The bill amends the current statute authorizing the creation of community solar gardens (CSGs) by:

- Increasing the maximum size of a CSG from 2 megawatts to 10 megawatts; and
- Removing the requirement that a CSG subscriber’s identified physical location be in the same county as, or a county adjacent to, that of the CSG, while retaining the requirement that it be within the service territory of the
same electric utility.

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

SECTION 1. In Colorado Revised Statutes, 40-2-127, amend (2)(b)(I)(A) and (2)(b)(II) as follows:


As used in this section, unless the context otherwise requires:

(b) In addition:

(I) (A) "Community solar garden" means a solar electric generation facility with a nameplate rating of two TEN megawatts or less that is located in or near a community served by a qualifying retail utility where the beneficial use of the electricity generated by the facility belongs to the subscribers to the community solar garden. There shall be at least ten subscribers. The owner of the community solar garden may be the qualifying retail utility or any other for-profit or nonprofit entity or organization, including a subscriber organization organized under this section, that contracts to sell the output from the community solar garden to the qualifying retail utility. A community solar garden shall be deemed to be "located on the site of customer facilities".

(II) "Subscriber" means a retail customer of a qualifying retail utility who owns a subscription and who has identified one or more physical locations to which the subscription is attributed. Such physical locations must be within the service territory of the same qualifying retail utility and also in the same county as, or a county adjacent to, that of the community solar garden. The subscriber may change from time to time the premises to which the community solar garden electricity
generation shall be attributed, so long as the premises are within the geographical limits allowed for a subscriber SAME SERVICE TERRITORY.

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 (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.