

Please Support HB20-1225 (Rep. Weissman)
Clarifying PUC Jurisdiction To Hear Cooperative Electric Assn. Complaints

Purpose

- Affirm and clarify existing PUC jurisdiction to adjudicate a complaint by a retail electric coop against a wholesale electric coop over certain charges.

Why?

- Retail electric coops have an obligation to provide low-cost, reliable power to their customers. Some retail electric coops have been exploring alternate, less expensive wholesale power arrangements for the sake of their customers' utility bills.
- Where a complaint arises out these negotiations, it's in ratepayers' interest to have a speedy resolution here in Colorado – rather than having a jurisdictional gap or waiting for FERC in DC to decide the issue.

Current law

- Colorado Constitution Article XXV broadly vests jurisdiction in the Colorado PUC
- Since 1913, Colorado Public Utilities Law – Title 40 Articles 1-7 – has broadly empowered the Colorado PUC to “prevent unjust...rates, charges, and tariffs”
- Colorado PUC has found that it does have jurisdiction to hear complaints of this nature (Proceeding No. 18F-0866E; Decision No. C19-0297-I)

What the bill does

- § 1 – legislative declaration
- § 2 – definition – “charge” includes but is not limited to costs associated with a retail coop terminating a wholesale contract with a wholesale coop
- § 3 – prohibition on unjust or unreasonable charges by a wholesale coop against a retail coop in connection with connecting an “energy storage system”
- § 4 – safety clause – because there are near-term disputes and potential disputes which if not resolved could cost retail coop ratepayers money

What the bill does not do

- Impact any investor-owned utility
- Impact any municipal utility
- Impact the relationship between an investor-owned utility and an electric coop
- Assert generalized PUC jurisdiction over electric coop rates
- Pre-determine the appropriate amount of any payment between a wholesale electric coop and a retail electric coop