

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 09-0113.01 Thomas Morris

SENATE BILL 09-039

SENATE SPONSORSHIP

Schwartz,

HOUSE SPONSORSHIP

Curry,

Senate Committees

Local Government and Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE DISCRETIONARY AUTHORITY OF COOPERATIVE**
102 **ELECTRIC ASSOCIATIONS TO ESTABLISH REASONABLE**
103 **GRADUATED RATES FOR INCREASED ENERGY CONSUMPTION BY**
104 **RESIDENTIAL CUSTOMERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Authorizes cooperative electric associations to approve revenue-neutral, reasonable rates, charges, services, classifications, and facilities that establish a graduated rate for increased energy consumption by residential customers, giving due consideration to the impact of such

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 6, 2009

rate on low-income customers. Allows associations to utilize a community energy fund for energy efficiency, energy conservation, weatherization, and renewable energy purposes.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 declares that nothing in this act is intended to limit the power or authority
4 of the Colorado public utilities commission.

5 **SECTION 2.** 40-9.5-106 (2), Colorado Revised Statutes, is
6 amended to read:

7 **40-9.5-106. Prohibited acts.** (2) No cooperative electric
8 association, as to rates, charges, service, or facilities or as to any other
9 matter, shall make or grant any preference or advantage to any
10 corporation or person or subject any corporation or person to any
11 prejudice or disadvantage. No cooperative electric association shall
12 establish or maintain any unreasonable difference as to rates, charges,
13 service, or facilities or as to any other matter, either between localities or
14 between any class of service. Notwithstanding ~~the provisions of section~~
15 40-6-108 (1) (b), any complaint arising out of this subsection (2) signed
16 by one or more customers of such association shall be resolved by the
17 public utilities commission in accordance with the hearing and
18 enforcement procedures established in articles 6 and 7 of this title. A
19 COOPERATIVE ELECTRIC ASSOCIATION MAY APPROVE ANY REASONABLE
20 RATE, CHARGE, SERVICE, CLASSIFICATION, OR FACILITY THAT ESTABLISHES
21 A GRADUATED RATE FOR INCREASED ENERGY CONSUMPTION BY
22 RESIDENTIAL CUSTOMERS THAT IS REVENUE-NEUTRAL FOR THE CLASS,
23 WHERE REVENUE INCLUDES MARGINS, EXPENSES, RIDERS, OR CHARGES AS
24 APPROVED BY THE COOPERATIVE ELECTRIC ASSOCIATION. THE

1 IMPLEMENTATION OF SUCH RATE, CHARGE, SERVICE, CLASSIFICATION, OR
2 FACILITY BY A COOPERATIVE ELECTRIC ASSOCIATION SHALL NOT BE
3 DEEMED TO SUBJECT ANY PERSON OR CORPORATION TO ANY PREJUDICE,
4 DISADVANTAGE, OR UNDUE DISCRIMINATION. IN ADOPTING A GRADUATED
5 RATE, A COOPERATIVE ELECTRIC ASSOCIATION SHALL GIVE DUE
6 CONSIDERATION TO THE IMPACT OF SUCH RATES ON LOW-INCOME
7 CUSTOMERS. A COOPERATIVE ELECTRIC ASSOCIATION MAY UTILIZE A
8 COMMUNITY ENERGY FUND AS CONTEMPLATED BY SECTION 40-2-127 FOR
9 ENERGY EFFICIENCY, ENERGY CONSERVATION, WEATHERIZATION, AND
10 RENEWABLE ENERGY PURPOSES. A COOPERATIVE ELECTRIC ASSOCIATION
11 SHALL NOT APPLY A GRADUATED RATE TO CONSUMERS THAT HAVE SINGLE
12 METERS THAT RECORD ENERGY CONSUMPTION FOR COMBINED
13 RESIDENTIAL AND AGRICULTURAL USES.

14 **SECTION 3. Act subject to petition - effective date -**
15 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
16 following the expiration of the ninety-day period after final adjournment
17 of the general assembly that is allowed for submitting a referendum
18 petition pursuant to article V, section 1 (3) of the state constitution,
19 (August 4, 2009, if adjournment sine die is on May 6, 2009); except that,
20 if a referendum petition is filed against this act or an item, section, or part
21 of this act within such period, then the act, item, section, or part, if
22 approved by the people, shall take effect on the date of the official
23 declaration of the vote thereon by proclamation of the governor.

24 (2) The provisions of this act shall apply to acts occurring on or
25 after the applicable effective date of this act.