



The Environmental Law Center  
at the American Tradition Institute

**For Immediate Release – April 4, 2013**

**Contact: Craig Richardson, Executive Director, American Tradition Institute**  
**[craig.r@atinstitute.org](mailto:craig.r@atinstitute.org)**

**COLORADO ADMITS CERTAIN DEFEAT IN RENEWABLE ENERGY LAWSUIT  
WITH INTRODUCTION OF NEW BILL  
*Cooperatives, Jobs, and Consumers Among Biggest Losers in  
State's Latest Failed Renewable Energy Attempt***

DENVER - Facing certain defeat in a federal lawsuit challenging the constitutionality of Colorado's Renewable Energy Standard mandate, lawmakers attempted to "fix" major elements of the law with the introduction of [Senate Bill 13-252](#) yesterday. In doing so, members of the Colorado Senate and House admitted that the state's law imposing a renewable energy standard is unconstitutional.

This admission is of national significance and validates [the lawsuit](#) brought by the American Tradition Institute on behalf of Colorado ratepayers. In effect, Colorado is telling all states that have similar statutes that they are vulnerable to legal challenge and will have to change their laws to remove preferences for in-state producers. Among states with such discrimination in their laws, California is the biggest offender.

ATI may still have to argue these unconstitutional preferences in court, however, because the bill is not a done deal. It contains "poison pills" that Colorado ratepayers and their representatives may not wish to swallow. The bill more than doubles the amount of renewable energy that electrical cooperatives must purchase by 2020, while also allowing these coops to immediately double the amount they charge for renewable energy. Further, the new, higher renewable energy standard cannot be achieved.

"This bill appears to remove some, but not all of the unconstitutional elements of the statute," says Dr. David Schnare, Director of ATI's Environmental Law Center and lead counsel for the plaintiffs, "but it also mandates new unconstitutional requirements by increasing the renewables standard to levels that, that like the current statute, cannot be justified when balanced against the harm they cause to interstate commerce."

The bill's sponsors have not publicly discussed their legislation, but its impact appears to be large. Based on [the Beacon Hill Institute's study of the Colorado renewables standard](#), this change in the law is going to mean the loss of thousands of Colorado jobs and increases in affected ratepayers' bills by hundreds of dollars over the next seven years.

“Colorado knows it’s on the losing side of our lawsuit against their renewable energy mandate, and legislators are trying to sneak a bill through that magically makes it constitutional,” said Craig Richardson, Executive Director of the American Tradition Institute. “Their original renewable energy law is not only unconstitutional but it’s bad policy, and trying to fix it years later is like putting lipstick on a pig. The new bill, like the current law, still violates the constitution, and worse yet, it drives up the cost of energy in Colorado, kills jobs, and has no positive impact on the environment.”

“Wind power remains a high-cost, unreliable and therefore low-quality source of electricity and the portions of our law suit that this bill does not reach will put wind on trial,” concluded Dr. Schnare.

ATI’s Environmental Law Institute is a non-profit advocacy organization that brought its case against Colorado because the renewable energy standard actually causes harm to the environment, does not protect public health, causes economic losses for labor and rate payers and violates the **Interstate Commerce Clause** of the U.S. Constitution.

[American Tradition Institute](http://www.atinstitute.org) (ATI) is a public policy research and public interest litigation foundation advocating restoration of science and free-market principles on environmental issues, including air and water quality and regulation, responsible land use, natural resource management, energy development, property rights, and principles of stewardship. All supporting documents and images regarding the above-referenced litigation and findings may be accessed at [www.atinstitute.org](http://www.atinstitute.org).

-- 30 --