

First Regular Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 01-0750.01 Thomas Morris

HOUSE BILL 01-1247

HOUSE SPONSORSHIP

Larson

SENATE SPONSORSHIP

McElhany

House Committees

Senate Committees

Agriculture, Livestock, & Natural Resources

A BILL FOR AN ACT

101 CONCERNING THE DEREGULATION OF WATER PUBLIC UTILITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Exempts water public utilities from most of the generally applicable laws regulating public utilities. Requires water public utilities' rates to be reasonable, and allows customers to file complaints regarding such rates with the public utilities commission.

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

2 **SECTION 1.** 40-1-103 (1) (a), Colorado Revised Statutes, is

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.

1 amended, and the said 40-1-103 is further amended BY THE ADDITION
2 OF A NEW SUBSECTION, to read:

3 **40-1-103. Public utility defined.** (1) (a) The term "public
4 utility", when used in articles 1 to 7 of this title, includes every common
5 carrier, pipeline corporation, gas corporation, electrical corporation,
6 telephone corporation, telegraph corporation, ~~water corporation~~, person,
7 or municipality operating for the purpose of supplying the public for
8 domestic, mechanical, or public uses and every corporation, or person
9 declared by law to be affected with a public interest, and each of the
10 preceding is hereby declared to be a public utility and to be subject to the
11 jurisdiction, control, and regulation of the commission and to the
12 provisions of articles 1 to 7 of this title.

13 (5) (a) ANY WATER CORPORATION OR PERSON OPERATING FOR THE
14 PURPOSE OF SUPPLYING POTABLE WATER BY RETAIL SALE FOR
15 CONSUMPTION BY THE PUBLIC IS DECLARED TO BE AFFECTED WITH A PUBLIC
16 INTEREST AND IS A WATER PUBLIC UTILITY. THE TERM "WATER PUBLIC
17 UTILITY" DOES NOT INCLUDE WHOLESALERS OF WATER FOR RESALE.

18 (b) EXCEPT AS PROVIDED IN THIS SUBSECTION (5), WATER PUBLIC
19 UTILITIES ARE NOT SUBJECT TO ARTICLES 1 TO 7 OF THIS TITLE.

20 (c) ALL CHARGES MADE, DEMANDED, OR RECEIVED BY ANY WATER
21 PUBLIC UTILITY FOR RETAIL SALES OF POTABLE WATER SHALL BE JUST,
22 REASONABLE, NONDISCRIMINATORY, NONPREFERENTIAL, AND
23 NONPREJUDICIAL, AND NO WATER PUBLIC UTILITY SHALL MAKE A CHANGE
24 IN ANY RATE CHARGED FOR POTABLE WATER SERVICE OR IN ANY RULE OR
25 REGULATION IN CONNECTION THEREWITH UNLESS SUCH UTILITY PROVIDES
26 PUBLIC NOTICE OF SUCH PROPOSED CHANGE AT LEAST THIRTY DAYS PRIOR
27 TO THE DAY THE PROPOSED CHANGE IS TO TAKE EFFECT. NO WATER PUBLIC

1 UTILITY, AS TO RATES, CHARGES, SERVICE, OR FACILITIES OR AS TO ANY
2 OTHER MATTER, SHALL MAKE OR GRANT ANY PREFERENCE OR ADVANTAGE
3 TO ANY CORPORATION OR PERSON OR SUBJECT ANY CORPORATION OR
4 PERSON TO ANY PREJUDICE OR DISADVANTAGE. NO WATER PUBLIC UTILITY
5 SHALL ESTABLISH OR MAINTAIN ANY UNREASONABLE DIFFERENCE AS TO
6 RATES, CHARGES, SERVICE, OR FACILITIES OR AS TO ANY OTHER MATTER,
7 EITHER BETWEEN LOCALITIES OR BETWEEN ANY CLASS OF SERVICE.

8 (d) RETAIL CONSUMERS OF WATER DISTRIBUTED BY A WATER
9 PUBLIC UTILITY WHO ARE AGGRIEVED BY ANY RATE OR CHARGE MADE,
10 DEMANDED, OR RECEIVED BY ANY WATER PUBLIC UTILITY MAY FILE A
11 COMPLAINT WITH THE COMMISSION PURSUANT TO THE TERMS, CONDITIONS,
12 AND PROCEDURES OF SECTIONS 40-6-106, 40-6-108, 40-6-114, AND
13 40-6-115.

14 (e) PUBLIC WATER UTILITIES SHALL BE SUBJECT TO THE FEES
15 COLLECTED PURSUANT TO SECTION 40-2-113.

16 **SECTION 2. Effective date.** This act shall take effect at 12:01
17 a.m. on the day following the expiration of the ninety-day period after
18 final adjournment of the general assembly that is allowed for submitting
19 a referendum petition pursuant to article V, section 1 (3) of the state
20 constitution; except that, if a referendum petition is filed against this act
21 or an item, section, or part of this act within such period, then the act,
22 item, section, or part, if approved by the people, shall take effect on the
23 date of the official declaration of the vote thereon by proclamation of the
24 governor.