

**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.**

# An Act

SENATE BILL 15-046

BY SENATOR(S) Grantham, Aguilar, Baumgardner, Carroll, Cooke, Crowder, Donovan, Garcia, Guzman, Heath, Hodge, Jahn, Johnston, Kefalas, Lambert, Lundberg, Marble, Martinez Humenik, Merrifield, Newell, Roberts, Scheffel, Scott, Sonnenberg, Todd, Ulibarri, Woods, Cadman;

also REPRESENTATIVE(S) Moreno, Arndt, Becker J., Becker K., Brown, Conti, Coram, Duran, Esgar, Garnett, Ginal, Hamner, Klingenschmitt, Lebsock, Lee, Lontine, Melton, Mitsch Bush, Pabon, Pettersen, Priola, Ransom, Saine, Salazar, Tate, Thurlow, Willett, Williams, Wilson, Windholz, Winter, Young, Hullinghorst.

CONCERNING REDUCING THE COST OF ATTAINMENT OF RENEWABLE ENERGY STANDARDS BY ELECTRIC UTILITIES THAT ARE NOT INVESTOR-OWNED, AND, IN CONNECTION THEREWITH, ALLOWING PURCHASES OF ELECTRICITY FROM COMMUNITY SOLAR GARDENS BY COOPERATIVE ELECTRIC ASSOCIATIONS TO QUALIFY AS RETAIL DISTRIBUTED GENERATION.

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

**SECTION 1.** In Colorado Revised Statutes, 40-2-124, **amend** (1) (c) (II) (A); and **add** (1) (c) (II) (A.5) as follows:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**40-2-124. Renewable energy standards - qualifying retail and wholesale utilities - definitions - net metering - legislative declaration.**

(1) Each provider of retail electric service in the state of Colorado, other than municipally owned utilities that serve forty thousand customers or fewer, is a qualifying retail utility. Each qualifying retail utility, with the exception of cooperative electric associations that have voted to exempt themselves from commission jurisdiction pursuant to section 40-9.5-104 and municipally owned utilities, is subject to the rules established under this article by the commission. No additional regulatory authority is provided to the commission other than that specifically contained in this section. In accordance with article 4 of title 24, C.R.S., the commission shall revise or clarify existing rules to establish the following:

(c) Electric resource standards:

(II) (A) Of the amounts of distributed generation in sub-subparagraphs (C), (D), and (E) of subparagraph (I), sub-subparagraph (D) of subparagraph (V), and subparagraph (V.5) of this paragraph (c), at least one-half must be derived from retail distributed generation; except that this sub-subparagraph (A) does not apply to a qualifying retail utility that is a municipal utility.

(A.5) NOTWITHSTANDING SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (II), A QUALIFYING RETAIL UTILITY THAT IS A COOPERATIVE ELECTRIC ASSOCIATION MAY SUBTRACT INDUSTRIAL RETAIL SALES FROM TOTAL RETAIL SALES IN CALCULATING ITS MINIMUM RETAIL DISTRIBUTED GENERATION REQUIREMENT.

**SECTION 2.** In Colorado Revised Statutes, 40-2-127, **add** (2) (b) (I) (C) as follows:

**40-2-127. Community energy funds - community solar gardens - definitions - rules - legislative declaration.** (2) **Definitions.** As used in this section, unless the context otherwise requires:

(b) In addition:

(I) (C) NOTWITHSTANDING ANY PROVISION OF THIS SECTION OR SECTION 40-2-124 TO THE CONTRARY, A COMMUNITY SOLAR GARDEN CONSTITUTES RETAIL DISTRIBUTED GENERATION FOR PURPOSES OF A

COOPERATIVE ELECTRIC ASSOCIATION'S COMPLIANCE WITH THE APPLICABLE RENEWABLE ENERGY STANDARD UNDER SECTION 40-2-124.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Bill L. Cadman  
PRESIDENT OF  
THE SENATE

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Dickey Lee Hullinghorst  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO