

Attachment B: Table of Statutory References

The following table compiles Title 40 statutory references to disproportionately impacted communities, low-income or income-qualified customers, and similar terms (e.g., “income-qualified households”), for which the Commission has some regulatory oversight.¹

Reference	Text
DEFINING DISPROPORTIONATELY IMPACTED COMMUNITIES	
§ 40-2-108(3)(a)	The general assembly finds, determines, and declares that: (I) Certain communities, both in Colorado and internationally, have historically been forced to bear a disproportionate burden of adverse human health or environmental effects, as documented in numerous studies, including the “Toxic Wastes and Race at Twenty, 1987-2007” report by the United Church of Christ Justice & Witness Ministries; the federal environmental protection agency’s annual environmental justice progress reports; and a 2021 report from the “Mapping for Environmental Justice” project at the Berkeley Public Policy/The Goldman School that shows how the pollution burden is distributed in Colorado, while also facing systemic exclusion from environmental decision-making processes and enjoying fewer environmental benefits; and (II) The purpose of this subsection (3) is to ensure that the commission, in exercising its regulatory authority, will take account of and, where possible, help to correct these historical inequities.
§ 40-2-108(3)(b)	The commission shall promulgate rules requiring that the commission, in all of its work including its review of all filings and its determination of all adjudications, consider how best to provide equity, minimize impacts, and prioritize benefits to disproportionately impacted communities and address historical inequalities.
§ 40-2-108(3)(c)	(I) In promulgating rules pursuant to this subsection (3), the commission shall identify disproportionately impacted communities. In identifying the communities, the commission shall consider minority, low-income, tribal, or indigenous populations in the state that experience disproportionate environmental harm and risks resulting from such factors as increased vulnerability to environmental degradation, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accumulation of negative or a lack of positive environmental, health, economic, or social conditions within these populations. (II) When making decisions relating to retail customer programs, the commission shall host informational meetings, workshops, and hearings that invite input from disproportionately impacted communities and shall ensure, to the extent reasonably possible, that such programs, including any associated incentives and other relevant investments, include floor expenditures, set aside as equity budgets, to ensure that low-income customers and disproportionately impacted communities will have at least proportionate access to the benefits of such programs, incentives, and investments.

¹ Title 40 references to municipal and cooperative utilities, voluntary water utilities, and programs by the Department of Human Services that are otherwise not addressed by the Commission, have been excluded. This Attachment is not intended to represent a comprehensive list.

§ 40-2-108(3)(d)	As used in this subsection (3): (I) “Cost-burdened” means a household that spends more than thirty percent of its income on housing. (II) “Disproportionately impacted community” means a community that is in a census block group, as determined in accordance with the most recent United States census, where the proportion of households that are low income is greater than forty percent, the proportion of households that identify as minority is greater than forty percent, or the proportion of households that are housing cost-burdened is greater than forty percent; or is any other community as identified or approved by a state agency, if: (A) The community has a history of environmental racism perpetuated through redlining, anti-Indigenous, anti-immigrant, anti-Hispanic, or anti-Black laws; or (B) The community is one where multiple factors, including socioeconomic stressors, disproportionate environmental burdens, vulnerability to environmental degradation, and lack of public participation, may act cumulatively to affect health and the environment and contribute to persistent disparities. (III) “Low income” means meeting one or more of the following criteria: (A) Median household income less than or equal to two hundred percent of the federal poverty guideline; (B) Median household income less than or equal to eighty percent of the area median income; or (C) Qualification under income guidelines adopted by the department of human services pursuant to section 40-8.5-105.
COMMUNITY CHOICE ENERGY (ELECTRIC)	
§ 40-4-120(3)(c)(XIX)	The impact of CCE on low-income households and communities disproportionately impacted by electricity generation, including the availability of low-income programs offered through the investor-owned electric utility to CCE customers and the ability of CCE authorities to establish additional programs to assist low-income households and communities disproportionately impacted by electricity generation;
GAS DEREGULATION (GAS)	
§ 40-2-122(1)	The general assembly finds, determines, and declares that natural gas service is essential to the health and well-being of all Colorado natural gas customers. The general assembly further finds, determines, and declares that natural gas is traded in competitive markets at the wellhead and in downstream markets for sale to utilities, industrial customers, and large commercial customers and there may be the potential for natural gas also to be traded competitively for sale to all other classes of consumers. As a result, it may be predicted that competition in the natural gas supply market may increase the choices available to consumers and reduce the price of such service. Accordingly, it is the policy of the state of Colorado to encourage competition after a reasonable transition period during which consumers are educated about choices in natural gas supply that are now available or will be

	available in the future. The commission is authorized to approve voluntary plans consistent with this section that separate the sale of natural gas to retail customers into natural gas delivery and natural gas supply and, after a transition period, deregulate the charge for natural gas supply where the commission finds that the plan provides customers with adequate choices, ensures the provision of reliable natural gas supply on a fallback basis on terms and conditions that are just and reasonable to all customers, promotes the development of a competitive market for gas supply, limits the unreasonable exercise of market power, and retains and enhances programs to support low-income consumers.
§ 40-2-122(2)(b)	Any natural gas public utility providing for individual consumer choice between competing suppliers shall implement a separately stated distribution charge, applicable to all customers regardless of the identity of the natural gas supplier and denoted as a “public benefits charge”, to help defray the costs associated with funding low-income energy assistance programs such as bill assistance and weatherization for residential energy consumers in Colorado, subject to the following conditions: (I) The total amount collected annually through such public benefits charge shall be at least three-quarters of one percent of the real dollar equivalent of each utility’s 1998 nominal-dollar regulated gas revenues received for the geographic area or group of customers that is subject to the plan. Additionally, within one year following the implementation of the first natural gas supplier choice program by a natural gas utility that affects a significant number of low-income households, the public benefits charges for all natural gas public utilities that have implemented a voluntary plan shall be set at a level sufficient to raise a total additional sum of one hundred fifty thousand dollars to fund the study provided for in subsection (12) of this section.
§ 40-2-122(3)(c)(VIII)	Provides for funding of low-income energy assistance programs such as bill assistance and weatherization through the assessment of a separately stated distribution charge, denoted a “public benefits charge”, consistent with the authority of the utility to collect the public benefits charge as established in this section. The moneys received through the implementation of the public benefits charge shall be administered by the Colorado energy assistance foundation, which is the entity created under section 40-8.5-104, or its successor, to be used for the purposes of low-income energy assistance payments and programs, low-income weatherization assistance and programs, low-income energy education, and energy conservation. The Colorado energy assistance foundation shall file a report with the commission annually showing amounts of money collected under the public benefits charge and demonstrating that the moneys were used to fund low-income energy assistance programs as established herein.
§ 40-2-122(8)	The public benefits charge and its funding method shall continue in effect until at least December 31, 2005, and shall remain in effect thereafter until and unless replaced with a different legislatively adopted funding mechanism for statewide low-income energy assistance programs that assures the availability of adequate resources and that is consistent with the recommendations of the 1998 governor’s energy assistance reform task force for the purpose of defraying the costs of low-income energy assistance. On or before December 1, 2004, the Colorado energy assistance foundation, which is the entity created under section 40-8.5-104, or its successor, in conjunction with any interested natural gas utility or natural gas supplier, shall recommend such a different funding mechanism for low-income energy assistance programs to the general assembly for adoption.

ENERGY TECHNOLOGIES (ELECTRIC)	
§ 40-2-123(1)(d)	In its consideration of generation acquisitions for electric utilities, the commission shall consider the economic opportunities that may be provided through workforce transition and community assistance plans, as well as whether the acquisitions will create benefits for low-income customers and disproportionately impacted communities.
RENEWABLE ENERGY STANDARD (ELECTRIC)	
§ 40-2-124(1)(e)(IV)	The commission shall encourage qualifying retail utilities to design rebate offers and other incentive programs that allow consumers of all income levels, particularly those in low-income and disproportionately impacted communities, to obtain the benefits offered by distributed generation and energy storage, and shall encourage programs that are designed to extend participation to customers in these and other market segments that have previously been underrepresented in the standard offer program.
§ 40-2-124(1)(g)(I)(D)	To address historical equity issues concerning access by low-income customers to renewable energy and retail distributed generation programs and prioritize investment and direct benefits for disproportionately impacted communities, the commission shall require qualifying retail utilities to plan their expenditures so that, before reaching the limits imposed by this subsection (1)(g), they will prioritize renewable energy investment and programs for low-income customers and disproportionately impacted communities. Beginning on January 1, 2022, and continuing through at least December 31, 2028, not less than forty percent of such expenditures, not including any funds set aside to recover the cost of clean energy resources and directly related interconnection facilities pursuant to section 40-2-125.5 (4)(a)(VIII), shall be directed to programs, incentives, or other direct investments benefitting low-income customers and disproportionately impacted communities.
CLEAN ENERGY PLANS (ELECTRIC)	
§ 40-2-125.5(4)(VII)	If the clean energy plan includes accelerated retirement of any existing generating facilities, the clean energy plan must include workforce transition and community assistance plans for utility workers impacted by any clean energy plan and a plan to pay community assistance to any local government or school district, the voters of which have approved projects the costs of which are expected to be paid for from property taxes that are directly impacted by the accelerated retirement of the electric generating facility in an amount equal to the costs of the voter-approved projects that were expected to be paid from the revenue sources directly impacted by the accelerated retirement of the projects, including but not limited to the payment of bonds, notes, or other multiple-fiscal year obligations or financed purchase of an asset or certificate of participation agreements that have been issued or entered into to pay the costs of such projects. Any payment of community assistance shall be reduced on an equivalent basis to the extent that property tax is derived from new electric infrastructure developed in the same impacted community. The qualifying retail utility may propose a cost-recovery mechanism to recover the prudently incurred costs of any workforce transition and community assistance plans, while giving due consideration to the impact on low-income customers. The qualifying retail utility will not earn its authorized rate of return on any noncapital costs incurred as part of any workforce transition plan. The workforce transition and community assistance plans must include, to the extent feasible, estimates of:

COMMUNITY SOLAR AND GEOTHERMAL GARDENS (ELECTRIC)	
§ 40-2-127(1)	(b) It is in the public interest that broader participation in solar electric generation by Colorado residents and commercial entities be encouraged by the development and deployment of distributed solar electric generating facilities known as community solar gardens, in order to: (II) Allow renters, low-income utility customers, and agricultural producers to own interests in solar generation facilities;
§ 40-2-127(5)	(a)(IV) For each qualifying retail utility’s compliance years commencing in 2014 and thereafter, the commission shall determine the minimum and maximum purchases of electrical output from newly installed community solar gardens of different output capacity that the qualifying retail utility shall plan to acquire, without regard to the six-megawatt ceiling of the first three compliance years. In addition, as necessary, the commission shall formulate and implement policies consistent with this section that simultaneously encourage: (A) The ownership by customers of subscriptions in community solar gardens and of other forms of distributed generation, to the extent the commission finds there to be customer demand for such ownership; (B) Ownership in community solar gardens by residential retail customers and agricultural producers, including low-income customers, to the extent the commission finds there to be demand for such ownership; (e) Each qualifying retail utility shall set forth in its plan for acquisition of renewable resources a proposal for including low-income customers as subscribers to a community solar garden. The utility may give preference to community solar gardens that have low-income subscribers.
§ 40-2-127.5(1)(b)	It is in the public interest that broader participation in geothermal electric generation by Colorado residents and commercial entities be encouraged by the development and deployment of distributed geothermal electric generating facilities known as community geothermal gardens in order to: (II) Allow renters, low-income utility customers, and agricultural producers to own interests in such geothermal generation facilities;
§ 40-2-127.5(6)	(a)(II) For each qualifying retail utility’s compliance years commencing in 2026 and thereafter, the commission shall determine the minimum and maximum purchases of electrical output from newly installed community geothermal gardens of different output capacity that the qualifying retail utility may plan to acquire. In addition, as necessary and appropriate, the commission shall formulate and implement policies consistent with this section that simultaneously encourage: (B) Ownership in community geothermal gardens by residential retail customers and agricultural producers, including low-income customers, to the extent the commission finds there to be demand for such ownership; (e) If a qualifying retail utility includes a plan to purchase the electricity and renewable energy credits generated by one or more community geothermal gardens, then the qualifying retail utility shall set forth in its plan for acquisition of renewable resources a proposal for including low-income customers as subscribers to a

	community geothermal garden, if possible. The utility may give preference to community geothermal gardens that have low-income subscribers.
DEMAND-SIDE MANAGEMENT (GAS, ELECTRIC)	
§ 40-3.2-103(3)	After the development of the targets, mechanisms, and bonus structure as described in subsection (1) of this section, each gas utility shall: (a)(I) Develop gas DSM program plans designed to meet or exceed the energy savings targets established by the commission. (II) Gas DSM program plans may be combined with electric DSM program plans, beneficial electrification plans, or other plans that reduce energy consumption or greenhouse gas emissions. Except as otherwise provided in subsections (3)(a)(III) and (3)(a)(IV) of this section, one or more of the gas DSM programs or measures, representing an aggregate total of at least twenty-five percent of overall residential gas DSM program expenditures, including expenditures serving income-qualified households, must be targeted to residential customers in income-qualified households. (III) In the case of a gas utility with fewer than fifty thousand full-service customers, and except as otherwise provided in subsection (3)(a)(IV) of this section, one or more of the gas DSM programs or measures, representing an aggregate total of at least fifteen percent of overall residential gas DSM program expenditures, including expenditures serving income-qualified households, must be targeted to residential customers in income-qualified households.
§ 40-3.2-104(4)	The commission shall ensure that [electric] utilities develop and implement DSM programs that give all classes of customers an opportunity to participate and shall give due consideration to the impact of DSM programs on nonparticipants and on low-income customers.
CLEAN HEAT PLANS (GAS)	
§ 40-3.2-108(1)(c)	(II) Colorado is focused on a transition to a decarbonized economy that recognizes the historic injustices that impact lower-income Coloradans and Black, Indigenous, and other people of color who have borne a disproportionate share of environmental risks while also enjoying fewer environmental benefits; (III) The commission must maximize greenhouse gas emission reductions and benefits to customers, with particular attention to residential customers who participate in income-qualified programs, while managing costs and risks to customers, including stranded-asset cost risks, and in a manner that supports family-sustaining jobs; and
§ 40-3.2-108(4)(c)(V)	(c) A clean heat plan filed pursuant to this subsection (4) must: (V) Prioritize investments that ensure that disproportionately impacted communities or customers who meet requirements for income-qualified programs benefit from the investments made to implement the clean heat plan;
§ 40-3.2-108(6)(d)(I)(C)	(d)(I) The commission shall approve a clean heat plan if the commission finds it to be in the public interest. The commission may modify the plan if the modifications are necessary to ensure that the plan is in the public interest. In evaluating whether

	the clean heat plan submitted to the commission is in the public interest, the commission shall take into account the following factors: (C) Whether investments in a clean heat plan prioritize serving customers participating in income-qualified programs and communities historically impacted by air pollution and other energy-related pollution;
§ 40-3.2-108(6)(d)(III)	The commission may approve, or amend and approve, a clean heat plan with costs greater than the cost cap only if it finds that the plan is in the public interest, costs to customers are reasonable, the plan includes mitigation of rate increases for income-qualified customers, and the benefits of the plan, including the social costs of methane and carbon dioxide, exceed the costs.
§ 40-3.2-108(7)(a)	Each gas distribution utility shall submit to the commission an annual report that shows the amount of money that it has spent under each program in the clean heat plan, the amount spent on income-qualified programs or programs that serve communities historically impacted by air pollution and other energy-related pollution, a calculation of emissions reduced or avoided pursuant to its approved clean heat plan, and any other information required by the commission.
BENEFICIAL ELECTRIFICATION (ELECTRIC)	
§ 40-3.2-109(2)(b)	On or before July 1, 2022, and thereafter as directed by the commission, but no less frequently than every three years, an investor-owned electric utility shall file with the commission an application for a beneficial electrification plan for regulated activities to support beneficial electrification. Beneficial electrification plans may be combined with other demand-side management strategic issues or transportation electrification plans, as applicable, but a beneficial electrification plan must, at a minimum: (II) Include programs targeted to low-income households or disproportionately impacted communities, with at least twenty percent of the total beneficial electrification program funding targeted to programs that serve low-income households or disproportionately impacted communities; (VI) Include an outreach plan for engagement with customers in low-income households and disproportionately impacted communities to develop programs to support those customers in every phase of the utility’s beneficial electrification programs, including through incentives offered to multifamily buildings occupied in full or in part by low-income households; and
TRANSPORTATION ELECTRIFICATION (ELECTRIC)	
§ 40-5-107(2)(g)	(2) When considering transportation electrification programs and determining cost recovery for investments and other expenditures related to programs proposed by an electric public utility under subsection (1) of this section, the commission shall consider whether the investments and other expenditures are: [...] (g) Reasonably expected to provide access for low-income customers, in the totality of the utility’s transportation electrification programs, which may include community-based and multi-family charging infrastructure, car share programs, and electrification of public transit, while giving due consideration to the affect on low-income customers.

RATE AND CONSUMER PROTECTION ISSUES (ELECTRIC, GAS)	
§ 40-3-103.5	(3) If the commission determines that a means test is necessary for the medical exemption, the commission shall use no less than four hundred percent of the federal poverty level for the customer’s household as the maximum income to be eligible for the medical exemption. (4) If the low-income energy assistance is used to certify eligibility, the medical exemption under this section must be distinguishable from the heat assistance benefits offered under the low-income energy assistance program because these programs may have different eligibility requirements.
§ 40-3-103.6(1)	The commission shall commence a rule-making proceeding to adopt standard practices for gas and electric utilities to use when disconnecting service due to nonpayment. The rules must address the following subjects: (d) Referral of delinquent customers to energy payment assistance resources such as Energy Outreach Colorado, charities, nonprofits, and state agencies that provide, or that administer federal funds for, low-income energy assistance;
§ 40-3-106(1)(d)	(I) Notwithstanding any provision of articles 1 to 7 of this title 40 to the contrary, the commission may approve any rate, charge, service, classification, or facility of a gas or electric utility that makes or grants a reasonable preference or advantage to income-qualified utility customers, even if the reasonable preference or advantage applies on a year-round basis, and the implementation of such commission-approved rate, charge, service, classification, or facility by a public utility shall not be deemed to subject any individual or corporation to any prejudice, disadvantage, or undue discrimination. (II) As used in this subsection (1)(d), an “income-qualified utility customer” means a utility customer who the department of human services, created in section 26-1-105; the organization defined in section 40-8.7-103 (4); or the Colorado energy office, created in section 24-38.5-101, has determined: (A) Has a household income at or below two hundred percent of the current federal poverty line; (B) Has a household income at or below eighty percent of the area median income, as published annually by the United States department of housing and urban development; or (C) Otherwise meets the income eligibility criteria set forth in rules of the department of human services adopted pursuant to section 40-8.5-105. (III) When considering whether to approve a rate that makes or grants a reasonable preference or advantage to income-qualified utility customers, the commission shall take into account the potential impact on, and cost-shifting to, utility customers other than income-qualified utility customers. (IV) A commission-approved gas or electric utility rate, charge, service, classification, or facility that makes or grants a reasonable preference or advantage to income-qualified utility customers may apply to income-qualified utility customers on a year-round basis.
§ 40-3-106(2)	Nothing in articles 1 to 7 of this title 40 prohibits a public utility engaged in the production, generation, transmission, or furnishing of heat, light, gas, water, power,

	or telephone service from establishing a graduated scale of charges subject to this title 40; except that, for rates resulting from a rate design change approved by the commission on or after September 1, 2020, the commission shall require utility revenue or billing adjustment mechanisms to ensure that a utility's change in rate design results in a revenue-neutral outcome. In adopting new rate designs for residential customers, the commission shall evaluate the potential for higher bills due to changes in rate design. Rate designs that disproportionately negatively impact low-income residential customers compared to other residential customers of the utility are presumed to be contrary to the public interest.
ASSISTANCE PROGRAMS – CUSTOMER CONTRIBUTIONS (ELECTRIC, GAS)	
§ 40-8.7-104	Except as otherwise provided in this article 8.7, every utility doing business in Colorado shall participate in the energy assistance program and provide the opportunity for utility customers to make an optional energy assistance contribution on the monthly remittance device on their utility billing statement. Each utility shall provide the opportunity for customers to donate the optional energy assistance contribution as provided in section 40-8.7-105 (2).
§ 40-8.7-105(1)	The public utilities commission shall determine the mechanism for an opt-in provision whereby the energy assistance contributions described in section 40-8.7-104 will be collected from those customers who give notice of their intent to participate in the energy assistance program.
ASSISTANCE PROGRAMS – SYSTEM BENEFITS CHARGE (ELECTRIC, GAS, WATER)	
§ 40-8.7-105.5(1)(a)	On and after October 1, 2021, and except as provided in section 40-8.7-104 (2.5)(b), each investor-owned energy utility shall include on its customers' monthly bills a flat energy assistance system benefit charge that a customer is assessed to help finance the low-income energy assistance program.
§ 40-8.7-108(2)(a)	Except as provided in subsection (2)(b) of this section, the organization shall use the money collected from the optional energy assistance contributions and the energy assistance system benefit charge to provide low-income energy assistance and to improve energy efficiency. The organization shall pay the financial assistance money to each utility as vendor payments. The organization shall not use the money for propane, gas, or electric assistance for customers whose propane, gas, electric, or gas and electric companies or cooperative electric associations do not participate in the program. The organization may use up to five percent of the money collected for administration of the energy assistance program in accordance with generally accepted accounting principles; however, the organization shall not use any money collected from the energy assistance system benefit charge to pay employee salaries or bonuses.
§ 40-8.7-108(3)(a)(I)	Subject to the allocation requirements set forth in subsections (3)(a)(II) and (3)(a)(III) of this section, the organization shall, on an annual basis, develop a budget for the energy assistance program to determine the allocation of the money collected from the optional energy assistance contributions and the energy assistance system benefit charge, with not more than fifty percent of the total amount allocated to direct utility bill payment assistance. To improve and increase enrollment in the utility assistance programs, the budget must include an allocation of at least two percent of the money collected from the charge to be used to engage the assistance of community-based organizations that are active in outreach to, engagement of, and education for income-qualified communities, communities of

	color, and immigrant communities to help provide outreach and education about the utility assistance programs. The organization shall submit a copy of the budget to the Colorado energy office for its review.
§ 40-8.7-109	(1) The organization shall provide energy assistance to individuals and organizations in Colorado. Individuals eligible for low-income energy assistance shall be current or prospective utility customers who: (a) Are certified by the department of human services as qualified to receive financial assistance payments; (b) Are citizens or legal residents of the United States and residents of Colorado; and (c) Have a monthly household gross income at or below one hundred eighty-five percent of the federal poverty line. (2) The department of human services shall periodically recertify an individual's eligibility to receive low-income energy assistance. (3) In providing low-income energy assistance, the organization shall give priority to households where one or more persons are recipients of: (a) An old age pension as set forth in section 26-2-111 (2), C.R.S.; (b) Aid to the needy disabled as set forth in section 26-2-111 (4), C.R.S.; (c) Aid to the blind as set forth in section 26-2-111 (5), C.R.S.; (d) Supplemental social security disability benefits under 42 U.S.C. sec. 1396 et seq.; or (e) Colorado works program assistance as set forth in section 26-2-706.6, C.R.S. (4) When installing energy retrofits as part of providing low-income energy assistance, the organization and the Colorado energy office shall prioritize maximizing customer savings, reducing emissions, and improving indoor air quality.
ASSISTANCE PROGRAMS – UNCLAIMED DEPOSITS, DONATIONS, AND REFUNDS	
§ 40-1-103.5	In passing on refunds, rebates, rate reductions, or similar adjustments to end users, the MMO shall notify its current end users, either by first-class mail with a certificate of mailing or by inclusion in any monthly or more frequent regular written communication, of the adjustments and inform the end users that they may claim the adjustments within ninety days after receipt of the notice. The MMO may retain any portion of the adjustments that rightfully belongs to the MMO. Upon the expiration of the ninety-day claims period, the MMO shall identify any such adjustments that are unclaimed and, if the aggregate amount unclaimed exceeds one hundred dollars, the MMO shall contribute the unclaimed amount to the fund established by the legislative commission on low-income energy and water assistance pursuant to section 40-8.5-104.
§ 40-2-124(1)(e)(I)(B)	The qualifying retail utility's net metering service must allow the customer's retail electricity consumption to be offset by the electricity generated by customer-sited renewable energy generation facilities. To the extent that the electricity thus generated exceeds the customer's consumption during a billing month, the qualifying retail utility shall carry forward the value of the excess electricity as a credit to the customer's consumption in the following month. The monthly carry-

	forward continues from month to month indefinitely until the customer terminates service with the qualifying retail utility at all service addresses within the service territory of the qualifying retail utility, at which time the qualifying retail utility is not required to pay the customer for any remaining excess electricity supplied by the customer; except that, to the extent that solar electricity generation exceeds the customer’s consumption during a calendar year, the customer may elect, in writing, to be reimbursed by the qualifying retail utility at the end of each calendar year at the qualifying retail utility’s average hourly incremental cost of electricity supply over that calendar year. The customer, at the end of the calendar year, and the qualifying retail utility, upon termination of service to the customer, shall be permitted to donate any of the customer’s remaining excess billing credits to a third-party administrator that is qualified and approved by the qualifying retail utility or the commission for the purpose of providing low-income energy assistance and bill reductions within the qualifying retail utility’s service territory. The qualifying retail utility shall not apply unreasonably burdensome requirements to interconnection, reimbursement, or donation options in connection with the qualifying retail utility’s net metering service. Electricity generated under this program is eligible for purposes of the qualifying retail utility’s compliance with this article 2 so long as the qualifying retail utility purchases the associated renewable energy credits. The commission shall not permit a qualifying retail utility to place a customer in a different rate class, other than the customer’s default rate class, solely as a result of the customer’s participation in a rebate offer or net metering service.
§ 40-8-101(2)	For gas, electric, and steam utilities, the public utilities commission may order that all or part of the undistributed balance of a refund be paid by the utility in an equitable manner to the general body of utility customers, and the public utilities commission may order a gas or electric utility to pay up to ninety percent of the undistributed balance of a refund into the fund established by the legislative commission on low-income energy and water assistance pursuant to section 40-8.5-104.
§ 40-8.5-101	In enacting this article 8.5, the general assembly finds and declares that there is a need to make distributions of money to provide aid and assistance to the indigent, the elderly, and persons with disabilities, who do not otherwise have the financial resources to meet their heating and other energy needs. The general assembly further finds and declares that the low-income energy assistance program of the department of human services is the most appropriate entity to determine those most in need of such aid and assistance. Therefore, this article 8.5 authorizes the legislative commission on low-income energy and water assistance to establish a fund from which to collect and distribute money to accomplish the goals set forth in this section. The money for the fund must be funded in part by unclaimed utility deposits.
TRANSPORTATION ISSUES	
§ 40-10.1-403(2.5)(a)	Beginning November 1, 2021, the task force consists of fourteen members, appointed as follows: (XIII) Two members appointed by the governor to represent communities that might be disproportionately affected by nonconsensual towing, such as communities of color, immigrant communities, elderly communities, and rural communities.
TELECOMMUNICATIONS ISSUES	

§ 40-15-502(3)(a)	The commission shall require the furtherance of universal basic service, toward the ultimate goal that basic service be available and affordable to all citizens of the state of Colorado. The general assembly acknowledges the use of low-income telephone assistance programs, including “life-line” and “link-up”, and telecommunications relay services for disabled telephone users to further the goal of universal service. The commission may regulate providers of telecommunications services to the extent necessary to assure that universal basic service is available to all consumers in the state at fair, just, and reasonable rates.
§ 40-15-604(5)(c)	(II) Nothing in this subsection (5)(c) prohibits an electric utility from: (D) Providing reduced-cost commercial broadband service to low-income retail customers; or