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

Colorado Secretary of State

SECTION 1. Legislative declaration: The addition of section 40-2-128, C.R.S., is intended to allow communities the opportunity to choose clean renewable energy resources by vote of utility customers.

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

40-2-128. Procedure for election. (1) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE "COMMUNITY CLEAN ENERGY CHOICE ACT."

(2) ANY COOPERATIVE ELECTRIC ASSOCIATION OR MUNICIPALLY OWNED UTILITY SHALL, BY THE AFFIRMATIVE VOTE OF ITS CUSTOMERS OR MEMBERS CASTING BALLOTS, INCREASE THE PERCENTAGE OF THEIR RETAIL ELECTRICITY SALES FROM RENEWABLE ENERGY RESOURCES AS THAT TERM IS DEFINED IN SECTION 40-2-124 (1) (a).

(3) ANY COOPERATIVE ELECTRIC ASSOCIATION OR MUNICIPALLY OWNED UTILITY SHALL CONDUCT AN ELECTION, TO BE OPEN TO THE PUBLIC AND SUPERVISED BY THE COLORADO PUBLIC UTILITIES COMMISSION, AT WHICH THE MEMBERS OF THE COOPERATIVE ELECTRIC ASSOCIATION OR THE CUSTOMERS OF RECORD OF THE MUNICIPALLY OWNED UTILITY MAY VOTE TO INCREASE THE PERCENTAGE OF THEIR RETAIL ELECTRICITY SALES FROM RENEWABLE ENERGY RESOURCES IF:

(a) THE BOARD OF DIRECTORS OR GOVERNING BOARD OF A COOPERATIVE ELECTRIC ASSOCIATION OR MUNICIPALLY OWNED UTILITY PASSES A RESOLUTION OR MOTION TO HOLD AN ELECTION SEEKING AN INCREASE IN THE PERCENTAGE OF RENEWABLE ENERGY RESOURCES; OR

(b) FIVE PERCENT OF THE CUSTOMERS OF RECORD OF A MUNICIPALLY OWNED UTILITY OR FIVE PERCENT OF THE MEMBERS OF A COOPERATIVE ELECTRIC ASSOCIATION SIGN A PETITION REQUESTING AN ELECTION SEEKING AN INCREASE IN THE PERCENTAGE OF RENEWABLE ENERGY RESOURCES.

(4) **Petition requirements.** (a) EACH PETITION SHALL INCLUDE THE NAME OF AT LEAST ONE PROPONENT.

(b) EACH PETITION SHALL CONTAIN:

(I) THE PROPOSED QUESTION REGARDING RENEWABLE ENERGY RESOURCES AS DETERMINED BY THE PROPONENT OR PROPONENTS;

(II) A STATEMENT THAT ONLY CUSTOMERS OF RECORD OF THE MUNICIPALLY OWNED UTILITY OR MEMBERS OF THE COOPERATIVE ELECTRIC ASSOCIATION MAY SIGN THE PETITION; AND

(III) THE NAME, SIGNATURE, ADDRESS, AND DATE OF EACH PERSON SIGNING THE PETITION.

(5) **Duties of the municipally owned utility or cooperative electric association.** (a)

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THE MUNICIPALLY OWNED UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION SHALL REVIEW THE PETITIONS TO DETERMINE THE SUFFICIENCY OF SIGNATURES WITHIN FIFTEEN DAYS OF RECEIPT OF SUCH PETITIONS AND SHALL NOT INVALIDATE SIGNATURES WITHOUT CAUSE. THE MUNICIPALLY OWNED UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION SHALL MAKE THE SIGNED PETITIONS AVAILABLE FOR PUBLIC REVIEW IMMEDIATELY UPON COMPLETION OF THE DETERMINATION OF SUFFICIENCY.

(b) IN REVIEWING SIGNATURES, SUBSTANTIAL COMPLIANCE SHALL BE ALL THAT IS NECESSARY FOR APPROVAL OF SIGNATURES.

(c) PROPONENTS MAY SUBMIT SIGNATURES AT ANY TIME.

(d) ANY DECISION BY THE MUNICIPALLY OWNED UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION REGARDING THE VALIDITY OR INVALIDITY OF PETITION SIGNATURES SHALL BE REVIEWED AND CONCLUSIVELY DETERMINED BY THE PUBLIC UTILITIES COMMISSION UPON APPLICATION OF ANY PROPONENT.

(6) Conduct of elections. (a) THE MUNICIPALLY OWNED UTILITY OR COOPERATIVE ELECTRIC ASSOCIATION SHALL CONDUCT AN ELECTION, TO BE SUPERVISED BY THE COLORADO PUBLIC UTILITIES COMMISSION AND IN A MANNER APPROVED BY THE COLORADO PUBLIC UTILITIES COMMISSION, WITHIN NO LESS THAN THIRTY DAYS AND NO MORE THAN SIXTY DAYS FOLLOWING PASSAGE OF A RESOLUTION OR MOTION TO HOLD AN ELECTION OR FINAL DETERMINATION OF SUFFICIENCY OF PETITIONS SIGNED BY CUSTOMERS OR MEMBERS.

(b) THE INCREASE IN THE PERCENTAGE OF THE APPROVED RETAIL ELECTRICITY SALES FROM RENEWABLE ENERGY RESOURCES SHALL TAKE EFFECT UPON THE MAJORITY VOTE OF ELIGIBLE BALLOTS CAST IN THE ELECTION.

SECTION 3: 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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