

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 26-182

BY SENATOR(S) Snyder and Simpson, Carson, Frizell, Kirkmeyer, Liston, Pelton B., Pelton R., Coleman;
also REPRESENTATIVE(S) Caldwell and Paschal, Barron, Bradfield, Clifford, Duran, English, Flanell, Gonzalez R., Keltie, Marshall, Slaugh, Weinberg, Winter T.

CONCERNING AN UPDATED CLEAN ENERGY PLAN FROM A MUNICIPALLY OWNED UTILITY.

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

SECTION 1. In Colorado Revised Statutes, 25-7-105, **amend** (1) introductory portion and (1)(e)(VIII)(F); and **add** (1)(e)(VIII.5)(I), (1)(e)(XI.1), and (1)(e)(XI.2) as follows:

25-7-105. Duties of commission - technical secretary - rules - report - legislative declaration - definitions - repeal.

(1) Except as provided in sections 25-7-130 and 25-7-131, the commission shall ~~promulgate~~ **ADOPT** rules that are consistent with the legislative declaration set forth in section 25-7-102 and necessary for the proper implementation and administration of this article 7, including:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(e) (VIII) (F) A clean energy plan voluntarily filed by a cooperative electric association that has voted to exempt itself from regulation by the public utilities commission pursuant to article 9.5 of title 40 or by a municipal utility shall be deemed approved by the public utilities commission as filed if: The division in consultation with the public utilities commission, publicly verifies that the plan demonstrates that, by 2030, the cooperative electric association or municipal utility will achieve at least an eighty percent reduction in greenhouse gas emissions caused by the entity's Colorado retail electricity sales relative to 2005 levels; and the clean energy plan has previously been approved by a vote of the entity's governing body. ~~Voluntary submission of a clean energy plan by a cooperative electric association or municipal utility does not alter the entity's regulatory status with respect to the public utilities commission, including under article 9.5 of title 40.~~

(VIII.5) (I) NOTWITHSTANDING ANY OTHER REQUIREMENT OF THIS SUBSECTION (1)(e), A MUNICIPALLY OWNED UTILITY THAT HAS ENCOUNTERED CHALLENGES IN ACHIEVING THE GREENHOUSE GAS EMISSION REDUCTION PERCENTAGES IN A PREVIOUSLY FILED CLEAN ENERGY PLAN MAY SUBMIT TO THE DIVISION, NO LATER THAN DECEMBER 31, 2026, AN UPDATED CLEAN ENERGY PLAN THAT HAS BEEN APPROVED BY A VOTE OF THE MUNICIPALLY OWNED UTILITY'S GOVERNING BODY AND THAT DEMONSTRATES THAT THE MUNICIPALLY OWNED UTILITY WILL ACHIEVE AN EIGHTY PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS CAUSED BY THE MUNICIPALLY OWNED UTILITY'S COLORADO RETAIL ELECTRICITY SALES, RELATIVE TO 2005 LEVELS, BY THE EARLIEST DATE POSSIBLE ON OR AFTER DECEMBER 31, 2029, BUT NO LATER THAN DECEMBER 31, 2032.

(XI.1) A MUNICIPALLY OWNED UTILITY THAT SUBMITS AN UPDATED CLEAN ENERGY PLAN PURSUANT TO SUBSECTION (1)(e)(VIII.5)(I) OF THIS SECTION MUST:

(A) ENSURE THAT THE UPDATED CLEAN ENERGY PLAN SUBMITTED TO THE DIVISION CONTAINS A DETAILED GENERATION AND TRANSMISSION PLAN THAT IS NOT GENERICALLY CLASSIFIED AS "TO BE DETERMINED", BUT THAT INCLUDES THE AMOUNT AND TYPES OF RESOURCES ANTICIPATED TO BE NEEDED TO ACHIEVE AN EIGHTY PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS, THE ANTICIPATED DELIVERY AREAS WHERE NEW GENERATION WOULD BE PROCURED, AND THE ANTICIPATED LOCATION AND CAPACITY OF

ANY NEW TRANSMISSION THAT WOULD NEED TO BE BUILT OR ACQUIRED THROUGH THE REGIONAL TRANSMISSION ORGANIZATION OF WHICH THE MUNICIPALLY OWNED UTILITY IS A MEMBER;

(B) BEGINNING JANUARY 1, 2028, AND CONTINUING EACH YEAR UNTIL DECEMBER 31, 2033, ANNUALLY REPORT TO THE DIVISION AND MAKE PUBLICLY AVAILABLE ON THE MUNICIPALLY OWNED UTILITY'S WEBSITE: THE MUNICIPALLY OWNED UTILITY'S PROGRESS IN PLANNING FOR AND ACQUIRING THE NECESSARY GENERATION AND TRANSMISSION RESOURCES IDENTIFIED IN ITS UPDATED CLEAN ENERGY PLAN, THE MUNICIPALLY OWNED UTILITY'S GREENHOUSE GAS EMISSION REDUCTIONS RELATIVE TO 2005 LEVELS, AND AN UPDATED LOADS AND RESOURCES TABLE THAT INCLUDES ANY CHANGES TO FORECASTED DEMAND FROM THE FORECAST USED IN THE UPDATED CLEAN ENERGY PLAN; AND

(C) NO LATER THAN DECEMBER 31, 2032, AND NOTWITHSTANDING ANY OTHER RULES OF THE COMMISSION SETTING A TIMELINE FOR CESSATION OF BURNING COAL, CEASE BURNING COAL AT ANY COAL-FIRED GENERATING UNIT OWNED, OPERATED, OR BOTH BY THE MUNICIPALLY OWNED UTILITY.

(XI.2) (A) AN UPDATED CLEAN ENERGY PLAN SUBMITTED BY A MUNICIPALLY OWNED UTILITY PURSUANT TO SUBSECTION (1)(e)(VIII.5)(I) OF THIS SECTION SHALL BE PUBLICLY VERIFIED BY THE DIVISION CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (1)(e)(VIII)(F) OF THIS SECTION.

(B) THE DATES ASSOCIATED WITH THE REQUIREMENTS SET FORTH IN SUBSECTIONS (1)(e)(VIII)(C), (1)(e)(VIII)(F), AND (1)(e)(VIII.3) OF THIS SECTION MUST BE CONSTRUED TO ALIGN WITH THE REVISED DATES IN SUBSECTION (1)(e)(VIII.5)(I) OF THIS SECTION FOR ANY UPDATED CLEAN ENERGY PLAN SUBMITTED BY A MUNICIPALLY OWNED UTILITY PURSUANT TO SUBSECTION (1)(e)(VIII.5)(I) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 31-15-707, **add** (2) as follows:

31-15-707. Municipally owned utilities - powers of a municipality - greenhouse gas emission reduction goals.

(2) THE GOVERNING BODY OF A MUNICIPALLY OWNED UTILITY THAT SUBMITS AN UPDATED CLEAN ENERGY PLAN PURSUANT TO SECTION 25-7-105

(1)(e)(VIII.5)(I) SHALL INSTRUCT THE MUNICIPALLY OWNED UTILITY TO SEEK TO:

(a) ACHIEVE A NINETY-FIVE PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS CAUSED BY THE MUNICIPALLY OWNED UTILITY'S COLORADO RETAIL ELECTRICITY SALES BY DECEMBER 31, 2039, RELATIVE TO 2005 LEVELS, WITHOUT IMPAIRING THE MUNICIPALLY OWNED UTILITY'S ABILITY TO MAINTAIN THE ELECTRIC RELIABILITY STANDARDS OF A REGIONAL TRANSMISSION ORGANIZATION OF WHICH THE MUNICIPALLY OWNED UTILITY IS A MEMBER; AND

(b) REDUCE, BETWEEN THE DATE AN EIGHTY PERCENT REDUCTION IN GREENHOUSE GAS EMISSIONS IS ACHIEVED AND DECEMBER 31, 2035, ANY CUMULATIVE GREENHOUSE GAS EMISSIONS RESULTING FROM THE UPDATED CLEAN ENERGY PLAN RELATIVE TO THE MUNICIPALLY OWNED UTILITY'S ORIGINAL CLEAN ENERGY PLAN, WITHOUT IMPAIRING THE MUNICIPALLY OWNED UTILITY'S ABILITY TO MAINTAIN THE ELECTRIC RELIABILITY STANDARDS OF A REGIONAL TRANSMISSION ORGANIZATION OF WHICH THE MUNICIPALLY OWNED UTILITY IS A MEMBER.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO