

Excerpted from SB19-236 (https://leg.colorado.gov/sites/default/files/2019a_236_signed.pdf)

SECTION 12. In Colorado Revised Statutes, **add** article 2.3 to title 40 as follows:

ARTICLE 2.3
Colorado Transmission Coordination Act

40-2.3-101. Definitions. As USED IN THIS ARTICLE 2.3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "ELECTRIC UTILITY" MEANS A PUBLIC UTILITY AS DEFINED IN SECTION 40-1-103.
- (2) "ENERGY IMBALANCE MARKET" MEANS A REAL-TIME BULK POWER TRADING MARKET THAT PROVIDES A MEANS FOR PARTICIPATING ELECTRIC UTILITIES TO PURCHASE AND SELL UNSCHEDULED ENERGY ACROSS A GEOGRAPHIC REGION.
- (3) "JOINT TARIFF" MEANS A TARIFF THAT CONTAINS ONLY JOINT RATES, WHICH ARE RATES THAT APPLY FOR TRANSMISSION SERVICE OVER THE LINES OR ROUTES OF TWO OR MORE TRANSMISSION PROVIDERS, MADE BY AN AGREEMENT BETWEEN THE TRANSMISSION PROVIDERS.
- (4) "POWER POOL" MEANS A SYSTEM OF TRADING WHOLESALE ELECTRICITY THAT DETERMINES WHICH GENERATING SETS OR PLANTS ARE CALLED TO MEET DEMAND FOR POWER AT ANY PARTICULAR TIME AND SETS THE PRICE OF POWER FOR THAT PERIOD.
- (5) "REGIONAL TRANSMISSION ORGANIZATION" MEANS AN INDEPENDENT ELECTRIC TRANSMISSION OPERATOR THAT PROVIDES WHOLESALE TRANSMISSION SERVICES TO MORE THAN ONE PROVIDER OF ELECTRIC SERVICE WITHIN A GEOGRAPHIC REGION BY POOLING TOGETHER A NUMBER OF TRANSMISSION ASSETS INTO A SINGLE ELECTRICITY TRANSMISSION MARKET FROM WHICH PARTICIPATING ELECTRIC UTILITIES MAY PURCHASE WHOLESALE TRANSMISSION SERVICES.

40-2.3-102. Commission proceeding - evaluate participation in energy imbalance market, regional transmission organization, power pool, or joint tariff. (1) ON OR BEFORE JANUARY 1, 2020, THE COMMISSION SHALL OPEN A PROCEEDING TO INVESTIGATE THE POTENTIAL COSTS AND BENEFITS TO ELECTRIC UTILITIES, OTHER GENERATORS, AND COLORADO ELECTRIC UTILITY CUSTOMERS THAT WOULD ARISE FROM ELECTRIC UTILITIES PARTICIPATING IN ANY ENERGY IMBALANCE MARKETS, REGIONAL TRANSMISSION ORGANIZATIONS, POWER POOLS, OR JOINT TARIFFS. THE PROCEEDING MUST INCLUDE AN INVESTIGATION OF THE POTENTIAL ADVANTAGES AND DISADVANTAGES OF THESE OPTIONS, INCLUDING THE EFFECT ON:

- (a) BOTH PARTICIPATING AND NONPARTICIPATING RETAIL AND WHOLESALE COLORADO ELECTRIC SERVICE PROVIDERS;
- (b) WHOLESALE ELECTRIC ENERGY RATES;
- (c) TRANSMISSION RATES;

(d) RETAIL ELECTRIC ENERGY RATES FOR BOTH PARTICIPATING AND NONPARTICIPATING COLORADO RETAIL ELECTRIC SERVICE PROVIDERS;

(e) COMMITMENT AND DISPATCH OF GENERATION AND REAL-TIME DISPATCH OPTIMIZATION OF ENERGY AND ANCILLARY SERVICES;

(f) RESERVE MARGIN REQUIREMENTS;

(g) SHORT-TERM AND LONG-TERM OPERATIONAL COSTS;

(h) REGIONAL INFRASTRUCTURE INVESTMENT IN RESPONSE TO GROWTH IN DEMAND FOR ELECTRIC ENERGY OR CHANGES IN ENERGY PRODUCTION;

(i) OPERATING RESERVE PROCUREMENT; AND

(j) RENEWABLE ENERGY RESOURCE INTERCONNECTION AND INTEGRATION.

(2) ON OR BEFORE JULY 1, 2021, THE COMMISSION SHALL HOLD A HEARING FOR PUBLIC COMMENT TO CONSIDER THE INFORMATION RECEIVED DURING THE COMMISSION'S INVESTIGATION AND DELIBERATE ON WHETHER ELECTRIC UTILITIES SHOULD PARTICIPATE IN AN ENERGY IMBALANCE MARKET, REGIONAL TRANSMISSION ORGANIZATION, POWER POOL, OR JOINT TARIFF.

(3) ON OR BEFORE DECEMBER 1, 2021, THE COMMISSION SHALL ISSUE A DECISION DETERMINING WHETHER ELECTRIC UTILITIES PARTICIPATING IN AN ENERGY IMBALANCE MARKET, REGIONAL TRANSMISSION ORGANIZATION, POWER POOL, OR JOINT TARIFF IS IN THE PUBLIC INTEREST.

(4) IF THE COMMISSION DETERMINES THAT ELECTRIC UTILITY PARTICIPATION IN AN ENERGY IMBALANCE MARKET, REGIONAL TRANSMISSION ORGANIZATION, POWER POOL, OR JOINT TARIFF IS IN THE PUBLIC INTEREST, THE COMMISSION, ON OR BEFORE JULY 1, 2022, SHALL DIRECT ELECTRIC UTILITIES TO TAKE APPROPRIATE ACTIONS AND CONDUCT SUCH PROCEEDINGS AS THE COMMISSION DEEMS APPROPRIATE TO PURSUE PARTICIPATION IN AN ENERGY IMBALANCE MARKET, REGIONAL TRANSMISSION ORGANIZATION, POWER POOL, OR JOINT TARIFF.

40-2.3-103. Repeal of article. THIS ARTICLE 2.3 IS REPEALED, EFFECTIVE SEPTEMBER 1, 2022.