

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0469.01 Thomas Morris

**HOUSE BILL 11-1271**

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**HOUSE SPONSORSHIP**

**Scott,**

**SENATE SPONSORSHIP**

**Brophy,**

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**House Committees**  
Transportation

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING LIMITATIONS ON ELECTRIC UTILITIES' ABILITY TO**  
102 **ESTABLISH A GRADUATED SCALE OF CHARGES.**

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**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>.)*

Current law allows heat, light, gas, water, power, and telephone utilities to establish a graduated scale of charges. The bill requires electric utilities that are currently charging a residential tiered rate to file with the public utilities commission a revised residential rate design by April 30, 2011, to take effect on or before June 1, 2011, that collapses the

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.*

residential summer tiered rate into a single rate that applies to all kilowatt-hours consumed by the residential customer during the summer. The single rate must be designed to collect the same revenues during the summer as the tiered rate was designed to collect. An electric utility cannot charge a residential tiered rate or residential inverted block rate until the utility files a new electric rate case.

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

2 **SECTION 1.** 40-3-106 (2), Colorado Revised Statutes, is  
3 amended to read:

4 **40-3-106. Advantages prohibited - graduated schedules -**  
5 **consideration of household income and other factors - definitions.**

6 (2) (a) Nothing in articles 1 to 7 of this title ~~shall be taken to prohibit~~  
7 PROHIBITS a public utility engaged in the production, generation,  
8 transmission, or furnishing of heat, light, gas, water, power, or telephone  
9 service from establishing a graduated scale of charges subject to ~~the~~  
10 ~~provisions of~~ this title.

11 (b) EACH ELECTRIC UTILITY THAT, ON THE EFFECTIVE DATE OF THIS  
12 PARAGRAPH (b), IS CHARGING A RESIDENTIAL TIERED RATE SHALL FILE  
13 WITH THE COMMISSION A REPORT THAT EVALUATES THE ESTIMATED  
14 IMPACT OF THE TIERED RATE STRUCTURE ON CUSTOMER USAGE PATTERNS.  
15 THE UTILITY SHALL PREPARE AND FILE THE REPORT WITH THE COMMISSION  
16 BY DECEMBER 1, 2011, UNLESS THE COMMISSION GRANTS AN EXTENSION  
17 FOR GOOD CAUSE. THE COMMISSION SHALL PREPARE AND SUBMIT A  
18 REPORT REGARDING UTILITY TIERED RATE STRUCTURES TO THE GENERAL  
19 ASSEMBLY BY MARCH 1, 2012. THE COMMISSION'S REPORT MUST  
20 EVALUATE WHETHER THE COMMISSION SHOULD PLACE ANY LIMITATIONS  
21 ON THE FUTURE USE OF GRADUATED SCALE OF CHARGES.

22 **SECTION 2. Applicability.** This act shall apply to rates charged

1 on or after the effective date of this act.

2           **SECTION 3. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.