Amend the Energy & Environment Committee Report, dated February 11, 2019, page 22, strike lines 27 through 41.

Strike page 23.

Page 24, strike lines 1 through 11 and substitute:

"40-41-118. Replacement resources - definitions. (1) An electric utility that issues CO-EIA bonds in conjunction with the retirement of an electric generating facility may seek authorization from the Commission to replace the retired electric generating facility with cost-effective generation resources or energy storage facilities by filing with the Commission for its approval:

(a) An electric resource plan application under the rules of the Commission;
(b) An amendment to the electric utility's most recently approved electric resource plan; or
(c) A separate application that is consistent with the electric resource planning rules of the Commission and that utilizes a competitive acquisition process for resource acquisition.

(2) When considering an application filed as authorized by subsection (1) of this section for approval to replace an electric generating facility retired in conjunction with CO-EIA bonds, the Commission shall:
(a) Use its regular process for consideration of applications;
(b) Determine whether the replacement resources are needed to serve load and are consistent with the electric utility's most recently approved electric resource plan; and
(c) Determine the relative levels of electric utility ownership and non-utility ownership as follows:
(I) The electric utility shall be permitted to own replacement facilities with a value that is no less than the utility-owned replacement minimum; and
(II) The utility shall not be permitted to own replacement facilities with a value greater than the utility-owned replacement maximum.

(3) For any application filed as authorized by subsection (1) of this section, the electric utility, subject to commission
APPROVAL, SHALL USE A COMPETITIVE ACQUISITION PROCESS TO ACQUIRE COST-EFFECTIVE RESOURCES, REGARDLESS OF OWNERSHIP OF SUCH RESOURCES, FOR ALL ACQUISITION OF GENERATION OR ENERGY STORAGE RESOURCES TO REPLACE ELECTRIC GENERATING FACILITIES THAT WERE RETIRED IN CONJUNCTION WITH A FINANCING ORDER.

(4) FOR PURPOSES OF THIS SECTION:

(a) "UTILITY-OWNED REPLACEMENT MAXIMUM" MEANS THE VALUE OF REPLACEMENT GENERATION RESOURCES WITH TOTAL CAPACITY THAT IS EQUAL TO THE NAMEPLATE CAPACITY OF THE ELECTRIC GENERATING FACILITY BEING RETIRED.

(b) "UTILITY-OWNED REPLACEMENT MINIMUM" MEANS THE VALUE OF ELECTRIC UTILITY INVESTMENTS IN EXISTING OR NEW ELECTRIC GENERATION CAPACITY OR ENERGY STORAGE FACILITIES THAT IS THE LESSER OF:

(I) THE VALUE OF THE PROCEEDS OF THE ASSOCIATED CO-EIA BONDS; OR

(II) THE UNDEPRECIATED ACCOUNTING VALUE AT THE TIME OF RETIREMENT OF THE ELECTRIC GENERATING FACILITIES RETIRED PURSUANT TO THIS ARTICLE 41.".

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