

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0544.01 Duane Gall x4335

HOUSE BILL 14-1138

HOUSE SPONSORSHIP

Humphrey and Saine, Priola, Buck, Coram, Joshi, Lawrence

SENATE SPONSORSHIP

Tochtrop, Grantham, Rivera, Herpin, Marble

House Committees

Transportation & Energy
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE EXPANSION OF THE TYPES OF HYDROELECTRICITY**
102 **AMONG THE ELIGIBLE ENERGY RESOURCES UNDER COLORADO'S**
103 **RENEWABLE ENERGY STANDARD.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill amends the definition of "renewable energy resources" that can be used to meet the state's renewable energy standard to include hydroelectricity and pumped hydroelectricity.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-124, **amend** (1)
3 (a) (VII); and **add** (1) (a) (IV.5) and (1) (a) (IV.7) as follows:

4 **40-2-124. Renewable energy standards - qualifying retail and**
5 **wholesale utilities - definitions - net metering - legislative declaration.**

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

16 (a) Definitions of eligible energy resources that can be used to
17 meet the standards. "Eligible energy resources" means recycled energy
18 and renewable energy resources. In addition, resources using coal mine
19 methane and synthetic gas produced by pyrolysis of municipal solid waste
20 are eligible energy resources if the commission determines that the
21 electricity generated by those resources is greenhouse gas neutral. The
22 commission shall determine, following an evidentiary hearing, the extent
23 to which such electric generation technologies utilized in an optional
24 pricing program may be used to comply with this standard. A fuel cell
25 using hydrogen derived from an eligible energy resource is also an
26 eligible electric generation technology. Fossil and nuclear fuels and their

1 derivatives are not eligible energy resources. For purposes of this section:

2 (IV.5) "HYDROELECTRICITY" MEANS THE GENERATION AND
3 DELIVERY TO THE INTERCONNECTION METER OF ANY SOURCE OF
4 ELECTRICAL OR MECHANICAL ENERGY BY HARNESSING THE KINETIC
5 ENERGY OF WATER.

6 (IV.7) "PUMPED HYDROELECTRICITY" MEANS HYDROELECTRICITY
7 GENERATED DURING PERIODS OF HIGH ELECTRICAL DEMAND FROM WATER
8 THAT HAS BEEN PUMPED DURING PERIODS OF LOW ELECTRICAL DEMAND
9 FROM A LOWER-ELEVATION RESERVOIR TO A HIGHER-ELEVATION
10 RESERVOIR.

11 (VII) "Renewable energy resources" means solar, wind,
12 geothermal, biomass, ~~new hydroelectricity with a nameplate rating of ten~~
13 ~~megawatts or less, and hydroelectricity in existence on January 1, 2005,~~
14 ~~with a nameplate rating of thirty megawatts or less~~ PUMPED
15 HYDROELECTRICITY, AND HYDROELECTRICITY.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2014 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.