

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0272.01 Duane Gall x4335

HOUSE BILL 12-1234

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HOUSE SPONSORSHIP

Tyler, Fischer, Hullinghorst, Solano

SENATE SPONSORSHIP

(None),

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House Committees

State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING A RIGHT TO PARTICIPATE IN PROCEEDINGS BEFORE THE  
102 PUBLIC UTILITIES COMMISSION BY CUSTOMERS OF REGULATED  
103 BUSINESSES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill clarifies that, for purposes of the rules governing intervention in administrative hearings before the Colorado public utilities commission (PUC), customers of a business regulated by the PUC qualify as persons who "will be interested in or affected by" the PUC's order.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 40-6-109, **amend** (1)  
3 as follows:

4           **40-6-109. Hearings - orders - record - review - representation**  
5 **of entities in nonadjudicatory proceedings.** (1) (a) At the time fixed for  
6 any hearing before the commission, any commissioner, or an  
7 administrative law judge, or at the time to which the ~~same~~ HEARING may  
8 have been continued, THE FOLLOWING PERSONS AND ENTITIES ARE  
9 ENTITLED TO BE HEARD, EXAMINE AND CROSS-EXAMINE WITNESSES, AND  
10 INTRODUCE EVIDENCE:

11           (I) The applicant, petitioner, OR complainant;

12           (II) The person, firm, or corporation complained of; **and**

13           (III) Such persons, firms, or corporations as the commission ~~may~~  
14 ~~allow~~ **ALLOWS** to intervene; and

15           (IV) Such persons, firms, or corporations as will be interested in  
16 or affected by any order ~~that may be~~ made by the commission in ~~such~~ **THE**  
17 ~~proceeding, and who shall have become parties to the proceeding shall be~~  
18 ~~entitled to be heard, examine and cross-examine witnesses, and introduce~~  
19 ~~evidence~~ **INCLUDING** CUSTOMERS OF ANY BUSINESS ENTITY THAT IS  
20 REGULATED BY THE COMMISSION AND THAT IS A PARTY. THE COMMISSION  
21 MAY IMPOSE REASONABLE TIME LIMITS OR ADOPT OTHER PROCEDURAL  
22 MEASURES TO ACCOMMODATE THE PARTICIPATION OF NUMEROUS PERSONS  
23 PURSUANT TO THIS SUBPARAGRAPH (IV).

24           (b) A REPORTER APPOINTED BY THE COMMISSION SHALL TAKE A  
25 full and complete record of all TESTIMONY AND ALL proceedings ~~had~~  
26 before the commission, any commissioner, or an administrative law judge

1 in any formal hearing ~~and all testimony shall be taken down by any~~  
2 ~~reporter appointed by the commission~~ or, as deemed appropriate by the  
3 commission, a commissioner, or an administrative law judge, as  
4 applicable, THE PROCEEDINGS AND TESTIMONY SHALL BE recorded  
5 electronically. All parties in interest ~~shall be~~ ARE entitled to be heard in  
6 person or by attorney.

7           **SECTION 2. Applicability.** The provisions of this act apply to  
8 proceedings in which the initial application, petition, or complaint is filed  
9 on or after the effective date of this act.

10           **SECTION 3. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, and safety.