

Colorado Legislative Council Staff Fiscal Note

STATE FISCAL IMPACT

Drafting Number:	LLS 15-0761	Date:	April 27, 2015
Prime Sponsor(s):	Rep. Esgar; Winter	Bill Status:	House Transportation & Energy
	Sen. Garcia	Fiscal Analyst:	Erin Reynolds (303-866-4146)

BILL TOPIC: OFFICE OF CONSUMER COUNSEL CONTINUATION

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017				
This bill continues a program that would otherwise end July 1, 2015, so the fiscal note shows the continuing fiscal impacts.	New	New	Continuation			
State Revenue	<u>\$0</u>	<u>\$1,789,254</u>				
General Fund			53,678			
Cash Funds			1,735,576			
State Expenditures	<u>\$0</u>	<u>\$1,735,576</u>				
Cash Funds			1,735,576			
FTE Position Change			7.0 FTE			
Appropriation Required: None.						

This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The bill continues the Office of the Consumer Counsel (OCC) in the Department of Regulatory Agencies (DORA) for 11 years until September 1, 2026.

Background

Office of Consumer Counsel. The OCC was established in 1984 to advocate for the public interest and the specific interests of residential, small business, and agricultural consumers in electric, gas, and telephone rate and rulemaking cases before the Public Utilities Commission (PUC), federal regulatory agencies, and in the courts. The OCC may also appeal any PUC decision to the Colorado courts. The OCC is a Type 1 agency in DORA, cash-funded through the Fixed Utility Fund (FUF). The Attorney General is charged with advising the OCC in all legal matters and providing representation in proceedings in which the OCC participates.

Fiscal Impact of Programs Set to Expire

This bill continues a program in DORA that is set to repeal effective July 1, 2015. Under current law, state agencies may be appropriated funds to wind up the affairs of an expiring program for 12 months following the repeal date. To account for the wind-up period, the impact of extending the program beyond the current repeal date is shown as beginning in FY 2016-17, one year after

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the repeal date. There is no need for an appropriation of the \$1,735,576 base funding and allocation of 7.0 FTE in FY 2015-16, since the program's authorization has not yet expired and ongoing funding for the program is included in the department's base budget request for FY 2015-16.

The state revenue and state expenditures impact for FY 2016-17 reflects the program's anticipated FUF revenue assessment and base budget request beginning that year; there are no new costs required to implement the bill. The FUF receives its revenues from an annual fee assessment based on a statutory formula that utilizes the utility's gross operating revenue derived from intrastate utility business, and 3 percent of this fee is credited to the General Fund. **Based on DORA's current FY 2014-15 budget for the OCC, continuation costs are expected to be \$1,735,576 and an allocation of 7.0 FTE in FY 2016-17, and therefore, revenue costs exceed that amount by 3 percent pursuant to the statutory FUF assessment formula.**

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Judicial Department Law

Regulatory Agencies