

RESOLUTION 2024-146
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CONCERNING IMPLEMENTATION OF STANDARDS CREATED BY
AMENDMENTS TO THE PUBLIC UTILITY REGULATORY POLICIES
ACT OF 1978 BY THE INFRASTRUCTURE INVESTMENT AND JOBS ACT (“IIJA”)

A. The Public Utility Regulatory Policies Act (“PURPA”) of 1978 required public utilities to consider and determine the appropriateness of certain standards set forth in PURPA Article I as applied to certain Fort Collins Electric Utility (the “Electric Utility”) operations.

B. PURPA requires a “nonregulated” municipally owned electric utilities, including the Electric Utility, to “consider each standard established by [Section 111(d)] and make a determination concerning whether or not it is appropriate to implement such standard” to carry out PURPA purposes.

C. The Energy Policy Act (“EPAAct”) of 2005 amended PURPA Article I to provide additional standards, including net metering, time-based metering, fuel source reliance, interconnection and fossil fuel generation, to be considered by nonregulated utilities.

D. The Energy Independence and Security Act of 2007 (“EISA”) further amended PURPA Article I to provide additional standards, including rate designs to promote energy efficiency investments, smart grid investments, and integrated resources planning, to be considered by nonregulated utilities.

E. At the annual electric utility rate making proceedings following passage of EPAAct and EISA, Council received input from ratepayers and staff regarding consideration of amended PURPA Article I standards, and made determinations and responsive policy adjustments regarding amended PURPA standards, as set forth in City Code Chapter 26 Article VI.

F. The 2021 Infrastructure Investment and Jobs Act (“IIJA”) further amended PURPA Article I to provide the following additional standards to be considered by nonregulated utilities:

- Demand Response and Demand Flexibility, continued, at §111(d)(20);
- Electric Vehicle Charging Programs, at §111(d)(21).

G. PURPA requires the governing body of a utility to consider the standards, after notice and public hearing, and make a determination in writing whether or not to implement such standards to carry out the purposes of the statute, but a utility may determine that it is not appropriate to implement a particular standard and decline to do so as long as it sets forth its reasons in writing.

H. The Electric Utility staff compiled and presented a comprehensive report that explained how the Electric Utility meets or exceeds each standard or is working in a joint effort with Platte River Power Authority ("PRPA") to meet or exceed each amended PURPA standard.

I. The Energy Board held a public hearing at its regular meeting held on December 14, 2023, to consider the staff report. The Energy Board voted to recommend that Council pass a resolution adopting the determination made by Electric Utility staff that separate adoption of the EPAct standards for demand response and electric vehicle charging is not in the best interest of City electric utility ratepayers.

J. Council is asked to review the staff recommendation and public input regarding the PURPA Article I, §111(d)(20) and (21) standards, and adopt the written determinations made by Electric Utility staff establishing local standards that differ from the amended PURPA standards.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Based on the information provided by staff and the public input obtained at the public hearing, the Council declines to adopt the PURPA Article I standard on Demand Response and Demand Flexibility (§111(d)(20)), as set forth in Exhibit "A", attached hereto and incorporated herein by reference.

Section 2. Based on the information provided by staff and the public input obtained at the public hearing, the Council declines to adopt the PURPA Article I standard on Electric Vehicle Charging Programs (§111(d)(21)), as set forth in Exhibit "A", attached hereto.

Passed and adopted on December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 17, 2024
Approving Attorney: Yvette Lewis-Molock