

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0001.01 Duane Gall x4335

HOUSE BILL 12-1172

HOUSE SPONSORSHIP

Swalm, Conti

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE RATES CHARGED TO CONSUMERS FOR ELECTRICITY,
102 AND, IN CONNECTION THEREWITH, PROHIBITING THE
103 IMPUTATION OF CERTAIN COSTS ASSOCIATED WITH REDUCTIONS
104 IN GREENHOUSE GAS EMISSIONS.

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 2004 voter initiative known as "Amendment 37" committed Colorado to a policy of increasing the portion of the state's electricity

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.

generated from renewable sources. Subsequent legislation allows the Colorado public utilities commission (PUC) to impute the cost of a carbon tax imposed at the federal level when calculating an electric utility's investments and comparing the cost of maintaining existing infrastructure with the cost of replacing existing power plants with more energy-efficient power plants.

Section 1 of the bill conditions the PUC's imputation of the carbon tax on the actual adoption of a carbon tax as part of federal law. **Section 2** prohibits an investor-owned electric utility from charging residential customers tiered rates according to their monthly consumption.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-123, **amend** (1)

3 (b) as follows:

4 **40-2-123. New energy technologies - consideration by**

5 **commission - incentives - demonstration projects - definitions -**

6 **legislative declaration - repeal.** (1) (b) The commission may give

7 consideration to the ~~likelihood~~ EXISTENCE of new environmental

8 regulation and the ~~risk of higher future costs associated with~~ IMPOSED BY

9 CURRENT FEDERAL LAW OR REGULATIONS ON the emission of greenhouse

10 gases such as carbon dioxide when it considers utility proposals to acquire

11 resources. Where utilities eliminate or reduce carbon dioxide emissions

12 through the use of capture and sequestration, the commission may

13 consider the benefits of using carbon dioxide for enhanced oil recovery

14 or other uses.

15 **SECTION 2.** In Colorado Revised Statutes, 40-3-106, **amend** (2)

16 as follows:

17 **40-3-106. Advantages prohibited - graduated schedules -**

18 **consideration of household income and other factors - definitions.**

19 (2) Nothing in articles 1 to 7 of this title ~~shall be taken to prohibit~~

20 PROHIBITS a public utility engaged in the production, generation,

1 transmission, or furnishing of heat, light, gas, water, power, or telephone
2 service from establishing a graduated scale of charges subject to ~~the~~
3 ~~provisions of~~ this title; EXCEPT THAT AN INVESTOR-OWNED ELECTRIC
4 UTILITY SHALL NOT CHARGE RESIDENTIAL CUSTOMERS TIERED RATES
5 ACCORDING TO THEIR MONTHLY CONSUMPTION.

6 **SECTION 3. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2012 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.