

Decision No. C05-0640

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 05R-112E

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IN THE MATTER OF THE PROPOSED RULES IMPLEMENTING RENEWABLE ENERGY  
STANDARDS 4 CCR 723-3.

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**SUPPLEMENTAL NOTICE  
OF PROPOSED RULEMAKING**

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Mailed Date: June 8, 2005  
Adopted Date: June 1, 2005

**I. BY THE COMMISSION**

**A. Statement**

1. The Colorado Public Utilities Commission hereby gives supplemental notice of proposed rulemaking regarding new Rules pertaining to the implementation and regulation of renewable energy standards as required pursuant to § 40-2-124, C.R.S. The intent of the proposed rules identified as 4 *Code of Colorado Regulations* 723-3-3650, *et seq.* is to establish a process to implement the renewable energy standard for qualifying retail utilities in Colorado, pursuant to the jurisdiction provided to the Commission pursuant to § 40-2-124, C.R.S.

2. Pursuant to the original notice of proposed rulemaking in this docket, written initial comments were requested no later than May 18, 2005. *See* Decision No. C05-0314. That decision ordered that reply comments should be submitted by June 15, 2005. Hearings on the proposed rules and related matters were ordered to be held before the Commission *en banc* on July 11 through 14, 2005 beginning at 9:00 a.m. in Commission Hearing Room A.

3. During the past legislative session, the General Assembly of the State of Colorado enacted Senate Bill 05-143, which was subsequently signed into law. Senate Bill 05-143 made several modifications to the statutory authority found at § 40-2-124, C.R.S.

4. Senate Bill 05-143 modified several sections of § 40-2-124, C.R.S., including the treatment of cooperative electric associations and municipally owned utilities, the definition of eligible renewable resources, the minimum term of contracts for the acquisition of eligible renewable electricity, the maximum retail rate impact, the treatment of renewable resources acquired by a wholesale customer, the exemption of administrative penalties by the Commission in cases where the retail rate cap is reached, the Commission's treatment of statements by cooperative electric associations and municipally owned utilities that have implemented substantially similar renewable energy standards, and the treatment of cooperative electric associations and municipally owned utilities that become qualifying retail utilities after December 31, 2006.

5. The Commission invites additional comment from interested persons limited to the amendments Senate Bill 05-143 made to § 40-2-124, C.R.S. Interested parties shall submit comments on how Senate Bill 05-143 may impact the rules that the Commission noticed by Decision No. C05-0314.

**II. ORDER**

**A. The Commission Orders That:**

1. Interested persons may file written comments concerning the impacts of Senate Bill 05-143 on the proposed rules that were noticed by Decision No. C05-0314. The Commission requests that such pre-filed comments be submitted in both paper and

electronic format no later than June 15, 2005. Reply comments should be submitted by July 1, 2005. All submissions, whether oral or written, will be considered by the Commission.

2. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
June 1, 2005.**

(SEAL)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,  
Director

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

GREGORY E. SOPKIN

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Commissioners