

# STATE OF COLORADO

## Colorado General Assembly

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### MEMORANDUM

April 20, 2004

TO: Robin Hubbard and Susan LeFever

FROM: Legislative Council Staff and Office of Legislative Legal Services

SUBJECT: Proposed initiative measure 2003-2004 #146, concerning renewable energy standards.

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado Constitution. We hereby submit our comments to you regarding your proposed amendment, a copy of which is attached.

The purpose of this statutory requirement of the Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in drafting the language of their proposal and to make the public aware of the contents of the proposal. Our first objective is to be sure we understand your intent and objective in proposing the amendment. We hope that the statements and questions in this memorandum will provide a basis for discussion and understanding of the proposal.

#### Special note

An earlier version of this amendment was the subject of a previous memorandum (concerning proposed initiated measure 2003-2004 #145), also dated April 20, 2004. The comments and questions raised in this memorandum will be limited so as not to duplicate comments and questions that were addressed at the earlier hearing on this amendment.

#### Purposes

The purposes of the new and revised provisions of the proposed amendment appear to be as follows:

1. To limit the scope of coverage of the new provisions to providers of retail electric service that serve over 80,000 customers;

2. To specify that the customers of a qualifying utility, or of a municipally owned utility or cooperative electric association, may opt out of the requirements of this measure so long as at least 50% of the eligible consumers of the utility participates in the election.

### **Comments and Questions**

The form and substance of the new and revised provisions of the proposed amendment raise the following question:

1. Why is 80,000 customers used as a threshold for a "qualifying retail utility" for the renewable energy standards? How many retail electric service providers serve more than 80,000 customers in Colorado?