

# Carroll: The biggest job facing Colorado

*By Vincent Carroll*  
*The Denver Post*

POSTED: 04/25/2015 05:00:00 PM MDT

The most important task facing state officials in the next 13 months has nothing to do with water, schools, fracking, the sage grouse or even economic development — not directly anyway. It is to create a plan to reduce carbon-dioxide emissions that satisfies the U.S. Environmental Protection Agency without jeopardizing reliability of the electrical grid or boosting bills by punishing amounts.

It's a huge duty that may represent an unprecedented makeover of the electrical system.

And yet the Hickenlooper administration is dead set against a bill requiring legislative approval of the eventual plan.

Now, maybe the administration has dug in against Senate Bill 258 because it originally was flawed, containing more than one provision that might have frustrated adoption of a plan. But that is no longer the case. The amended bill has two main components: legislative approval of the state plan and a formal review (not veto) by the Colorado Public Utilities Commission. Both components are critical to ensuring a transparent process and a fully vetted proposal.

Meanwhile, the bill now explicitly asserts that submitting a state plan is "the preferred method of complying with the federal emission regulations."

But still the administration resists, insisting that a single agency — the Colorado Department of Public Health and Environment (CDPHE), through rulemaking at the Air Quality Control Commission (AQCC) — have the first, second and last word on the plan.

No one disputes that the CDPHE must be the lead agency. But this is a big deal. It could result in the closing of power plants, in colossal investments in equipment and resources (which consumers inevitably pay), in emissions trading within the state or among several states, and in unprecedented measures to mandate energy efficiency.

Should a single agency really fly solo, with no formalized role for either the General Assembly or the PUC, the principal regulatory body with expertise in such critical areas as cost and reliability of the electrical grid?

There is no dispute about the PUC's expertise, by the way. In remarkably revealing testimony this month in the Senate, the director of environmental programs for the CDPHE freely admitted the fact.

"We recognize that the expertise on reliability and cost and a variety of other things — that the PUC is really the entity that has that expertise," said Martha Rudolph. And while her agency will consult with PUC experts on an ongoing basis, she advised against giving it a formal review role. Trust us, she insisted.

More surprisingly, she spoke against a mandate for legislative approval of the plan even as she pledged to seek legislative approval.

"By law we have to submit all [State Implementation Plans] to the legislature, for review," Rudolph said. "This is not technically a SIP, but I can assure you that in some way we would bring this to the legislature for approval. It's not a legal requirement, but we would do that."

Then why oppose a bill that would guarantee such approval? And what does "in some way" mean? Let's clarify what it means with legislation.

Rudolph suggested SB 258's mandates would slow the process and risk violating the EPA deadline. But she knows the deadline of June 2016 is all but impossible already. Her own boss said as much in a letter to the EPA in December.

SB 258 passed the Senate but may well falter in the House. If so, it will amount to one of the signal failures of the session.

*E-mail Vincent Carroll at [vc Carroll@denverpost.com](mailto:vc Carroll@denverpost.com). Follow him on Twitter: @vc CarrollDP*

*To send a letter to the editor about this article, submit online or check out our guidelines for how to submit by e-mail or mail.*