

SHB 1712 - S COMM AMD

By Committee on Environment, Water & Energy

NOT CONSIDERED 05/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 19.29A.010 and 2000 c 213 s 2 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

7 (1) "Biomass generation" means electricity derived from burning
8 solid organic fuels from wood, forest, or field residue, or dedicated
9 energy crops that do not include wood pieces that have been treated
10 with chemical preservatives such as creosote, pentachlorophenol, or
11 copper-chrome-arsenic.

12 (2) "Bonneville power administration system mix" means a generation
13 mix sold by the Bonneville power administration that is net of any
14 resource specific sales and that is net of any electricity sold to
15 direct service industrial customers, as defined in section 3(8) of the
16 Pacific Northwest electric power planning and conservation act (16
17 U.S.C. Sec. 839(a)(8)).

18 (3) "Coal generation" means the electricity produced by a
19 generating facility that burns coal as the primary fuel source.

20 (4) "Commission" means the utilities and transportation commission.

21 (5) "Conservation" means an increase in efficiency in the use of
22 energy use that yields a decrease in energy consumption while providing
23 the same or higher levels of service. Conservation includes low-income
24 weatherization programs.

25 (6) "Consumer-owned utility" means a municipal electric utility
26 formed under Title 35 RCW, a public utility district formed under Title
27 54 RCW, an irrigation district formed under chapter 87.03 RCW, a
28 cooperative formed under chapter 23.86 RCW, or a mutual corporation or
29 association formed under chapter 24.06 RCW, that is engaged in the

1 business of distributing electricity to more than one retail electric
2 customer in the state.

3 (7) "Declared resource" means an electricity source specifically
4 identified by a retail supplier to serve retail electric customers. A
5 declared resource includes a stated quantity of electricity tied
6 directly to a specified generation facility or set of facilities either
7 through ownership or contract purchase, or a contractual right to a
8 stated quantity of electricity from a specified generation facility or
9 set of facilities.

10 (8) "Department" means the department of (~~community, trade, and~~
11 ~~economic development~~) commerce.

12 (9) "Electricity information coordinator" means the organization
13 selected by the department under RCW 19.29A.080 to: (a) Compile
14 generation data in the Northwest power pool by generating project and
15 by resource category; (b) compare the quantity of electricity from
16 declared resources reported by retail suppliers with available
17 generation from such resources; (c) calculate the net system power mix;
18 and (d) coordinate with other comparable organizations in the western
19 interconnection.

20 (10) "Electric meters in service" means those meters that record in
21 at least nine of twelve calendar months in any calendar year not less
22 than two hundred fifty kilowatt hours per month.

23 (11) "Electricity product" means the electrical energy produced by
24 a generating facility or facilities that a retail supplier sells or
25 offers to sell to retail electric customers in the state of Washington,
26 provided that nothing in this title shall be construed to mean that
27 electricity is a good or product for the purposes of Title 62A RCW, or
28 any other purpose. It does not include electrical energy generated on-
29 site at a retail electric customer's premises.

30 (12) "Electric utility" means a consumer-owned or investor-owned
31 utility as defined in this section.

32 (13) "Electricity" means electric energy measured in kilowatt
33 hours, or electric capacity measured in kilowatts, or both.

34 (14) "Fuel mix" means the actual or imputed sources of electricity
35 sold to retail electric customers, expressed in terms of percentage
36 contribution by resource category. The total fuel mix included in each
37 disclosure shall total one hundred percent.

1 (15) "Geothermal generation" means electricity derived from thermal
2 energy naturally produced within the earth.

3 (16) "Governing body" means the council of a city or town, the
4 commissioners of an irrigation district, municipal electric utility, or
5 public utility district, or the board of directors of an electric
6 cooperative or mutual association that has the authority to set and
7 approve rates.

8 (17) "High efficiency cogeneration" means electricity produced by
9 equipment, such as heat or steam used for industrial, commercial,
10 heating, or cooling purposes, that meets the federal energy regulatory
11 commission standards for qualifying facilities under the public utility
12 regulatory policies act of 1978.

13 (18) "Hydroelectric generation" means a power source created when
14 water flows from a higher elevation to a lower elevation and the flow
15 is converted to electricity in one or more generators at a single
16 facility.

17 (19) "Investor-owned utility" means a company owned by investors
18 that meets the definition of RCW 80.04.010 and is engaged in
19 distributing electricity to more than one retail electric customer in
20 the state.

21 (20) "Landfill gas generation" means electricity produced by a
22 generating facility that uses waste gases produced by the decomposition
23 of organic materials in landfills.

24 (21) "Natural gas generation" means electricity produced by a
25 generating facility that burns natural gas as the primary fuel source.

26 (22) "Northwest power pool" means the generating resources included
27 in the United States portion of the Northwest power pool area as
28 defined by the western systems coordinating council.

29 (23) "Net system power mix" means the fuel mix in the Northwest
30 power pool, net of: (a) Any declared resources in the Northwest power
31 pool identified by in-state retail suppliers or out-of-state entities
32 that offer electricity for sale to retail electric customers; (b) any
33 electricity sold by the Bonneville power administration to direct
34 service industrial customers; and (c) any resource specific sales made
35 by the Bonneville power administration.

36 (24) "Oil generation" means electricity produced by a generating
37 facility that burns oil as the primary fuel source.

1 (25) "Proprietary customer information" means: (a) Information
2 that relates to the source and amount of electricity used by a retail
3 electric customer, a retail electric customer's payment history, and
4 household data that is made available by the customer solely by virtue
5 of the utility-customer relationship; and (b) information contained in
6 a retail electric customer's bill.

7 (26) "Renewable resources" means electricity generation facilities
8 fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal
9 energy; (e) landfill gas; or (f) biomass energy based on solid organic
10 fuels from wood, forest, or field residues, or dedicated energy crops
11 that do not include wood pieces that have been treated with chemical
12 preservatives such as creosote, pentachlorophenol, or copper-chrome-
13 arsenic.

14 (27) "Resale" means the purchase and subsequent sale of electricity
15 for profit, but does not include the purchase and the subsequent sale
16 of electricity at the same rate at which the electricity was purchased.

17 (28) "Retail electric customer" means a person or entity that
18 purchases electricity for ultimate consumption and not for resale.

19 (29) "Retail supplier" means an electric utility that offers an
20 electricity product for sale to retail electric customers in the state.

21 (30) "Small utility" means any consumer-owned utility with twenty-
22 five thousand or fewer electric meters in service, or that has an
23 average of seven or fewer customers per mile of distribution line.

24 (31) "Solar generation" means electricity derived from radiation
25 from the sun that is directly or indirectly converted to electrical
26 energy.

27 (32) "State" means the state of Washington.

28 (33) "Waste incineration generation" means electricity derived from
29 burning solid or liquid wastes from businesses, households,
30 municipalities, or waste treatment operations.

31 (34) "Wind generation" means electricity created by movement of air
32 that is converted to electrical energy.

33 (35) "Nonpower attributes" means all environmentally related
34 characteristics, exclusive of energy, capacity, reliability, and other
35 electrical power service attributes, that are associated with the
36 generation of electricity, including but not limited to the facility's
37 fuel type, geographic location, vintage, and avoided emissions of

1 pollutants to the air, soil, or water, and avoided emissions of carbon
2 dioxide and other greenhouse gases.

3 (36) "Null power" means electricity that has been separated from
4 its nonpower attributes; it is not renewable and cannot be represented
5 as such.

6 **Sec. 2.** RCW 19.29A.060 and 2000 c 213 s 4 are each amended to read
7 as follows:

8 (1) Each retail supplier shall disclose the fuel mix of each
9 electricity product it offers to retail electric customers as follows:

10 (a) For an electricity product comprised entirely of declared
11 resources, a retail supplier shall disclose the fuel mix for the
12 electricity product based on the quantity of electric generation from
13 those declared resources for the previous calendar year and any
14 adjustment, if taken, available under subsection (6) of this section.

15 (b) For an electricity product comprised of no declared resources,
16 a retail supplier shall report the fuel mix for the electricity product
17 as the fuel mix of net system power for the previous calendar year, as
18 determined and in the manner provided by the electricity information
19 coordinator under RCW 19.29A.080.

20 (c) For an electricity product comprised of a combination of
21 declared resources and the net system power, a retail supplier shall
22 disclose the fuel mix for the electricity product as a weighted average
23 of the megawatt-hours from declared resources and the megawatt-hours
24 from the net system power mix for the previous calendar year according
25 to the proportion of declared resources and net system power contained
26 in the electricity product.

27 (2) The disclosures required by (~~this section~~) subsection (1)(a)
28 and (c) of this section shall identify the percentage of the total
29 electricity product sold by a retail supplier during the previous
30 calendar year from each of the following categories:

- 31 (a) Coal generation;
- 32 (b) Hydroelectric generation;
- 33 (c) Natural gas generation;
- 34 (d) Nuclear generation; (~~and~~)
- 35 (e) Null power; and
- 36 (f) Other generation, except that when a component of the other
37 generation category meets or exceeds two percent of the total

1 electricity product sold by a retail supplier during the previous
2 calendar year, the retail supplier shall identify the component or
3 components and display the fuel mix percentages for these component
4 sources, which may include, but are not limited to: (i) Biomass
5 generation; (ii) geothermal generation; (iii) landfill gas generation;
6 (iv) oil generation; (v) solar generation; (vi) waste incineration; or
7 (vii) wind generation. A retail supplier may voluntarily identify any
8 component or components within the other generation category that
9 comprises two percent or less of annual sales.

10 (3) Retail suppliers may separately report a subcategory of natural
11 gas generation to identify high efficiency cogeneration, and shall
12 report null power when applicable as provided in subsection (2) of this
13 section.

14 (4) Except as provided in subsection (3) of this section, a retail
15 supplier cannot include in the disclosure label any environmental
16 quality or environmental impact qualifier related to any of the
17 generation categories disclosed.

18 (5) For the portion of an electricity product purchased from the
19 Bonneville power administration, retail suppliers may disclose the
20 Bonneville power administration system mix.

21 (6) A retail supplier may adjust its reported fuel mix for known
22 changes in its declared resources for the current year based on any
23 changes in its sources of electricity supply from either generation or
24 contracts. If a retail supplier changes its fuel mix during a calendar
25 year, it shall report those changes to the electricity information
26 coordinator.

27 (7)(a) Disclosure of the fuel mix information required in this
28 section shall be made in the following uniform format: A tabular
29 format with two columns, where the first column shall alphabetically
30 list each category and the second column shall display the
31 corresponding percentage of the total that each category represents.
32 The percentage shall be reported as a numeric value rounded to the
33 nearest one percent. The percentages listed for the categories
34 identified must sum to one hundred percent with the table displaying
35 such a total.

36 (b) Each disclosure label must include a footnote stating "Null
37 power means electricity without environmental attributes and other
38 nonpower attributes."

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- 1 On page 1, line 1 of the title, after "power;" strike the remainder
- 2 of the title and insert "and amending RCW 19.29A.010 and 19.29A.060."

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