A BILL FOR AN ACT

CONCERNING THE EXPANSION OF THE TYPES OF HYDROELECTRICITY AMONG THE ELIGIBLE ENERGY RESOURCES UNDER COLORADO'S RENEWABLE ENERGY STANDARD.

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 amends the definition of "renewable energy resources" that can be used to meet the state's renewable energy standard to include hydroelectricity and pumped hydroelectricity.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 40-2-124, amend (1) (a) (VII); and add (1) (a) (IV.5) and (1) (a) (IV.7) as follows:


(1) Each provider of retail electric service in the state of Colorado, other than municipally owned utilities that serve forty thousand customers or fewer, is a qualifying retail utility. Each qualifying retail utility, with the exception of cooperative electric associations that have voted to exempt themselves from commission jurisdiction pursuant to section 40-9.5-104 and municipally owned utilities, is subject to the rules established under this article by the commission. No additional regulatory authority is provided to the commission other than that specifically contained in this section. In accordance with article 4 of title 24, C.R.S., the commission shall revise or clarify existing rules to establish the following:

(a) Definitions of eligible energy resources that can be used to meet the standards. "Eligible energy resources" means recycled energy and renewable energy resources. In addition, resources using coal mine methane and synthetic gas produced by pyrolysis of municipal solid waste are eligible energy resources if the commission determines that the electricity generated by those resources is greenhouse gas neutral. The commission shall determine, following an evidentiary hearing, the extent to which such electric generation technologies utilized in an optional pricing program may be used to comply with this standard. A fuel cell using hydrogen derived from an eligible energy resource is also an eligible electric generation technology. Fossil and nuclear fuels and their derivatives are not eligible energy resources. For purposes of this section:
(IV.5) "HYDROELECTRICITY" MEANS THE GENERATION AND DELIVERY TO THE INTERCONNECTION METER OF ANY SOURCE OF ELECTRICAL OR MECHANICAL ENERGY BY HARNESSING THE KINETIC ENERGY OF WATER.

(IV.7) "PUMPED HYDROELECTRICITY" MEANS HYDROELECTRICITY GENERATED DURING PERIODS OF HIGH ELECTRICAL DEMAND FROM WATER THAT HAS BEEN PUMPED DURING PERIODS OF LOW ELECTRICAL DEMAND FROM A LOWER-ELEVATION RESERVOIR TO A HIGHER-ELEVATION RESERVOIR.

(VII) "Renewable energy resources" means solar, wind, geothermal, biomass, new hydroelectricity with a nameplate rating of ten megawatts or less, and hydroelectricity in existence on January 1, 2005, with a nameplate rating of thirty megawatts or less PUMPED HYDROELECTRICITY, AND HYDROELECTRICITY.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.