

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government.

SB20-128 be amended as follows:

1 Amend printed bill, page 9, after line 11 insert:

2 "SECTION 4. In Colorado Revised Statutes, 40-15-604, **amend**
3 (1) as follows:

4 **40-15-604. Electric utility obligations.** (1) (a) An electric utility
5 OR A GENERATION AND TRANSMISSION COOPERATIVE that exercises any
6 rights under section 40-15-602 (1)(a) or (1)(b) for the provision of
7 commercial broadband service shall:

8 (a) (I) Not discriminate among commercial broadband suppliers,
9 including broadband affiliates, THAT, AT THE TIME RIGHTS ARE BEING
10 EXERCISED UNDER SECTIONS 40-15-602 (1)(a) OR (1)(b), OFFER
11 BROADBAND SERVICE IN COLORADO, in offering or granting rights to
12 install or attach any attached facilities; or

13 (b) (II) Charge fees that are nondiscriminatory among commercial
14 broadband suppliers THAT, AT THE TIME RIGHTS ARE BEING EXERCISED
15 UNDER SECTIONS 40-15-602 (1)(a) OR (1)(b), OFFER BROADBAND SERVICE
16 IN COLORADO, for a substantially similar lease or use of the capacity of
17 attached facilities SOLELY owned ~~or controlled~~ by the electric utility OR
18 GENERATION AND TRANSMISSION COOPERATIVE, but only to the extent an
19 electric utility OR GENERATION AND TRANSMISSION COOPERATIVE THAT
20 DIRECTLY EXERCISED ITS RIGHTS UNDER SECTION 40-15-602 (1)(b)
21 chooses, in its sole discretion, to offer the lease or use to a particular
22 commercial broadband supplier. IT IS NOT DISCRIMINATORY UNDER THIS
23 SUBSECTION (1)(a) FOR AN ELECTRIC UTILITY OR GENERATION AND
24 TRANSMISSION COOPERATIVE TO HAVE DIFFERENT FEES BASED UPON
25 DIFFERENT ROUTES, DIFFERENT TERMS OF THE LEASE, OR DIFFERENT
26 VOLTAGE OF ELECTRIC SERVICE INFRASTRUCTURE OR BASED ON THE
27 AMOUNT OF EXCESS CAPACITY OF ATTACHED FACILITIES THAT IS STILL
28 AVAILABLE; TO CHANGE ITS FEE OVER TIME; OR TO DETERMINE, IN ITS SOLE
29 DISCRETION, THAT NO ADDITIONAL EXCESS CAPACITY IS AVAILABLE.

30 (b) SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY TO
31 CONTRACTS OR AGREEMENTS ALREADY IN EXISTENCE AT THE TIME OF THE
32 EFFECTIVE DATE OF THIS SUBSECTION (1)(b)."

33 Renumber succeeding sections accordingly.

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