

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

**REVISED**

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

LLS NO. 05-0410.01 Kristen Forrestal

**SENATE BILL 05-001**

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**SENATE SPONSORSHIP**

**Sandoval,**

**HOUSE SPONSORSHIP**

**Buescher,**

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**Senate Committees**

Business, Labor and Technology

**House Committees**

Transportation & Energy

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**A BILL FOR AN ACT**

101 **CONCERNING CREATION OF THE "LOW-INCOME ENERGY ASSISTANCE**  
102 **ACT".**

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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.)*

Requires utilities to collect an energy assistance charge from each electric and gas customer beginning January 1, 2006, unless a customer opts not to pay the charge. Exempts state, county, and municipal agencies and departments from the energy assistance program. As an alternative, allows municipally owned gas, electric, and gas and electric utilities and rural electric cooperatives, through a self-certification process, to implement alternative energy assistance programs.

Requires the public utilities commission to provide an opt-out

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  
Amended 2nd Reading  
March 24, 2005

SENATE  
3rd Reading Unamended  
February 25, 2005

SENATE  
Amended 2nd Reading  
February 23, 2005

mechanism whereby customers can choose not to contribute to the energy assistance program. Requires the energy assistance charge to appear on the monthly billing statement.

Requires utilities to transfer the moneys thus collected to energy outreach Colorado (the organization) on a specified schedule. Directs the organization to hold the moneys in a separate account and expend the moneys only for the purposes of low-income energy assistance in the form of payment to utilities on behalf of qualified individuals. Requires the organization to develop an annual budget and to submit an annual report to the general assembly, the legislative audit committee, and the office of the state auditor. Requires the report to be made available to the public.

Authorizes the organization to provide low-income energy assistance on a prioritized basis.

Repeals the low-income energy assistance program pursuant to the sunset review process, effective July 1, 2011.

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

2 **SECTION 1.** Title 40, Colorado Revised Statutes, is amended  
3 **BY THE ADDITION OF A NEW ARTICLE to read:**

4 **ARTICLE 8.7**

5 **Low-income Energy Assistance**

6 **40-8.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
7 BE CITED AS THE "LOW-INCOME ENERGY ASSISTANCE ACT".

8 **40-8.7-102. Legislative declaration.** (1) THE GENERAL  
9 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT, IN ORDER  
10 TO SERVE THE BEST INTERESTS OF THE CITIZENS OF COLORADO, AND IN  
11 PARTICULAR, TO AID LOW-INCOME CITIZENS OF COLORADO, THERE IS A  
12 NEED FOR AN ENERGY ASSISTANCE PROGRAM TO COLLECT AN OPTIONAL  
13 LOW-INCOME ENERGY ASSISTANCE CONTRIBUTION FROM UTILITY  
14 CUSTOMERS IN COLORADO.

15 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE MOST  
16 EFFICIENT WAY TO SUPPORT SUCH A PROGRAM IS FOR GAS AND ELECTRIC

1 UTILITIES TO PROVIDE THE OPPORTUNITY FOR EACH UTILITY CUSTOMER TO  
2 CONTRIBUTE AN OPTIONAL AMOUNT ON THE CUSTOMER'S BILLING  
3 STATEMENT FOR LOW-INCOME ENERGY ASSISTANCE THAT WILL BE  
4 DISPLAYED MONTHLY ON THE UTILITY BILL UNTIL THE CUSTOMER  
5 INDICATES OTHERWISE, AND THAT THE MONEYS COLLECTED SHALL BE  
6 MOST ECONOMICALLY AND EQUITABLY DISBURSED THROUGH A SYSTEM IN  
7 WHICH THE CONTRIBUTIONS COLLECTED BY ELECTRIC UTILITIES AND GAS  
8 UTILITIES ARE TRANSMITTED TO ENERGY OUTREACH COLORADO.

9 **40-8.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "ALTERNATIVE ENERGY ASSISTANCE PROGRAM" MEANS A  
12 PROGRAM OPERATED BY A MUNICIPALLY OWNED ELECTRIC AND GAS  
13 UTILITY OR RURAL ELECTRIC COOPERATIVE THAT IS NOT PART OF THE  
14 ENERGY ASSISTANCE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

15 (2) "CUSTOMER" MEANS THE NAMED HOLDER OF AN INDIVIDUALLY  
16 METERED ACCOUNT UPON WHICH CHARGES FOR ELECTRICITY OR GAS ARE  
17 PAID TO A UTILITY. "CUSTOMER" SHALL NOT INCLUDE A CUSTOMER THAT  
18 RECEIVES ELECTRICITY OR GAS FOR THE SOLE PURPOSE OF RESELLING THE  
19 ELECTRICITY OR GAS TO OTHERS.

20 (3) "ENERGY ASSISTANCE PROGRAM" OR "PROGRAM" MEANS THE  
21 LOW-INCOME ENERGY ASSISTANCE PROGRAM CREATED BY SECTION  
22 40-8.7-104 AND DESIGNED TO PROVIDE FINANCIAL ASSISTANCE,  
23 RESIDENTIAL ENERGY EFFICIENCY, AND ENERGY CONSERVATION  
24 ASSISTANCE.

25 (4) "ORGANIZATION" MEANS ENERGY OUTREACH COLORADO, A  
26 COLORADO NONPROFIT CORPORATION, FORMERLY KNOWN AS THE  
27 COLORADO ENERGY ASSISTANCE FOUNDATION.

1           (5) "REMITTANCE DEVICE" MEANS THE SECTION OF A CUSTOMER'S  
2           UTILITY BILLING STATEMENT THAT IS RETURNED TO THE UTILITY COMPANY  
3           FOR PAYMENT.

4           (6) "UTILITY" MEANS A CORPORATION, ASSOCIATION,  
5           PARTNERSHIP, COOPERATIVE ELECTRIC ASSOCIATION, OR MUNICIPALLY  
6           OWNED ENTITY THAT PROVIDES RETAIL ELECTRIC SERVICE OR RETAIL GAS  
7           SERVICE TO CUSTOMERS IN COLORADO. "UTILITY" DOES NOT MEAN A  
8           PROPANE COMPANY.

9           **40-8.7-104. Energy assistance program - creation - energy**  
10          **assistance charge - rules.** THERE IS HEREBY CREATED THE LOW-INCOME  
11          ENERGY ASSISTANCE PROGRAM TO COLLECT AND DISBURSE AN OPTIONAL  
12          ENERGY ASSISTANCE CONTRIBUTION IN COLORADO IN ACCORDANCE WITH  
13          THIS ARTICLE.

14          (2) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, EVERY  
15          UTILITY DOING BUSINESS IN COLORADO SHALL PARTICIPATE IN THE  
16          ENERGY ASSISTANCE PROGRAM AND SHALL PROVIDE THE OPPORTUNITY  
17          FOR UTILITY CUSTOMERS TO MAKE AN OPTIONAL ENERGY ASSISTANCE  
18          CONTRIBUTION ON THE MONTHLY REMITTANCE DEVICE ON THEIR UTILITY  
19          BILLING STATEMENT BEGINNING SEPTEMBER 1, 2006. EACH UTILITY SHALL  
20          PROVIDE THE OPPORTUNITY FOR CUSTOMERS TO DONATE THE OPTIONAL  
21          ENERGY ASSISTANCE CONTRIBUTION AS PROVIDED IN SECTION 40-8.7-105  
22          (2).

23          (3) ANY REASONABLE COSTS THAT A UTILITY INCURS IN  
24          CONNECTION WITH THE PROGRAM, INCLUDING THE INITIAL COSTS OF  
25          SETTING UP THE COLLECTION MECHANISM AND REFORMATTING ITS BILLING  
26          SYSTEMS TO SOLICIT THE OPTIONAL CONTRIBUTION, SHALL BE REIMBURSED  
27          FROM THE MONEYS COLLECTED BY THE PROGRAM, AND THIS AMOUNT

1 SHALL BE APPROVED FOR EACH UTILITY BY THE PUBLIC UTILITIES  
2 COMMISSION. THE REIMBURSED AMOUNTS SHALL BE TRANSMITTED TO THE  
3 UTILITIES BEFORE THE REMAINING MONEYS ARE DISTRIBUTED TO THE  
4 ORGANIZATION.

5 **40-8.7-105. Customer opt-in provision.** (1) THE PUBLIC  
6 UTILITIES COMMISSION SHALL DETERMINE THE MECHANISM FOR AN OPT-IN  
7 PROVISION WHEREBY THE ENERGY ASSISTANCE CONTRIBUTIONS  
8 DESCRIBED IN SECTION 40-8.7-104 WILL BE COLLECTED FROM THOSE  
9 CUSTOMERS WHO GIVE NOTICE OF THEIR INTENT TO PARTICIPATE IN THE  
10 ENERGY ASSISTANCE PROGRAM.

11 (2) EACH UTILITY SHALL SOLICIT VOLUNTARY DONATIONS  
12 THROUGH A CHECK-OFF MECHANISM DISPLAYED ON THE MONTHLY  
13 REMITTANCE DEVICE. RECOMMENDED CHECK-OFF CATEGORIES  
14 OF FIVE DOLLARS, TEN DOLLARS, TWENTY DOLLARS, AND "OTHER  
15 AMOUNT" SHALL BE DISPLAYED.

16 (3) ONCE A CUSTOMER VOLUNTARILY OPTS INTO THE PROGRAM,  
17 THE APPROPRIATE CONTRIBUTION SHALL BE ASSESSED ON A MONTHLY  
18 BASIS UNTIL THE CUSTOMER NOTIFIES THE UTILITY OF HIS OR HER DESIRE  
19 TO REMOVE THE CONTRIBUTION. EACH UTILITY SHALL ESTABLISH  
20 PROCEDURES TO NOTIFY CUSTOMERS ABOUT THEIR ABILITY TO CANCEL  
21 ANY VOLUNTARY CONTRIBUTION.

22 (4) ONCE THE UTILITY CUSTOMER OPTS INTO THE PROGRAM, THE  
23 ENERGY ASSISTANCE CONTRIBUTION SHALL APPEAR AS A SEPARATE LINE  
24 ITEM AND SHALL BE IDENTIFIED IN THE BILLING STATEMENT AS A  
25 CONTRIBUTION. THE LINE ITEM SHALL IDENTIFY THE OPTIONAL  
26 LOW-INCOME CONTRIBUTION, STATE THE AMOUNT OF THE OPTIONAL  
27 CONTRIBUTION, AND BE INCLUDED IN THE TOTAL AMOUNT DUE.

1           (5) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24 C.R.S., ON OR  
2 BEFORE NOVEMBER 1, 2005, THE PUBLIC UTILITIES COMMISSION SHALL  
3 INITIATE AT LEAST ONE RULE-MAKING PROCEEDING TO ACCOMPLISH THE  
4 FOLLOWING:

5           (a) ESTABLISH A PROGRAM WHEREBY CUSTOMERS WILL BE  
6 SOLICITED TO CONTRIBUTE A FLAT AMOUNT ON THE MONTHLY REMITTANCE  
7 DEVICE ON THE UTILITY BILLING STATEMENT.

8           (b) ENCOURAGE EACH UTILITY TO PROVIDE NOTIFICATION, WHERE  
9 FEASIBLE, TO CUSTOMERS PARTICIPATING IN THE PROGRAM ABOUT THE  
10 CUSTOMER'S ABILITY TO CONTINUE TO CONTRIBUTE WHEN THE CUSTOMER  
11 CHANGES HIS OR HER ADDRESS WITHIN THE SERVICE TERRITORY.

12           (c) REQUIRE THE UTILITY TO MAKE ADDITIONAL EFFORTS TO  
13 INFORM UTILITY CUSTOMERS ABOUT THE PROGRAM TO ENSURE THAT  
14 ADEQUATE NOTICE OF THE OPT-IN PROVISION IS GIVEN TO ALL CUSTOMERS.

15           (d) IN ADDITION TO NOTIFICATION ON THE MONTHLY REMITTANCE  
16 DEVICE ON THE BILLING STATEMENT, REQUIRE EACH UTILITY TO NOTIFY ITS  
17 CUSTOMERS ABOUT THE OPT-IN PROVISION PRIOR TO SEPTEMBER 1, 2006,  
18 AND REQUIRE EACH UTILITY TO PROVIDE CLEAR, PERIODIC NOTICE OF THE  
19 OPT-IN PROVISION AT LEAST TWICE PER YEAR THROUGH BILL INSERTS, IN  
20 A STATEMENT ON THE BILL OR ENVELOPE, OR IN OTHER UTILITY  
21 COMMUNICATION PIECES OR THROUGH AN ALTERNATIVE METHOD  
22 APPROVED BY THE COMMISSION. THE COSTS OF THE INSERT AND ANY  
23 OTHER NOTIFICATION EFFORTS WILL BE CONSIDERED IN THE UTILITY'S COST  
24 OF SERVICE; \_\_\_\_\_

25           (e) REQUIRE EACH UTILITY TO CONSIDER THE MOST  
26 COST-EFFECTIVE METHOD POSSIBLE WHEN IMPLEMENTING THE PROGRAM;  
27 AND

1           (f) ENSURE THAT THERE IS A MECHANISM FOR CUSTOMERS WHO  
2           MAKE ELECTRONIC PAYMENTS TO THE UTILITY TO REMOVE THE OPTIONAL  
3           CHARGE FROM THEIR MONTHLY PAYMENTS.

4           **40-8.7-106. Municipally owned gas, electric, and gas and**  
5           **electric utilities and cooperative electric associations.** (1) IF A  
6           MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR  
7           A COOPERATIVE ELECTRIC ASSOCIATION OPERATES AN ALTERNATIVE  
8           ENERGY ASSISTANCE PROGRAM TO SUPPORT ITS LOW-INCOME CUSTOMERS  
9           WITH THEIR HOME ENERGY NEEDS, THEN THE GOVERNING BODY OF THE  
10          MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC UTILITY OR  
11          COOPERATIVE ELECTRIC ASSOCIATION MAY SELF-CERTIFY ITS  
12          ALTERNATIVE ENERGY ASSISTANCE PROGRAM AND UPON  
13          SELF-CERTIFICATION SHALL HAVE NO OBLIGATIONS UNDER THIS ARTICLE.  
14          THE MUNICIPALLY OWNED UTILITY OR COOPERATIVE ELECTRIC  
15          ASSOCIATION SHALL SUBMIT A STATEMENT TO THE ORGANIZATION THAT  
16          SUCH UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION HAS AN  
17          ALTERNATIVE ENERGY ASSISTANCE PROGRAM. IN ORDER FOR SUCH  
18          UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION TO SELF-CERTIFY, SUCH  
19          ALTERNATIVE ENERGY ASSISTANCE PROGRAM SHALL MEET THE  
20          FOLLOWING CRITERIA:

21           (a) THE AMOUNT AND METHOD FOR FUNDING OF THE PROGRAM  
22           SHALL BE DETERMINED BY THE GOVERNING BODY;

23           (b) PROGRAM MONIES SHALL BE COLLECTED AND DISTRIBUTED IN  
24           A MANNER AND UNDER ELIGIBILITY CRITERIA DETERMINED BY THE  
25           GOVERNING BODY FOR THE PURPOSE OF RESIDENTIAL ENERGY ASSISTANCE  
26           TO CUSTOMERS WHO ARE CHALLENGED WITH PAYING ENERGY BILLS FOR  
27           FINANCIAL REASONS, INCLUDING TO SENIORS ON FIXED INCOMES,

1 INDIVIDUALS WITH DISABILITIES, AND LOW-INCOME INDIVIDUALS.

2 (2) IF THE GOVERNING BODY OF A MUNICIPALLY OWNED GAS,  
3 ELECTRIC, OR GAS AND ELECTRIC UTILITY OR A COOPERATIVE ELECTRIC  
4 ASSOCIATION DETERMINES THAT THE SERVICE AREA OF SUCH UTILITY OR  
5 COOPERATIVE HAS A LIMITED NUMBER OF PEOPLE WHO QUALIFY FOR  
6 ENERGY ASSISTANCE, SUCH UTILITY OR COOPERATIVE ELECTRIC  
7 ASSOCIATION MAY BE EXEMPT FROM THE OBLIGATIONS OF THIS ARTICLE.

8 (3) IF A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND  
9 ELECTRIC UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION HAS NOT  
10 SELF-CERTIFIED AN ALTERNATIVE ENERGY ASSISTANCE PROGRAM  
11 PURSUANT TO SUBSECTION (1) OF THIS SECTION, OR HAS NOT EXEMPTED  
12 ITSELF PURSUANT TO SUBSECTION (2) OF THIS SECTION, SUCH UTILITY OR  
13 COOPERATIVE ELECTRIC ASSOCIATION SHALL COLLECT AN OPTIONAL  
14 ENERGY ASSISTANCE CHARGE FROM ITS CUSTOMERS AS PROVIDED IN  
15 SECTION 40-8.7-104 (1) AND (2), OR PURSUANT TO A PROCEDURE  
16 APPROVED BY THE GOVERNING MUNICIPAL UTILITY OR COOPERATIVE,  
17 WHICH PROCEDURE SHALL BE DESIGNED TO NOTIFY ALL CUSTOMERS AT  
18 LEAST TWICE EACH YEAR OF THE OPTION TO CONTRIBUTE BY MEANS OF A  
19 MONTHLY ENERGY ASSISTANCE CHARGE AND SHALL PROVIDE A  
20 CONVENIENT MEANS FOR CUSTOMERS TO EXERCISE THAT OPTION. IN SUCH  
21 CIRCUMSTANCES, THE GOVERNING BODY OF SUCH UTILITY OR  
22 COOPERATIVE SHALL DETERMINE THE DISPOSITION AND DELIVERY OF THE  
23 OPTIONAL ENERGY ASSISTANCE CHARGE THAT IT COLLECTS ON THE  
24 FOLLOWING BASIS:

25 (a) THE GOVERNING BODY MAY ELECT TO DELIVER THE OPTIONAL  
26 CHARGE THAT IT COLLECTS TO THE ORGANIZATION FOR DISTRIBUTION IN  
27 ACCORDANCE WITH THIS ARTICLE.

1           (b) IF THE GOVERNING BODY DOES NOT MAKE SUCH ELECTION  
2           PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3), THE ENERGY  
3           ASSISTANCE MONEYS COLLECTED SHALL BE DISTRIBUTED UNDER  
4           ELIGIBILITY CRITERIA DETERMINED BY THE GOVERNING BODY FOR THE  
5           PURPOSE SET FORTH IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS  
6           SECTION.

7           (4) A MUNICIPALLY OWNED GAS, ELECTRIC, OR GAS AND ELECTRIC  
8           UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION MAY PROVIDE FUNDING  
9           FOR ENERGY ASSISTANCE TO THE ORGANIZATION BY USING A SOURCE OF  
10          FUNDING OTHER THAN THE OPTIONAL CUSTOMER CONTRIBUTION ON EACH  
11          BILL. IF THE AMOUNT OF SUCH ASSISTANCE APPROXIMATES THE AMOUNT  
12          REASONABLY EXPECTED TO BE COLLECTED FROM AN OPTIONAL CHARGE ON  
13          CUSTOMER BILLS, A MUNICIPAL UTILITY OR COOPERATIVE NEED NOT  
14          CERTIFY ITS OWN PROGRAM PURSUANT TO SUBSECTION (1) OF THIS  
15          SECTION AND NEED NOT COLLECT AN OPTIONAL ENERGY ASSISTANCE  
16          CHARGE, BUT SHALL BE ENTITLED TO PARTICIPATE IN THE ORGANIZATION'S  
17          PROGRAM.

18          (5) ANY REASONABLE COSTS THAT A MUNICIPALLY OWNED GAS,  
19          ELECTRIC, OR GAS AND ELECTRIC UTILITY OR COOPERATIVE ELECTRIC  
20          ASSOCIATION INCURS IN CONNECTION WITH THE PROGRAM, INCLUDING THE  
21          INITIAL COSTS OF SETTING UP THE COLLECTION MECHANISM, MAY BE  
22          REIMBURSED AT THE DISCRETION OF THE GOVERNING BODY FROM THE  
23          ENERGY ASSISTANCE MONEYS COLLECTED.

24          **40-8.7-107. Disposition of moneys.** (1) EACH GAS AND ELECTRIC  
25          UTILITY SHALL TRANSFER THE MONEYS FROM THE ENERGY ASSISTANCE  
26          CONTRIBUTIONS COLLECTED UNDER THIS ARTICLE TO THE ORGANIZATION  
27          ON THE FOLLOWING SCHEDULE:

1           (a) FOR THE MONEYS COLLECTED DURING THE PERIOD OF JANUARY  
2           1 TO MARCH 31 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE  
3           COLLECTED MONEYS TO THE ORGANIZATION BEFORE MAY 1 OF SUCH YEAR;

4           (b) FOR THE MONEYS COLLECTED DURING THE PERIOD OF APRIL 1  
5           TO JUNE 30 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE COLLECTED  
6           MONEYS TO THE ORGANIZATION BEFORE AUGUST 1 OF SUCH YEAR;

7           (c) FOR MONEYS COLLECTED DURING THE PERIOD OF JULY 1 TO  
8           SEPTEMBER 30 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE  
9           COLLECTED MONEYS TO THE ORGANIZATION BEFORE NOVEMBER 1 OF SUCH  
10          YEAR; AND

11          (d) FOR MONEYS COLLECTED DURING THE PERIOD OF OCTOBER 1  
12          TO DECEMBER 31 OF EACH YEAR, THE UTILITY SHALL TRANSFER THE  
13          COLLECTED MONEYS TO THE ORGANIZATION BEFORE FEBRUARY 1 OF THE  
14          NEXT YEAR.

15          (2) EACH UTILITY SHALL PROVIDE THE ORGANIZATION WITH A  
16          SUMMARY OF HOW THE MONEYS COLLECTED WERE GENERATED,  
17          INCLUDING THE NUMBER OF CUSTOMERS PARTICIPATING IN THE PROGRAM.

18          (3) THE ORGANIZATION SHALL PAY THE PUBLIC UTILITIES  
19          COMMISSION FROM THE MONEYS TRANSFERRED TO THE ORGANIZATION  
20          PURSUANT TO SUBSECTION (1) OF THIS SECTION FOR ANY ADMINISTRATIVE  
21          COSTS INCURRED PURSUANT TO THIS ARTICLE.

22          **40-8.7-108. Energy outreach Colorado - administration of the**  
23          **energy assistance charge.** (1) THE ORGANIZATION SHALL HOLD AND  
24          ADMINISTER ALL MONEYS COLLECTED PURSUANT TO THIS ARTICLE  
25          DELIVERED TO IT BY THE UTILITIES PURSUANT TO SECTION 40-8.7-107 IN  
26          A SEPARATELY IDENTIFIABLE ACCOUNT, WHICH SHALL BE RESTRICTED TO  
27          THE PURPOSES SET FORTH IN THIS ARTICLE. THE ORGANIZATION SHALL

1 MAINTAIN ITS BOOKS AND RECORDS PERTAINING TO THE ENERGY  
2 ASSISTANCE CONTRIBUTIONS IN ACCORDANCE WITH GENERALLY ACCEPTED  
3 ACCOUNTING PRINCIPLES AND, IN ADDITION, SHALL MAINTAIN RECORDS  
4 ADEQUATE TO IDENTIFY THE MONEYS COLLECTED BY EACH UTILITY. IF THE  
5 ORGANIZATION COMMINGLES THE MONEYS COLLECTED AND DELIVERED  
6 WITH OTHER ASSETS OF THE ORGANIZATION FOR INVESTMENT PURPOSES,  
7 THE ORGANIZATION SHALL MAINTAIN ACCURATE ACCOUNTS OF THE  
8 INVESTMENT MONEYS AND SHALL CREDIT OR CHARGE A PRO RATA PORTION  
9 OF ALL INVESTMENT EARNINGS, GAINS, OR LOSSES TO THE ACCOUNT THAT  
10 HOLDS THE ENERGY ASSISTANCE CHARGES.

11 (2) THE ORGANIZATION SHALL USE THE ENERGY ASSISTANCE  
12 CONTRIBUTION TO PROVIDE LOW-INCOME ENERGY ASSISTANCE AND TO  
13 IMPROVE ENERGY EFFICIENCY. THE FINANCIAL ASSISTANCE MONEYS  
14 SHALL BE PAID TO EACH UTILITY AS VENDOR PAYMENTS. THE MONEYS  
15 SHALL NOT BE USED FOR PROPANE, GAS, OR ELECTRIC ASSISTANCE FOR  
16 CUSTOMERS WHOSE PROPANE, GAS, ELECTRIC, OR GAS AND ELECTRIC  
17 COMPANIES OR COOPERATIVE ELECTRIC ASSOCIATIONS DO NOT  
18 PARTICIPATE IN THE PROGRAM. THE ORGANIZATION MAY USE UP TO FIVE  
19 PERCENT OF THE MONEYS COLLECTED FOR ADMINISTRATION OF THE  
20 ENERGY ASSISTANCE PROGRAM IN ACCORDANCE WITH GENERALLY  
21 ACCEPTED ACCOUNTING PRINCIPLES.

22 (3) THE ORGANIZATION SHALL, ON AN ANNUAL BASIS, DEVELOP A  
23 BUDGET FOR THE ENERGY ASSISTANCE PROGRAM TO DETERMINE THE  
24 ALLOCATION OF THE ENERGY ASSISTANCE CONTRIBUTIONS COLLECTED  
25 UNDER THIS ARTICLE.

26 **40-8.7-109. Low-income energy assistance program.** (1) THE  
27 ORGANIZATION SHALL PROVIDE ENERGY ASSISTANCE TO INDIVIDUALS AND

1 ORGANIZATIONS IN COLORADO. SUCH ASSISTANCE SHALL GIVE PRIORITY  
2 TO HOUSEHOLDS WHERE ONE OR MORE PERSONS ARE RECIPIENTS OF:

3 (a) AN OLD AGE PENSION AS SET FORTH IN SECTION 26-2-111 (2),  
4 C.R.S.:

5 (b) AID TO THE NEEDY DISABLED AS SET FORTH IN SECTION  
6 26-2-111 (4), C.R.S.:

7 (c) AID TO THE BLIND AS SET FORTH IN SECTION 26-2-111 (5),  
8 C.R.S.:

9 (d) SUPPLEMENTAL SOCIAL SECURITY DISABILITY BENEFITS UNDER  
10 42 U.S.C. SEC. 1396 ET SEQ.:

11 (e) COLORADO WORKS ASSISTANCE AS SET FORTH IN SECTION  
12 26-2-706 AND 26-2-707, C.R.S.

13 **40-8.7-110. Reports.** (1) THE ORGANIZATION SHALL SUBMIT A  
14 WRITTEN REPORT TO THE GENERAL ASSEMBLY, THE LEGISLATIVE AUDIT  
15 COMMITTEE, AND THE OFFICE OF THE STATE AUDITOR ON OR BEFORE  
16 MARCH 31 OF EACH YEAR, BEGINNING IN 2007, THAT COVERS THE  
17 IMMEDIATELY PRECEDING CALENDAR YEAR. THE REPORT SHALL INCLUDE:

18 (a) AN ITEMIZED ACCOUNT OF MONEYS RECEIVED BY THE  
19 ORGANIZATION FROM EACH UTILITY;

20 (b) THE AMOUNT OF MONEYS DISTRIBUTED, THE TYPE OF  
21 ASSISTANCE PROVIDED, THE GEOGRAPHIC AREA OF THE STATE SERVED, AND  
22 AN ITEMIZATION OF THE PROGRAMS THROUGH WHICH THE MONEYS ARE  
23 EXPENDED;

24 (c) THE NUMBER OF LOW-INCOME HOUSEHOLDS SERVED, BY  
25 UTILITY AND BY TYPE OF ASSISTANCE PROVIDED; \_\_\_\_\_

26 (d) AN AUDITED FINANCIAL STATEMENT FROM THE ORGANIZATION;  
27 AND

1           (e) A SUMMARY OF HOW THE MONEYS COLLECTED WERE  
2           GENERATED, INCLUDING THE NUMBER OF CUSTOMERS PARTICIPATING IN  
3           THE PROGRAM.

4           (2) THE REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC FOR  
5           REVIEW.

6           **40-8.7-111. Jurisdiction of the public utilities commission.**  
7           NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO EXPAND OR ALTER THE  
8           JURISDICTION OF THE PUBLIC UTILITIES COMMISSION.

9           **SECTION 2. Safety clause.** The general assembly hereby finds,  
10          determines, and declares that this act is necessary for the immediate  
11          preservation of the public peace, health, and safety.