

CHAPTER 222

PUBLIC UTILITIES

HOUSE BILL 25-1175

BY REPRESENTATIVE(S) Lieder and Joseph, Bacon, Duran;
also SENATOR(S) Rodriguez, Jodeh.

AN ACT

CONCERNING THE ESTABLISHMENT OF AN OPT-IN PROGRAM FOR SMART METERS INSTALLED BY A QUALIFYING RETAIL UTILITY.

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

SECTION 1. In Colorado Revised Statutes, **add** 40-4-122 as follows:

40-4-122. Advanced metering infrastructure on residential property - smart meters - customer communication plan - reporting - definitions.

(1) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADVANCED METERING INFRASTRUCTURE" HAS THE MEANING SET FORTH IN SECTION 40-3-103.6 (3)(a).

(b) "NONCOMMUNICATING METER" MEANS A TRADITIONAL UTILITY METER USED TO MEASURE ELECTRICITY CONSUMPTION AT A PROPERTY THAT DOES NOT COMMUNICATE ELECTRONICALLY WITH A UTILITY AND REQUIRES A UTILITY TO MANUALLY RECORD A CUSTOMER'S ELECTRICITY CONSUMPTION.

(c) "QUALIFYING RETAIL UTILITY" OR "UTILITY" MEANS AN INVESTOR-OWNED ELECTRIC UTILITY SERVING MORE THAN FIVE HUNDRED THOUSAND CUSTOMERS.

(2) A QUALIFYING RETAIL UTILITY THAT DEPLOYS ADVANCED METERING INFRASTRUCTURE FOR RESIDENTIAL CUSTOMERS ON OR AFTER SEPTEMBER 1, 2025, SHALL SUBMIT A CUSTOMER COMMUNICATION PLAN TO THE COMMISSION ON OR BEFORE DECEMBER 31, 2025.

(3) THE CUSTOMER COMMUNICATION PLAN SUBMITTED BY A QUALIFYING RETAIL

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

UTILITY IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION MUST INCLUDE THE QUALIFYING RETAIL UTILITY'S PLAN FOR:

(a) DEPLOYING ADVANCED METERING INFRASTRUCTURE TO RESIDENTIAL UTILITY CUSTOMERS;

(b) COMMUNICATING WITH A RESIDENTIAL UTILITY CUSTOMER BEFORE THE INSTALLATION OF ADVANCED METERING INFRASTRUCTURE ON THE CUSTOMER'S PROPERTY, WHICH COMMUNICATION MUST BE SENT NINETY DAYS, SIXTY DAYS, AND THIRTY DAYS BEFORE THE DATE THE ADVANCED METERING INFRASTRUCTURE IS INSTALLED ON THE CUSTOMER'S PROPERTY AND INCLUDE INFORMATION REGARDING THE CUSTOMER'S RIGHT TO NOT HAVE ADVANCED METERING INFRASTRUCTURE INSTALLED;

(c) PROVIDING INFORMATION TO RESIDENTIAL CUSTOMERS ABOUT THEIR RIGHT TO NOT HAVE ADVANCED METERING INFRASTRUCTURE INSTALLED ON THEIR PROPERTY AND TO RECEIVE A NONCOMMUNICATING METER IF REQUESTED BY THE CUSTOMER; AND

(d) PROVIDING A RESIDENTIAL ELECTRIC UTILITY CUSTOMER WHO SIGNS UP FOR UTILITY SERVICE FROM A QUALIFYING RETAIL UTILITY ON OR AFTER SEPTEMBER 1, 2025, WITH COMMUNICATIONS AT THE TIME THE CUSTOMER INITIATES SERVICE REGARDING WHETHER THE CUSTOMER'S RESIDENTIAL PROPERTY ALREADY HAS ADVANCED METERING INFRASTRUCTURE INSTALLED AND THE CUSTOMER'S RIGHT TO HAVE A NONCOMMUNICATING METER INSTALLED AT THE PROPERTY IF REQUESTED BY THE CUSTOMER.

(4) ON AND AFTER SEPTEMBER 1, 2025, A QUALIFYING RETAIL UTILITY THAT PLANS TO INSTALL ADVANCED METERING INFRASTRUCTURE AT A RESIDENTIAL CUSTOMER'S PROPERTY SHALL MAKE REASONABLE EFFORTS TO NOTIFY THE CUSTOMER OF THE ADVANCED METERING INFRASTRUCTURE INSTALLATION BEFORE ARRIVING AT THE CUSTOMER'S PROPERTY AND PROVIDE THE CUSTOMER AN OPPORTUNITY TO DEFER OR REJECT THE INSTALLATION OF THE ADVANCED METERING INFRASTRUCTURE.

(5) (a) A QUALIFYING RETAIL UTILITY THAT INSTALLED ADVANCED METERING INFRASTRUCTURE ON A RESIDENTIAL CUSTOMER'S PROPERTY ON OR BEFORE SEPTEMBER 1, 2025, SHALL MAINTAIN A PHONE LINE AND A PUBLIC WEBSITE WITH INFORMATION REGARDING THE CUSTOMER'S RIGHT TO HAVE THE ADVANCED METERING INFRASTRUCTURE REMOVED FROM THE PROPERTY AND REPLACED WITH A NONCOMMUNICATING METER IF REQUESTED BY THE CUSTOMER.

(b) TO THE EXTENT PRACTICABLE, A QUALIFYING RETAIL UTILITY SHALL SEND AN EMAIL TO RESIDENTIAL CUSTOMERS TO INFORM THEM OF THE PHONE LINE AND PUBLIC WEBSITE MAINTAINED BY THE UTILITY PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION.

(6) A QUALIFYING RETAIL UTILITY SHALL INSTALL ONLY ADVANCED METERING INFRASTRUCTURE THAT COMPLIES WITH FEDERAL COMMUNICATIONS COMMISSION REQUIREMENTS FOR RADIO FREQUENCY.

(7) A QUALIFYING RETAIL UTILITY SHALL ESTABLISH AND MAINTAIN A PUBLIC WEBSITE THAT INCLUDES INFORMATION REGARDING CUSTOMER DATA PRIVACY AND RADIO FREQUENCY COMMUNICATIONS IN RELATION TO ADVANCED METERING INFRASTRUCTURE.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 20, 2025