

AGENDA

Monday, June 27, 2022

3:00 p.m. or as soon as the City Council Work Session has concluded

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3:00 p.m. 1. Call to Order

Chair Wayne
Williams

3:05 p.m. 2. Executive Session

In accordance with City Charter art. III, § 3-60(d) and its incorporated Colorado Open Meetings Act, C.R.S. § 24-6-402(4)(b) and (e) and Utilities Board Bylaw Rules 10(c)(2) and (5), the Utilities Board, in Open Session, is to determine whether it will hold a Closed Executive Session. The issue to be discussed involves consultation with the City Attorney for the purpose of receiving legal advice and determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding a regulatory matter.

Bethany Burgess,
Division Chief –
Utilities, Office of
the City Attorney

The City Attorney's Office, on behalf of the Chair of the Utilities Board, shall poll the Utilities Board members, and, upon consent of two-thirds of the members present, may conduct a Closed Executive Session. In the event any Utilities Board member is participating electronically or telephonically in the Closed Executive Session, each Utilities Board member participating electronically or telephonically in the Closed Executive Session shall affirmatively state for the record that no other member of the public not authorized to participate in the electronic Closed Executive Session is present or able to hear the matters discussed as part of the Closed Executive Session. If consent to the Closed Executive Session is

not given, the item may be discussed in Open Session or withdrawn from consideration.

3:45 p.m.	3.	A Resolution Directing the Utilities Chief Executive Director to Take Action in Accordance with Colorado Springs Utilities' Clean Energy Plan	Bethany Burgess, Division Chief – Utilities, Office of the City Attorney	Approval
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3:55 p.m.	4.	Adjournment	Chair Wayne Williams	
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RESOLUTION NO. 22-04

A RESOLUTION DIRECTING THE UTILITIES CHIEF EXECUTIVE OFFICER TO TAKE ACTION IN ACCORDANCE WITH COLORADO SPRINGS UTILITIES' CLEAN ENERGY PLAN

WHEREAS, the Colorado General Assembly passed S.B. 19-236 and H.B.19-1261 which recognize that it is a matter of statewide importance to promote the development of cost-effective clean energy and new technologies and reduce the carbon dioxide emissions from the Colorado electric generating system; and

WHEREAS, S.B. 19-236 defined a "Clean Energy Plan" in part as a plan filed by a qualifying retail utility as part of its electric resource plan to reduce the qualifying retail utility's carbon dioxide emissions associated with electricity sales to the qualifying retail utility's electricity customers by eighty percent from 2005 levels by 2030; and

WHEREAS, S.B. 19-236 stated that a municipal utility (which is not classified as a qualifying retail utility) may voluntarily file a Clean Energy Plan by July 1, 2022; and

WHEREAS, H.B. 19-1261 provided that the Colorado Air Quality Control Commission (AQCC) shall not mandate any further emissions reductions by 2030 than are required under an approved Clean Energy Plan, or impose any direct, non-administrative cost on the public utility directly associated with quantities of greenhouse gas emissions caused by the utility's Colorado retail electricity sales that remain after the reductions are achieved and the Colorado Air Pollution Control Division (APCD) has verified those reductions; and

WHEREAS, the Colorado General Assembly also adopted H.B. 21-1266, which established additional procedural steps for filing a voluntary Clean Energy Plan; and

WHEREAS, Colorado Springs Utilities, an enterprise of the City of Colorado Springs, Colorado, a Colorado home rule city and municipal corporation (Utilities) provides electric service to its ratepayers; and

WHEREAS, Utilities considered the requirements of S.B. 19-236 and H.B. 19-1261 in developing its Electric Integrated Resource Planning process, which such process concluded with the approval by the Utilities Board of Directors of Utilities' current Electric Integrated Resource Plan on June 26, 2020; and

WHEREAS, Utilities' 2020 Electric Integrated Resource Plan was the result of an extensive public process spanning eighteen months, is a long-term strategic plan for providing cost effective, resilient, reliable, and environmentally sustainable energy resources to meet the energy needs of Utilities' customers from 2020 to 2050, and serves as a guide to Utilities in the identification and selection of energy resources; and

WHEREAS, though Utilities' Electric Integrated Resource Plan establishes Utilities' expected plan and strategy for its energy resource mix, Utilities' actual energy mix is the product of and takes into consideration a variety of factors including, but not limited to, legal and regulatory requirements (including required permits and related approvals), actual operational needs for resiliency and reliability, availability of energy resources (including non-carbon resources), and energy market conditions; and

WHEREAS, Utilities' 2020 Electric Integrated Resource Plan commits to an 80% reduction in greenhouse gas emissions from electric generation resources by 2030 from a 2005 baseline of such emissions; and

WHEREAS, Utilities desires to file a voluntary Clean Energy Plan in order to ensure regulatory certainty through 2030 with respect to greenhouse gas emissions for its ratepayers; and

WHEREAS, Utilities gained additional clarity and certainty on Clean Energy Plan requirements through publication of the final Clean Energy Plan Guidance by the Division in March 2021, and H.B. 21-1266 in July, 2021; and

WHEREAS, Utilities filed a written Notice of Intent to File a Clean Energy Plan with the Colorado Air Pollution Control Division (the "Division") on July 29, 2021; and

WHEREAS, Utilities drew information from its 2020 Electric Integrated Resource Plan into the Division-prescribed Clean Energy Plan Workbook consistent with Division guidance to meet the requirements of the Clean Energy Plan legislation; and

WHEREAS, Utilities performed a necessary calibration of its 2020 Electric Integrated Resource Plan to ensure an 80 percent greenhouse gas reduction by 2030 is achieved and that Utilities' Clean Energy Plan is consistent with Division guidance and Clean Energy Plan requirements, as amended in H.B. 21-1266; and

WHEREAS, Utilities briefed the Utilities Board in 2021 on: (1) the Clean Energy Plan process, (2) Utilities' intent to file a Clean Energy Plan, and (3) the calibrations required to align the information from the 2020 Electric Integrated Resource Plan with the Clean Energy Plan requirements, as made clear in H.B. 21-1266; and

WHEREAS, on December 17, 2021, Utilities filed its Clean Energy Plan Workbook with the Division including all information requested by the Division, so that the Division could evaluate and verify the emissions reductions claimed through the year 2030; and

WHEREAS, Utilities' Clean Energy Plan Workbook does in fact identify the emissions reductions Utilities is required to make in order to comply with the Clean Energy Plan legislation and is intended to serve as Utilities' Clean Energy Plan; and

WHEREAS, in May 2022, the Division issued its Clean Energy Plan Verification Report, verifying three matters: (1) Utilities properly used the Division's guidance and

Clean Energy Plan Workbook to calculate emissions reduction percentages; (2) Utilities' 2005 baseline emissions are supported by historical data and accurately reflect changes to its customer base; and (3) Utilities' projected emissions for calendar year 2030, produced by its resource planning process, will achieve at least an 80% reduction in greenhouse gas emissions caused by its Colorado retail electricity sales relative to 2005 levels; and

WHEREAS, pursuant to Resolution No. 22-02, the Utilities Board unanimously approved Utilities' Final Verified Clean Energy Plan on May 18, 2022; and

WHEREAS, the Board further authorizes and directs Utilities' Chief Executive Officer (as already contemplated by the Colorado Springs City Code and Utilities Board policy governance and subject to Utilities' need to ensure the safety, reliability, and resiliency of Utilities' electric grid) to proceed with obtaining and implementing the energy resources needed to meet the emissions reductions contemplated in Utilities' Electric Integrated Resource Plan and Clean Energy Plan and to make all modifications to such energy resources needed to ensure that Utilities' Clean Energy Plan remains in the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF COLORADO SPRINGS UTILITIES:

Section 1. The Colorado Springs Utilities Board of Directors hereby authorizes and directs Utilities' Chief Executive Officer to proceed with obtaining and implementing the energy resources needed to meet the emissions reductions contemplated in Utilities' Clean Energy Plan. The Chief Executive Officer is further authorized and directed to make all modifications to such energy resources needed to ensure Utilities' Clean Energy Plan remains in the public interest.

Section 2. This Resolution shall take effect as of the date and time of its approval.

DATED at Colorado Springs, Colorado, this 27th day of June, 2022.

Wayne Williams, Utilities Board Chair

ATTEST:

Aram Benyamin, Secretary