Date: June 19, 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. May 15, 2020 Personnel Committee Meeting Minutes
   (See attachment)

4. May 15, 2020 Finance Committee Meeting Minutes
   (See attachment)

5. May 14, 2020 Strategic Planning Committee Meeting Minutes
   (See attachment)

6. Legislative Update
   (See attachment)

Attachments:
- Attachment 1 (Water Main Replacement Program (WMRP) 2-Week Look Ahead)
- Attachment 2 (Water Update)
- Attachment 3 (May 15, 2020 Personnel Committee Meeting Minutes)
- Attachment 4 (May 15, 2020 Finance Committee Meeting Minutes)
- Attachment 5 (May 14, 2020 Strategic Planning Committee Meeting Minutes)
- Attachment 6 (Legislative Update)

c: Officer Team
Colorado Springs Utilities Water Main Replacement Program

will be working in the following areas from June 23, 2020 to July 07, 2020

This information is subject to change due to emergency response, weather conditions, equipment and/or resource scheduling changes.

Please contact the following for more information:

**Project Manager** Jason Miller 668-3821

**Program Technical Lead** Tara McGowan 668-8253

This report includes CSU planned finished water projects.

-For other projects see Project Viewer.

-For emergency projects see Cone Zone Map.

***Use this link for specific work zone information***

Map showing 2018 projects for all four services can be found on the Utility GIS Public Portal

**Legend**

<table>
<thead>
<tr>
<th>COUNCIL DISTRICT</th>
<th>SEGMENT ID</th>
<th>FUNDING</th>
<th>STREET</th>
<th>FROM</th>
<th>TO</th>
<th>IMPACT</th>
<th>DESCRIPTION OF WORK*</th>
<th>START DATE</th>
<th>PROJECTED COMPLETION DATE</th>
<th>DUE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>01169</td>
<td>2C</td>
<td>CASCADE AV</td>
<td>FILLMORE ST</td>
<td>DEAD END</td>
<td>See GIS Public Portal</td>
<td>REP</td>
<td>4/13/20</td>
<td>8/15/20</td>
<td>8/15/20</td>
</tr>
<tr>
<td>1</td>
<td>02433</td>
<td>2C</td>
<td>FLINTRIDGE DR</td>
<td>ACADEMY BLVD</td>
<td>DEAD END</td>
<td>CP</td>
<td>5/26/20</td>
<td>7/11/20</td>
<td>6/15/20</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>02435</td>
<td>2C</td>
<td>FLINTRIDGE DR</td>
<td>ACADEMY BLVD</td>
<td>MONTEBELLO DR</td>
<td>CP</td>
<td>5/26/20</td>
<td>7/11/20</td>
<td>6/15/20</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>02434</td>
<td>2C</td>
<td>FLINTRIDGE DR</td>
<td>VICKERS DR</td>
<td>MONTEBELLO DR</td>
<td>CP</td>
<td>4/13/20</td>
<td>7/11/20</td>
<td>6/15/20</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>03003</td>
<td>2C</td>
<td>JET WING DR</td>
<td>FOUNTAIN BLVD</td>
<td>ASTROZON BLVD</td>
<td>REP</td>
<td>6/3/20</td>
<td>8/15/20</td>
<td>8/15/20</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>03947</td>
<td>2C</td>
<td>MESA RD</td>
<td>UINTAH ST W</td>
<td>WALNUT ST</td>
<td>REP</td>
<td>3/2/20</td>
<td>8/7/20</td>
<td>8/15/20</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>03948</td>
<td>2C</td>
<td>MESA RD</td>
<td>FILLMORE ST</td>
<td>UINTAH ST</td>
<td>REP</td>
<td>3/2/20</td>
<td>8/7/20</td>
<td>8/15/20</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>05117</td>
<td>2C</td>
<td>RIO GRANDE ST E</td>
<td>CASCADE AV S</td>
<td>TEJON ST S</td>
<td>CP</td>
<td>5/7/20</td>
<td>7/28/20</td>
<td>8/15/20</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>05112</td>
<td>2C</td>
<td>RIO GRANDE ST E</td>
<td>TEJON AV S</td>
<td>NEVADA AV S</td>
<td>CP</td>
<td>5/7/20</td>
<td>7/28/20</td>
<td>8/15/20</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>05122</td>
<td>2C</td>
<td>RIO GRANDE ST E</td>
<td>WEBER ST S</td>
<td>NEVADA AV S</td>
<td>CP</td>
<td>5/7/20</td>
<td>7/28/20</td>
<td>8/15/20</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>05121</td>
<td>2C</td>
<td>RIO GRANDE ST E</td>
<td>WAHSATCH AV S</td>
<td>WEBER ST S</td>
<td>CP</td>
<td>5/7/20</td>
<td>7/28/20</td>
<td>8/15/20</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>05108</td>
<td>2C</td>
<td>RIO GRANDE ST W</td>
<td>SIERRA MADRE ST</td>
<td>SAHWATCH ST</td>
<td>CP</td>
<td>5/7/20</td>
<td>7/28/20</td>
<td>8/15/20</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>05119</td>
<td>2C</td>
<td>RIO GRANDE ST W</td>
<td>SAHWATCH ST</td>
<td>CASCADE AV S</td>
<td>CP</td>
<td>5/7/20</td>
<td>7/28/20</td>
<td>8/15/20</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>06299</td>
<td>2C</td>
<td>UNION BLVD</td>
<td>ACADEMY BLVD</td>
<td>WOODMEN RD</td>
<td>REP</td>
<td>1/5/20</td>
<td>8/1/20</td>
<td>8/15/20</td>
<td></td>
</tr>
</tbody>
</table>
Weekly Water Update as of June 14, 2020:

CONSUMPTION:

WEEKLY:
Week of June 08 through June 14, 2020: 676.8 million gallons, average temperature: 56 deg F, precipitation: 0.09 in.
Week of June 08 through June 14, 2019: 600.9 million gallons, average temperature: 53 deg F, precipitation: 0.20 in.
Week of June 08 through June 14, 2018: 836.1 million gallons, average temperature: 73 deg F, precipitation: 0.63 in.
Week of June 08 through June 14, 2001: 788.4 million gallons, average temperature: 64 deg F, precipitation: 0.33 in.

MONTH-TO-DATE:
   June 14, 2020: 1,307.9 million gallons.
   June 14, 2019: 1,115.7 million gallons.
   June 14, 2018: 1,644.3 million gallons.
   June 14, 2001: 1,587.8 million gallons.

YEAR-TO DATE:
   June 14, 2020: 9,244.4 million gallons (109.1% of 2019), precipitation was: 3.95 in.
   June 14, 2019: 8,473.6 million gallons, precipitation was: 6.28 in.
   June 14, 2018: 10,269.7 million gallons, precipitation was: 4.33 in.
   June 14, 2001: 11,315.1 million gallons, precipitation was: 8.06 in.

LOCAL STORAGE:
   June 14, 2020 volume is 16.67 billion gallons.
   June 14, 2020 was 77.6% of capacity.
   June 14, 2019 was 80.7% of capacity.
   June 14, 2018 was 67% of capacity.
   June 14 normal storage - 1997 to 2001 - is 79.2% of capacity.
   June 14 average storage for 30 years - 1981 to 2010 - is 81% of capacity.
   There are 255 days of demand in local storage.

SYSTEM STORAGE:
   As of June 07, 2020, system wide storage volume is 70.9 billion gallons.
   There are approximately 3.0 years of demand in storage system-wide.
   System storage is at 84.4 % of capacity.
   System storage for June 07, 2019 was 74.6 % of capacity.
   System storage for June 07, 2018 was 85.8 % of capacity.
   Normal system storage - 1997 to 2001 - for June 07 is 81.8 % of capacity.
   Average system storage - 1981 to 2010 - for June 07 is 77.8 % of capacity.
Personnel Committee Members present in the Rosemont Conference Room:
Committee Chair Yolanda Avila

Personnel Committee Members present via web conference: Tom Strand and Bill Murray

Personnel Committee Members excused: Wayne Williams

Staff Members present: Marcy Hudson; Renee Adams; Al Wells and Toni Bircher

1. Call to Order and Welcome
   Personnel Committee Chair Yolanda Avila called the meeting to order at 10:01 a.m.
   Ms. Marcy Hudson, Human Resources General Manager, read a statement regarding Colorado Open Meetings Law and the City Charter and no public comment as a part of the meeting.

2. Review of Minutes
   The April 17, 2020 Personnel Committee minutes were reviewed for posting.

3. ER 1-3 Board Expected Results Scorecard (Q1-2020)
   Mr. Al Wells, Senior Analyst, Strategic Planning and Governance, provided information on first quarter results of the Board Expected Results Scorecard. Mr. Wells discussed ratings on indicators from the scorecard that were rated below meets expectations. Committee Chair Avila asked about the highest rated indicator for the quarter and Mr. Wells reported that four indicators - Days Cash on Hand, Electric SAIDI, City Infrastructure Coordination in Support of 2C and Wastewater System Improvements Compliance Index - had all resulted in far exceeds expectations ratings.

4. 2020 Labor and Benefits budget monitoring and 2021 Planning
   Ms. Marcy Hudson, Human Resources General Manager, provided an update on Labor and Benefits for 2020 and 2021. She discussed the Compensation and Benefits (I-11) compliance report, workforce planning, compensation planning, the 2020 labor budget and 2021 labor budget planning.
Ms. Hudson confirmed that providing market competitive benefits to attract, develop and retain a skilled and diverse workforce is important and reported on health care cost trends, 2019 medical claims experience, cost management strategies and the process for determining the medical benefits budget. She indicated that presentation of the 2021 Labor and Benefits to the Personnel Committee is planned for July 17, 2020.

Discussion Items

- Benefits consultant
- Regulatory changes
- Telehealth

5. Adjournment
The meeting adjourned at 10:42 a.m.
Minutes
Finance Committee
Colorado Springs Utilities Board
May 15, 2020

Committee Members Present in the Rosemont Conference Room: Andy Pico

Committee Members Present via web conference: Committee Chair Bill Murray; Tom Strand and Don Knight

Staff Members Present via web conference or in the Rosemont Conference Room: Aram Benyamin; Melissa Noble; Scott Shewey; Travas Deal; Tristan Gearhart; Phil Tunnah; John Hunter; Adam Hegstrom; Sonya Thieme; Michael Avanzi; Joe Awad; Brian Whitehead; Melissa Richardson and Toni Bircher

City of Colorado Springs Staff Members Present: Jacqueline Rowland; Chris Bidlack; Bethany Burgess and Sally Barber

Call to Order
Finance Committee Chair Bill Murray called the meeting to order at 2:05 p.m. and read a statement regarding Colorado Open Meetings Law and the City Charter and the public meeting and he noted that public comment would not be a part of the meeting.

Review
Minutes from the April 17, 2020 Finance Committee meeting were reviewed for posting. The Financial Condition and Activities (I-2) 2019 Annual City Auditor Report; the Asset Protection (I-8) 2019 Annual City Auditor Report and the Financial Condition and Activities (I-2) Q-1 – 2020 compliance reports were also reviewed.

EIRP Update
Mr. Michael Avanzi, Energy Planning and Innovation Manager, provided information on the Energy Integrated Resource Plan (IRP) process and discussed items covered at the May 6, 2020 Utilities Policy Advisory Committee (UPAC) meeting, the role of natural gas, demand side management (DSM), attribute scoring criteria, the draft portfolio report out with scoring, the portfolio discussion, portfolio financials and sensitivities and the IRP deliverables.

Mr. Andy Colosimo, Governmental Affairs Manager, provided a Legislative Update and discussed expectations of State of Colorado policy makers for all generating electric utilities regarding greenhouse gas emission reductions.
Discussion Items
- Electric energy efficiency by levelized cost
- Attributes and weighting
- Revenue requirement score
- Peer utility announcements

Mr. John Hunter, Corporate Economist, provided information on the IRP financial model assumptions and discussed rates, operations and maintenance, capital, revenue requirements, current debt service structure and financial metrics. He indicated that portfolios with lower average adjusted debt service coverage would be more likely to require rate increases and that higher days cash on hand portfolios would provide more flexibility for future financial challenges.

Mr. Avanzi discussed the IRP sensitivities, current and future deliverables, portfolio comparisons and next steps.

Sales and Load Forecast
Mr. Hunter presented information on the sales and load forecast and discussed the 2019 forecast and results, Annual Operating and Financial Plan (AOFP) comparisons, 2020 volumes and the 2020 revenue outlook.

Discussion Items
- Water and wastewater forecast results

Water Revenue
Mr. Hunter highlighted the 2020 water revenue and indicated that water operating revenue is $712,000 over the budgeted figures in the year-to-date AOFP. He stated that no revenue was added to the Water Reserve Account for January and that revenues will be added on a year-to-date basis every November. Mr. Hunter reported that the water reserve account balance is $10.9 million.

Utilities Rules and Regulations (URR) Changes
Mr. Brian Whitehead, System Extensions Manager, discussed the water and wastewater extension policy for oversized main reimbursement.

Discussion Items
- Feedback from stakeholders
- Impacts of building oversized mains
- Development using old capacity
- Necessity of new large mains

Electric Cost Adjustment and Gas Cost Adjustment
Ms. Sonya Thieme, Rates Manager, updated the committee on Electric and Gas Cost Adjustment (ECA/GCA) and discussed natural gas and coal prices and the ECA/GCA projections. She indicated that next quarterly filing would be presented in July and commented that the fuel source prices would be continuously monitored.
Plan of Finance
Mr. Scott Shewey, Acting Planning and Finance Officer, discussed the current capital forecast, debt funding in 2020 and 2021 and the impacts to Colorado Springs Utilities resulting from COVID-19. Mr. Shewey discussed the 2020 capital expenditures and funding alternatives.

Discussion Items
- Cash funding and debt funding for capital projects
- Commercial paper program

Risk Management Report
Mr. Adam Hegstrom, Manager, Enterprise Risk Management, provided information on the April 2020 Risk Management Report.

Discussion Items
- Changes in sales volumes
- Reduced revenue and collection
- Adjusted debt service coverage projections

Adjournment
The meeting adjourned at 3:31 p.m.

Next Meeting
June 12, 2020
Minutes
Strategic Planning Committee
Thursday, May 14, 2020

Committee Members Present in the Rosemont Conference Room: Committee Chair Andy Pico
Committee Members Present via web conference: David Geislinger; Bill Murray; Jill Gaebler and Richard Skorman

Staff Members Present via web conference or in the Rosemont Conference Room: Aram Benyamin; Phil Tunnah; Dave Padgett; Cindy Newsome; Abby Ortega; Jenny Bishop; Michael Avanzi; Joe Awad; Andy Colosimo; Christian Nelson; Kerry Baugh and Toni Bircher

Call to Order
Committee Chair Andy Pico welcomed all to the web conference at 8:01 a.m. Ms. Toni Bircher, Utilities Board Administrator, called the roll of Committee members and noted that all were present.

Review Minutes
The minutes from April 16, 2020 Strategic Planning Committee were reviewed for posting.

Proposed Revisions to Water Supply Management Policy (I-7)
Ms. Abby Ortega, Water Supply and Resources Manager, discussed proposed revisions to the policy, regional service considerations and Proposed Water and Wastewater Regional Services Program Management Plan considerations.

Discussion Items
- Net benefits to Colorado Springs Utilities customers
- Length of contracts
- Current and projected demands in existing services area and reliably-met demand
- Maintenance of level-of-service

Draft Strategic Plan
Ms. Kerry Baugh, Strategic Planning and Governance Analyst Lead, presented information on the draft Strategic Plan. She discussed the timeline, notable changes, the Strategy Map, Strategic Initiatives, organizational alignment and next steps. Ms. Baugh indicated that an effort had been made to simplify the Strategy Map and Strategic Initiatives and she indicated that the draft Strategic Plan would be presented to the Utilities Board on May 20, 2020 for review and discussion. Ms. Baugh confirmed that the plan would be placed on the June 17, 2020 Utilities Board agenda for the Board to consider approval of the Strategic Plan.
Electric and Gas Integrated Resource Plans
Mr. Michael Avanzi, Energy Planning and Innovation Manager, discussed items covered at the May 6, 2020 Utilities Policy Advisory Committee (UPAC) meeting, the role of natural gas, demand side management (DSM), attribute scoring criteria, draft portfolio report out with scoring, the portfolio discussion, portfolio financials and sensitivities and the IRP deliverables.

Discussion Items
- Considering Property Assessed Clean Energy (PACE) programs
- Battery storage
- Solar expansion
- Solar and battery rebate program
- Gas consumption

Mr. Avanzi provided information on the Gas Integrated Resource Plan (GIRP) and stated that the GIRP has two parts including core service as the local distribution company to customers and supporting the Electric IRP portfolios using natural gas. He discussed synergies between gas trading, transport capacity and electric generation, the opportunity to leverage assets for mutual benefit and leveraging DSM programs.

Mr. Andy Colosimo, Governmental Affairs Manager, provided a Legislative Update and discussed expectations of State of Colorado policy makers for all generating electric utilities regarding greenhouse gas emission reductions.

Discussion Items
- Portfolio revenue requirements
- State mandates for compliance
- Public outreach
- UPAC consideration of portfolios

Adjournment
The meeting adjourned at 9:52 a.m.

Next Meeting
June 12, 2020
State Legislation

The dilemma facing legislators was how to conduct business while observing social distancing guidelines and the constitutional right of the public to redress their government and to participate in the legislative process, a process that continues to operate largely based on in-person meetings.

Against the backdrop of the challenges, the legislature reconvened on May 26 with the promise to focus their efforts on passing the budget, and only consider remaining legislation that was “fast, friendly, and free.” Lobbyists and members of the public were strongly discouraged from attending the proceedings and the expectation laid out by leadership was for communication to occur with members via electronic means. With there being no revenues to support new state spending and the need to prevent unnecessarily prolonged in-person contact in a State Capitol building that was not designed for social distancing, the general expectation was for the legislature to quickly and quietly wrap up their work.

Unfortunately, what was promised and what was delivered were two completely different things. House and Senate majority leaders introduced brand-new and sweeping legislative proposals to address the impacts of the COVID-19, but also to quickly pass several “wish-list” items. These bills were introduced without bipartisan support and were debated in an atmosphere where the general public could not provide meaningful input. To establish new programs in the face of fiscal challenges, the Legislature resorted to creating several new fees on various industries (including utilities), and even introduced a significant revision to the Colorado tax code that drew a very rare veto threat from the Governor. Ultimately, deals were cut and most of these proposals were significantly scaled back, enabling business to finally conclude.

Despite the unprecedented challenges we faced, Government Affairs’ advocacy efforts were highly effective this session, even during the most difficult days at the end. The following is a list of some of the significant measures (arranged by issue area) Government Affairs was engaged in over the course of the Session.

COVID Response Legislation

Key Bills that Passed

HB20-1412 (COVID-19 Utility Bill Payment-related Assistance)
(Sen. Story, D- Conifer) (Sen. Zenzinger, D- Arvada)

This bill appropriates $4.8 million from the federal CARES Act funds allocated to the State of Colorado to Energy Outreach Colorado to help low-income customers with utility bill payments. Government Affairs worked to amend the draft version of this bill to allow customers of utilities with their own bill payment assistance programs (like Colorado Springs Utilities), to apply to Energy Outreach Colorado for these funds. This bill passed the Legislature on June 12 and is expected to be signed into law. (SUPPORT)
COVID Response Legislation Continued

Key Bills that Passed

**HB20-1420 (Adjust Expenditures to Support State Education Fund)**
(Sen. Moreno, D- Commerce City) (Sen. Hansen, D- Denver)

This bill was introduced in response to the cuts made to the State Education budget as a result of the COVID-19 economic crisis. As introduced, this measure sought to make several adjustments to tax exemptions and deductions afforded to Colorado businesses, including eliminating the sales exemptions for fuel used to produce electricity and for electricity used in manufacturing. HB20-1095 also proposed to adjust the sales tax exemption for electricity used in manufacturing, it was postponed indefinitely on May 28. As a result of the intense lobbying of the Colorado business community, HB20-1420 was significantly pared down in the Senate and the provisions relating to electricity production and use were removed. This bill was a priority bill of Legislative Majority Party Leadership, passed the Legislature on June 15 and is expected to be signed into law. (MONITOR)

**HB20-1415 (Whistleblower Protections Public Health Emergencies)**
(Sen. Pettersen, D- Lakewood) (Sen. Rodriguez, D- Denver)

This bill prohibits employers from taking adverse actions against employees who raises concerns over an employer’s workplace health practices during a declared public health emergency. This bill also permits employees to wear their own PPE if it exceeds the employer’s standards. As introduced this bill was very concerning because it placed the burden of proof on the employer. The Colorado Municipal League (CML) worked to include an amendment that shifts this burden to the one bringing the complaint. However, concerns remain over there being no cap on the amount of damages a plaintiff may seek to recover from an employer. This bill was a priority bill of Legislative Majority Party Leadership, passed the Legislature on June 15 and is expected to be signed into law. (OPPOSE)

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

This bill requires employers to provide expanded sick leave to employees during the COVID-19 crisis. SMEs expressed several concerns with the negative impacts this measure would have on our already well functioning paid sick leave policies. Despite the significant concerns expressed by local governments and the business community, this bill was a priority bill of Legislative Majority Party Leadership, passed the Legislature on June 15 and is expected to be signed into law. (OPPOSE)
COVID Response Legislation Continued

Key Bills that Were Defeated

SB20-216 (Worker’s Compensation for COVID-19)
(Sen. Rodriguez, D- Denver)
(Rep. Mullica, D- Northglenn)

This bill sought to create presumptive eligibility (assumed to have happened on the job) for worker’s compensation claims made by first responders and other critical employees (including utility employees) who contracted COVID-19 during the COVID-19 health crisis. This bill was a significant concern for Colorado Springs Utilities SMEs and would have had very negative impacts on worker’s compensation policies and procedures. Although this bill was a priority bill of Legislative Majority Party Leadership, intense lobbying from the Colorado business community resulted in the bill being defeated in the Senate Appropriations Committee on June 10. (OPPOSE)

Key Bills That Passed

Energy

SB20-204 (Additional Resources to Protect Air Quality)
(Sen. Fenberg, D- Boulder)

This bill creates the air quality enterprise, increases and creates new fees and makes an appropriation. Part one creates a new air quality enterprise to conduct air quality modeling, monitoring, assessment, and research to facilitate the administration of the state's air quality laws, including the timely issuance and effective enforcement of appropriate emission permits. This new enterprise is funded by the collection of a new fee on stationary source emissions. While the fee amount for this section is not set, the total amount allowed to be collected is capped at $1 million beginning next year and increases to a maximum of $5 million in 2024 and thereafter. Part two of the bill removes the statutory maximum for fees assessed for air pollutant emission notices and annual per-ton emission fees and processing fees, establishes a fee for fiscal year 2020-21, and then allows the Air Quality Control Commission (AQCC) to adjust these fees by rule, and specifies the purposes for which these increased revenues may be spent. While allowing the AQCC to adjust permit fees is a significant shift in state policy (the General Assembly has historically retained control over fees by setting them in statute), our SME’s have indicated that any increase in fees that results in more efficient permitting is a net positive on our operations. This bill passed the Legislature on June 12 and is expected to be signed into law. (MONITOR)

HB20-1143 (Environmental Justice and Projects Increase Environmental Fines)
(Sen. Winter, D- Westminster)

This bill raises the maximum fine for air or water quality violations to $47,357 per day (in line with existing federal penalties that can be assessed by the EPA) and directs the AQCC and the Water Quality Control Commission (WQCC) to annually adjust the maximum fine based on changes in the consumer price index. This bill passed the Legislature on June 10 and is expected to be signed into law. (MONITOR)
Energy

Key Bills That Passed

HB20-1265 (Increase Public Protections Air Toxics Emissions)
(Sen. Gonzales, D- Gardner) (Sen. Moreno, D- Commerce City)

Though written by the sponsors in response to several issues at the Suncor Refinery in Denver, as initially drafted this measure would have imposed significant potential burdens on Colorado Springs Utilities operations at Drake and the Clear Spring Ranch facilities. Government Affairs brought our concerns to the proponents and bill sponsors and the measure was amended to narrow the scope of application in a way to not cover our facilities. This bill passed the Legislature on June 11 and is expected to be signed into law. (MONITOR)

Key Bills that Were Defeated or Not Introduced

SB20-150 (Adopt Renewable Natural Gas Standard)
(Sen. Hansen, D- Denver) (Sen. Coram, R- Montrose)

As originally proposed, this measure would have required natural gas utilities to secure up to 15 percent of their gas supply from renewable resources by 2035. Government Affairs worked to amend this measure to make renewable natural gas programs voluntary for municipal utilities. The measure was postponed indefinitely on May 28 in response to the challenges presented to the state budget and remaining legislative calendar by the COVID-pandemic. (MONITOR)

SB20-159 (Global Warming Potential for Public Project Materials)
(Sen. Hansen, D- Denver)

This bill would have required the State to establish a maximum acceptable global warming potential for each category of eligible materials used in a state-funded public project. Government Affairs was monitoring this bill for industry precedents. The measure was postponed indefinitely on May 28 in response to the challenges presented to the state budget and remaining legislative calendar by the COVID-pandemic. (MONITOR)

SB20-190 (Boost Renewable Energy Transmission Investment)
(Sen. Hansen, D- Denver)

This bill would have directed the Public Utilities Commission (PUC) to approve any transmission project that helped the State’s clean energy goals. It would have also required an incumbent utility a 180-day the right of first refusal to construct such a line if proposed by a third party. The measure was postponed indefinitely on June 3 in response to the challenges presented to the state budget and remaining legislative calendar by the COVID-pandemic. (MONITOR)
Key Bills that Were Defeated or Not Introduced

HB20-1064 (PUC Study of Community Choice Energy)
(Rep. Hooten, D- Boulder)

This bill would have required the PUC study the opportunities and challenges to set up community choice aggregation in Colorado. This measure was very strongly opposed by the investor-owned utilities and rural electric cooperatives but was strongly supported by renewable energy advocates. This measure did not impact municipal utilities. The measure passed the House Energy Committee in February and was assigned to appropriations. However, the measure did not receive a further hearing in response to the challenges present to the state budget by the COVID-pandemic. (MONITOR)

(Commercial Building Energy Performance Mandate)

Though not introduced, this proposal was being advanced by the Colorado Energy Office and the Southwestern Energy Efficiency Project and sought to have utilities provide aggregated energy usage data to commercial building owners and require all buildings in large metro areas (including Colorado Springs) meet energy efficiency targets or face fines from the AQCC. Government Affairs worked to improve language on improving account holder privacy and was working with CML on protecting buildings owned by local government from inclusion in a state mandate. A great deal of work went into this measure before the Legislature recessed in response to the pandemic and we fully expect some version of this proposal to reemerge next year. (AMEND)

Key Bills That Passed

HB20-1119 (State Government Regulation of PFAS)
(Sen. Hisey, R- Fountain) (Sen. Lee, D- Colorado Springs)

As introduced, this bill clarified when PFAS containing firefighting foams could have been used at airports and by fire departments. Additionally, the introduced bill granted the Colorado Department of Public Health and Environment (CDPHE) the power to adopt and enforce standards and regulations that require public drinking water systems to sample drinking water for PFAS and permitted the WQCC to set standards related to PFAS in surface water and groundwater and require wastewater systems to collect PFAS data relevant to the commission setting PFAS standards. Government Affairs worked with SMEs to make several clarifying amendments to the measure to clarifying the process and powers of the CDPHE in respect to PFAS enforcement on water and wastewater utilities. While we were successful in getting our concerns addressed, remaining difficulties with bill led to the CDPHE pulling out the language on water and wastewater utility PFAS regulation. The final version of this bill only pertains to airports and fire departments. This bill passed the Legislature on June 10 and is expected to be signed into law. (MONITOR)
2020 STATE LEGISLATIVE REVIEW
JUNE 19, 2020

Water

Key Bills That Passed

SB20-218 (CDPHE Hazardous Substances Response)
(Sen. Fenberg, D-Boulder) (Sen. Lee, D-Colorado Springs)
This bill creates a new fee on Colorado fuel producers and shippers and uses the revenue from this fee to create a cash fund and grant program to pay for the sampling, assessment, and investigation of PFAS in ground or surface water and drinking water infrastructure. While we support the concept of the CDPHE funding this important work and strongly agree that utilities should not bear the financial burden related to PFAS sampling, testing, and any necessary remediation, we remain concerned with the levying of a new fee by the state instead of an appropriation from the general fund. This bill passed the Legislature on June 15 and is expected to be signed into law. (MONITOR)

HB20-1403 (CWCB Construction Fund Project)
(Sen. Donovan, D-Vail) (Sen. Sonnenberg, R-Sterling)
This bill makes appropriations for various water construction projects in the state. Of particular interest to Colorado Springs Utilities is the funding for the Arkansas River decision support system and significant funding to support the construction of the Arkansas Valley Conduit project. This bill passed the Legislature on June 13 and is expected to be signed into law. (SUPPORT)

Key Bills that Were Defeated or Not Introduced

SB20-153 (Water Resource Financing Enterprise)
(Sen. Corum, R-Montrose)
This bill sought to charge customers of drinking water suppliers a fee to finance the construction of water storage and other water infrastructure. While this was a messaging bill from a West Slope legislator to make a statement of Front Range population diverting water from the Western Slope, we joined other front range water utilities in expressing our opposition to this very unhelpful bill. The Senate Agriculture Committee agreed with our position and this measure was defeated on February 13. (OPPOSE)

(State Dredge & Fill Permit Program)
Though not introduced, during the waning days of the Session, the CDPHE worked with the Speaker of the House to propose draft legislation that would create a new dredge and fill permit program in Colorado to supplement the state’s perceived deficiencies in the Trump Administration’s Waters of the US Rule (WOTUS). Colorado Springs Utilities SMEs expressed numerous concerns with the state seeking to create a new program while the simultaneously pursuing litigation on the proposed WOTUS Rule. Additional concerns over how the federal and state programs would interact with one another, and potential projects becoming subject to new fees and lengthy delays, resulted in our opposition to the measure. Government Affairs directly contacted the Speaker requesting that she NOT introduce the measure. The Colorado Water Congress made a similar request. Based on the input she received, the Speaker did not introduce this measure. Instead, we are committed to working with the CDPHE and other stakeholders over the summer on addressing the state’s concerns. (OPPOSE)
Key Bills that Were Passed

HB20-1145 (Move Over or Slow Down for Official Vehicle)
(Rep. McKean, R-Loveland)
(Sen. Holbert, R-Parker) (Sen. Garcia, D-Pueblo)

This bill requires a driver who is overtaking an emergency vehicle (including a public utility) parked on the side of the road to slow down to 25 miles per hour if the speed limit is less than 45 mph; or at least 20 miles per hour less than the posted speed limit if the speed limit is 45 mph or more. We rallied behind the State Patrol to support this measure as it promotes the safety of our utility workers. This bill passed the Legislature on April 10 and is expected to be signed into law. (SUPPORT)

Key Bills that Were Defeated

HB20-1089 (Employee Protection Lawful Off-duty Activities)
(Rep. Melton, D-Aurora)

This bill was introduced to prohibit employers from firing employees for using recreational marijuana when off-duty. However, the measure was overly broad (for example, there was a concern over lunch breaks) and failed to acknowledge employer drug-free workforce policies and Colorado Springs Utilities SME’s registered their strong opposition. The House Business Affairs Committee agreed with the opponents and the measure was defeated on February 19. (OPPOSE)

HB20-1138 (Public Real Property Index)

This bill was introduced to create a master list of surplus, publicly owned, real property with the State Architect’s Office, that could be accessed by Charter Schools and other nonprofits who are seeking affordable property options. SME’s expressed concerns with the inclusion of utility property in such a list and Government Affairs obtained an amendment to exempt utility property. The measure passed the House Local Government Committee in February and was assigned to appropriations. However, the measure did not receive a further hearing in response to the challenges present to the state budget by the COVID-pandemic. (MONITOR)

HB20-1287 (Colorado Rights Act)
(Rep. Soper, R-Delta)
(Sen. Marble, R-Fort Collins) (Sen. Lee, D-Colorado Springs)

This bill would have allowed a person who has a right, privilege, or immunity secured by the Colorado constitution that is infringed upon to bring a civil action for the violation. This measure was vigorously opposed by both business and local government groups and the House Judiciary Committee voted to defeat this measure on March 5. (OPPOSE)