

**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. 11-0311.02 Chuck Brackney

HOUSE BILL 11-1083

HOUSE SPONSORSHIP

Swerdfeger, Brown, Coram, Gardner B., Joshi, Liston, Looper, Massey, Ramirez, Sonnenberg, Soper, Szabo

SENATE SPONSORSHIP

Giron and Grantham,

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CONSIDERATION OF NEW HYDROELECTRICITY**
102 **PROJECTS, AND, IN CONNECTION THEREWITH, ALLOWING THE**
103 **PUBLIC UTILITIES COMMISSION TO CONSIDER**
104 **HYDROELECTRICITY AND PUMPED HYDROELECTRICITY FOR THE**
105 **GENERATION OF ELECTRICITY.**

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>.)

The bill adds hydroelectricity and pumped hydroelectricity to 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.

list of technologies that the public utilities commission may give the fullest possible consideration when considering generation acquisitions for electric utilities.

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

2 **SECTION 1.** 40-2-123 (3.2), Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

4 **40-2-123. New energy technologies - consideration by**
5 **commission - incentives - demonstration projects - definitions -**
6 **legislative declaration - repeal.** (3.2) In its consideration of generation
7 acquisitions for electric utilities, the commission may give the fullest
8 possible consideration, at a utility's request, to the cost-effective
9 implementation of new energy technologies for the generation of
10 electricity from:

11 (c) HYDROELECTRICITY AND PUMPED HYDROELECTRICITY. FOR
12 PURPOSES OF THIS PARAGRAPH (c):

13 (I) "HYDROELECTRICITY" MEANS THE GENERATION AND DELIVERY
14 TO THE INTERCONNECTION METER OF ANY SOURCE OF ELECTRICAL OR
15 MECHANICAL ENERGY BY HARNESSING THE KINETIC ENERGY OF WATER
16 THAT IS:

17 (A) A NEW FACILITY THAT IS AN ADDITION TO WATER
18 INFRASTRUCTURE SUCH AS A RESERVOIR, DITCH, OR PIPELINE THAT
19 EXISTED BEFORE JANUARY 1, 2011, AND DOES NOT RESULT IN ANY CHANGE
20 IN THE QUANTITY OR TIMING OF DIVERSIONS OR RELEASES FOR PURPOSES
21 OF PEAK POWER GENERATION; OR

22 (B) A NEW FACILITY THAT IS PLACED INTO PRODUCTION AS PART
23 OF NEW WATER INFRASTRUCTURE SUCH AS A RESERVOIR, DITCH, OR
24 PIPELINE CONSTRUCTED ON OR AFTER JANUARY 1, 2011, AND OPERATED

1 FOR PRIMARY BENEFICIAL USES OF WATER OTHER THAN SOLELY FOR
2 PRODUCTION OF ELECTRICITY.

3 (II) "PUMPED HYDROELECTRICITY" MEANS ELECTRICITY THAT IS
4 GENERATED DURING PERIODS OF HIGH ELECTRICAL DEMAND FROM WATER
5 THAT HAS BEEN PUMPED DURING PERIODS OF LOW ELECTRICAL DEMAND
6 FROM A LOWER-ELEVATION RESERVOIR TO A HIGHER-ELEVATION
7 RESERVOIR TAKING INTO ACCOUNT THE POTENTIAL BENEFITS OR IMPACTS
8 OF THE PROPOSED FACILITY ON FISHERY HEALTH.

9 **SECTION 2. Act subject to petition - effective date.** This act
10 shall take effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part shall not take effect
16 unless approved by the people at the general election to be held in
17 November 2012 and shall take effect on the date of the official
18 declaration of the vote thereon by the governor.