

HB1064\_L.008

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB20-1064 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, add 40-4-120 as  
4 follows:

5 **40-4-120. Community choice in wholesale electric supply -**  
6 **investigation and analysis - duties of commission - reports - legislative**  
7 **declaration - definition - repeal. (1) Legislative declaration. (a) THE**  
8 GENERAL ASSEMBLY FINDS AND DETERMINES THAT:

9 (I) AT LEAST A DOZEN COMMUNITIES IN COLORADO, KNOWN AS  
10 THE "READY FOR 100" CITIES, HAVE COMMITTED TO OBTAINING ONE  
11 HUNDRED PERCENT RENEWABLE ENERGY BY 2025 TO 2035. IN ADDITION,  
12 AT LEAST TWO DOZEN COMMUNITIES, KNOWN AS "COLORADO  
13 COMMUNITIES FOR CLIMATE ACTION", HAVE ORGANIZED TO ADVOCATE  
14 FOR CLIMATE CHANGE SOLUTIONS. THESE COMMUNITIES, WHICH  
15 REPRESENT MORE THAN ONE MILLION COLORADANS, ARE EXPLORING  
16 WAYS TO REACH THEIR ENERGY AND CLIMATE GOALS WITHIN THEIR  
17 DESIRED TIME PERIODS.

18 (II) A KEY ELEMENT OF THE GOVERNOR'S POLICY INITIATIVE,  
19 ENTITLED "ROADMAP TO 100% RENEWABLE ENERGY BY 2040 AND BOLD  
20 CLIMATE ACTION", PRIORITIZES SUPPORTING LOCAL COMMITMENTS TO  
21 ONE HUNDRED PERCENT RENEWABLE ENERGY.

22 (III) THE ABILITY OF A COMMUNITY TO ACHIEVE ITS ENERGY  
23 GOALS IS CURRENTLY LIMITED BY THE ENERGY SUPPLY AND  
24 DECARBONIZATION TIMELINE OF THE ELECTRIC UTILITY THAT SERVES THAT  
25 COMMUNITY'S GEOGRAPHIC AREA. THE ABILITY TO PROCURE ELECTRICITY  
26 FROM ALTERNATIVE WHOLESALE SUPPLIERS MAY ENABLE COMMUNITIES  
27 TO ACHIEVE THEIR ENERGY GOALS SUBSTANTIALLY FASTER AND MORE  
28 COST-EFFECTIVELY.

29 (IV) COMMUNITY CHOICE ENERGY (CCE, ALSO COMMONLY  
30 KNOWN AS COMMUNITY CHOICE AGGREGATION OR CCA), IS A LOCAL  
31 ENERGY MODEL THAT HAS BEEN ADOPTED IN A NUMBER OF STATES AND  
32 HAS PROVEN TO BE EFFECTIVE IN HELPING COMMUNITIES ACHIEVE THEIR  
33 RENEWABLE ENERGY OR COST-CONTAINMENT GOALS, OR BOTH. THE  
34 STUDY OF CCE WOULD ANSWER KEY QUESTIONS AND ILLUMINATE THE  
35 POSSIBLE BENEFITS AND CHALLENGES OF ADAPTING THE CCE MODEL AS  
36 AN OPTION FOR COLORADO COMMUNITIES.

37 (V) IN THE CCE MODEL, COMMUNITIES THAT ARE SERVED BY AN  
38 INVESTOR-OWNED ELECTRIC UTILITY MAY CHOOSE THEIR WHOLESALE  
39 ELECTRICITY SUPPLIERS, WHILE THE ELECTRICITY CONTINUES TO BE  
40 DELIVERED BY THE INCUMBENT UTILITY. IN STATES THAT HAVE ENABLED  
41 CCE TO DATE, CCE IS NOT PERMITTED IN COMMUNITIES THAT ARE SERVED

1 BY A COOPERATIVE ELECTRIC ASSOCIATION OR A MUNICIPALLY OWNED  
2 ELECTRIC UTILITY.

3 (VI) IN THE CCE MODEL, AN INVESTOR-OWNED ELECTRIC UTILITY  
4 CONTINUES TO OWN AND OPERATE ITS TRANSMISSION AND DISTRIBUTION  
5 SYSTEM TO SERVE BOTH CCE CUSTOMERS AND ITS OWN CUSTOMERS, WITH  
6 APPROPRIATE COMPENSATION, AND THE UTILITY CONTINUES TO  
7 IMPLEMENT DEMAND-SIDE MANAGEMENT PROGRAMS, MANAGE CUSTOMER  
8 SERVICE, AND PROVIDE METERING AND BILLING SERVICES. THE UTILITY  
9 CONTINUES TO OWN ITS POWER GENERATION TO SERVE ITS OWN  
10 CUSTOMERS. IF A COMMUNITY CHOOSES TO ADOPT CCE, THE UTILITY  
11 WOULD DELIVER THE ELECTRICITY FROM ONE OR MORE ALTERNATIVE  
12 SUPPLIERS TO CCE CUSTOMERS.

13 (VII) THIS SECTION CONCERNS THE "WHOLESALE, OPT-OUT"  
14 MODEL OF CCE, PURSUANT TO WHICH INDIVIDUAL CUSTOMERS ARE  
15 AUTOMATICALLY ENROLLED AND RETAIN THE RIGHT TO OPT OUT OF THEIR  
16 COMMUNITY'S CCE OFFERINGS AND PURCHASE THEIR ELECTRICITY FROM  
17 THE UTILITY UNDER ITS TRADITIONAL "BUNDLED SERVICE". THE RETAIL  
18 MODEL OF CCE, IN WHICH INDIVIDUALS IN DEREGULATED "RETAIL  
19 CHOICE" STATES CAN SHOP FOR THEIR ELECTRICITY FROM AMONG MANY  
20 COMPETING SUPPLIERS, DOES NOT PROMOTE THE STABLE REVENUE  
21 CONDITIONS NEEDED FOR DEVELOPMENT OF HIGH LEVELS OF RENEWABLE  
22 ENERGY. THE RETAIL CCE MODEL IS EXPLICITLY NOT THE SUBJECT OF THIS  
23 SECTION.

24 (VIII) A WELL-DESIGNED WHOLESALE, OPT-OUT CCE PROGRAM  
25 WOULD INTRODUCE AN ELEMENT OF WHOLESALE COMPETITION AND  
26 COMMUNITY-LEVEL CHOICE INTO THE SUPPLY OF ELECTRICITY AND COULD  
27 PROVIDE COMMUNITIES THAT HAVE AMBITIOUS RENEWABLE ENERGY  
28 GOALS WITH A MEANS TO REACH THOSE GOALS MORE QUICKLY AND  
29 COST-EFFECTIVELY.

30 (IX) THIS SECTION PERTAINS ONLY TO THE STUDY OF CCE, NOT TO  
31 ITS IMPLEMENTATION. WHILE CCE IN OTHER STATES SHOWS THE  
32 POTENTIAL FOR COMMUNITIES TO MAKE LOCAL ENERGY DECISIONS, REACH  
33 THEIR ENERGY GOALS, REDUCE ENERGY COSTS, AND FOSTER LOCAL  
34 ECONOMIC DEVELOPMENT AND LOCAL EMPLOYMENT, IT IS PRUDENT TO  
35 FIRST STUDY THE FINANCIAL FEASIBILITY AND THE REGULATORY, LEGAL,  
36 AND ENVIRONMENTAL IMPLICATIONS OF CCE IN COLORADO BEFORE ANY  
37 CONSIDERATION OF ENABLING CCE AS AN OPTION FOR COMMUNITIES IN  
38 COLORADO.

39 (X) THE TWO INDEPENDENT STUDIES DESCRIBED IN THIS SECTION  
40 WILL ANSWER KEY QUESTIONS ABOUT THE POTENTIAL VIABILITY OF CCE  
41 IN COLORADO AND WILL IDENTIFY BEST PRACTICES AND LESSONS LEARNED  
42 FROM THE EXPERIENCES OF STATES THAT HAVE ALREADY IMPLEMENTED  
43 CCE. THE STUDIES WILL PROVIDE THE INFORMATION NEEDED TO

1 DETERMINE WHETHER CCE WOULD PROVIDE NET BENEFITS TO COLORADO  
2 COMMUNITIES.

3 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS IN  
4 THE PUBLIC INTEREST TO DIRECT THE COMMISSION TO EVALUATE THE  
5 VIABILITY OF THE WHOLESALE, OPT-OUT MODEL OF CCE IN COLORADO  
6 AND TO ANSWER KEY QUESTIONS ABOUT CCE IN COLORADO THROUGH  
7 TWO INVESTIGATIONS:

8 (I) BY OVERSEEING A THIRD-PARTY FINANCIAL FEASIBILITY STUDY;  
9 AND

10 (II) BY CONDUCTING ITS OWN INVESTIGATORY PROCEEDING USING  
11 THE MECHANISM OF AN INVESTIGATORY DOCKET TO STUDY REGULATORY  
12 AND LEGAL ISSUES.

13 (2) **Definition.** AS USED IN THIS SECTION, "COMMUNITY CHOICE  
14 ENERGY" OR "CCE" MEANS A MECHANISM THAT ALLOWS CITIES OR  
15 COUNTIES, OR GROUPS OF CITIES AND COUNTIES, TO COMBINE THEIR  
16 PURCHASING POWER AND CHOOSE ONE OR MORE ALTERNATIVE  
17 WHOLESALE ELECTRICITY SUPPLIERS ON BEHALF OF THE RESIDENTS,  
18 BUSINESSES, AND MUNICIPAL FACILITIES IN THE JURISDICTION WHILE THE  
19 INCUMBENT UTILITY MAINTAINS ITS EXISTING GENERATION AND  
20 CONTINUES TO OWN AND OPERATE ITS TRANSMISSION AND DISTRIBUTION  
21 SYSTEM AND DELIVER THE ELECTRICITY TO BOTH ITS OWN CUSTOMERS  
22 AND CCE CUSTOMERS.

23 (3) **Feasibility study.** (a) IN ACCORDANCE WITH THIS SUBSECTION  
24 (3), THE COMMISSION SHALL OVERSEE, AND REPORT TO THE GENERAL  
25 ASSEMBLY THE CONCLUSIONS OF, A STUDY ON THE FINANCIAL FEASIBILITY  
26 OF ALLOWING CCE IN COLORADO.

27 (b) THE COMMISSION SHALL:

28 (I) SELECT, THROUGH A TRANSPARENT AND COMPETITIVE  
29 SOLICITATION OVERSEEN DIRECTLY BY THE COMMISSIONERS AND ISSUED  
30 ON OR BEFORE SEPTEMBER 1, 2020, AN INDEPENDENT AND QUALIFIED  
31 AGENT TO PERFORM THE STUDY, USING SELECTION CRITERIA THAT ENSURE  
32 THE AGENT DOES NOT CARRY BIASES THAT ARE ESPECIALLY FAVORABLE  
33 OR UNFAVORABLE TO CCE OR TO INVESTOR-OWNED UTILITIES;

34 (II) DETERMINE THE SCOPE OF, AND SPECIFIC QUESTIONS TO BE  
35 ADDRESSED BY, THE STUDY, SUBJECT TO THE GUIDELINES SET FORTH IN  
36 THIS SUBSECTION (3);

37 (III) ACQUIRE THE DATA NECESSARY TO EFFECTIVELY CONDUCT  
38 THE STUDY FROM THE INVESTOR-OWNED ELECTRIC UTILITIES IN A TIMELY  
39 FASHION, UTILIZING CONFIDENTIALITY AND NONDISCLOSURE AGREEMENTS  
40 AS NEEDED; AND

41 (IV) REPORT THE PROCESS AND CONCLUSIONS OF THE FEASIBILITY  
42 STUDY, AS WELL AS THE CONCLUSIONS OF THE CONCURRENT  
43 INVESTIGATORY DOCKET SET FORTH IN SUBSECTION (4) OF THIS SECTION,

1 IN A FINAL REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE OF  
2 THE SENATE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE  
3 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON OR  
4 BEFORE JUNE 1, 2021.

5 (c) THE PURPOSE OF THE STUDY IS TO ASSESS FINANCIAL  
6 FEASIBILITY AND RISK, INCLUDING THE POTENTIAL FOR RATE  
7 COMPETITIVENESS, PRINCIPLES FOR CALCULATING THE AMOUNT AND  
8 DURATION OF ANY TRANSITION FEES, AND AN ESTIMATE OF SUCH FEES,  
9 ALSO KNOWN AS EXIT FEES, THAT COMMUNITIES FORMING A CCE  
10 AUTHORITY WOULD PAY TO OFFSET THEIR FAIR SHARE OF THE COSTS OF  
11 UTILITY ASSETS AND CONTRACTS THAT WERE PROCURED ON THEIR BEHALF  
12 AND PREVIOUSLY APPROVED. THE AGENT SHALL MAKE THESE  
13 ASSESSMENTS AND DEVELOP THESE PRINCIPLES USING INDUSTRY BEST  
14 PRACTICES AND ASSUMING A RANGE OF SCENARIOS THAT INCLUDE:

15 (I) THE LEVEL OF CCE PARTICIPATION IN COLORADO, INCLUDING  
16 THE NUMBER OF ELIGIBLE COMMUNITIES THAT CHOOSE TO FORM OR JOIN  
17 A CCE AUTHORITY AND THE ASSUMED OPT-OUT RATE OF THEIR  
18 CUSTOMERS, TO EVALUATE THE MARKET SCALE AND REVENUE  
19 GENERATION NEEDED FOR CCE TO SUCCEED IN COLORADO;

20 (II) FACTORS TO BE INCLUDED IN THE EXIT FEE CONSIDERATION,  
21 INCLUDING THE AGE AND TIME OF SERVICE COMMENCEMENT OF  
22 GENERATION ASSETS AND EXISTING CONTRACTS; AND

23 (III) RATE ANALYSIS TO DETERMINE THE POTENTIAL FOR CCE TO  
24 BE COST-COMPETITIVE IN COLORADO, ASSUMING DIFFERENT LEVELS OF  
25 RENEWABLE ENERGY CONTENT THAT CORRESPOND TO THE RENEWABLE  
26 ENERGY STANDARD SPECIFIED IN SECTION 40-2-124 AS WELL AS  
27 SCENARIOS EXCEEDING STATE REQUIREMENTS, INCLUDING ONE HUNDRED  
28 PERCENT RENEWABLE ENERGY, AND CONSIDERATION OF REASONABLY  
29 ANTICIPATED TRENDS AND CONTINGENCIES AFFECTING THE PRICES OF  
30 FOSSIL FUELS AND RENEWABLE ENERGY RESOURCES AND THE MIX OF NEW  
31 RENEWABLE ENERGY RESOURCES VERSUS RENEWABLE ENERGY  
32 CERTIFICATES.

33 (d) THE SCOPE OF THE STUDY IS LIMITED TO CONSIDERATION OF  
34 THE FEASIBILITY OF ALLOWING CCE IN AREAS NOT CURRENTLY SERVED BY  
35 MUNICIPALLY OWNED ELECTRIC UTILITIES OR COOPERATIVE ELECTRIC  
36 ASSOCIATIONS.

37 (4) **Investigatory docket.** (a) ON OR BEFORE SEPTEMBER 1, 2020,  
38 AND IN ACCORDANCE WITH THIS SUBSECTION (4), THE COMMISSION SHALL  
39 OPEN AN INVESTIGATORY DOCKET TO ACCEPT TESTIMONY AND  
40 DOCUMENTATION FROM STAKEHOLDERS, INDEPENDENT ENERGY AND  
41 UTILITY EXPERTS, REGULATORS FROM STATES IN WHICH CCE HAS BEEN  
42 IMPLEMENTED OR IS UNDER CONSIDERATION, REPRESENTATIVES OF  
43 OPERATIONAL CCE AUTHORITIES, AND OTHER INTERESTED PARTIES. THE

1 GOAL OF THE PROCEEDING IS TO CONSIDER THE REGULATORY  
2 IMPLICATIONS AND LEGAL IMPACTS OF POSSIBLE FUTURE CCE-ENABLING  
3 LEGISLATION AND PROVIDE RECOMMENDATIONS TO THE GENERAL  
4 ASSEMBLY. CONCLUSIONS SHOULD INCLUDE BEST PRACTICES AND LESSONS  
5 LEARNED FROM STATES THAT HAVE ENABLED CCE AT THE WHOLESALE  
6 LEVEL. THE COMMISSION SHALL EMPLOY PROCEDURES THAT PROMOTE A  
7 PRODUCTIVE, EFFECTIVE, AND EVIDENCE-BASED PROCESS.

8 (b) THE COMMISSION SHALL SOLICIT INPUT FROM A BROAD AND  
9 INCLUSIVE RANGE OF STAKEHOLDERS AND PRESENTERS TO ENSURE THAT  
10 THE PROCESS IS NOT DOMINATED BY ANY ONE GROUP OR VIEWPOINT.  
11 STAKEHOLDERS AND PRESENTERS MAY INCLUDE:

12 (I) COMMUNITIES WITH DECLARED GOALS REGARDING CARBON  
13 EMISSIONS OR ENERGY SUPPLY CHOICES;

14 (II) BUSINESS GROUPS;

15 (III) ENVIRONMENTAL ADVOCATES;

16 (IV) CONSUMER ADVOCATES;

17 (V) ELECTRIC UTILITIES, INCLUDING INVESTOR-OWNED ELECTRIC  
18 UTILITIES, MUNICIPALLY OWNED ELECTRIC UTILITIES, AND COOPERATIVE  
19 ELECTRIC ASSOCIATIONS;

20 (VI) INDEPENDENT POWER PRODUCERS;

21 (VII) POWER MARKETERS;

22 (VIII) RENEWABLE ENERGY DEVELOPERS;

23 (IX) CONSULTANTS OR OTHER EXPERTS IN ENERGY PROJECT  
24 FINANCING;

25 (X) CONSULTANTS OR OTHER EXPERTS IN ENERGY EFFICIENCY AND  
26 DISTRIBUTED ENERGY RESOURCES;

27 (XI) REPRESENTATIVES OF OPERATIONAL CCE AUTHORITIES THAT  
28 USE THE WHOLESALE CCE MODEL; AND

29 (XII) MEMBERS OF THE GENERAL PUBLIC.

30 (c) THE TOPICS AND QUESTIONS TO BE EXPLORED IN THE DOCKET  
31 MAY INCLUDE:

32 (I) WHETHER THE COMMISSION WOULD REQUIRE ADDITIONAL  
33 STATUTORY AUTHORITY TO CONDUCT A RULE-MAKING PROCEEDING  
34 CONCERNING THE CREATION OF CCE AUTHORITIES IN COLORADO;

35 (II) THE APPROPRIATE SCOPE OF REGULATORY OVERSIGHT OF CCE  
36 OPERATIONS, ON A SCALE RANGING FROM COMPREHENSIVE AS WITH  
37 INVESTOR-OWNED ELECTRIC UTILITIES TO MINIMAL AS WITH MUNICIPALLY  
38 OWNED ELECTRIC UTILITIES;

39 (III) WHICH ASPECTS, IF ANY, OF CURRENT OR ANTICIPATED  
40 INVESTOR-OWNED ELECTRIC UTILITY REGULATION BY THE COMMISSION  
41 SHOULD APPLY TO CCE AUTHORITIES AS WELL, AND TO WHAT EXTENT,  
42 INCLUDING REGULATION IN THE AREAS OF:

43 (A) RESOURCE ADEQUACY PLANNING;

- 1 (B) ASSURANCE OF RELIABILITY AND HOW THIS IS PAID FOR;
- 2 (C) COMPLIANCE WITH RENEWABLE ENERGY STANDARDS AND  
3 EMISSIONS REDUCTION TARGETS;
- 4 (D) SUPPLEMENTAL DEMAND-SIDE MANAGEMENT PROGRAMS  
5 OFFERED BY CCE AUTHORITIES;
- 6 (E) TIME-OF-USE RATES OR OTHER RATE REQUIREMENTS IF  
7 MANDATED FOR INVESTOR-OWNED ELECTRIC UTILITIES; AND
- 8 (F) STANDARDS FOR REQUESTS FOR PROPOSALS;
- 9 (IV) THE APPROPRIATE CONSIDERATIONS FOR ESTABLISHING  
10 REASONABLE EXIT FEES AT A LEVEL THAT PROVIDES COST RECOVERY FOR  
11 STRANDED INVESTOR-OWNED ELECTRIC UTILITY ASSETS AND CONTRACTS  
12 AND DIRECT TRANSITION COSTS, AND THAT PROTECTS NON-CCE  
13 CUSTOMERS, BUT DOES NOT UNDULY BURDEN CCE CUSTOMERS,  
14 INCLUDING THE POTENTIAL FOR EXIT FEES TO VARY OVER TIME OR BY  
15 LOCATION, THE ESTABLISHMENT OF A SPECIFIC EXPIRATION PERIOD FOR  
16 EXIT FEES, MEASURES TO MITIGATE EXIT FEES THROUGH POTENTIAL  
17 CONTRACT TRANSFER OR RESALE TO CCE AUTHORITIES OR OTHER BUYERS,  
18 AND APPROPRIATE FORECASTING OF DEPARTING LOAD TO AVOID  
19 OVER-PROCUREMENT;
- 20 (V) THE APPROPRIATE CONDITIONS, LIMITATIONS, AND  
21 PROCEDURES UNDER WHICH CUSTOMERS MAY OPT OUT OF CCE AND  
22 RECEIVE BUNDLED SERVICE FROM THE INCUMBENT INVESTOR-OWNED  
23 ELECTRIC UTILITY;
- 24 (VI) WHETHER ANY OTHER CONSUMER PROTECTIONS WOULD BE  
25 REQUIRED AND THE MEANS OF PROVIDING THOSE PROTECTIONS;
- 26 (VII) POTENTIAL CHALLENGES FOR CCE START-UP OR CONTINUING  
27 OPERATIONS, INCLUDING THE AVAILABILITY OF FINANCING AND CREDIT  
28 RATING CONSIDERATIONS, AND STRATEGIES TO OVERCOME THOSE  
29 CHALLENGES;
- 30 (VIII) WHAT REGULATORY AND LEGAL ISSUES HAVE ARISEN IN  
31 OTHER STATES THAT HAVE ADOPTED THE WHOLESALE, OPT-OUT MODEL OF  
32 CCE AND POSSIBLE SOLUTIONS FOR THOSE ISSUES;
- 33 (IX) WHETHER AN INVESTOR-OWNED ELECTRIC UTILITY THAT  
34 REMAINS THE SOLE PROVIDER OF DISTRIBUTION, TRANSMISSION, AND  
35 OTHER SERVICES TRADITIONALLY PROVIDED BY THE UTILITY, SUCH AS  
36 METERING AND BILLING, SHOULD ALSO BE THE PROVIDER OF LAST RESORT  
37 FOR SUPPLYING ELECTRICITY TO CUSTOMERS WHO OPT OUT OF CCE;
- 38 (X) THE APPROPRIATE PROCESS FOR APPROVAL OF CCE ON BEHALF  
39 OF CUSTOMERS WITHIN A JURISDICTION;
- 40 (XI) WHETHER CCE AUTHORITIES SHOULD BE ALLOWED TO OFFER  
41 DEMAND-SIDE MANAGEMENT PROGRAMS THAT EITHER EXPAND UPON OR  
42 REPLACE SUCH PROGRAMS OFFERED BY THE INCUMBENT INVESTOR-OWNED  
43 ELECTRIC UTILITY;

- 1 (XII) REGULATORY AND POLICY CONSIDERATIONS RELATED TO  
2 FORMING CCE AUTHORITIES IN A STATE THAT DOES NOT CURRENTLY  
3 BELONG TO A REGIONAL TRANSMISSION ORGANIZATION OR PARTICIPATE  
4 IN A WHOLESALE ELECTRICITY MARKET, AND POSSIBLE SOLUTIONS,  
5 INCLUDING CONSIDERATIONS IN THE AREAS OF:
- 6 (A) WHETHER LEGISLATION SHOULD BE ADOPTED TO GUARANTEE  
7 OPEN ACCESS AND FAIR PRICES FOR TRANSMISSION SERVICES;
- 8 (B) RECOMMENDATIONS FOR LEGISLATIVE OR ADMINISTRATIVE  
9 MEASURES, OR BOTH, CONCERNING WHOLESALE MARKET ACCESS AND  
10 DEVELOPMENT IN COLORADO;
- 11 (C) WHETHER THERE ARE OTHER LEGISLATIVE AND REGULATORY  
12 MODIFICATIONS NECESSARY TO SUCCESSFULLY IMPLEMENT CCE IN  
13 COLORADO;
- 14 (XIII) WHAT, IF ANY, MINIMUM REQUIREMENTS AND STANDARDS  
15 SHOULD APPLY TO INDEPENDENT POWER PRODUCERS AND POWER  
16 MARKETERS WHO WISH TO SUPPLY ENERGY TO A CCE AUTHORITY;
- 17 (XIV) WHAT, IF ANY, DATA-SHARING REQUIREMENTS SHOULD BE  
18 IMPOSED ON INVESTOR-OWNED ELECTRIC UTILITIES TO HELP ENSURE THAT  
19 A CCE AUTHORITY OR A JURISDICTION INVESTIGATING WHETHER TO FORM  
20 OR JOIN A CCE AUTHORITY CAN REASONABLY EVALUATE ITS FINANCIAL  
21 AND TECHNICAL VIABILITY AND IMPLEMENT ITS CCE PROGRAM;
- 22 (XV) HOW CCE MIGHT FACILITATE OR IMPEDE INCREASED  
23 INTEGRATION OF DISTRIBUTED ENERGY RESOURCES, SUCH AS ROOFTOP  
24 SOLAR, COMMUNITY SOLAR, AND BATTERY ENERGY STORAGE INTO  
25 DISTRIBUTION SYSTEMS, AND FACILITATE OR IMPEDE INCREASED  
26 INVESTMENT IN BENEFICIAL ELECTRIFICATION INCLUDING  
27 ELECTRIFICATION OF TRANSPORT;
- 28 (XVI) THE APPROPRIATE CONSIDERATIONS FOR ENSURING THAT  
29 THE IMPLEMENTATION OF CCE DOES NOT INCLUDE CUSTOMERS IN THE  
30 CERTIFICATED TERRITORIES OF MUNICIPALLY OWNED ELECTRIC UTILITIES  
31 OR COOPERATIVE ELECTRIC ASSOCIATIONS;
- 32 (XVII) THE IMPACT OF ALLOWING CCE IN COLORADO ON THE  
33 ABILITY OF COLORADO TO REACH ITS CLEAN ENERGY AND GREENHOUSE  
34 GAS REDUCTION GOALS AND WHAT LEGISLATIVE AND REGULATORY  
35 REQUIREMENTS FOR CCE WOULD BE NEEDED TO FACILITATE REACHING  
36 THOSE GOALS;
- 37 (XVIII) THE IMPACT, BOTH POSITIVE AND NEGATIVE, OF CCE IN  
38 COMMUNITIES THAT HAVE FORMED OR JOINED A CCE AUTHORITY IN  
39 STATES THAT HAVE ENABLED THE WHOLESALE, OPT-OUT MODEL OF CCE;
- 40 (XIX) THE IMPACT OF CCE ON LOW-INCOME CUSTOMERS,  
41 INCLUDING THE AVAILABILITY OF LOW-INCOME PROGRAMS OFFERED  
42 THROUGH THE INVESTOR-OWNED ELECTRIC UTILITY TO CCE CUSTOMERS  
43 AND THE ABILITY OF CCE AUTHORITIES TO ESTABLISH ADDITIONAL

1 PROGRAMS TO ASSIST LOW-INCOME CUSTOMERS; AND  
2 (XX) THE RISKS A CCE AUTHORITY MIGHT FACE THAT MERIT  
3 CONSIDERATION, SUCH AS RESOURCE PRICE RISKS, CONTRACT RISKS, OR  
4 LOAD DEFECTION, AND THEIR SIGNIFICANCE.

5 (d) **Report.** THE COMMISSION SHALL SUMMARIZE ITS FINDINGS,  
6 CONCLUSIONS, AND RECOMMENDATIONS FROM THE INVESTIGATORY  
7 DOCKET AND FROM THE CONCURRENT FEASIBILITY STUDY REQUIRED IN  
8 SUBSECTION (3) OF THIS SECTION IN A FINAL REPORT TO THE  
9 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE  
10 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF  
11 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES. THE COMMISSION  
12 SHALL SUBMIT THE REPORT ON OR BEFORE JUNE 1, 2021.  
13 RECOMMENDATIONS MAY BE SPLIT INTO MAJORITY VIEWS AND DISSENTING  
14 VIEWS IF NECESSARY.

15 (5) **Repeal.** THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1,  
16 2023.

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

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