Date: June 5, 2020

To: Utilities Board

From: Aram Benyamin, Chief Executive Officer

Subject: Communication to Utilities Board

1. Water Main Replacement Program (WMRP) 2-Week Look Ahead
   (See attachment)

2. Water Update
   (See attachment)

3. Legislative Update
   (See attachment)

4. Solar Generation Report
   (See attachment)

Attachments:
- Attachment 1 (Water Main Replacement Program (WMRP) 2-Week Look Ahead)
- Attachment 2 (Water Update)
- Attachment 3 (Legislative Update)
- Attachment 4 (Solar Generation Report)

c: Officer Team
This report includes CSU planned finished water projects.

- For other projects see Project Viewer.
- For emergency projects see Cone Zone Map.

Legend
CA - Condition Assessment
CP - Cathodic Protection
REP - Replacement

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Weekly Water Update as of May 31, 2020:

CONSUMPTION:

WEEKLY:
Week of May 25 through May 31, 2020: 586.7 million gallons, average temperature: 56 deg F, precipitation: 0.09 in.
Week of May 25 through May 31, 2019: 487.3 million gallons, average temperature: 48 deg F, precipitation: 0.09 in.
Week of May 25 through May 31, 2018: 760.9 million gallons, average temperature: 67 deg F, precipitation: 1.11 in.
Week of May 25 through May 31, 2001: 756.2 million gallons, average temperature: 59 deg F, precipitation: 0.50 in.

MONTH-TO-DATE:
May 31, 2020: 2,713.7 million gallons.
May 31, 2019: 2,030.8 million gallons.
May 31, 2018: 2,924.3 million gallons.
May 31, 2001: 2,971.3 million gallons.

YEAR-TO DATE:
May 31, 2020: 7,936.5 million gallons (107.9% of 2019), precipitation was: 3.71 in.
May 31, 2019: 7,357.9 million gallons, precipitation was: 5.31 in.
May 31, 2018: 8,625.5 million gallons, precipitation was: 3.70 in.
May 31, 2001: 9,727.3 million gallons, precipitation was: 6.65 in.

LOCAL STORAGE:
May 31, 2020 volume is 16.78 billion gallons.
May 31, 2020 was 78.1% of capacity.
May 31, 2019 was 79.1% of capacity.
May 31, 2018 was 68.7% of capacity.
May 31 normal storage - 1997 to 2001 - is 80.5% of capacity.
May 31 average storage for 30 years - 1981 to 2010 - is 81.9% of capacity.
There are 257 days of demand in local storage.

SYSTEM STORAGE:
As of May 24, 2020, system wide storage volume is 65.7 billion gallons.
There are approximately 2.8 years of demand in storage system-wide.
System storage is at 78.3% of capacity.
System storage for May 27, 2019 was 71.4% of capacity.
System storage for May 27, 2018 was 82.0% of capacity.
Normal system storage - 1997 to 2001 - for May 27 is 79.5% of capacity.
Average system storage - 1981 to 2010 - for May 27 is 75.7% of capacity.

For more information visit http://www.csu.org/
Despite the stated intentions of House and Senate leadership to adjourn by June 12, legislative activity was brought to a grinding halt during the last weekend in May in response to the violent protests in and around the Capitol over the death of George Floyd in Minneapolis. Additionally, House and Senate members have introduced (and are continuing to introduce) several new, and quite controversial, pieces of legislation (including several measures that could have direct impacts on Colorado Springs Utilities – see below). The delay in the calendar and the willingness of leadership to permit new, controversial bills, means we are unlikely to see adjournment until the week of June 15 at the earliest.

Particularly concerning about this extension of the Session is the fact that the strict social distancing rules imposed by Legislature limit in-person contact with legislators and the ability of the public to participate in committee hearings. This means that controversial issues that would normally be subject to significant public debate and input, will be quickly passed in the name of expediency and public health safety.

Draft Dredge and Fill Permit Program Bill

House Speaker K.C. Becker (D-Boulder) and Colorado water quality officials are proposing legislation to seek fast-track authority from lawmakers to fill a perceived permitting gap and protect streams viewed as no longer safeguarded under the Trump Administration’s Waters of the U.S., rule which goes into effect later this month. Under the proposed permitting bill, the state’s Water Quality Control Division, part of the CDPHE, would assume oversight for streams not protected under the new rule, and establish a set of fees to cover the estimated $1 million annual cost of running the program. There is significant debate whether the State can or should be pursuing this authority. As anticipated, the State of Colorado has filed a lawsuit challenging the 2020 WOTUS Rule. The state is also seeking an injunction to block the implementation of the rule in Colorado, which would result in the 2008 USCOE guidance controlling waters subject to 404 permitting until the litigation is resolved. Government Affairs and our Subject Matter Experts are working with our trade association partners to voice our concerns.

SB20-205 Sick Leave for Employees
(Sen. Fenberg, D-Boulder) (Sen. Bridges, D-Greenwood Village)

This bill would require employers to provide employees up to 80 hours of paid sick leave (2/3 pay rate) for flu-like or respiratory illness symptoms, COVID-19 testing, or under instructions to quarantine or isolate due to a risk of having COVID-19. Colorado Springs Utilities already provides paid sick leave to our employees that exceeds these requirements. The bill would place additional burdens and restrictions on employers.
(Recommend OPPOSE)
SB20-216 Workers' Compensation for COVID-19

This bill would provide presumptive eligibility for workers compensation for employees under certain
conditions and job classifications, expressly including utility workers. The workers who were initially exposed
at the onset of the pandemic are not covered by this legislation, the job classifications include categories that
don’t appear to have any real exposure, and it is presumed that contraction of COVID-19 is work-related
without confirmed diagnosis. Government Affairs has teamed up with the city of Colorado Springs lobbyist to
address our concerns about this legislation. (Recommend OPPOSE)

Draft Whistleblower Protections Bill

Representative Garnett (D-Denver) has drafted a bill concerning whistleblower claims related to a public
health emergency. The proposed draft bill would prohibit employers from discrimination or adverse action
against employees that raise any concern about workplace health and safety practices or hazards related to
a public health emergency. During COVID-19, Colorado Springs Utilities has taken steps to ensure
employee safety which include abiding by mandated public health orders, providing personal protective
equipment and establishing safety guidelines. We prohibit discrimination and retaliation in our existing
policies and procedures. However, this draft legislation sets impossible standards, contains overly broad
definitions, and employers could find themselves subject to suit without true knowledge and opportunity to
correct the concern. If introduced, we would recommend OPPOSING this legislation.

Draft Energy Assistance Program Bill

Reps. Cutter and Kennedy have floated a draft bill that would direct $10 million from federal CARES Act
funds awarded to the State to Energy Outreach Colorado to assist low-income customers with paying their
utility bills. Government Affairs worked with the bill proponents to add language to include customers served
by utilities (like Colorado Springs) that operate their own customer assistance programs. We are very
supportive of this concept and are advocating for the introduction and passage of this draft.

HB20-1403 Colorado Water Conservation Board Construction Fund Project
(Sen. Donovan, D-Vail) (Sonnenberg, R-Sterling)

This bill appropriates money from the Colorado Water Conservation Board (CWCB) construction fund to the
CWCB or the division of water resources in the department of natural resources for several projects,
including a $90 MIL loan for the Arkansas Valley Conduit and a $10 MIL grant for the Frying Pan-Arkansas
project. (SUPPORT)
Federal Legislation

H.R. 6800 Health and Economic Recovery Omnibus Emergency Solutions Act (HEROS)
The House of Representatives has passed this $3 TRIL legislation, the largest bill yet to address the COVID-19 virus. This bill was introduced by Rep. Lowey (D-NY-17) and will face very tough negotiations with Senate Republicans and the White House. Included in the proposed package is $875 BIL in funding to state and local governments, expanded energy assistance for low-income families, barrier reductions to LIHEAP participation, temporary increases LIHEAP agencies’ administrative resources, $1.5 BIL in assistance for low-income water and sewer service ratepayers and provisions on utility shutoff moratoriums/reconnects and debt collections.

H.R. 7010 Paycheck Protection Program Flexibility Act

Congress has passed this legislation to allow a greater portion of forgivable loans to small businesses to pay fixed expenses, including utility bills. Under the Paycheck Protection Program, business loans from the Small Business Administration (SBA) are forgiven to the extent loan proceeds are spent on either wages or certain fixed expenses including mortgage payments, rent, or utility bills. Currently, 75 percent of loan proceeds must be spent on wages. H.R. 7010 would reduce that percentage to 60 percent. The bill will be sent to President Trump for signature.

Infrastructure Package

The Senate Environment and Public Works Committee (EPW) has already approved S.2302, "America's Transportation Infrastructure Act," which would provide $287 billion over five years for surface transportation programs. EPW Committee Chair John Barrasso (R-WY) has talked about combining the transportation bill with the EPW-approved “America’s Water Infrastructure Act of 2020” and the “Drinking Water Infrastructure Act”.

Meanwhile, House Majority Leader Steny Hoyer (D-MD) has stated that the House will take up a massive “green” infrastructure package in the June-July timeframe. The House “green” package would include renewable energy incentives, a transportation bill and the Water Resources Development Act (WRDA) that is slated for introduction soon.

Water and electric utility trade associations have been working with the respective House and Senate Committee Committees to ensure utilities needs are considered in any infrastructure package.

Clean Energy Standard Bill

Rep. Dianna DeGette (CO-01) is planning to release her clean energy standard bill, "The Clean Energy Innovation and Deployment Act," during the week of June 8th. Legislative text has not yet been released, but her office has released a 15-page summary of the bill. Among other things, the bill is seeking a requirement for all retail electric utility companies to obtain 100% of their power supplies from non-emitting sources by 2050. While this bill will not pass this Congress, it is being viewed as an important marker for climate-related legislation going forward.
**Colorado Springs Utilities - Solar Generation**

### 1-Hour Generation Capabilities (MW)

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<th>April</th>
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<td>Palmer</td>
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<td>16,879</td>
<td>15,670</td>
<td>29,176</td>
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<td><strong>10,797</strong></td>
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### **Community Solar Gardens Generation (MWh) - 2020**

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<td><strong>744</strong></td>
<td><strong>767</strong></td>
<td><strong>867</strong></td>
<td><strong>3,362</strong></td>
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### Solar Generation (MWh) - 2020

**The numbers shown are actual metered MWh and do not include the REC multipliers that some facilities receive.**

**Contractual MWhs indicate expected generation per Purchase Power Agreement and do not reflect the minimum annual energy production guarantees set forth in respective Purchase Power Agreements.**

**Solar Gardens are community owned (Colorado Springs Utilities Infrastructure) assets and do not have an associated Purchase Power Agreement, therefore, no contractual MWhs provided.**

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*The numbers shown are actual metered MWh and do not include the REC multipliers that some facilities receive.*

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**Solar % of Total Generation - 2020**

- Solar Gardens: 4.06%
- Air Force Academy: 5.54%
- Clear Spring Ranch: 12.38%
- Palmer: 35.25%
- Grazing Yak: 42.76%

**SOLAR TOTAL: 9.13%**

**GENERATION TOTAL: 95.87%**