

**NOTE: The governor signed this measure on 5/19/2015.**

# An Act

HOUSE BILL 15-1377

BY REPRESENTATIVE(S) Moreno and Becker J., Esgar, Lontine, Mitsch Bush, Pettersen, Salazar, Young;  
also SENATOR(S) Grantham and Donovan, Aguilar, Carroll, Crowder, Garcia, Guzman, Heath, Hodge, Johnston, Jones, Kefalas, Kerr, Lambert, Martinez Humenik, Merrifield, Newell, Roberts, Sonnenberg, Todd.

CONCERNING THE ABILITY OF COOPERATIVE ELECTRIC ASSOCIATIONS TO OBTAIN RENEWABLE ENERGY CREDITS THROUGH THE OPERATION OF SHARED RETAIL DISTRIBUTED GENERATION FACILITIES.

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

**SECTION 1.** In Colorado Revised Statutes, 40-2-124, **add** (1) (c) (II) (D) as follows:

**40-2-124. Renewable energy standards - qualifying retail and wholesale utilities - definitions - net metering - legislative declaration.**  
(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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

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:

(c) Electric resource standards:

(II) (D) FOR PURPOSES OF A COOPERATIVE ELECTRIC ASSOCIATION'S COMPLIANCE WITH THE RETAIL DISTRIBUTED GENERATION REQUIREMENT SET FORTH IN SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), AN ELECTRIC GENERATION FACILITY CONSTITUTES RETAIL DISTRIBUTED GENERATION IF IT USES ONLY RENEWABLE ENERGY RESOURCES; HAS A NAMEPLATE RATING OF TWO MEGAWATTS OR LESS; IS LOCATED WITHIN THE SERVICE TERRITORY OF A COOPERATIVE ELECTRIC ASSOCIATION; GENERATES ELECTRICITY FOR THE BENEFICIAL USE OF SUBSCRIBERS WHO ARE MEMBERS OF THE COOPERATIVE ELECTRIC ASSOCIATION IN THE SERVICE TERRITORY IN WHICH THE FACILITY IS LOCATED; AND HAS AT LEAST FOUR SUBSCRIBERS IF THE FACILITY HAS A NAMEPLATE RATING OF FIFTY KILOWATTS OR LESS AND AT LEAST TEN SUBSCRIBERS IF THE FACILITY HAS A NAMEPLATE RATING OF MORE THAN FIFTY KILOWATTS. A SUBSCRIBER'S SHARE OF THE PRODUCTION FROM THE FACILITY MAY NOT EXCEED ONE HUNDRED TWENTY PERCENT OF THE SUBSCRIBER'S AVERAGE ANNUAL CONSUMPTION. EACH COOPERATIVE ELECTRIC ASSOCIATION MAY ESTABLISH, IN THE MANNER IT DEEMS APPROPRIATE, THE: SUBSCRIBER; SUBSCRIPTION; PRICING, INCLUDING CONSIDERATION OF LOW-INCOME MEMBERS; METERING; ACCOUNTING; RENEWABLE ENERGY CREDIT OWNERSHIP; AND OTHER REQUIREMENTS AND TERMS ASSOCIATED WITH ELECTRIC GENERATION FACILITIES DESCRIBED IN THIS SUB-SUBPARAGRAPH (D).

**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.

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO