

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

**REREVISED**

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

LLS NO. 09-0113.01 Thomas Morris

**SENATE BILL 09-039**

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**SENATE SPONSORSHIP**

**Schwartz,**

**HOUSE SPONSORSHIP**

**Curry,**

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**Senate Committees**

Local Government and Energy

**House Committees**

Transportation & Energy

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**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.**

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**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.*

HOUSE  
3rd Reading Unam ended  
March 30, 2009

HOUSE  
Am ended 2nd Reading  
March 26, 2009

SENATE  
3rd Reading Unam ended  
February 9, 2009

SENATE  
Am ended 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.

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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, FOR ENERGY  
22 CONSERVATION AND ENERGY EFFICIENCY PURPOSES, BY RESIDENTIAL  
23 CUSTOMERS THAT IS REVENUE-NEUTRAL FOR THE CLASS, WHERE REVENUE  
24 INCLUDES MARGINS, EXPENSES, RIDERS, OR CHARGES AS APPROVED BY THE

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