

Decision No. C22-0776

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22I-0027E

IN THE MATTER OF THE COMMISSION'S IMPLEMENTATION OF § 40-4-120, C.R.S.,
THE STUDY OF COMMUNITY CHOICE IN WHOLESALE ELECTRIC SUPPLY.

**COMMISSION DECISION APPROVING REPORT,
TRANSMITTING REPORT TO THE GENERAL
ASSEMBLY, POSTING REPORT ON THE COMMISSION'S
WEBSITE, AND CLOSING PROCEEDING**

Mailed Date: December 2, 2022
Adopted Date: November 30, 2022

I. BY THE COMMISSION

A. Statement

1. House Bill 21-1269 (HB 1269), signed into law on June 21, 2021 and codified in § 40-4-120, C.R.S., directs the Colorado Public Utilities Commission (Commission) to open an investigatory proceeding on or before January 15, 2022 to consider the regulatory implications and legal impacts of possible future legislation that would allow cities and counties to acquire alternative wholesale electric supply on behalf of their residents, businesses, and local government facilities, in lieu of being provided electric supply from the incumbent investor-owned electric utilities, and to report its recommendations to the General Assembly on or before December 15, 2022.¹

2. The Commission opened this investigatory proceeding on January 13, 2022, pursuant to Decision No. C22-0032.

¹ §§ 40-4-120(3)(a) and (d), C.R.S.

3. Throughout the months of January 2022 through June 2022, the Commission received numerous comments from interested participants. The Commission also contracted with Great Plains Institute to carry out this investigation. The Commission held a Commissioners' Information Meeting (CIM) on June 13, 2022, pursuant to Decision No. C22-0266-I. At this CIM, the Commission learned about the State of California's experience with community choice aggregation from a panel of varying perspectives and identified key findings from that experience.

4. The Commission held a public comment hearing to receive information and feedback from the general public on community choice aggregation in this proceeding on October 18, 2022, pursuant to Decision No. C22-0568-I.

5. Over the course of this proceeding, the Commission received many written comments from stakeholders addressing the questions posed by the General Assembly in HB 1269 and the additional questions posed by the Commission in Decision No. C22-0032.

II. DISCUSSION

6. Pursuant to § 40-4-120(3)(d), C.R.S., by December 15, 2022, the Commission "shall summarize its findings, conclusions, and recommendations from the investigatory docket in a final report submitted to the transportation and energy committee of the senate and the energy and environment committee of the house of representatives, or their successor committees, and posted on the [C]ommission's public website."

7. In compliance with HB 1269, the Commission has conducted the investigation into Community Choice Energy (CCE) and finalized the required report for the General Assembly.

8. The Report consists of three main sections and three appendices:
 - i. Introductory Background
 - ii. Summary of Potential Opportunities, Benefits, Risks, and Drawbacks
 - iii. Commission Findings
 - iv. Appendix A: Summary of Stakeholder Comments
 - v. Appendix B: Additional Comments and Public Hearing
 - vi. Appendix C: Lessons Learned

9. While the Commission does not make a recommendation to the Legislature about the overall appropriateness of enabling or not enabling CCE in Colorado, it presents its findings in the Report based on the record in this proceeding.

10. By this Decision, the Commission approves the final Report, transmits the Report to the General Assembly, posts the Report on the Commission's website, and closes this proceeding.

III. ORDER

A. It Is Ordered That:

1. The investigative report into Community Choice Energy, is approved and attached to this Decision as Attachment A.
2. The Report shall be transmitted to the General Assembly by December 15, 2022.
3. The Report shall be posted on the Colorado Public Utilities Commission's public website.
4. This Proceeding is now closed.

5. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
November 30, 2022.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script, appearing to read "G. Harris Adams".

G. Harris Adams,
Interim Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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JOHN GAVAN

MEGAN M. GILMAN

Commissioners