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**COMMUNITY CLEAN ENERGY CHOICE ACT**

Colorado Secretary of State

LEGISLATIVE DECLARATION: TO ALLOW COMMUNITIES THE OPPORTUNITY TO CHOOSE CLEAN RENEWABLE ENERGY RESOURCES BY VOTE OF UTILITY CUSTOMERS.

*BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:*

**SECTION 1: ARTICLE 2 OF TITLE 40 OF THE COLORADO REVISED STATUTES IS AMENDED BY THE ADDITION OF THE FOLLOWING SECTION:**

**40-2-128 PROCEDURE FOR ELECTION**

- (1) 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 SOURCES.
- (2) ANY COOPERATIVE ELECTRIC ASSOCIATION OR MUNICIPALLY OWNED UTILITY MUST CONDUCT AN ELECTION, TO BE OPEN TO THE PUBLIC AND SUPERVISED BY THE COLORADO PUBLIC UTILITY COMMISSION, AT WHICH IT'S MEMBERS OR CUSTOMERS MAY VOTE TO INCREASE THE PERCENTAGE OF THEIR RETAIL ELECTRICITY SALES FROM RENEWABLE SOURCES IF:
  - A. IT'S BOARD OF DIRECTORS OR GOVERNING BOARD PASSES A RESOLUTION OR MOTION TO HOLD AN ELECTION SEEKING AN INCREASE IN THE PERCENTAGE OF RENEWABLE RESOURCES; OR
  - B. FIVE PERCENT OF ITS CUSTOMERS OR MEMBERS SIGN A PETITION REQUESTING AN ELECTION SEEKING AN INCREASE IN THE PERCENTAGE OF RENEWABLE RESOURCES.
- (3) PETITION REQUIREMENTS
  - A. EACH PETITION SHALL INCLUDE THE NAME OF AT LEAST ONE PROPONENT.
    - I. EACH PETITION SHALL CONTAIN:
      1. THE PROPOSED QUESTION REGARDING RENEWABLE RESOURCES AS DETERMINED BY THE PROPONENT(S)
      2. A STATEMENT THAT ONLY CUSTOMERS OR MEMBERS OF THE UTILITY OR ASSOCIATION MAY SIGN THE PETITION.
      3. EVERY SIGNER MUST INCLUDE THEIR NAME, SIGNATURE, ADDRESS AND DATE OF SIGNATURE
    - II. DUTIES OF THE UTILITY OR ASSOCIATION
      1. THE UTILITY OR ASSOCIATION MUST REVIEW ALL SIGNATURES TO DETERMINE THE SIGNERS' ELIGIBILITY, BUT MAY NOT INVALIDATE SIGNATURES WITHOUT CAUSE AND MUST PRESENT SIGNATURE FOR PUBLIC REVIEW.
      2. IN REVIEWING SIGNATURES, SUBSTANTIAL

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COMPLIANCE SHALL BE ALL THAT IS NECESSARY FOR APPROVAL OF SIGNATURES.

III. PROPONENTS MAY SUBMIT SIGNATURES AT ANY TIME.

(4) CONDUCT OF ELECTIONS

- A. THE UTILITY OR ASSOCIATION MUST 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 30 DAYS AND NO MORE THAN 60 DAYS FOLLOWING RECEIPT OF THE REQUIRED NUMBER OF PETITION SIGNATURES.
- B. THE INCREASE IN THE PERCENTAGE OF THEIR RETAIL ELECTRICITY SALES FROM RENEWABLE SOURCES SHALL TAKE EFFECT UPON THE MAJORITY VOTE OF ELIGIBLE BALLOTS CAST IN THE ELECTION.

**SECTION 2:** 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.

Mr. Mike Mauer  
Director, Colorado Legislative Council  
State Capitol Building, Room 029  
Denver, CO 80203

March 26, 2010

Dear Mr. Mauer:

I hereby submit two separate proposed initiatives regarding a Colorado Clean Energy Standard; and, The Community Clean Energy Choice Act for review and comment.

The proponents of the Colorado Clean Energy Standard include Alana Campbell and me.

Roland Kuehn  
5408 N. Highway 1  
Fort Collins, CO 80524

Alana Campbell  
225 North Grant  
Fort Collins, CO 80521

Proponents of the Community Clean Energy Choice Act include Stephen Szabo and me.

Roland Kuehn  
833 Country Rd. 58  
Fort Collins, CO 80524

Stephen Szabo  
8449 N 79th St  
Longmont, CO 80503-8752

Attached is the text for the two proposed initiatives. Please do not hesitate to contact me if you have questions or need further information.

Sincerely,

Roland J. Kuehn  
5408 N. Highway 1  
Fort Collins, CO 80524  
970.472.9652