
HOUSE BILL 1833

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By Representatives Herrera, Takko, Haler, Crouse, Van De Wege, Kessler, and McCune

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1 AN ACT Relating to recognizing conservation efforts to meet load
2 growth for purposes of existing state renewable energy targets; and
3 amending RCW 19.285.040.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 19.285.040 and 2007 c 1 s 4 are each amended to read
6 as follows:

7 (1) Each qualifying utility shall pursue all available conservation
8 that is cost-effective, reliable, and feasible.

9 (a) By January 1, 2010, using methodologies consistent with those
10 used by the Pacific Northwest electric power and conservation planning
11 council in its most recently published regional power plan, each
12 qualifying utility shall identify its achievable cost-effective
13 conservation potential through 2019. At least every two years
14 thereafter, the qualifying utility shall review and update this
15 assessment for the subsequent ten-year period.

16 (b) Beginning January 2010, each qualifying utility shall establish
17 and make publicly available a biennial acquisition target for cost-
18 effective conservation consistent with its identification of achievable
19 opportunities in (a) of this subsection, and meet that target during

1 the subsequent two-year period. At a minimum, each biennial target
2 must be no lower than the qualifying utility's pro rata share for that
3 two-year period of its cost-effective conservation potential for the
4 subsequent ten-year period.

5 (c) In meeting its conservation targets, a qualifying utility may
6 count high-efficiency cogeneration owned and used by a retail electric
7 customer to meet its own needs. High-efficiency cogeneration is the
8 sequential production of electricity and useful thermal energy from a
9 common fuel source, where, under normal operating conditions, the
10 facility has a useful thermal energy output of no less than thirty-
11 three percent of the total energy output. The reduction in load due to
12 high-efficiency cogeneration shall be: (i) Calculated as the ratio of
13 the fuel chargeable to power heat rate of the cogeneration facility
14 compared to the heat rate on a new and clean basis of a
15 best-commercially available technology combined-cycle natural gas-fired
16 combustion turbine; and (ii) counted towards meeting the biennial
17 conservation target in the same manner as other conservation savings.

18 (d) The commission may determine if a conservation program
19 implemented by an investor-owned utility is cost-effective based on the
20 commission's policies and practice.

21 (e) The commission may rely on its standard practice for review and
22 approval of investor-owned utility conservation targets.

23 (2)(a) Each qualifying utility shall use eligible renewable
24 resources or acquire equivalent renewable energy credits, or a
25 combination of both, to meet the following annual targets:

26 (i) At least three percent of its load by January 1, 2012, and each
27 year thereafter through December 31, 2015;

28 (ii) At least nine percent of its load by January 1, 2016, and each
29 year thereafter through December 31, 2019; and

30 (iii) At least fifteen percent of its load by January 1, 2020, and
31 each year thereafter.

32 (b) A qualifying utility may count distributed generation at double
33 the facility's electrical output if the utility: (i) Owns or has
34 contracted for the distributed generation and the associated renewable
35 energy credits; or (ii) has contracted to purchase the associated
36 renewable energy credits.

37 (c) In meeting the annual targets in (a) of this subsection, a

1 qualifying utility shall calculate its annual load based on the average
2 of the utility's load for the previous two years.

3 (d) A qualifying utility shall be considered in compliance with an
4 annual target in (a) of this subsection if: (i) The utility's weather-
5 adjusted load for the previous three years on average did not increase
6 over that time period; (ii) after December 7, 2006, the utility did not
7 commence or renew ownership or incremental purchases of electricity
8 from resources other than renewable resources other than on a daily
9 spot price basis and the electricity is not offset by equivalent
10 renewable energy credits; and (iii) the utility invested at least one
11 percent of its total annual retail revenue requirement that year on
12 eligible renewable resources, renewable energy credits, or a
13 combination of both.

14 (e) The requirements of this section may be met for any given year
15 with renewable energy credits produced during that year, the preceding
16 year, or the subsequent year. Each renewable energy credit may be used
17 only once to meet the requirements of this section.

18 (f) In complying with the targets established in (a) of this
19 subsection, a qualifying utility may not count:

20 (i) Eligible renewable resources or distributed generation where
21 the associated renewable energy credits are owned by a separate entity;
22 or

23 (ii) Eligible renewable resources or renewable energy credits
24 obtained for and used in an optional pricing program such as the
25 program established in RCW 19.29A.090.

26 (g) Where fossil and combustible renewable resources are cofired in
27 one generating unit located in the Pacific Northwest where the cofiring
28 commenced after March 31, 1999, the unit shall be considered to produce
29 eligible renewable resources in direct proportion to the percentage of
30 the total heat value represented by the heat value of the renewable
31 resources.

32 (h)(i) A qualifying utility that acquires an eligible renewable
33 resource or renewable energy credit may count that acquisition at one
34 and two-tenths times its base value:

35 (A) Where the eligible renewable resource comes from a facility
36 that commenced operation after December 31, 2005; and

37 (B) Where the developer of the facility used apprenticeship
38 programs approved by the council during facility construction.

1 (ii) The council shall establish minimum levels of labor hours to
2 be met through apprenticeship programs to qualify for this extra
3 credit.

4 (i) A qualifying utility shall be considered in compliance with an
5 annual target in (a) of this subsection if events beyond the reasonable
6 control of the utility that could not have been reasonably anticipated
7 or ameliorated prevented it from meeting the renewable energy target.
8 Such events include weather-related damage, mechanical failure,
9 strikes, lockouts, and actions of a governmental authority that
10 adversely affect the generation, transmission, or distribution of an
11 eligible renewable resource under contract to a qualifying utility.

12 (j) A qualifying utility shall be considered in compliance with an
13 annual target in (a) of this subsection if it satisfies one hundred
14 percent of its annual increase in load with eligible renewable
15 resources or conservation.

16 (3) Utilities that become qualifying utilities after December 31,
17 2006, shall meet the requirements in this section on a time frame
18 comparable in length to that provided for qualifying utilities as of
19 December 7, 2006.

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