

Be it Enacted by the People of the State of Colorado:

SECTION 1. Short Title. Section 40-2-128 shall be known and may be cited as **The "Consumer Choice in Clean Energy Act."**

SECTION 2. Legislative declaration. The addition of section 40-2-128, C.R.S., is intended to allow cities and counties the choice of renewable energy for their residents, if their retail electricity provider opts out of providing renewable energy as required by section 40-2-124, Colorado Revised Statutes.

SECTION 3. Article 2 of Title 40, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

40-2-128. Renewable energy – petition –rates. (1) If, pursuant to any present or future provision of this article, a qualifying retail utility votes itself out of the renewable energy requirements of section 40-2-124, cities and counties at the discretion of their governing bodies or through a citizen initiative, in the case of home rule cities, may petition the commission to request that residents of their jurisdictions be covered by the requirements of the renewable energy standard.

(2) Upon receiving the petition, the commission shall require the retail utility to submit a resource acquisition plan for the jurisdiction requesting inclusion in the renewable energy standard.

(3) The commission will approve a separate tariff for the jurisdiction or subdivision that has petitioned to be included in the renewable energy requirements of section 40-2-124. In addition, the commission shall maintain the responsibility to ensure just, reasonable, and nondiscriminatory rates.

(4) If the qualifying retail utility has been exempted from the jurisdiction of the commission pursuant to section 40-9.5-104, the commission shall regulate the rates of the qualifying retail utility to ensure equitable rates until such time as the requirements of section 40-2-124 are met for the jurisdiction that petitioned to be covered by the requirements of section 40-2-124.

SECTION 4. Severability. If any provision of this article or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

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Colorado Secretary of State

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