

**Second 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. 10-0746.01 Duane Gall

**HOUSE BILL 10-1342**

---

**HOUSE SPONSORSHIP**

**Levy,** Benefield, Court, Ferrandino, Fischer, Gagliardi, Hulinghorst, Kagan, Merrifield,  
Peniston, Pommer, Primavera, Solano, Tyler

**SENATE SPONSORSHIP**

**Williams,** Newell

---

**House Committees**

Transportation & Energy

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING MEASURES TO ENCOURAGE ADDITIONAL INVESTMENT IN**  
102                    **SOLAR ENERGY GENERATION FACILITIES, AND, IN CONNECTION**  
103                    **THEREWITH, AUTHORIZING THE CREATION OF COMMUNITY**  
104                    **SOLAR GARDENS.**

---

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Existing law directs the Colorado public utilities commission (PUC) to adopt rules implementing the renewable energy portfolio

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 23, 2010

standards (RPS) for electric utilities, under which increasing amounts of electricity must be generated from renewable sources. The current rules provide for standard rebates for the cost of installation and renewable energy credits (RECs) to promote customer-sited solar generation facilities.

The bill directs the PUC to adopt new rules under which standard offers can apply to solar generation facilities that are beneficially owned by 10 or more customers at a shared location, called a "community solar garden". This will help customers participate in solar generation even though solar facilities on their own properties may not be feasible due to cost, the physical characteristics of their sites, their status as renters, or other factors.

**Section 1** of the bill amends an existing legislative declaration to state that it is in the public interest to allow renters and low-income utility customers to own interests in solar generation facilities, to make interests in solar generation facilities portable and transferable, and to leverage Colorado's solar generating capacity through economies of scale. Section 1 also:

- ! Defines a solar community garden as an on-site eligible solar electric generation facility with a nameplate rating of 2 megawatts or less and in which subscriptions are owned by 10 or more customers of a qualifying retail utility;
- ! Limits the size of a subscription to 120% of the average annual electric consumption of each subscriber at the premises to which the subscription is attributed;
- ! Allows the creation of a community solar garden owned by a subscriber organization, subject to rules adopted by the PUC by October 1, 2010;
- ! Specifies that, in their first 2 compliance plan years after the effective date of the bill, qualifying retail utilities must purchase the greater of 3 megawatts, or half their total purchases of electricity from community solar gardens, from gardens that are sized at 500 kilowatts or smaller;
- ! Exempts community solar gardens from the definition of a utility; and
- ! Specifies that section 1 does not apply to cooperative electric associations or municipally owned utilities.

**Section 2** makes conforming amendments to the existing RPS statute (a/k/a "Amendment 37").

---

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

2 **SECTION 1.** 40-2-127, Colorado Revised Statutes, is amended

1 to read:

2 **40-2-127. Community energy funds - community solar**  
3 **gardens - definitions - rules - legislative declaration - repeal.**

4 (1) **Legislative declaration.** The general assembly hereby finds and  
5 declares that:

6 (a) Local communities can benefit from the further development  
7 of renewable energy, energy efficiency, conservation, and environmental  
8 improvement projects, and the general assembly hereby encourages  
9 electric utilities to establish community energy funds for the development  
10 of such projects;

11 (b) IT IS IN THE PUBLIC INTEREST THAT BROADER PARTICIPATION  
12 IN SOLAR ELECTRIC GENERATION BY COLORADO RESIDENTS AND  
13 COMMERCIAL ENTITIES BE ENCOURAGED BY THE DEVELOPMENT AND  
14 DEPLOYMENT OF DISTRIBUTED SOLAR ELECTRIC GENERATING FACILITIES  
15 KNOWN AS COMMUNITY SOLAR GARDENS, IN ORDER TO:

16 (I) PROVIDE COLORADO RESIDENTS AND COMMERCIAL ENTITIES  
17 WITH THE OPPORTUNITY TO PARTICIPATE IN SOLAR GENERATION IN  
18 ADDITION TO THE OPPORTUNITIES AVAILABLE FOR ROOFTOP SOLAR  
19 GENERATION ON HOMES AND BUSINESSES;

20 (II) ALLOW RENTERS AND LOW-INCOME UTILITY CUSTOMERS TO  
21 OWN INTERESTS IN SOLAR GENERATION FACILITIES;

22 (III) ALLOW INTERESTS IN SOLAR GENERATION FACILITIES TO BE  
23 PORTABLE AND TRANSFERRABLE; AND

24 (IV) LEVERAGE COLORADO'S SOLAR GENERATING CAPACITY  
25 THROUGH ECONOMIES OF SCALE.

26 (2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT  
27 OTHERWISE REQUIRES:

1 (a) THE DEFINITIONS IN SECTION 40-2-124 APPLY; AND

2 (b) IN ADDITION:

3 (I) (A) "COMMUNITY SOLAR GARDEN" MEANS A SOLAR ELECTRIC  
4 GENERATION FACILITY WITH A NAMEPLATE RATING OF TWO MEGAWATTS  
5 OR LESS THAT IS LOCATED IN OR NEAR A COMMUNITY SERVED BY A  
6 QUALIFYING RETAIL UTILITY WHERE THE BENEFICIAL USE OF THE  
7 ELECTRICITY GENERATED BY THE FACILITY BELONGS TO THE SUBSCRIBERS  
8 TO THE COMMUNITY SOLAR GARDEN. THERE SHALL BE AT LEAST TEN  
9 SUBSCRIBERS. THE OWNER OF THE COMMUNITY SOLAR GARDEN MAY BE  
10 THE QUALIFYING RETAIL UTILITY OR ANY OTHER FOR-PROFIT OR  
11 NONPROFIT ENTITY OR ORGANIZATION, INCLUDING A SUBSCRIBER  
12 ORGANIZATION ORGANIZED UNDER THIS SECTION, THAT CONTRACTS TO  
13 SELL THE OUTPUT FROM THE COMMUNITY SOLAR GARDEN TO THE  
14 QUALIFYING RETAIL UTILITY. A COMMUNITY SOLAR GARDEN SHALL BE  
15 DEEMED TO BE "LOCATED ON THE SITE OF CUSTOMER FACILITIES".

16 (B) A COMMUNITY SOLAR GARDEN SHALL CONSTITUTE "RETAIL  
17 DISTRIBUTED GENERATION" WITHIN THE MEANING OF SECTION 40-2-124,  
18 AS AMENDED BY HOUSE BILL 10-1001, ENACTED IN 2010.

19 (II) "SUBSCRIBER" MEANS A RETAIL CUSTOMER OF A QUALIFYING  
20 RETAIL UTILITY WHO OWNS A SUBSCRIPTION AND WHO HAS IDENTIFIED ONE  
21 OR MORE PHYSICAL LOCATIONS TO WHICH THE SUBSCRIPTION SHALL BE  
22 ATTRIBUTED. SUCH PHYSICAL LOCATIONS SHALL BE WITHIN EITHER THE  
23 SAME MUNICIPALITY OR THE SAME COUNTY AS THE COMMUNITY SOLAR  
24 GARDEN; EXCEPT THAT, IF THE SUBSCRIBER LIVES IN A COUNTY WITH A  
25 POPULATION OF LESS THAN TWENTY THOUSAND, ACCORDING TO THE MOST  
26 RECENT AVAILABLE CENSUS FIGURES, SUCH PHYSICAL LOCATIONS MAY BE  
27 IN A COUNTY ADJACENT TO THAT OF THE COMMUNITY SOLAR GARDEN.

1 THE SUBSCRIBER MAY CHANGE FROM TIME TO TIME THE PREMISES TO  
2 WHICH THE COMMUNITY SOLAR GARDEN ELECTRICITY GENERATION SHALL  
3 BE ATTRIBUTED, SO LONG AS THE PREMISES ARE WITHIN THE  
4 GEOGRAPHICAL LIMITS ALLOWED FOR A SUBSCRIBER.

5 (III) "SUBSCRIPTION" MEANS A PROPORTIONAL INTEREST IN SOLAR  
6 ELECTRIC GENERATION FACILITIES INSTALLED AT A COMMUNITY SOLAR  
7 GARDEN, TOGETHER WITH THE RENEWABLE ENERGY CREDITS ASSOCIATED  
8 WITH OR ATTRIBUTABLE TO SUCH FACILITIES UNDER SECTION 40-2-124.  
9 EACH SUBSCRIPTION SHALL BE SIZED TO REPRESENT AT LEAST ONE  
10 KILOWATT OF THE COMMUNITY SOLAR GARDEN'S GENERATING CAPACITY  
11 AND TO SUPPLY NO MORE THAN ONE HUNDRED TWENTY PERCENT OF THE  
12 AVERAGE ANNUAL CONSUMPTION OF ELECTRICITY BY EACH SUBSCRIBER  
13 AT THE PREMISES TO WHICH THE SUBSCRIPTION IS ATTRIBUTED, WITH A  
14 DEDUCTION FOR THE AMOUNT OF ANY EXISTING SOLAR FACILITIES AT SUCH  
15 PREMISES. SUBSCRIPTIONS IN A COMMUNITY SOLAR GARDEN MAY BE  
16 TRANSFERRED OR ASSIGNED TO A SUBSCRIBER ORGANIZATION OR TO ANY  
17 PERSON OR ENTITY WHO QUALIFIES TO BE A SUBSCRIBER UNDER THIS  
18 SECTION.

19 (3) **Subscriber organization - subscriber qualifications -**  
20 **transferability of subscriptions.** (a) THE COMMUNITY SOLAR GARDEN  
21 MAY BE OWNED BY A SUBSCRIBER ORGANIZATION, WHOSE SOLE PURPOSE  
22 SHALL BE BENEFICIALLY OWNING AND OPERATING A COMMUNITY SOLAR  
23 GARDEN. THE SUBSCRIBER ORGANIZATION MAY BE ANY FOR-PROFIT OR  
24 NONPROFIT ENTITY PERMITTED BY COLORADO LAW. THE COMMUNITY  
25 SOLAR GARDEN MAY ALSO BE BUILT, OWNED, AND OPERATED BY A THIRD  
26 PARTY UNDER CONTRACT WITH THE SUBSCRIBER ORGANIZATION.

27 (b) ON OR BEFORE OCTOBER 1, 2010, THE COMMISSION SHALL

1        ~~COMMENCE A RULE-MAKING PROCEEDING TO~~ ADOPT RULES AS NECESSARY  
2        TO IMPLEMENT THIS SECTION, INCLUDING BUT NOT LIMITED TO RULES TO  
3        FACILITATE THE FINANCING OF SUBSCRIBER-OWNED COMMUNITY SOLAR  
4        GARDENS. SUCH RULES SHALL INCLUDE:

5                (I) MINIMUM CAPITALIZATION;

6                (II) THE SHARE OF A COMMUNITY SOLAR GARDEN'S ELIGIBLE  
7        SOLAR ELECTRIC GENERATION FACILITIES THAT A SUBSCRIBER  
8        ORGANIZATION MAY AT ANY TIME OWN IN ITS OWN NAME; AND

9                (III) AUTHORIZING SUBSCRIBER ORGANIZATIONS TO ENTER INTO  
10       LEASES, SALE-AND-LEASEBACK TRANSACTIONS, OPERATING AGREEMENTS,  
11       AND OTHER OWNERSHIP ARRANGEMENTS WITH THIRD PARTIES.

12               (c) IF A SUBSCRIBER CEASES TO BE A CUSTOMER AT THE PREMISES  
13       ON WHICH THE SUBSCRIPTION IS BASED BUT, WITHIN A REASONABLE  
14       PERIOD AS DETERMINED BY THE COMMISSION, BECOMES A CUSTOMER AT  
15       ANOTHER PREMISES IN THE SERVICE TERRITORY OF THE QUALIFYING  
16       RETAIL UTILITY AND WITHIN THE GEOGRAPHIC AREA SERVED BY THE  
17       COMMUNITY SOLAR GARDEN, THE SUBSCRIPTION SHALL CONTINUE IN  
18       EFFECT BUT THE BILL CREDIT AND OTHER FEATURES OF THE SUBSCRIPTION  
19       SHALL BE ADJUSTED AS NECESSARY TO REFLECT ANY DIFFERENCES  
20       BETWEEN THE NEW AND PREVIOUS PREMISES' CUSTOMER CLASSIFICATION  
21       AND AVERAGE ANNUAL CONSUMPTION OF ELECTRICITY.

22               (4) **Community solar gardens not subject to regulation.**

23       NEITHER THE OWNERS OF NOR THE SUBSCRIBERS TO A COMMUNITY SOLAR  
24       GARDEN SHALL BE CONSIDERED PUBLIC UTILITIES SUBJECT TO REGULATION  
25       BY THE COMMISSION SOLELY AS A RESULT OF THEIR INTEREST IN THE  
26       COMMUNITY SOLAR GARDEN. PRICES PAID FOR SUBSCRIPTIONS IN  
27       COMMUNITY SOLAR GARDENS SHALL NOT BE SUBJECT TO REGULATION BY

1 THE COMMISSION.

2 (5) **Purchases of the output from community solar gardens.**

3 (a) (I) EACH QUALIFYING RETAIL UTILITY SHALL SET FORTH IN ITS [REDACTED]  
4 [REDACTED] PLAN FOR ACQUISITION OF RENEWABLE RESOURCES A PLAN TO  
5 PURCHASE THE ELECTRICITY AND RENEWABLE ENERGY CREDITS  
6 GENERATED FROM ONE OR MORE COMMUNITY SOLAR GARDENS OVER THE  
7 PERIOD COVERED BY THE PLAN.

8 (II) FOR THE FIRST TWO COMPLIANCE [REDACTED] YEARS COMMENCING  
9 WITH THE 2011 COMPLIANCE [REDACTED] YEAR, EACH QUALIFYING RETAIL  
10 UTILITY SHALL ISSUE ONE OR MORE STANDARD OFFERS TO PURCHASE THE  
11 OUTPUT FROM COMMUNITY SOLAR GARDENS OF FIVE HUNDRED KILOWATTS  
12 OR LESS [REDACTED] AT PRICES THAT ARE COMPARABLE TO THE PRICES OFFERED  
13 BY THE QUALIFYING RETAIL UTILITY UNDER STANDARD OFFERS ISSUED FOR  
14 ON-SITE SOLAR GENERATION. DURING THESE TWO COMPLIANCE YEARS,  
15 THE QUALIFYING RETAIL UTILITY SHALL ACQUIRE, THROUGH THESE  
16 STANDARD OFFERS, THE GREATER OF THREE MEGAWATTS OR ONE-HALF OF  
17 THE SOLAR GARDEN GENERATION IT PLANS TO ACQUIRE, [REDACTED] TO THE  
18 EXTENT THE QUALIFYING RETAIL UTILITY RECEIVES RESPONSES TO ITS  
19 STANDARD OFFERS. [REDACTED] RENEWABLE ENERGY CREDITS GENERATED  
20 FROM SOLAR GARDENS SHALL NOT BE USED TO ACHIEVE MORE THAN  
21 TWENTY PERCENT OF THE RETAIL DISTRIBUTED GENERATION STANDARD IN  
22 YEARS 2011 THROUGH 2014.

23 (III) FOR EACH QUALIFYING RETAIL UTILITY'S COMPLIANCE [REDACTED]  
24 YEARS COMMENCING IN 2014 AND THEREAFTER, THE COMMISSION SHALL  
25 DETERMINE THE MINIMUM AND MAXIMUM [REDACTED] PURCHASES OF  
26 ELECTRICAL OUTPUT FROM NEWLY INSTALLED COMMUNITY SOLAR  
27 GARDENS OF DIFFERENT OUTPUT CAPACITY THAT THE QUALIFYING RETAIL

1 UTILITY SHALL PLAN TO ACQUIRE, WITHOUT REGARD TO THE  
2 SIX-MEGAWATT CEILING OF THE FIRST TWO COMPLIANCE YEARS. IN  
3 ADDITION, AS NECESSARY, THE COMMISSION SHALL FORMULATE AND  
4 IMPLEMENT POLICIES CONSISTENT WITH THIS SECTION THAT  
5 SIMULTANEOUSLY ENCOURAGE:

6 (A) THE OWNERSHIP BY CUSTOMERS OF SUBSCRIPTIONS IN  
7 COMMUNITY SOLAR GARDENS AND OF OTHER FORMS OF DISTRIBUTED  
8 GENERATION, TO THE EXTENT THE COMMISSION FINDS THERE TO BE  
9 CUSTOMER DEMAND FOR SUCH OWNERSHIP;

10 (B) OWNERSHIP IN COMMUNITY SOLAR GARDENS BY RESIDENTIAL  
11 RETAIL CUSTOMERS, INCLUDING LOW-INCOME CUSTOMERS, TO THE EXTENT  
12 THE COMMISSION FINDS THERE TO BE DEMAND FOR SUCH OWNERSHIP;

13 (C) THE DEVELOPMENT OF COMMUNITY SOLAR GARDENS WITH  
14 ATTRIBUTES THAT THE COMMISSION FINDS RESULT IN LOWER OVERALL  
15 TOTAL COSTS FOR THE QUALIFYING RETAIL UTILITY'S CUSTOMERS;

16 (D) SUCCESSFUL FINANCING AND OPERATION OF COMMUNITY  
17 SOLAR GARDENS OWNED BY SUBSCRIBER ORGANIZATIONS; AND

18 (E) THE ACHIEVEMENT OF THE GOALS AND OBJECTIVES OF SECTION  
19 40-2-124.

20 (b) (I) THE OUTPUT FROM A COMMUNITY SOLAR GARDEN SHALL BE  
21 SOLD ONLY TO THE QUALIFYING RETAIL UTILITY SERVING THE GEOGRAPHIC  
22 AREA WHERE THE COMMUNITY SOLAR GARDEN IS LOCATED. ONCE A  
23 COMMUNITY SOLAR GARDEN IS PART OF A QUALIFYING RETAIL UTILITY'S  
24 PLAN FOR ACQUISITION OF RENEWABLE RESOURCES, AS APPROVED BY  
25 THE COMMISSION, THE QUALIFYING RETAIL UTILITY SHALL PURCHASE ALL  
26 OF THE ELECTRICITY AND RENEWABLE ENERGY CREDITS GENERATED BY  
27 THE COMMUNITY SOLAR GARDEN. THE AMOUNT OF ELECTRICITY AND



1 RENEWABLE ENERGY CREDITS GENERATED BY EACH COMMUNITY SOLAR  
2 GARDEN SHALL BE DETERMINED BY A PRODUCTION METER INSTALLED BY  
3 THE QUALIFYING RETAIL UTILITY OR THIRD-PARTY SYSTEM OWNER AND  
4 PAID FOR BY THE OWNER OF THE COMMUNITY SOLAR GARDEN.

5 (II) THE PURCHASE OF THE OUTPUT OF A COMMUNITY SOLAR  
6 GARDEN BY A QUALIFYING RETAIL UTILITY SHALL TAKE THE FORM OF A  
7 NET METERING CREDIT AGAINST THE QUALIFYING RETAIL UTILITY'S  
8 ELECTRIC BILL TO EACH COMMUNITY SOLAR GARDEN SUBSCRIBER AT THE  
9 PREMISES SET FORTH IN THE SUBSCRIBER'S SUBSCRIPTION. THE NET  
10 METERING CREDIT SHALL BE CALCULATED BY MULTIPLYING THE  
11 SUBSCRIBER'S SHARE OF THE ELECTRICITY PRODUCTION FROM THE  
12 COMMUNITY SOLAR GARDEN BY THE RETAIL RATE PER KILOWATT-HOUR OF  
13 THE QUALIFYING RETAIL UTILITY, MINUS A REASONABLE CHARGE AS  
14 DETERMINED BY THE COMMISSION TO COVER THE UTILITY'S COSTS OF  
15 DELIVERING TO THE SUBSCRIBER'S PREMISES THE ELECTRICITY GENERATED  
16 BY THE COMMUNITY SOLAR GARDEN, INTEGRATING THE SOLAR  
17 GENERATION WITH THE UTILITY'S SYSTEM, AND ADMINISTERING THE  
18 COMMUNITY SOLAR GARDEN'S CONTRACTS AND NET METERING CREDITS.  
19 IF, AND TO THE EXTENT THAT, A SUBSCRIBER'S NET METERING CREDIT  
20 EXCEEDS THE ELECTRICITY GENERATION CHARGE ON A SUBSCRIBER'S  
21 ELECTRIC BILL IN ANY BILLING PERIOD, THE NET METERING CREDIT SHALL  
22 BE CARRIED FORWARD AND APPLIED AGAINST FUTURE BILLS. THE  
23 QUALIFYING RETAIL UTILITY AND THE OWNER OF THE COMMUNITY SOLAR  
24 GARDEN SHALL AGREE ON WHETHER THE PURCHASE OF THE RENEWABLE  
25 ENERGY CREDITS FROM SUBSCRIBERS WILL BE ACCOMPLISHED THROUGH  
26 A CREDIT ON EACH SUBSCRIBER'S ELECTRICITY BILL OR BY A PAYMENT TO  
27 THE OWNER OF THE COMMUNITY SOLAR GARDEN.

1 (c) THE OWNER OF THE COMMUNITY SOLAR GARDEN SHALL  
2 PROVIDE REAL-TIME PRODUCTION DATA TO THE QUALIFYING RETAIL  
3 UTILITY TO FACILITATE INCORPORATION OF THE COMMUNITY SOLAR  
4 GARDEN INTO THE UTILITY'S OPERATION OF ITS ELECTRIC SYSTEM AND TO  
5 FACILITATE THE PROVISION OF NET METERING CREDITS.

6 (d) THE OWNER OF THE COMMUNITY SOLAR GARDEN SHALL BE  
7 RESPONSIBLE FOR PROVIDING TO THE QUALIFYING RETAIL UTILITY, ON A  
8 MONTHLY BASIS AND WITHIN REASONABLE PERIODS SET BY THE  
9 QUALIFYING RETAIL UTILITY, THE PERCENTAGE SHARES THAT SHOULD BE  
10 USED TO DETERMINE THE NET METERING CREDIT TO EACH SUBSCRIBER. IF  
11 THE ELECTRICITY OUTPUT OF THE COMMUNITY SOLAR GARDEN IS NOT  
12 FULLY SUBSCRIBED, THE QUALIFYING RETAIL UTILITY SHALL PURCHASE  
13 THE UNSUBSCRIBED RENEWABLE ENERGY AND THE RENEWABLE ENERGY  
14 CREDITS AT A RATE EQUAL TO THE QUALIFYING RETAIL UTILITY'S AVERAGE  
15 HOURLY INCREMENTAL COST OF ELECTRICITY SUPPLY OVER THE  
16 IMMEDIATELY PRECEDING CALENDAR YEAR.

17 (e) EACH QUALIFYING RETAIL UTILITY SHALL SET FORTH IN ITS  
18 ~~PLAN FOR ACQUISITION OF RENEWABLE RESOURCES~~ A PROPOSAL FOR  
19 INCLUDING LOW-INCOME CUSTOMERS AS SUBSCRIBERS TO A COMMUNITY  
20 SOLAR GARDEN. THE UTILITY MAY GIVE PREFERENCE TO COMMUNITY  
21 SOLAR GARDENS THAT HAVE LOW-INCOME SUBSCRIBERS.

22 (f) QUALIFYING RETAIL UTILITIES SHALL BE ELIGIBLE FOR THE  
23 INCENTIVES ~~AND SUBJECT TO THE OWNERSHIP LIMITATIONS~~ SET FORTH IN  
24 SECTION 40-2-124 (1) (f) FOR UTILITY INVESTMENTS IN COMMUNITY  
25 SOLAR GARDENS ~~AND MAY RECOVER THROUGH RATES A MARGIN ON ALL~~  
26 ~~ENERGY AND RENEWABLE ENERGY CREDITS PURCHASED FROM~~  
27 ~~COMMUNITY SOLAR GARDENS. SUCH INCENTIVE PAYMENTS SHALL BE~~

1 EXCLUDED FROM THE COST ANALYSIS REQUIRED BY SECTION 40-2-124 (1)  
2 (g).

3 (6) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO WAIVE OR  
4 SUPERSEDE THE RETAIL RATE IMPACT LIMITATIONS IN SECTION 40-2-124  
5 (1) (g). UTILITY EXPENDITURES FOR UNSUBSCRIBED ENERGY AND  
6 RENEWABLE ENERGY CREDITS GENERATED BY COMMUNITY SOLAR  
7 GARDENS SHALL BE INCLUDED IN THE CALCULATIONS OF RETAIL RATE  
8 IMPACT REQUIRED BY THAT SECTION.

9 (7) **Applicability to cooperative electric associations and**  
10 **municipally owned utilities.** THIS SECTION SHALL NOT APPLY TO  
11 COOPERATIVE ELECTRIC ASSOCIATIONS OR TO MUNICIPALLY OWNED  
12 UTILITIES.

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