 OPERATE SUCH PROGRAMS AT A REASONABLE COST TO RATEPAYERS.

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

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

23 (VI) THEREFORE, THE COMMISSION SHOULD BE AUTHORIZED TO
24 REQUIRE COMMISSION-REGULATED INVESTOR-OWNED UTILITIES TO
25 ENGAGE ONE OR MORE THIRD PARTIES TO ADMINISTER SPECIFIC
26 CUSTOMER-FACING PROGRAMS IF THE COMMISSION DEEMS THE USE OF ONE
27 OR MORE THIRD PARTIES PRUDENT AND IN THE BEST INTEREST OF

1 RATEPAYERS. IN ADDITION, THE COMMISSION SHOULD BE AUTHORIZED TO
2 REQUIRE THE USE OF A COMPETITIVE BIDDING PROCESS TO PROCURE THE
3 SERVICES OF A THIRD-PARTY ADMINISTRATOR.

4 (b) IN AN ADJUDICATORY PROCEEDING, THE COMMISSION MAY
5 REQUIRE A COMMISSION-REGULATED INVESTOR-OWNED UTILITY TO
6 ENGAGE ONE OR MORE THIRD PARTIES TO ADMINISTER SPECIFIC
7 CUSTOMER-FACING PROGRAMS IF THE COMMISSION DEEMS THE USE OF ONE
8 OR MORE THIRD PARTIES PRUDENT AND IN THE BEST INTEREST OF
9 RATEPAYERS. THE COMMISSION MAY REQUIRE A COMPETITIVE BIDDING
10 PROCESS TO PROCURE THE SERVICES OF A THIRD-PARTY ADMINISTRATOR.

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

15 (7)(a) A COMMISSION-REGULATED INVESTOR-OWNED UTILITY MAY
16 ENTER INTO A THIRD-PARTY AGREEMENT TO FACILITATE
17 CUSTOMER-FACING PROGRAMS, SUBJECT TO COMMISSION APPROVAL. THE
18 COMMISSION MAY DIRECT A COMMISSION-REGULATED INVESTOR-OWNED
19 UTILITY TO PROPOSE TO THE COMMISSION THE USE OF THIRD-PARTY
20 ADMINISTRATION FOR CUSTOMER-FACING PROGRAMS.

21 (b) IN A COMMISSION-REGULATED INVESTOR-OWNED UTILITY'S
22 PROPOSAL TO UTILIZE THIRD-PARTY ADMINISTRATION OF A
23 CUSTOMER-FACING PROGRAM, THE UTILITY SHALL EXPLAIN TO THE
24 COMMISSION HOW THE UTILITY CONSIDERED THE FOLLOWING IN RELATION
25 TO THE CUSTOMER-FACING PROGRAM:

26 (I) THE POTENTIAL FOR PROGRAM SUCCESS BASED ON AN
27 ASSESSMENT OF SIMILAR ADMINISTRATION STRUCTURES THAT OTHER

1 UTILITIES USE FOR SIMILAR CUSTOMER-FACING PROGRAMS;

2 (II) THE ADMINISTRATIVE COST RATIO OF ADMINISTERING REBATES
3 VERSUS THE INCENTIVES PAID OUT AS PART OF THE PROGRAM;

4 (III) THE TIME REQUIRED TO FULFILL CUSTOMER REBATE
5 REQUESTS; AND

6 (IV) PRIOR PROGRAM PERFORMANCE UNDER A UTILITY-LED
7 MODEL.

8 (c) IN AN APPLICATION TO THE COMMISSION TO ENTER INTO A
9 THIRD-PARTY AGREEMENT TO FACILITATE CUSTOMER-FACING PROGRAMS,
10 THE UTILITY MAY NOT:

11 (I) FORCE A LAYOFF OF, OR UNILATERALLY CHANGE THE TERMS OF
12 EMPLOYMENT FOR, THE UTILITY EMPLOYEES WHO, IN WHOLE OR IN PART,
13 PERFORM THE ADMINISTRATIVE OR SERVICE FUNCTIONS FOR THE SPECIFIC
14 PROGRAM, SUBJECT TO A THIRD-PARTY AGREEMENT, AND WHO ARE
15 COVERED BY A COLLECTIVE BARGAINING AGREEMENT UNLESS THE UTILITY
16 AND THE LABOR UNION REPRESENTING THE EMPLOYEES COME TO AN
17 AGREEMENT TO REASSIGN THE EMPLOYEES TO OTHER POSITIONS WITHIN
18 THE UTILITY AT COMPARABLE PAY AND BENEFITS AS PER THE TERMS OF
19 THE COLLECTIVE BARGAINING AGREEMENT AND ANY RELATED COMPANY
20 POLICIES; AND

21 (II) PROPOSE TO ENTER INTO ANY THIRD-PARTY ADMINISTRATOR
22 AGREEMENTS THAT CANCEL OR MODIFY AGREEMENTS WITH
23 CONSTRUCTION OR UTILITY CONSTRUCTION CONTRACTORS WHO ARE
24 UNDER A CURRENT CONTRACT TO PERFORM WORK DIRECTLY FOR THE
25 UTILITY ON A DEMAND-SIDE MANAGEMENT, BENEFICIAL ELECTRIFICATION,
26 CLEAN HEAT, OR TRANSPORTATION ELECTRIFICATION CUSTOMER-FACING
27 PROGRAM. THE CONTRACTS SHALL REMAIN IN FORCE EVEN IF A

1 THIRD-PARTY ADMINISTRATOR IS CONTRACTED TO ADMINISTER THE
2 CUSTOMER-FACING PROGRAM. FUTURE CONSIDERATIONS AS TO WHETHER
3 TO EXTEND OR RENEW THE CONSTRUCTION OR UTILITY CONSTRUCTION
4 CONTRACTORS' AGREEMENTS CAN REMAIN WITH THE UTILITY, AND THE
5 UTILITY CAN REMAIN THE CLIENT OF RECORD FOR THE CONSTRUCTION OR
6 UTILITY CONSTRUCTION CONTRACTORS. PROGRAMS THAT DIRECT A
7 RESIDENTIAL UTILITY CUSTOMER TO ENGAGE A CONTRACTOR DIRECTLY
8 ARE EXEMPT FROM THIS SUBSECTION (7)(c)(II).

9 (d) SUBJECT TO COMMISSION APPROVAL BASED ON A
10 DEMONSTRATION OF THE FACTORS SET FORTH IN SUBSECTION (7)(b) OF
11 THIS SECTION, A COMMISSION-REGULATED INVESTOR-OWNED UTILITY
12 SHALL UTILIZE THIRD-PARTY ADMINISTRATION FOR ANY
13 CUSTOMER-FACING PROGRAM.

14 (e) A THIRD-PARTY ADMINISTRATOR OF A CUSTOMER-FACING
15 PROGRAM IS DIRECTLY RESPONSIBLE FOR COMPLIANCE WITH, AND SHALL
16 ADHERE TO APPLICABLE LABOR STANDARDS FOR, CONSTRUCTION- OR
17 UTILITY-CONSTRUCTION-SPECIFIC WORK THAT WOULD OTHERWISE BE
18 APPLICABLE TO THE UTILITY UNDER COLORADO LAW.

19 **SECTION 20.** In Colorado Revised Statutes, 40-2-124, **amend**
20 (1)(a) introductory portion, (1)(a)(VIII), (1)(c)(I) introductory portion,
21 (1)(c)(II)(A), (1)(e)(III), (1)(g)(I)(A), (3) introductory portion, (4)
22 introductory portion, (5.5), and (8)(b); **repeal** (1)(a)(VII.5); and **add**
23 (1)(a)(III.5) and (1)(c)(XI) as follows:

24 **40-2-124. Renewable energy standards - qualifying retail and**
25 **wholesale utilities - definitions - net metering - exception - legislative**
26 **declaration - rules.**

27 (1) Each provider of retail electric service in the state of Colorado,

1 other than municipally owned utilities that serve forty thousand customers
2 or fewer, is a qualifying retail utility. Each qualifying retail utility, with
3 the exception of cooperative electric associations that have voted to
4 exempt themselves from commission jurisdiction pursuant to section
5 40-9.5-104 and municipally owned utilities, is subject to the rules
6 established under this article 2 by the commission. No additional
7 regulatory authority is provided to the commission other than that
8 specifically contained in this section. In accordance with article 4 of title
9 24, the commission shall revise or clarify existing rules to establish the
10 following:

11 (a) Definitions of eligible energy resources that can be used to
12 meet the standards. "Eligible energy resources" means recycled energy,
13 renewable energy resources, and ~~renewable~~ energy storage. In addition,
14 resources using coal mine methane and synthetic gas produced by
15 pyrolysis of waste materials are eligible energy resources if the
16 commission determines that the electricity generated by those resources
17 is greenhouse gas neutral. The commission shall determine, following an
18 evidentiary hearing, the extent to which such electric generation
19 technologies utilized in an optional pricing program may be used to
20 comply with this standard. A fuel cell using hydrogen derived from an
21 eligible energy resource is also an eligible electric generation technology.
22 Fossil and nuclear fuels and their derivatives are not eligible energy
23 resources. As used in this section:

24 (III.5) "ENERGY STORAGE" MEANS AN ENERGY STORAGE SYSTEM,
25 AS DEFINED IN SECTION 40-2-130 (2)(a).

26 ~~(VII.5) "Renewable energy storage" means an energy storage~~
27 ~~system, as defined in section 40-2-130 (2)(a), that stores energy produced~~

1 ~~only by renewable energy resources.~~

2 (VIII) Except as provided in subsection (1)(c)(II)(D) of this
3 section with respect to cooperative electric associations, "retail distributed
4 generation" means a renewable energy resource or renewable energy
5 storage that is located on any property owned or leased by the customer
6 within the service territory of the qualifying retail utility and is
7 interconnected on the customer's side of the utility meter. In addition,
8 retail distributed generation shall MUST provide electric energy primarily
9 to serve the customer's loads and shall be sized to supply no more than
10 two hundred percent of the reasonably expected average annual total
11 consumption of electricity at all properties owned or leased by the
12 customer within the utility's service territory.

13 (c) Electric resource standards:

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

19

20 (II) (A) Of the amounts of distributed generation in
21 ~~sub-subparagraphs (C), (D), and (E) of subparagraph (I),~~
22 ~~sub-subparagraph (D) of subparagraph (V), and subparagraph (V.5) of~~
23 ~~this paragraph (c)~~ SUBSECTIONS (1)(c)(I)(C), (1)(c)(I)(D), (1)(c)(I)(E),
24 (1)(c)(V)(D), (1)(c)(V.5), AND (1)(c)(XI)(B) OF THIS SECTION, at least
25 one-half must be derived from retail distributed generation; except that
26 this ~~sub-subparagraph (A)~~ SUBSECTION (1)(c)(II)(A) does not apply to a
27 qualifying retail utility that is a municipal utility.

1 (XI) (A) ON AND AFTER JANUARY 1, 2027, A QUALIFYING RETAIL
2 UTILITY WITH A CLEAN ENERGY PLAN, AS DEFINED IN SECTION 40-2-125.5
3 (2)(a), THAT HAS BEEN APPROVED BY THE COMMISSION AND THAT
4 DEMONSTRATES THE QUALIFYING RETAIL UTILITY'S COMPLIANCE WITH THE
5 APPROVED CLEAN ENERGY PLAN, AS VERIFIED BY THE DIVISION OF
6 ADMINISTRATION PURSUANT TO SECTION 25-7-105 (1)(e)(VII), MAY
7 NOTIFY THE COMMISSION OF ITS COMPLIANCE EACH TIME THAT THE
8 DIVISION OF ADMINISTRATION VERIFIES COMPLIANCE WITH THE CLEAN
9 ENERGY TARGETS AND THAT THE QUALIFYING RETAIL UTILITY IS OPTING
10 OUT OF THE ELECTRIC RESOURCE STANDARD REQUIREMENTS DESCRIBED
11 IN SUBSECTION (1)(c)(I) OF THIS SECTION OR IS CONTINUING TO OPT OUT
12 OF THE REQUIREMENTS.

13 (B) A QUALIFYING RETAIL UTILITY THAT OPTS OUT OF THE
14 ELECTRIC RESOURCE STANDARD REQUIREMENTS PURSUANT TO
15 SUBSECTION (1)(c)(XI)(A) OF THIS SECTION SHALL OBTAIN AT LEAST
16 THREE PERCENT OF ITS RETAIL ELECTRICITY SALES FROM DISTRIBUTED
17 GENERATION.

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


27 (e) A requirement that each qualifying retail utility, except for

1 cooperative electric associations and municipally owned utilities, make
2 available to their customers a standard rebate offer and net metering
3 service, under which:

4 (III) The qualifying retail utility may establish one or more
5 standard offers to purchase renewable energy credits generated from
6 eligible energy resources on the customer's premises so long as the
7 generation is one megawatt or less in size. When establishing the standard
8 offers, the qualifying retail utility should set the prices for renewable
9 energy credits at levels sufficient to encourage increased distributed
10 generation and renewable energy storage in the size ranges covered by
11 each standard offer, but at levels that will still allow the qualifying retail
12 utility to comply with the electric resource standards set forth in
13 subsection (1)(c) of this section without exceeding the retail rate impact
14 limit in subsection (1)(g) of this section.

15 (g) Retail rate impact rule:

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

24 
25 (3) EXCEPT FOR A MUNICIPALLY OWNED UTILITY THAT IS IN
26 COMPLIANCE WITH A CLEAN ENERGY PLAN APPROVED PURSUANT TO
27 SECTION 25-7-105 (1)(e), each municipally owned electric utility that is

1 a qualifying retail utility shall implement a renewable energy standard
2 substantially similar to this section ~~The municipally owned utility shall~~
3 ~~submit a statement to the commission that demonstrates such municipal~~
4 ~~utility has a substantially similar renewable energy standard. The~~
5 ~~statement submitted by the municipally owned utility is for informational~~
6 ~~purposes and is not subject to approval by the commission. Upon filing~~
7 ~~of the certification statement, the municipally owned utility AND shall~~
8 have no further obligations under subsection (1) of this section. The
9 renewable energy standard of a municipally owned utility shall, at a
10 minimum, meet the following criteria:

11 (4) ~~EXCEPT FOR A MUNICIPAL UTILITY THAT IS IN COMPLIANCE~~
12 ~~WITH A CLEAN ENERGY PLAN APPROVED PURSUANT TO SECTION 25-7-105~~
13 ~~(1)(e), for municipal utilities that become qualifying retail utilities A~~
14 ~~MUNICIPAL UTILITY THAT BECOMES A QUALIFYING RETAIL UTILITY after~~
15 ~~December 31, 2006, the percentage requirements identified in~~
16 ~~subparagraph (V) of paragraph (c) of subsection (1) SUBSECTION~~
17 ~~(1)(c)(V) of this section shall begin in the first calendar year following~~
18 ~~qualification as follows:~~

19 (5.5) EXCEPT FOR A COOPERATIVE ELECTRIC ASSOCIATION THAT IS
20 IN COMPLIANCE WITH A CLEAN ENERGY PLAN THAT IS APPROVED BY THE
21 COMMISSION PURSUANT TO SECTION 40-2-125.5 (5)(g), each cooperative
22 electric association that is a qualifying retail utility shall submit an annual
23 compliance report to the commission no later than June 1 of each year in
24 which the cooperative electric association is subject to the renewable
25 energy standard requirements established in this section. The annual
26 compliance report ~~shall~~ MUST describe the steps taken by the cooperative
27 electric association to comply with the renewable energy standards and

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

9 **(8) Qualifying wholesale utilities - definition - electric resource**
10 **standard - tradable credits - reports.**

11 **(b) Electric resource standard.** ~~Notwithstanding any other~~
12 ~~provision of law~~ EXCEPT FOR A QUALIFYING WHOLESALE UTILITY THAT IS
13 IN COMPLIANCE WITH AN ELECTRIC RESOURCE PLAN FILED IN ACCORDANCE
14 WITH SECTION 25-7-105 (1)(e)(VIII)(I) AND APPROVED BY THE
15 COMMISSION, each qualifying wholesale utility shall generate, or cause to
16 be generated, at least twenty percent of the energy it provides to its
17 Colorado members at wholesale from eligible energy resources in the year
18 2020 and thereafter. If, and to the extent that, the purchase of energy
19 generated from eligible energy resources by a Colorado member from a
20 qualifying wholesale utility would cause an increase in rates for the
21 Colorado member that exceeds the retail rate impact limitation in
22 ~~sub-subparagraph (A) of subparagraph (IV) of paragraph (g) of~~
23 ~~subsection (1)~~ SUBSECTION (1)(g)(IV)(A) of this section, the obligation
24 imposed on the qualifying wholesale utility is reduced by the amount of
25 such energy necessary to enable the Colorado member to comply with the
26 rate impact limitation.

27 **SECTION 21.** In Colorado Revised Statutes, 40-2-125.5, **amend**

1 (5)(g) as follows:

2 **40-2-125.5. Carbon dioxide emission reductions - goal to**
3 **eliminate by 2050 - legislative declaration - interim targets -**
4 **submission and approval of plans - definitions - cost recovery -**
5 **reports - rules.**

6 (5) **Regulatory matters.**

7 (g) (I) A clean energy plan voluntarily filed by a ~~municipal utility~~
8 ~~or a cooperative electric association~~ that has voted to exempt itself from
9 regulation by the commission pursuant to article 9.5 of this title 40 shall
10 be deemed approved by the commission as filed if:

11 (A) The division of administration, in consultation with the
12 commission, verifies that the plan demonstrates that, by 2030, the
13 ~~municipal utility or cooperative electric association~~ will achieve at least
14 an eighty-percent reduction in greenhouse gas emissions caused by the
15 entity's Colorado electricity sales relative to 2005 levels; and

16 (B) The clean energy plan has previously been approved by a vote
17 of the entity's governing body.

18 (II) Voluntary submission of a clean energy plan by a ~~municipal~~
19 ~~utility or a cooperative electric association~~ does not alter the entity's
20 regulatory status with respect to the commission, including under article
21 9.5 of this title 40.

22 **SECTION 22.** In Colorado Revised Statutes, **add** 40-2-140 and
23 40-2-141 as follows:

24 **40-2-140. Joint resource procurement study - report -**
25 **definition - repeal.**

26 (1) AS USED IN THIS SECTION, "COLORADO ENERGY OFFICE" MEANS
27 THE COLORADO ENERGY OFFICE CREATED IN SECTION 24-38.5-101.

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

5 (I) IDENTIFY BARRIERS TO JOINT PROCUREMENT OF ADVANCED
6 TECHNOLOGY GENERATION, NONEMITTING CLEAN FIRM GENERATION, WIND
7 GENERATION, SOLAR GENERATION, CONVENTIONAL OR INNOVATIVE
8 STORAGE, AND TRANSMISSION RESOURCES;

9 (II) IDENTIFY WHETHER AND HOW BARRIERS MAY VARY BETWEEN
10 UTILITIES REGULATED BY THE COMMISSION, COOPERATIVE ELECTRIC
11 ASSOCIATIONS THAT HAVE VOTED TO EXEMPT THEMSELVES FROM
12 COMMISSION JURISDICTION, AND MUNICIPALLY OWNED UTILITIES THAT ARE
13 NOT SUBJECT TO COMMISSION REGULATION AND PROPOSE SOLUTIONS TO
14 REDUCE ANY SUCH BARRIERS; AND

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

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

22 (3) IN CONDUCTING THE STUDY PURSUANT TO SUBSECTION (2) OF
23 THIS SECTION, THE COMMISSION:

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

25 (b) MAY CONTRACT WITH A THIRD PARTY.

26 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.

27 **40-2-141. Investor-owned utilities - minimum**

1 **quality-of-service metrics - rules.**

2 (1) ON OR BEFORE DECEMBER 31, 2027, THE COMMISSION SHALL
3 ADOPT RULES ESTABLISHING MINIMUM QUALITY-OF-SERVICE METRICS FOR
4 INVESTOR-OWNED GAS AND ELECTRIC UTILITIES IN THE STATE.

5 (2) THE RULES MUST:

6 (a) INCLUDE REQUIREMENTS FOR CUSTOMER-SPECIFIC INCENTIVES
7 AND PENALTIES ASSOCIATED WITH CUSTOMER-EXPERIENCED SERVICE
8 QUALITY, AND, IN ADOPTING THESE RULES, THE COMMISSION SHALL
9 CONSIDER WHETHER INCENTIVES AND PENALTIES SHOULD BE ESTABLISHED
10 IN A SYMMETRICAL MANNER TO PROMOTE QUALITY OF SERVICE; AND

11 (b) SPECIFICALLY ADDRESS EQUITY FOR DISPROPORTIONATELY
12 IMPACTED COMMUNITIES IN ESTABLISHING THE QUALITY-OF-SERVICE
13 METRICS.

14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 **SECTION 23.** In Colorado Revised Statutes, 40-10.1-605,
18 **add** (11), (12), and (13) as follows:

19 **40-10.1-605. Operational requirements - driver impersonation**
20 **- misdemeanor - rules.**

21
22 [REDACTED]

23 (11) (a) AN INDIVIDUAL SHALL NOT IMPERSONATE A DRIVER OR
24 ENGAGE IN AN ACT THAT FALSELY REPRESENTS THAT THE INDIVIDUAL IS
25 REPRESENTING A TRANSPORTATION NETWORK COMPANY OR IS
26 RESPONDING TO A RIDER'S REQUEST FOR TRANSPORTATION NETWORK
27 COMPANY SERVICES.

1 (b) AN INDIVIDUAL WHO VIOLATES THIS SECTION COMMITS A CLASS
2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
3 18-1.3-501 (1)(a.5); EXCEPT THAT AN INDIVIDUAL WHO COMMITS A
4 VIOLATION OF THIS SECTION DURING THE COMMISSION OF A FELONY
5 OFFENSE COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS
6 PROVIDED IN SECTION 18-1.3-401 (1)(a)(V.5).

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

11 (12)(a) A TRANSPORTATION NETWORK COMPANY SHALL CONDUCT
12 FREQUENT CHECKS UTILIZING FACIAL RECOGNITION SOFTWARE OR
13 EQUALLY OR MORE EFFECTIVE TECHNOLOGY, AS APPROVED BY THE
14 COMMISSION, TO PREVENT DRIVER IMPERSONATION IN ACCORDANCE WITH
15 RULES ADOPTED BY THE COMMISSION PURSUANT TO SUBSECTION (12)(b)
16 OF THIS SECTION.

17 (b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE
18 OF THIS SUBSECTION (12), THE COMMISSION SHALL ADOPT RULES
19 ESTABLISHING REQUIREMENTS AND PROCEDURES FOR FREQUENT CHECKS
20 UTILIZING FACIAL RECOGNITION SOFTWARE OR EQUALLY OR MORE
21 EFFECTIVE TECHNOLOGY, AS APPROVED BY THE COMMISSION, TO PREVENT
22 DRIVER IMPERSONATION PROHIBITED PURSUANT TO SUBSECTION (11)(a)
23 OF THIS SECTION.

24 (c) THIS SUBSECTION (12) DOES NOT APPLY TO A TRANSPORTATION
25 NETWORK COMPANY THAT:

26 (I) EITHER SERVES RIDERS, AT LEAST SEVENTY-FIVE PERCENT OF
27 WHOM ARE MINORS, OR EARNS AT LEAST NINETY PERCENT OF THE

1 TRANSPORTATION NETWORK COMPANY'S REVENUE FROM CONTRACTS WITH
2 A PUBLIC OR PRIVATE SCHOOL, THE FEDERAL GOVERNMENT, THE STATE, OR
3 AN AGENCY OR POLITICAL SUBDIVISION OF THE FEDERAL GOVERNMENT OR
4 OF THE STATE; AND

5 (II) HAS AT LEAST NINETY PERCENT OF THE TRANSPORTATION
6 NETWORK COMPANY'S DRIVERS IN COMPLIANCE WITH THE COMMISSION'S
7 RULES ADOPTED PURSUANT TO SECTION 40-10.1-608 (3)(a).

8 (13) (a) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE
9 INFORMATION ABOUT THE COMMISSION TO A RIDER, INCLUDING HOW THE
10 RIDER MAY CONTACT THE COMMISSION TO FILE A COMPLAINT USING THE
11 TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK USED TO
12 CONNECT WITH A DRIVER, IN ACCORDANCE WITH RULES ADOPTED BY THE
13 COMMISSION PURSUANT TO SUBSECTION (13)(b) OF THIS SECTION.

14 (b) ON OR BEFORE EIGHTEEN MONTHS AFTER THE EFFECTIVE DATE
15 OF THIS SUBSECTION (13), THE COMMISSION SHALL ADOPT RULES
16 ESTABLISHING REQUIREMENTS AND PROCEDURES FOR A TRANSPORTATION
17 NETWORK COMPANY TO PROVIDE INFORMATION ABOUT THE COMMISSION,
18 INCLUDING CONTACT INFORMATION FOR THE COMMISSION, TO A RIDER
19 PURSUANT TO SUBSECTION (13)(a) OF THIS SECTION.

20 (c) TO AID IN THE PROCESSING OF TRANSPORTATION NETWORK
21 COMPANY CUSTOMER COMPLAINTS, COMMISSION STAFF WHO PROCESS
22 COMPLAINTS FROM THE GENERAL PUBLIC SHALL RECEIVE TRAINING IN
23 TRAUMA-INFORMED PRACTICES.

24 **SECTION 24.** In Colorado Revised Statutes, 40-10.1-606,
25 **amend (2)(b) as follows:**

26 **40-10.1-606. Permit required for transportation network**
27 **companies - annual permit fee - penalty for violation - rules.**

1 (2) (b) On and after ~~January 1, 2024~~ SEPTEMBER 1, 2026, the
2 commission shall issue a permit to each transportation network company
3 that meets the requirements of this part 6 and pays an annual permit fee
4 to the commission in an amount that the commission sets administratively
5 with approval of the executive director of the department of regulatory
6 agencies, IN CONSULTATION WITH THE DIRECTOR OF THE COMMISSION, and
7 that does not exceed one hundred ~~eleven~~ SIXTY-ONE thousand two
8 hundred fifty dollars. Before increasing a permit fee pursuant to this
9 subsection (2)(b), the commission shall notify transportation network
10 companies in writing of the increased fee at least thirty days before the
11 increased fee takes effect.

12

13 **SECTION 25.** In Colorado Revised Statutes, 40-10.1-110,
14 **amend** (1)(a) as follows:

15 **40-10.1-110. Record check - rules.**

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

1 **SECTION 26.** In Colorado Revised Statutes, 40-10.1-111,
2 **amend** (1) introductory portion as follows:

3 **40-10.1-111. Filing, issuance, and annual fees - fee setting by**
4 **the commission.**

5 (1) A motor carrier shall pay the commission the following fees
6 in amounts set administratively by the commission with approval of the
7 executive director of the department of regulatory agencies, IN
8 CONSULTATION WITH THE DIRECTOR OF THE COMMISSION:

9 **SECTION 27.** In Colorado Revised Statutes, 40-10.1-116, **amend**
10 **(3)(a)** as follows:

11 **40-10.1-116. Commission to notify local authorities -**
12 **procedure.**

13 (3) (a) A person injured by the noncompliance of a motor carrier
14 with this article 10.1 or any other provision of law or an order, decision,
15 rule, direction, or requirement of the commission may apply to a court of
16 competent jurisdiction for the enforcement thereof, and the court has
17 jurisdiction to enforce obedience thereto by injunction or other proper
18 process, mandatory or otherwise, and to restrain the motor carrier and its
19 officers, agents, employees, or representatives from further disobedience
20 thereof, or to enjoin upon them obedience to the same, and any person so
21 injured has A cause of action in damages, **and** is privileged to pursue the
22 usual and proper remedies as in any other case, **AND IS NOT REQUIRED TO**
23 **PURSUE OR EXHAUST ADMINISTRATIVE REMEDIES BEFORE THE**
24 **COMMISSION PRIOR TO COMMENCING SUIT OR OTHER ACTION SEEKING**
25 **SUCH RELIEF.**

26 **SECTION 28.** In Colorado Revised Statutes, **add** 40-10.1-119 as
27 follows:

1 **40-10.1-119. Market study and report - common and contract**
2 **carriers - definition - repeal.**

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

5 (2) THE COMMISSION SHALL CONDUCT A STUDY ON THE CURRENT
6 REGULATORY STRUCTURE FOR INTRASTATE CONTRACT AND COMMON
7 CARRIERS. THE STUDY MUST ADDRESS THE FOLLOWING ISSUES:

8 (a) WHETHER THE CURRENT MODELS, INCLUDING REGULATED
9 MONOPOLY AND REGULATED COMPETITION, FOR MARKET ENTRY OF
10 COMMON CARRIERS AND CONTRACT CARRIERS ARE STILL AN APPROPRIATE
11 STANDARD TO BE IMPLEMENTED IN THE STATE IN LIGHT OF FACTORS SUCH
12 AS THE ECONOMIC LANDSCAPE AND JOB CREATION;

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

16 (c) WHETHER THE CURRENT MODELS FOR ECONOMIC REGULATION
17 OF COMMON CARRIERS AND CONTRACT CARRIERS THAT REQUIRE RATE
18 STRUCTURES TO BE APPROVED AND SET IN A JUST, REASONABLE, AND
19 CONSISTENT MANNER FOR EACH PASSENGER ARE STILL BENEFICIAL TO THE
20 INDUSTRY AND TO CONSUMERS;

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

24 (e) IDENTIFYING THE PROPER BALANCE BETWEEN SERVICE
25 TERRITORY PROTECTIONS, SUCH AS REGULATED MONOPOLY AND
26 REGULATED COMPETITION, AND THE POTENTIAL BURDENS ASSOCIATED
27 WITH THESE MARKET ENTRY AND ECONOMIC REGULATION STANDARDS.

1 (3) IN CONDUCTING THE STUDY, THE COMMISSION SHALL CONSIDER
2 THE FOLLOWING:

3 (a) WHETHER THE CONDITIONS THAT LED TO THE CURRENT
4 REGULATION OF COMMON CARRIERS AND CONTRACT CARRIERS HAVE
5 CHANGED AND WHETHER OTHER CONDITIONS HAVE ARISEN THAT
6 WARRANT MORE, LESS, OR THE SAME DEGREE OF OVERSIGHT BY THE
7 COMMISSION;

8 (b) WHETHER EXISTING STATUTES AND COMMISSION RULES
9 ESTABLISH THE LEAST RESTRICTIVE FORM OF OVERSIGHT THAT IS
10 CONSISTENT WITH THE PUBLIC INTEREST, CONSIDERING OTHER AVAILABLE
11 MEANS OF REGULATION;

12 (c) WHETHER EXISTING STATUTES AND COMMISSION RULES
13 STIMULATE OR RESTRICT COMPETITION; AND

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

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

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

20 **SECTION 29.** In Colorado Revised Statutes, 40-10.1-302,
21 **amend** (4) as follows:

22 **40-10.1-302. Permit requirements - rules.**

23 (4) In order to obtain a permit under this section, an applicant
24 ~~must have~~ SHALL DEMONSTRATE THAT each vehicle operated under the
25 permit HAS BEEN inspected ~~within the immediately preceding twenty days~~
26 ~~by a qualified mechanic in accordance with rules promulgated by the~~
27 ~~commission. The applicant must also attach a report showing each vehicle~~

1 ~~passed inspection~~ IN ACCORDANCE WITH RULES ADOPTED BY THE
2 COMMISSION.

3 **SECTION 30.** In Colorado Revised Statutes, 40-10.1-702,
4 **amend** (3) as follows:

5 **40-10.1-702. Large-market taxicab service - permit required**
6 **- rules.**

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

12 **SECTION 31.** In Colorado Revised Statutes, 40-18-101, **amend**
13 (3) and (6); **repeal** (5); and **add** (2.4) and (2.6) as follows:

14 **40-18-101. Definitions.**

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

16 (2.4) "PROGRAM STANDARD" MEANS A STATE SAFETY OVERSIGHT
17 PROGRAM STANDARD DEVELOPED BY THE COMMISSION IN CONFORMANCE
18 WITH 49 CFR 674, "STATE SAFETY OVERSIGHT".

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

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

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

3 (I) Funiculars that are passenger tramways as defined in section
4 12-150-103 (5)(c) and are subject to the jurisdiction of the Colorado
5 passenger tramway safety board created in section 12-150-104; OR

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

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

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

15 **SECTION 32.** In Colorado Revised Statutes, **amend** 40-18-102
16 as follows:

17 **40-18-102. Rail fixed guideway public transportation system
18 oversight program - commission may establish.**

19 The commission is authorized to establish an oversight program
20 for the safety and security of rail fixed guideway PUBLIC
21 TRANSPORTATION systems in accordance with ~~section 28 of the~~
22 ~~"Intermodal Surface Transportation Efficiency Act of 1991", 49 U.S.C.~~
23 ~~sec. 5330, and the "Moving Ahead for Progress in the 21st Century Act",~~
24 49 U.S.C. sec. 5329.

25 **SECTION 33.** In Colorado Revised Statutes, **amend** 40-18-103
26 as follows:

27 **40-18-103. Commission to adopt rules.**

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

3 (a) Require, review, approve, and monitor the creation and
4 implementation of a ~~system~~ PUBLIC TRANSPORTATION AGENCY safety
5 ~~program~~ plan for each rail fixed guideway PUBLIC TRANSPORTATION
6 system operating in Colorado;

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

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

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

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

21 **SECTION 34.** In Colorado Revised Statutes, 40-4-106, **amend**
22 (6)(e), (6)(f), and (6)(g)(II) as follows:

23 **40-4-106. Rules for public safety - crossings - civil fines -**
24 **allocation of expenses - definitions.**

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

26 (e) "Rail fixed guideway" means a person possessing rail fixed
27 guideway PUBLIC TRANSPORTATION system facilities by ownership or

1 lease.

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

4 (II) "Rail fixed guideway PUBLIC TRANSPORTATION system"
5 includes street railroads, street railways, and electric railroads, as those
6 terms are used in article 24 of this title 40.

7 (g) (II) "Railroad" does not include A rail fixed ~~guideways~~
8 GUIDEWAY or A rail fixed guideway ~~systems~~ PUBLIC TRANSPORTATION
9 SYSTEM.

10 **SECTION 35.** In Colorado Revised Statutes, **repeal** 40-18-105
11 as follows:

12 **40-18-105. Calculation and assessment of fees.**

13 ~~(1) Repealed.~~

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

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

25 **SECTION 36.** In Colorado Revised Statutes, 40-2-109, **amend**
26 (2)(a) introductory portion and (2)(a)(II); and **repeal** (2)(b) as follows:

27 **40-2-109. Report to executive director of the department of**

1 **revenue.**

2 (2) (a) On March 1 of each year, the ~~public utilities~~ commission
3 shall furnish the executive director of the department of revenue with a
4 list of those public utilities subject to ~~its~~ THE COMMISSION'S jurisdiction,
5 supervision, and regulation on January 1 of each year. ~~The provisions of~~
6 This subsection (2) ~~shall~~ DOES not apply to:

7 (II) Rail fixed guideway PUBLIC TRANSPORTATION systems that are
8 regulated by the ~~public utilities~~ commission pursuant to part 1 of article
9 18 of this ~~title~~ TITLE 40.

10 (b) ~~The director of the public utilities commission shall provide~~
11 ~~written notice to the revisor of statutes once the federal grant money made~~
12 ~~available under the "Moving Ahead for Progress in the 21st Century Act",~~
13 ~~49 U.S.C. sec. 5329, have been awarded to the state. This subsection (2)~~
14 ~~takes effect upon the receipt by the revisor of statutes of such written~~
15 ~~notice.~~

16 **SECTION 37.** In Colorado Revised Statutes, **add 40-2-109.3** as
17 **follows:**

18 **40-2-109.3. Study on modernizing commission structure -**
19 **report - repeal.**

20 (1) **TO ENSURE THAT THE COMMISSION AND COMMISSION STAFF**
21 **HAVE SUFFICIENT CAPACITY, TECHNICAL EXPERTISE, AND RESOURCES TO**
22 **FULFILL ITS STATUTORY DUTIES UNDER THIS TITLE 40, THE COMMISSION**
23 **SHALL ENGAGE AN INDEPENDENT THIRD-PARTY CONSULTANT TO CONDUCT**
24 **A STUDY ON HOW TO MODERNIZE ITS PERSONNEL, ORGANIZATIONAL, AND**
25 **BUDGETARY STRUCTURES. IN CONDUCTING THE STUDY, THE COMMISSION**
26 **SHALL CONSULT RELEVANT STAKEHOLDERS, INCLUDING REGULATED**
27 **ENTITIES, TO SOLICIT FEEDBACK. THE STUDY MUST INCLUDE, AT A**

1 MINIMUM, AN EVALUATION OF, AND RECOMMENDATIONS REGARDING, THE
2 SIZE OF THE COMMISSION, COMPENSATION FOR COMMISSIONERS INCLUDING
3 SALARY AND TRAVEL REIMBURSEMENT, POTENTIAL FUNDING MECHANISMS
4 TO SUPPORT STATUTORY EQUITY OBJECTIVES AND INTERVENOR
5 PARTICIPATION, AND THE ADEQUACY OF CURRENT STAFFING LEVELS.

6 (2) ON OR BEFORE NOVEMBER 1, 2026, THE COMMISSION SHALL
7 SUBMIT AN INITIAL REPORT ON THE STUDY SUMMARIZING ITS INITIAL
8 FINDINGS AND RECOMMENDATIONS TO THE HOUSE OF REPRESENTATIVES
9 ENERGY AND ENVIRONMENT COMMITTEE AND THE SENATE
10 TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR SUCCESSOR
11 COMMITTEES.

12 (3) ON OR BEFORE NOVEMBER 1, 2027, THE COMMISSION SHALL
13 SUBMIT A FINAL REPORT ON THE STUDY TO THE COMMITTEES LISTED IN
14 SUBSECTION (2) OF THIS SECTION, WHICH FINAL REPORT MUST INCLUDE
15 THE COMMISSION'S FINDINGS AND RECOMMENDATIONS, INCLUDING ANY
16 LEGISLATIVE RECOMMENDATIONS.

17 (4) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2028.

18 **SECTION 38.** In Colorado Revised Statutes, 40-2-114, **amend**
19 (1)(a) introductory portion and (1)(a)(I) as follows:

20 **40-2-114. Disposition of fees collected - telecommunications**
21 **utility fund - fixed utility fund - appropriation.**

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

26 (I) Notwithstanding any other provision of this ~~paragraph (a), for~~
27 ~~the 2016-17 fiscal year and~~ SUBSECTION (1)(a), for any STATE fiscal year

1 thereafter in which a grant match is required for the receipt of federal
2 money under the federal "Moving Ahead for Progress in the 21st Century
3 Act", Pub.L. 112-141, 126 Stat. 405, 49 U.S.C. SEC. 5329 for rail fixed
4 guideway ~~system~~ PUBLIC TRANSPORTATION safety oversight
5 responsibilities under article 18 of this title, the lesser of all of the fees or
6 up to one hundred fifty thousand dollars of the fees, or as much thereof
7 as TITLE 40, THE AMOUNT the commission deems necessary to the public
8 utilities commission fixed utility fund created in ~~paragraph (b) of this~~
9 ~~subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION IN ORDER TO OBTAIN
10 THE FEDERAL GRANT MATCH;

11 **SECTION 39.** In Colorado Revised Statutes, 6-1-905, **amend**
12 (3)(b) introductory portion and (3)(b)(II) as follows:

13 **6-1-905. Establishment and operation of a Colorado no-call**
14 **list - rules.**

15 (3) (b) The public utilities commission shall establish, by rule,
16 guidelines for the designated agent for the development and maintenance
17 of the Colorado no-call list so that the no-call list can easily be accessed
18 by persons or entities desiring to make telephone solicitations and by state
19 and local law enforcement agencies. As soon as practicable, ~~after March~~
20 ~~25, 2003~~, the public utilities commission shall ~~promulgate~~ ADOPT rules
21 that:

22 (II) Specify ~~that there shall be~~ an annual registration fee IN AN
23 AMOUNT of not more than ~~five hundred~~ ONE THOUSAND dollars ~~for~~ TO BE
24 PAID BY persons or entities that wish to make telephone solicitations or
25 otherwise access the database of telephone numbers and zip codes
26 contained in the Colorado no-call list database. The public utilities
27 commission shall determine ~~such~~ THE AMOUNT OF THE fee on a sliding

1 scale so that persons or entities with fewer than five employees shall DO
2 NOT pay no A fee. In addition, there A FEE shall be no fee NOT BE charged
3 to conforming list brokers or nonprofit corporations, as defined in section
4 7-121-401 (26). C.R.S. The maximum fee AMOUNT TO BE PAID BY
5 PERSONS OR ENTITIES THAT WISH TO MAKE TELEPHONE SOLICITATIONS OR
6 OTHERWISE ACCESS THE COLORADO NO-CALL LIST DATABASE shall be
7 charged only to persons or entities with more than one thousand
8 employees. Moneys THE COMMISSION SHALL ESTABLISH, BY RULE, A
9 SEPARATE FEE CHARGED TO CONFORMING LIST BROKERS. MONEY collected
10 from such AS fees PURSUANT TO THIS SUBSECTION (3)(b)(II) shall BE USED
11 TO cover the direct and indirect costs related to the creation and operation
12 of the Colorado no-call list. Moneys from such THE fees shall be
13 collected by and paid directly to the designated agent. The public utilities
14 commission shall have the authority to MAY annually adjust the fees
15 below the stated maximum based on revenue history of the fees received
16 by the designated agent. The designated agent shall provide means for
17 online registration and credit card payment of fees charged pursuant to
18 this subparagraph (H) SUBSECTION (3)(b)(II). Each such person or entity
19 shall provide a current business name, business address, email address if
20 available, and telephone number when initially registering for the no-call
21 list. This information shall be updated when changes occur.

22

23 **SECTION 40.** In Colorado Revised Statutes, 40-2-112, amend (1)
24 as follows:

25 **40-2-112. Computation of fees.**

26 (1) (a) On or before June 1 of each year, the executive director of
27 the department of revenue shall ascertain the aggregate amount of gross

1 operating revenues of telephone corporations and all other public utilities
2 filing returns as provided in section 40-2-111. Based on appropriations
3 made by the general assembly, the executive director of the department
4 of regulatory agencies, IN CONSULTATION WITH THE DIRECTOR OF THE
5 COMMISSION, shall specify, for the telecommunications utility fund,
6 created in section 40-2-114 (1)(b)(I), and the public utilities commission
7 fixed utility fund, created in section 40-2-114 (1)(b)(II), the revenue
8 needed to provide for the direct and indirect costs of the supervision and
9 regulation of telephone corporations and all other public utilities under
10 the jurisdiction of the department of regulatory agencies, excluding the
11 amount of money provided as administrative support from the various
12 telecommunications programs administered by the commission, including
13 the high cost support mechanism, established in section 40-15-208; the
14 911 surcharge, established in section 29-11-102.3; the 988 surcharge,
15 established in section 40-17.5-102; and the telephone disability access
16 surcharge, established in section 40-17-102.

17 (b) (I) For each telephone corporation, the executive director of
18 the department of regulatory agencies, IN CONSULTATION WITH THE
19 DIRECTOR OF THE COMMISSION, shall compute the percentage which the
20 amount of revenue needed for the direct and indirect costs of the
21 supervision and regulation of telephone corporations is of the aggregate
22 amount of gross operating revenues of the telephone corporation derived
23 from intrastate utility business transacted during the preceding calendar
24 year, and that percentage shall be the basis upon which fees due from
25 telephone corporations for the ensuing year shall be fixed.

26 (II) For each public utility other than a telephone corporation, the
27 executive director of the department of regulatory agencies, IN

1 CONSULTATION WITH THE DIRECTOR OF THE COMMISSION, shall compute
2 the percentage which the amount of revenue needed for the direct and
3 indirect costs of the supervision and regulation of public utilities other
4 than telephone corporations is of the aggregate amount of gross operating
5 revenues of such public utilities derived from intrastate utility business
6 transacted during the preceding calendar year, and that percentage shall
7 be the basis upon which fees due from the public utilities for the ensuing
8 year shall be fixed.

9 **SECTION 41.** In Colorado Revised Statutes, 40-2-113, **add** (4)
10 as follows:

11 **40-2-113. Collection of fees - limitation - filing fees.**

12 (4) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(b) OF THIS
13 SECTION, THE COMMISSION MAY SET ADMINISTRATIVELY A FILING FEE
14 SCHEDULE FOR APPLICATIONS, PETITIONS, REGISTRATIONS, FORMAL
15 COMPLAINTS, AND SIMILAR FILINGS THAT ARE SUBMITTED TO THE
16 COMMISSION THAT RELATE TO COMMUNICATIONS SERVICES,
17 TELECOMMUNICATIONS SERVICES, AND BASIC EMERGENCY SERVICES. THE
18 PURPOSE OF THE FILING FEES IS TO RECOVER THE COMMISSION'S COSTS
19 ASSOCIATED WITH REGULATORY ACTIVITIES THAT ARE NOT COVERED BY
20 THE FEES ASSESSED PURSUANT TO SECTIONS 40-2-112 AND 40-2-113.

21 (b) MEMBERS OF THE PUBLIC WHO FILE COMPLAINTS AND PUBLIC
22 UTILITIES THAT ARE SUBJECT TO THE FEES ASSESSED PURSUANT TO
23 SECTIONS 40-2-112 AND 40-2-113 ARE EXEMPT FROM THE FILING FEES SET
24 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION.

25 (c) THE STATE TREASURER SHALL CREDIT ALL FILING FEES
26 COLLECTED BY THE COMMISSION PURSUANT TO THIS SUBSECTION (4) TO
27 THE TELECOMMUNICATIONS UTILITY FUND CREATED IN SECTION 40-2-114

1 (1)(b)(I).

2 **SECTION 42.** In Colorado Revised Statutes, 40-15-402, **amend**

3 (1) as follows:

4 **40-15-402. No regulation by the commission - no certificate**
5 **required.**

6 (1) Nothing in articles 1 to 7 of this ~~title~~ TITLE 40 or parts 2 and
7 3 of this ~~article~~ ARTICLE 15 ~~shall apply~~ APPLIES to deregulated services
8 and products pursuant to this part 4; EXCEPT THAT THE FILING FEES SET
9 ADMINISTRATIVELY BY THE COMMISSION PURSUANT TO SECTION 40-2-113
10 (4) APPLY TO DEREGULATED SERVICES AND PRODUCTS.

11 **SECTION 43.** In Colorado Revised Statutes, 29-11-104, **amend**

12 (2)(a)(II)(A) as follows:

13 **29-11-104. Use of money collected.**

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

17 (A) Public safety radio equipment outside the PSAP THAT IS USED
18 FOR DISPATCHING EMERGENCY SERVICE PROVIDERS TO RESPOND TO 911
19 CALLS; or

20 **SECTION 44.** In Colorado Revised Statutes, 17-42-103, **amend**

21 (5)(a) and (5)(c)(III); and **add** (5)(d.5), (6), and (7) as follows:

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

25 (5) (a) ~~Starting on January 1, 2022,~~ THE PUBLIC UTILITIES
26 COMMISSION MAY ESTABLISH, BY RULE, INTRASTATE rate caps AND CAPS
27 ON ANCILLARY SERVICE CHARGES established by the federal

1 communications commission TO apply to all in-state debit, prepaid, and
2 collect calls to or from a correctional facility. THE INTRASTATE RATE CAPS
3 MAY TAKE EFFECT JANUARY 1, 2027. THE PUBLIC UTILITIES COMMISSION
4 MAY ANNUALLY ADJUST THE RATE CAPS IN AN AMOUNT NOT TO EXCEED
5 ANY INTRASTATE RATE CAPS ESTABLISHED BY THE FEDERAL
6 COMMUNICATIONS COMMISSION. THE PUBLIC UTILITIES COMMISSION MAY
7 ENFORCE THE RATE CAPS.

8 (c) The public utilities commission shall comply with the
9 following steps when conducting trial tests of penal communications
10 services:

11 (III) Tests may be conducted remotely. All correctional facilities
12 AND PENAL COMMUNICATIONS SERVICE PROVIDERS shall cooperate with
13 the public utilities commission in conducting tests of penal
14 communications services.

15 (d.5) THE PUBLIC UTILITIES COMMISSION SHALL DEVELOP FLYERS
16 OR OTHER INFORMATIONAL DOCUMENTS TO INFORM MEMBERS OF THE
17 PUBLIC OF THE METHODS BY WHICH THEY MAY SUBMIT AN INFORMAL
18 COMPLAINT TO THE PUBLIC UTILITIES COMMISSION REGARDING PENAL
19 COMMUNICATIONS SERVICES. BEGINNING JANUARY 1, 2027, EACH
20 CORRECTIONAL FACILITY SHALL POST THE DOCUMENTS IN A CONSPICUOUS
21 LOCATION WHERE THE DOCUMENTS MAY BE VIEWED BY VISITORS TO THE
22 CORRECTIONAL FACILITY.

23 (6) THE PUBLIC UTILITIES COMMISSION MAY ADOPT RULES
24 IMPLEMENTING THIS SECTION, INCLUDING RULES:

25 (a) REQUIRING PENAL COMMUNICATIONS SERVICE PROVIDERS TO
26 REPORT OUTAGES OF PENAL COMMUNICATIONS SERVICES TO THE PUBLIC
27 UTILITIES COMMISSION; AND

1 (b) IMPOSING PENALTIES THAT COMPORT WITH SECTION 40-7-113.5

2 (1) FOR A PENAL COMMUNICATIONS SERVICE PROVIDER'S FAILURE TO
3 COMPLY WITH THE REQUIREMENTS OF THIS SECTION THAT APPLY TO PENAL
4 COMMUNICATIONS SERVICE PROVIDERS.

5 (7) NOTHING IN THIS SECTION IS INTENDED TO ESTABLISH PUBLIC
6 UTILITIES COMMISSION AUTHORITY OVER CORRECTIONAL FACILITIES.

7 **SECTION 45.** In Colorado Revised Statutes, 40-7-117, **amend**
8 (2) introductory portion and (2)(c) as follows:

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

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

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

22 **SECTION 46.** In Colorado Revised Statutes, 40-3-104.4, **add** (3)
23 as follows:

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

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

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

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

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

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

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

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

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

21 **SECTION 47.** In Colorado Revised Statutes, **add 40-4-123** as
22 follows:

23 **40-4-123. Electric utilities - interconnection information -**
24 **disclosure for federal clean electricity investment credit compliance**
25 **- definitions.**

26 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
27 REQUIRES:

1 (a) "FEDERAL CREDIT" MEANS THE FEDERAL CLEAN ELECTRICITY
2 INVESTMENT CREDIT AUTHORIZED UNDER SECTION 48E OF THE FEDERAL
3 "INTERNAL REVENUE CODE OF 1986", 26 U.S.C. SEC. 48E.

4 (b) "INTERCONNECTION UTILITY" MEANS AN INVESTOR-OWNED
5 ELECTRIC UTILITY.

6 (c) "MATERIAL ASSISTANCE COST RATIO" MEANS THE
7 MEASUREMENT OF HOW MUCH OF A PROJECT'S COST IS FROM
8 NONPROHIBITED FOREIGN ENTITY SOURCES AND IS CALCULATED IN
9 ACCORDANCE WITH 26 U.S.C. SEC. 7701 (a)(52)(D) OR ANY SUCCESSOR
10 FEDERAL STATUTE.

11 (d) "QUALIFIED INTERCONNECTION PROPERTY" HAS THE MEANING
12 SET FORTH IN 26 U.S.C. SEC. 48E (b)(4).

13 (2) AN INTERCONNECTION UTILITY SHALL, UPON WRITTEN
14 REQUEST, PROVIDE A TAXPAYER CLAIMING THE FEDERAL CREDIT ANY
15 INFORMATION OR CERTIFICATIONS REASONABLY NECESSARY FOR A
16 DETERMINATION OF COMPLIANCE WITH APPLICABLE FEDERAL
17 REQUIREMENTS, INCLUDING THE MATERIAL ASSISTANCE COST RATIO. THE
18 INFORMATION OR CERTIFICATIONS MUST INCLUDE, TO THE EXTENT IT IS
19 AVAILABLE, INFORMATION REGARDING THE ORIGIN, COST, AND
20 CONSTITUENT COMPONENTS OF ANY PROPERTY OR EQUIPMENT, INCLUDING
21 ASSOCIATED LABOR COSTS, THAT IS REQUIRED FOR CALCULATING THE
22 MATERIAL ASSISTANCE COST RATIO FOR QUALIFIED INTERCONNECTION
23 PROPERTY.

24 (3) AN INTERCONNECTION UTILITY SHALL PROVIDE THE
25 INFORMATION OR CERTIFICATIONS REQUESTED PURSUANT TO SUBSECTION
26 (2) OF THIS SECTION WITHIN A REASONABLE TIME FRAME AND IN
27 SUFFICIENT DETAIL TO ENABLE THE TAXPAYER TO PERFORM THE REQUIRED

1 CALCULATIONS AND CERTIFICATIONS REQUIRED UNDER FEDERAL TAX
2 RULES AND GUIDANCE REGARDING THE FEDERAL CREDIT.

3 **SECTION 48.** In Colorado Revised Statutes, **add 40-2-132.7** as
4 follows:

5 **40-2-132.7. Energy planning proceedings - investigation to**
6 **streamline - report - repeal.**

7 (1) ON OR BEFORE DECEMBER 1, 2026, THE COMMISSION SHALL
8 OPEN ONE OR MORE MISCELLANEOUS PROCEEDINGS TO INVESTIGATE
9 POTENTIAL BARRIERS TO AND OPPORTUNITIES FOR STREAMLINING ENERGY
10 PLANNING PROCEEDINGS, INTEGRATING GAS AND ELECTRIC SYSTEM
11 PLANNING, AND MAXIMIZING THE EFFICIENCY AND EFFECTIVENESS OF
12 CUSTOMER PROGRAMMING. IN CONDUCTING THE MISCELLANEOUS
13 PROCEEDINGS, THE COMMISSION SHALL IDENTIFY AND EVALUATE
14 RECOMMENDATIONS RELATED TO:

15 (a) REVISING THE TIMING AND ORDER FOR KEY PLANNING
16 PROCEEDINGS TO ACHIEVE REGULATORY EFFICIENCY AND REDUCE
17 LITIGATION COSTS WHILE MAINTAINING HIGH STANDARDS OF REGULATORY
18 OVERSIGHT;

19 (b) INTEGRATING GAS AND ELECTRIC SYSTEM PLANNING AS A
20 MEANS TO REDUCE RATEPAYER COSTS AND TO ADVANCE FEDERAL,
21 REGIONAL, STATE, AND LOCAL AIR QUALITY AND DECARBONIZATION
22 GOALS; AND

23 (c) IMPROVING THE COST-EFFECTIVENESS AND EFFECTIVENESS OF
24 UTILITY CUSTOMER PROGRAMS, INCLUDING DEMAND-SIDE MANAGEMENT,
25 BENEFICIAL ELECTRIFICATION, CLEAN HEAT, CUSTOMER-SITED RENEWABLE
26 ENERGY AND STORAGE, AND INCOME-QUALIFIED SERVICE PROGRAMS.

27 (2) IN EVALUATING POTENTIAL BARRIERS AND OPPORTUNITIES FOR

1 INTEGRATING GAS AND ELECTRIC SYSTEM PLANNING PURSUANT TO
2 SUBSECTION (1)(b) OF THIS SECTION, THE COMMISSION SHALL CONSIDER:

3 (a) IMPLEMENTING EMERGING FORECASTING AND MODELING
4 PRACTICES TO ALLOW FOR OPTIMIZATION ACROSS GAS AND ELECTRIC
5 SYSTEMS;

6 (b) ALIGNING PLANNING PROCESSES, FORECASTS, ASSUMPTIONS,
7 PROGRAMS, INITIATIVES, OR ANY COMBINATION THEREOF ACROSS GAS,
8 ELECTRIC, AND STEAM PROCEEDINGS;

9 (c) FACILITATING SECURE DATA SHARING BETWEEN GAS AND
10 ELECTRIC UTILITIES AND WITH CERTAIN NONUTILITY ENTITIES, SUCH AS
11 GOVERNMENTAL BODIES AND THIRD-PARTY PROVIDERS;

12 (d) IMPROVING COLLABORATION AMONG UTILITIES THAT HAVE
13 OVERLAPPING SERVICE TERRITORIES;

14 (e) EVALUATING AND IMPLEMENTING GEOGRAPHICALLY TARGETED
15 ZONAL ELECTRIFICATION;

16 (f) EVALUATING AND MINIMIZING STRANDED ASSET RISKS; AND

17 (g) MODIFYING COST-RECOVERY METHODS TO REDUCE RATEPAYER
18 RISK OR TO ALIGN UTILITY INCENTIVES WITH RELEVANT PUBLIC POLICY
19 OBJECTIVES SUCH AS REDUCING GREENHOUSE GAS EMISSIONS.

20 (3) IN CONDUCTING THE MISCELLANEOUS PROCEEDINGS PURSUANT
21 TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL SOLICIT
22 INPUT FROM STAKEHOLDERS THROUGH PUBLIC WORKSHOPS, WRITTEN
23 COMMENTS, AND OTHER FORUMS.

24 (4) (a) BASED ON THE MISCELLANEOUS PROCEEDINGS CONDUCTED
25 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL
26 PRODUCE A REPORT IDENTIFYING ITS FINDINGS, CONCLUSIONS, AND
27 RECOMMENDATIONS. THE COMMISSION SHALL INCLUDE ANY

1 RECOMMENDATIONS REGARDING LEGISLATIVE, REGULATORY, OR
2 OPERATIONAL ACTIONS NEEDED TO:

3 (I) IMPROVE REGULATORY EFFICIENCY AND EFFECTIVENESS,
4 INCLUDING THROUGH REVISING THE TIMING AND ORDER OF KEY PLANNING
5 PROCEEDINGS;

6 (II) ADVANCE INTEGRATED GAS AND ELECTRIC SYSTEM PLANNING;
7 AND

8 (III) DELIVER COST-EFFECTIVE, IMPACTFUL, AND STREAMLINED
9 UTILITY CUSTOMER PROGRAMMING TO ACHIEVE PUBLIC POLICY GOALS,
10 INCLUDING GOALS OF REDUCING GREENHOUSE GAS EMISSIONS AND
11 INCREASING ACCESS TO AND THE BENEFITS OF PROGRAMMING FOR
12 INCOME-QUALIFIED CUSTOMERS AND DISPROPORTIONATELY IMPACTED
13 COMMUNITIES.

14 (b) WITHIN THE REPORT, THE COMMISSION SHALL ALSO IDENTIFY
15 WHETHER ANY OF THE RECOMMENDATIONS MADE PURSUANT TO
16 SUBSECTION (4)(a) OF THIS SECTION WOULD REQUIRE OR BENEFIT FROM
17 LEGISLATION TO CHANGE STATUTORY DEADLINES FOR SPECIFIC PLANNING
18 PROCEEDINGS, AND, IF SO, THE COMMISSION SHALL RECOMMEND THE
19 STATUTORY CHANGES NEEDED.

20 (5) ON OR BEFORE NOVEMBER 30, 2027, THE COMMISSION SHALL
21 SUBMIT THE REPORT TO THE HOUSE OF REPRESENTATIVES ENERGY AND
22 ENVIRONMENT COMMITTEE, THE HOUSE OF REPRESENTATIVES
23 TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE, AND
24 THE SENATE TRANSPORTATION AND ENERGY COMMITTEE, OR THEIR
25 SUCCESSOR COMMITTEES.

26 (6) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2029.

27 **SECTION 49. Appropriation.** (1) For the 2026-27 state fiscal

1 year, \$298,448 is appropriated to the department of regulatory agencies.
2 This appropriation consists of \$223,448 from the public utilities
3 commission fixed utility fund created in section 40-2-114 (1)(b)(II),
4 C.R.S., and \$75,000 from the public utilities commission motor carrier
5 fund created in section 40-2-110.5 (6), C.R.S. To implement this act, the
6 department may use this appropriation as follows:

7 (a) \$232,712, including \$157,712 from the fixed utility fund and
8 \$75,000 from the motor carrier fund, for use by the public utilities
9 commission for personal services, which amount is based on an
10 assumption that the commission will require an additional 1.6 FTE;

11 (b) \$16,048 from the fixed utility fund for use by the public
12 utilities commission for operating expenses; and

13 (c) \$49,688 from the fixed utility fund for the purchase of legal
14 services.

15 (2) For the 2026-27 state fiscal year, \$49,688 is appropriated to
16 the department of law. This appropriation is from reappropriated funds
17 received from the department of regulatory agencies under subsection
18 (1)(c) of this section and is based on an assumption that the department
19 of law will require an additional 0.2 FTE. To implement this act, the
20 department of law may use this appropriation to provide legal services for
21 the department of regulatory agencies.

22 **SECTION 50. Act subject to petition - effective date -**
23 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
24 the expiration of the ninety-day period after final adjournment of the
25 general assembly (August 12, 2026, if adjournment sine die is on May 13,
26 2026); except that, if a referendum petition is filed pursuant to section 1
27 (3) of article V of the state constitution against this act or an item, section,

1 or part of this act within such period, then the act, item, section, or part
2 will not take effect unless approved by the people at the general election
3 to be held in November 2026 and, in such case, will take effect on the
4 date of the official declaration of the vote thereon by the governor.

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