

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 6, 2011  
Date

Committee on Transportation.

After consideration on the merits, the Committee recommends the following:

HB11-1222 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

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

5           (a) The public utilities commission is vested with such regulatory  
6 authority as is conferred by the state constitution and the general  
7 assembly;

8           (b) While the public utilities commission has broad authority to  
9 regulate public utilities, it must act to protect the public from excessive  
10 and burdensome rates and unjust discriminations;

11           (c) The people of Colorado, particularly as energy consumers, are  
12 frequently, directly, and substantially affected by the decisions of the  
13 public utilities commission;

14           (d) Because the public utilities commission derives much of its  
15 power from statute and has a general responsibility to protect the public  
16 interest regarding utility rates and practices and because the commission's  
17 decisions and activities translate to real and significant impacts to  
18 ratepayers, it is important that the general assembly be kept apprised of  
19 the commission's activities and decisions; and

20           (e) It is therefore the intent of the general assembly to implement  
21 an annual reporting mechanism to increase the commission's transparency  
22 and accountability.

23           (2) The general assembly further finds and declares that the  
24 mission of the governor's energy office, which includes promotion of

1 renewable energy and advancement of energy efficiency, is not  
2 coextensive with, and frequently conflicts with, the interests of the public  
3 as consumers and ratepayers. Because there is little benefit to the public  
4 by endowing the governor's energy office with the ability to intervene as  
5 a matter of right in gas or electric adjudicatory matters pending before the  
6 public utilities commission, the general assembly finds it necessary to  
7 withdraw from the governor's energy office the ability to do so.

8 **SECTION 2.** 40-2-103, Colorado Revised Statutes, is amended  
9 to read:

10 **40-2-103. Director - duties - report.** (1) The executive director  
11 of the department of regulatory agencies, pursuant to section 13 of article  
12 XII of the state constitution, and with the approval of the commission,  
13 shall appoint a director of the commission. The director ~~of the agency~~  
14 shall manage the operations of the ~~agency~~ COMMISSION in order to carry  
15 out the public utilities law, to carry out and implement policies,  
16 procedures, and decisions made by the commission, ~~as defined in section~~  
17 ~~40-2-101(1)~~; and to meet the requirements of the commission concerning  
18 any matters within the authority of an agency transferred by a **type 1**  
19 transfer, as defined in section 24-1-105, C.R.S., and which  
20 REQUIREMENTS are under the jurisdiction of the commission. The director  
21 ~~shall have~~ HAS all the powers and responsibilities of the division director  
22 for this purpose, including the power to issue all necessary process, writs,  
23 warrants, and notices. The director ~~shall have~~ HAS the requisite power to  
24 serve warrants and other process in any county or city and county of this  
25 state and to delegate such actions to duly authorized employees or agents  
26 of the agency as appropriate.

27 (2) (a) BEGINNING WITH THE SECOND REGULAR SESSION OF THE  
28 SIXTY-EIGHTH GENERAL ASSEMBLY, THE DIRECTOR OF THE COMMISSION OR  
29 THE DIRECTOR'S DESIGNEE SHALL PRESENT AN ANNUAL REPORT TO THE  
30 HOUSE AND SENATE TRANSPORTATION COMMITTEES, OR ANY SUCCESSOR  
31 COMMITTEES, REGARDING ENERGY RATE CASES DECIDED BY THE  
32 COMMISSION DURING THE PREVIOUS TWO YEARS. THE REPORT AND ANY  
33 ACCOMPANYING MATERIALS MAY BE PREPARED AND SUBMITTED TO THE  
34 COMMITTEES ELECTRONICALLY, AND MUST INCLUDE THE DISPOSITION OF  
35 EACH ENERGY UTILITY RATE CASE BY THE COMMISSION; THE AMOUNT OF  
36 ANY INCREASE OR DECREASE IN RATES THAT RESULTED FROM EACH  
37 ENERGY UTILITY RATE CASE, EXPRESSED AS A PERCENTAGE OF THE TOTAL  
38 AMOUNT BILLED TO RATEPAYERS PER MONTH AND PER YEAR; AND THE  
39 DOLLAR AMOUNT OF THE AVERAGE INCREASE OR DECREASE IN THE  
40 MONTHLY BILL PAID BY EACH ENERGY UTILITY RATEPAYER.

41 (b) THE REPORT REQUIRED UNDER THIS SUBSECTION (2) MUST ALSO  
42 INCLUDE ENERGY UTILITY RATE CASES THAT HAVE BEEN PROPOSED OR

1 FILED OR THAT THE COMMISSION REASONABLY ANTICIPATES TO BE FILED  
2 IN THE UPCOMING TWO YEARS.

3 **SECTION 3. Repeal.** 40-6-108 (2) (b), Colorado Revised  
4 Statutes, is repealed as follows:

5 **40-6-108. Complaints - service - notice of hearing.** (2) (b) ~~Any~~  
6 ~~public utility giving notice of a proposed gas or electric tariff shall serve~~  
7 ~~such notice upon the governor's energy office or its successor agency.~~  
8 ~~The office shall be granted leave to intervene as a matter of right, upon~~  
9 ~~a timely filing of a petition or other pleading in accordance with this~~  
10 ~~section, in adjudicatory matters affecting gas or electric utilities; except~~  
11 ~~that the office shall not be a party to any individual complaint between a~~  
12 ~~utility and an individual.~~

13 **SECTION 4. Act subject to petition - effective date.** This act  
14 shall take effect at 12:01 a.m. on the day following the expiration of the  
15 ninety-day period after final adjournment of the general assembly (August  
16 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
17 referendum petition is filed pursuant to section 1 (3) of article V of the  
18 state constitution against this act or an item, section, or part of this act  
19 within such period, then the act, item, section, or part shall not take effect  
20 unless approved by the people at the general election to be held in  
21 November 2012 and shall take effect on the date of the official  
22 declaration of the vote thereon by the governor."

23 Page 1, line 103, strike everything after the comma and substitute  
24 "REQUIRING THE DIRECTOR OF THE COMMISSION TO REPORT  
25 ANNUALLY TO THE GENERAL ASSEMBLY REGARDING ENERGY RATE  
26 CASES AND REPEALING THE ABILITY OF THE GOVERNOR'S ENERGY  
27 OFFICE TO INTERVENE AS A MATTER OF RIGHT IN ADJUDICATORY  
28 MATTERS AFFECTING ENERGY UTILITIES."

29 Page 1, strike lines 104 through 106.

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