Amend printed bill, strike everything below the enacting clause and substitute:

"SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:
   (a) Widespread adoption of electric vehicles is necessary to diversify the transportation fuel mix, improve national security, and protect air quality;
   (b) The number of electric vehicles registered in Colorado has doubled over the last three years, and, with expanded infrastructure investment, future growth is projected to accelerate;
   (c) This growth will be assisted by investments in infrastructure necessary to maximize the benefits of the expanding electric vehicle market;
   (d) Widespread adoption of electric vehicles requires that public utilities increase access to electricity as transportation fuel, including for low- and moderate-income and underserved communities;
   (e) Widespread adoption of electric vehicles should provide consumers with fuel cost savings and electric utility customers with potential cost-saving benefits;
   (f) Widespread adoption of electric vehicles should stimulate innovation, competition, and increased choices in charging equipment and networks and should also attract private capital investments and create high-quality jobs in Colorado; and
   (g) Widespread adoption of electric vehicles should improve an electric public utility's electrical system efficiency and operational flexibility, including the ability of the electric public utility to integrate variable renewable energy generation resources and to make use of off-peak generation resources.

SECTION 2. In Colorado Revised Statutes, 40-1-103.3, amend (2) and (6) as follows:

40-1-103.3. Alternative fuel vehicles - definition. (2) For the purposes of articles 1 to 7 of this title TITLE 40, persons generating electricity for use in alternative fuel vehicle charging or fueling facilities as authorized by subsection (4) of this section, persons reselling electricity supplied by a public utility, or persons reselling compressed or liquefied natural gas, liquefied petroleum gas, or any component parts or by-products to governmental entities or to the public for use as fuel in alternative fuel vehicles or buying electricity stored in such vehicles for resale are not subject to regulation as a public utility. Electric and natural
gas public utilities may provide the services described in this subsection
(2) as unregulated OR REGULATED services. and NATURAL GAS PUBLIC
UTILITIES MAY PROVIDE these SERVICES AS unregulated services. may not
be subsidized by the regulated services of the electric or natural gas
public utility.

(6) The regulated expenditures and investments made by a public
utility to accommodate alternative fuel vehicle charging and fueling
facilities are equal in priority to all other infrastructure necessary to serve
any customer of the public utility in its service territory, but are
subordinate to the safety and reliability obligations of the utility. A PUBLIC
UTILITY MAY RECOVER THE COSTS OF DISTRIBUTION SYSTEM INVESTMENTS
TO ACCOMMODATE ALTERNATIVE FUEL VEHICLE CHARGING, SUBJECT TO
EVALUATION AND COST RECOVERY PROVISIONS THAT ARE COMPARABLE
TO OTHER REGULATED INVESTMENTS IN THE DISTRIBUTION GRID; EXCEPT
THAT DISTRIBUTION SYSTEM INVESTMENTS THAT ARE A COMPONENT OF A
TRANSPORTATION ELECTRIFICATION PLAN SUBMITTED IN ACCORDANCE
WITH SECTION 40-5-107 ARE SUBJECT TO SECTIONS 40-3-116 AND
40-5-107.

SECTION 3. In Colorado Revised Statutes, add 40-3-116 as
follows:

40-3-116. Electric vehicle programs - rates. (1) THE RATES AND
CHARGES SCHEDULE FOR SERVICES PROVIDED BY A PROGRAM CREATED
UNDER SECTION 40-5-107 MAY ALLOW:
(a) A RETURN ON ANY INVESTMENT MADE UNDER SECTION
40-5-107 BY AN ELECTRIC UTILITY AT THE ELECTRIC UTILITY'S MOST
RECENT RATE OF RETURN ON EQUITY APPROVED BY THE COMMISSION,
INCLUDING BY ALLOWING A UTILITY TO EARN A RATE OF RETURN ON
REBATES PROVIDED TO CUSTOMERS THROUGH A TRANSPORTATION
ELECTRIFICATION PROGRAM;
(b) RATE RECOVERY MECHANISMS THAT ALLOW EARLIER, AS
DETERMINED BY THE COMMISSION, RECOVERY OF COSTS, INCLUDING THE
USE OF RATE ADJUSTMENT CLAUSES; AND
(c) PERFORMANCE-BASED INCENTIVE RETURNS OR SIMILAR
INVESTMENT INCENTIVES.

SECTION 4. In Colorado Revised Statutes, add 40-5-107 as
follows:

40-5-107. Electric vehicle programs - repeal. (1) (a) NO LATER
THAN MAY 15, 2020, AND ON OR BEFORE MAY 15 EVERY THREE YEARS
THEREAFTER, AN ELECTRIC UTILITY SHALL FILE WITH THE COMMISSION AN
APPLICATION FOR A PROGRAM FOR REGULATED ACTIVITIES TO SUPPORT
WIDESPREAD TRANSPORTATION ELECTRIFICATION WITHIN THE AREA
COVERED BY THE UTILITY'S CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY.
(b) To comply with this subsection (1), an application must seek to minimize overall costs and maximize overall benefits and may include:

(I) Investments or incentives to facilitate the deployment of customer-owned or utility-owned charging infrastructure, including charging facilities, make-ready infrastructure, and associated electrical equipment that support transportation electrification;

(II) Investments or incentives to facilitate the electrification of public transit and other vehicle fleets;

(III) Rate designs, or programs that encourage vehicle charging that supports the operation of the electric grid; and

(IV) Customer education, outreach, and incentive programs that increase awareness of the programs and of the benefits of transportation electrification and encourage greater adoption of electric vehicles.

(2) When considering transportation electrification programs and determining cost recovery for investments and other expenditures related to programs proposed by an electric utility under subsection (1) of this section, the commission may consider whether the investments and other expenditures are:

(a) Reasonably expected to improve the use of the electric grid, including improved integration of renewable energy;

(b) Reasonably expected to increase access to the use of electricity as a transportation fuel;

(c) Designed to ensure system safety and reliability;

(d) (I) Reasonably expected to contribute to meeting air quality standards and reducing statewide emissions of greenhouse gases by forty percent below 2005 levels by 2030 and eighty percent below 2005 levels by 2050.

(II) This subsection (2)(d) is repealed, effective July 1, 2031.

(e) Reasonably expected to stimulate innovation, competition, and increased consumer choices in electric vehicle charging and related infrastructure and services; attract private capital investments; and utilize high-quality jobs and skilled worker training programs as defined in section 8-83-303;

(f) Transparent, incorporating public reporting requirements to inform design and commission policy; and

(g) Reasonably expected to provide access for low-income customers, in the totality of the utility’s transportation electrification programs, while giving due consideration to the impact on low-income customers.

SECTION 5. Safety clause. The general assembly hereby finds,
1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, and safety.".

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