
HOUSE BILL 1597

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By Representatives Pollet, Doglio, Tarleton, Goodman, Slatter, Senn, Fitzgibbon, Appleton, Thai, Valdez, Ryu, Stanford, Reeves, Frame, and Macri

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1 AN ACT Relating to incorporating comprehensive measurements of
2 greenhouse gas emissions from certain fossil fuels into state
3 environmental laws; amending RCW 70.94.151, 80.50.175, and
4 19.280.030; adding a new section to chapter 43.21A RCW; adding a new
5 section to chapter 70.94 RCW; adding a new section to chapter 70.235
6 RCW; adding a new section to chapter 43.21C RCW; adding a new section
7 to chapter 80.70 RCW; adding a new section to chapter 80.28 RCW; and
8 creating a new section.

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

10 NEW SECTION. **Sec. 1.** (1) The legislature finds that leaked
11 methane associated with natural gas production is a potent greenhouse
12 gas with a global warming potential that far exceeds that of carbon
13 dioxide, and which is particularly harmful to the climate in the
14 first decades after its release. Because of the urgency in addressing
15 climate change, it is particularly important to take reasonable
16 measures to consider and curb emissions of methane. Natural gas
17 production processes are also responsible for significant carbon
18 dioxide emissions.

19 (2) The life-cycle greenhouse gas emissions associated with
20 natural gas use are a known environmental problem that deserves

1 particular attention under state environmental laws due to a number
2 of factors, including:

3 (a) The recent growth of the natural gas production industry;

4 (b) The current lack of standardized measurement or management of
5 greenhouse gas emissions across the natural gas production and supply
6 industries;

7 (c) The recent rollback of federal regulations that would have
8 applied modest management requirements for natural gas production
9 emissions; and

10 (d) The prospect of natural gas being relied upon as a
11 regrettable substitute for fossil fuels that have higher point-of-use
12 greenhouse gas emissions, but which may be functionally equivalent
13 when their environmental impacts are viewed from a life-cycle
14 perspective. Such regrettable substitutions will lead to the
15 overbuilding of natural gas infrastructure, and, without appropriate
16 government oversight of the industry, the costs of such stranded
17 natural gas assets run this risk of falling unfairly upon utility
18 ratepayers.

19 (3) Therefore, in directing state agencies to adopt a rule
20 requiring state agencies and local governments to consider upstream
21 natural gas emissions in permitting, planning, and other regulatory
22 processes, it is appropriate to apply a precautionary principle and
23 to err on the side of applying comprehensive and inclusive
24 assumptions about emission rates. In doing so, it is the intent of
25 the legislature to broadly apply a fair and comprehensive
26 consideration of the climate impacts of natural gas use to government
27 regulations and decision making.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A
29 RCW to read as follows:

30 (1) In consultation with the utilities and transportation
31 commission, the chair of the energy facility site evaluation council,
32 the department of natural resources, and the department of commerce,
33 the department must adopt a rule to establish an upstream emissions
34 rate that incorporates production, gathering, processing,
35 transmission, storage, and distribution emissions that occur prior to
36 the end use of natural gas or final point of commerce for the natural
37 gas in Washington. In adopting an upstream emissions rate that is
38 uniformly applicable to covered natural gas proposals and projects,
39 the department:

1 (a) Shall survey studies of North American natural gas upstream
2 emissions, including but not limited to studies of leakage and
3 fugitive emissions rates conducted by government agencies, academic
4 institutions, or private or nonprofit organizations. Studies surveyed
5 may include top-down or bottom-up analyses, or both;

6 (b) May require a gas or electrical company regulated under
7 chapter 80.28 RCW or a gas pipeline company regulated under chapter
8 81.88 RCW to submit emissions information related to the production,
9 gathering, processing, transmission, storage, or distribution of the
10 company's existing or proposed gas facilities. Information obtained
11 under this subsection (1)(b) may be used for the purposes of
12 determining a uniformly applicable upstream emissions rate, but may
13 not be used to apply a utility-specific rate or a project-specific
14 rate that differs from the rule adopted under this section; and

15 (c) Shall presume a reasonable worst case upstream emissions
16 rate, based on the information considered under (a) and (b) of this
17 subsection.

18 (2) By July 1, 2024, and every three years thereafter, the
19 department shall:

20 (a) Evaluate the accuracy of the upstream emissions rate
21 determined under subsection (1) of this section and report the
22 results of the evaluation to the appropriate committees of the house
23 of representatives and the senate. Upon the completion of such an
24 evaluation, the department must update the rule adopted under
25 subsection (1) of this section, if appropriate;

26 (b) Evaluate the appropriateness of the threshold established in
27 section 6 of this act for applying the rule adopted in this section
28 to persons, facilities, and projects undertaking review under the
29 state environmental policy act. In the report to the legislature
30 required in (a) of this subsection, the department may recommend
31 amendments to the threshold established in section 6 of this act.

32 (3) In conjunction with the rule adopted under subsection (1) of
33 this section, the department must adopt a rule to specify the global
34 warming potential over a twenty-year time frame associated with
35 natural gas emissions.

36 (4) The department shall provide an opportunity for interested
37 parties to comment on the information that it considers in the
38 development of the rules adopted under this section.

39 (5) The rules adopted under this section specifying a natural gas
40 upstream emissions rate and global warming potential must apply

1 broadly to state agency, local government, and municipal corporation
2 decision making involving the environmental review or permitting of
3 projects that use natural gas as a fuel source or as the primary
4 component of the project.

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

7 (a) "Natural gas" does not include methane or other hydrocarbon
8 biogases derived from the decomposition of organic material in
9 landfills, wastewater treatment facilities, anaerobic digesters, or
10 other sources of organic decomposition.

11 (b) "Reasonable worst case scenario" means that the department
12 must presume an upstream emissions rate that attempts to provide a
13 ninety-five percent confidence level that the actual emissions
14 associated with the natural gas are below the rate, such that there
15 would be a five percent chance that the actual upstream emissions
16 associated with the natural gas exceeds the rate.

17 (c) "Upstream emissions" means emissions from the production,
18 gathering, processing, transmission, storage, and distribution of
19 natural gas that occurs prior to the end use of natural gas or final
20 point of commerce for the natural gas in Washington.

21 **Sec. 3.** RCW 70.94.151 and 2010 c 146 s 2 are each amended to
22 read as follows:

23 (1) The board of any activated authority or the department, may
24 classify air contaminant sources, by ordinance, resolution, rule or
25 regulation, which in its judgment may cause or contribute to air
26 pollution, according to levels and types of emissions and other
27 characteristics which cause or contribute to air pollution, and may
28 require registration or reporting or both for any such class or
29 classes. Classifications made pursuant to this section may be for
30 application to the area of jurisdiction of such authority, or the
31 state as a whole or to any designated area within the jurisdiction,
32 and shall be made with special reference to effects on health,
33 economic and social factors, and physical effects on property.

34 (2) Except as provided in subsection (3) of this section, any
35 person operating or responsible for the operation of air contaminant
36 sources of any class for which the ordinances, resolutions, rules or
37 regulations of the department or board of the authority, require
38 registration or reporting shall register therewith and make reports
39 containing information as may be required by such department or board

1 concerning location, size and height of contaminant outlets,
2 processes employed, nature of the contaminant emission and such other
3 information as is relevant to air pollution and available or
4 reasonably capable of being assembled. In the case of emissions of
5 greenhouse gases as defined in RCW 70.235.010 the department shall
6 adopt rules requiring reporting of those emissions. The department or
7 board may require that such registration or reporting be accompanied
8 by a fee, and may determine the amount of such fee for such class or
9 classes: PROVIDED, That the amount of the fee shall only be to
10 compensate for the costs of administering such registration or
11 reporting program which shall be defined as initial registration and
12 annual or other periodic reports from the source owner providing
13 information directly related to air pollution registration, on-site
14 inspections necessary to verify compliance with registration
15 requirements, data storage and retrieval systems necessary for
16 support of the registration program, emission inventory reports and
17 emission reduction credits computed from information provided by
18 sources pursuant to registration program requirements, staff review,
19 including engineering or other reliable analysis for accuracy and
20 currentness, of information provided by sources pursuant to
21 registration program requirements, clerical and other office support
22 provided in direct furtherance of the registration program, and
23 administrative support provided in directly carrying out the
24 registration program: PROVIDED FURTHER, That any such registration
25 made with either the board or the department shall preclude a further
26 registration and reporting with any other board or the department,
27 except that emissions of greenhouse gases as defined in RCW
28 70.235.010 must be reported as required under subsection (5) of this
29 section.

30 All registration program and reporting fees collected by the
31 department shall be deposited in the air pollution control account.
32 All registration program fees collected by the local air authorities
33 shall be deposited in their respective treasuries.

34 (3) If a registration or report has been filed for a grain
35 warehouse or grain elevator as required under this section,
36 registration, reporting, or a registration program fee shall not,
37 after January 1, 1997, again be required under this section for the
38 warehouse or elevator unless the capacity of the warehouse or
39 elevator as listed as part of the license issued for the facility has
40 been increased since the date the registration or reporting was last

1 made. If the capacity of the warehouse or elevator listed as part of
2 the license is increased, any registration or reporting required for
3 the warehouse or elevator under this section must be made by the date
4 the warehouse or elevator receives grain from the first harvest
5 season that occurs after the increase in its capacity is listed in
6 the license.

7 This subsection does not apply to a grain warehouse or grain
8 elevator if the warehouse or elevator handles more than ten million
9 bushels of grain annually.

10 (4) For the purposes of subsection (3) of this section:

11 (a) A "grain warehouse" or "grain elevator" is an establishment
12 classified in standard industrial classification (SIC) code 5153 for
13 wholesale trade for which a license is required and includes, but is
14 not limited to, such a licensed facility that also conducts cleaning
15 operations for grain;

16 (b) A "license" is a license issued by the department of
17 agriculture licensing a facility as a grain warehouse or grain
18 elevator under chapter 22.09 RCW or a license issued by the federal
19 government licensing a facility as a grain warehouse or grain
20 elevator for purposes similar to those of licensure for the facility
21 under chapter 22.09 RCW; and

22 (c) "Grain" means a grain or a pulse.

23 (5)(a) The department shall adopt rules requiring persons to
24 report emissions of greenhouse gases as defined in RCW 70.235.010
25 where those emissions from a single facility, source, or site, or
26 from fossil fuels sold in Washington by a single supplier meet or
27 exceed ten thousand metric tons of carbon dioxide equivalent
28 annually. The department may phase in the requirement to report
29 greenhouse gas emissions until the reporting threshold in this
30 subsection is met, which must occur by January 1, 2012. In addition,
31 the rules must require that:

32 (i) Emissions of greenhouse gases resulting from the combustion
33 of fossil fuels be reported separately from emissions of greenhouse
34 gases resulting from the combustion of biomass;

35 (ii) Reporting will start in 2010 for 2009 emissions. Each annual
36 report must include emissions data for the preceding calendar year
37 and must be submitted to the department by October 31st of the year
38 in which the report is due. However, starting in 2011, a person who
39 is required to report greenhouse gas emissions to the United States
40 environmental protection agency under 40 C.F.R. Part 98, as adopted

1 on September 22, 2009, must submit the report required under this
2 section to the department concurrent with the submission to the
3 United States environmental protection agency. Except as otherwise
4 provided in this section, the data for emissions in Washington and
5 any corrections thereto that are reported to the United States
6 environmental protection agency must be the emissions data reported
7 to the department; and

8 (iii) Emissions of carbon dioxide associated with the complete
9 combustion or oxidation of liquid motor vehicle fuel, special fuel,
10 or aircraft fuel that is sold in Washington where the annual
11 emissions associated with that combustion or oxidation equal or
12 exceed ten thousand metric tons be reported to the department. Each
13 person who is required to file periodic tax reports of motor vehicle
14 fuel sales under RCW 82.36.031 or special fuel sales under RCW
15 82.38.150, or each distributor of aircraft fuel required to file
16 periodic tax reports under RCW 82.42.040 must report to the
17 department the annual emissions of carbon dioxide from the complete
18 combustion or oxidation of the fuels listed in those reports as sold
19 in the state of Washington. The department shall not require
20 suppliers to use additional data to calculate greenhouse gas
21 emissions other than the data the suppliers report to the department
22 of licensing. The rules may allow this information to be aggregated
23 when reported to the department. The department and the department of
24 licensing shall enter into an interagency agreement to ensure
25 proprietary and confidential information is protected if the
26 departments share reported information. Any proprietary or
27 confidential information exempt from disclosure when reported to the
28 department of licensing is exempt from disclosure when shared by the
29 department of licensing with the department under this provision.

30 (b) (i) Except as otherwise provided in this subsection, the rules
31 adopted by the department under (a) of this subsection must be
32 consistent with the regulations adopted by the United States
33 environmental protection agency in 40 C.F.R. Part 98 on September 22,
34 2009.

35 (ii) The department may by rule include additional gases to the
36 definition of "greenhouse gas" in RCW 70.235.010 only if the gas has
37 been designated as a greenhouse gas by the United States congress or
38 by the United States environmental protection agency. Prior to
39 including additional gases to the definition of "greenhouse gas" in
40 RCW 70.235.010, the department shall notify the appropriate

1 committees of the legislature. Decisions to amend the rule to include
2 additional gases must be made prior to December 1st of any year and
3 the amended rule may not take effect before the end of the regular
4 legislative session in the next year.

5 (iii) The department may by rule exempt persons who are required
6 to report greenhouse gas emissions to the United States environmental
7 protection agency and who emit less than ten thousand metric tons
8 carbon dioxide equivalent annually.

9 (iv) The department must establish a methodology for persons who
10 are not required to report under this section to voluntarily report
11 their greenhouse gas emissions.

12 (v) The department must require reported emissions from natural
13 gas to include the emissions consistent with the upstream emissions
14 rate and global warming potential rule adopted under section 2 of
15 this act. Production, gathering, processing, transmission, storage,
16 and distribution emissions from natural gas must be reported as a
17 separate measurement from the emissions associated with the end use
18 of the natural gas.

19 (c) The department shall review and if necessary update its rules
20 whenever the United States environmental protection agency adopts
21 final amendments to 40 C.F.R. Part 98 to ensure consistency with
22 federal reporting requirements for emissions of greenhouse gases.
23 However, the department shall not amend its rules in a manner that
24 conflicts with (a) of this subsection.

25 (d) The department shall share any reporting information reported
26 to it with the local air authority in which the person reporting
27 under the rules adopted by the department operates.

28 (e) The fee provisions in subsection (2) of this section apply to
29 reporting of emissions of greenhouse gases. Persons required to
30 report under (a) of this subsection who fail to report or pay the fee
31 required in subsection (2) of this section are subject to enforcement
32 penalties under this chapter. The department shall enforce the
33 reporting rule requirements unless it approves a local air
34 authority's request to enforce the requirements for persons operating
35 within the authority's jurisdiction. However, neither the department
36 nor a local air authority approved under this section are authorized
37 to assess enforcement penalties on persons required to report under
38 (a) of this subsection until six months after the department adopts
39 its reporting rule in 2010.

1 (f) The energy facility site evaluation council shall,
2 simultaneously with the department, adopt rules that impose
3 greenhouse gas reporting requirements in site certifications on
4 owners or operators of a facility permitted by the energy facility
5 site evaluation council. The greenhouse gas reporting requirements
6 imposed by the energy facility site evaluation council must be the
7 same as the greenhouse gas reporting requirements imposed by the
8 department. The department shall share any information reported to it
9 from facilities permitted by the energy facility site evaluation
10 council with the council, including notice of a facility that has
11 failed to report as required. The energy facility site evaluation
12 council shall contract with the department to monitor the reporting
13 requirements adopted under this section.

14 (g) The inclusion or failure to include any person, source,
15 classes of persons or sources, or types of emissions of greenhouse
16 gases into the department's rules for reporting under this section
17 does not indicate whether such a person, source, or category is
18 appropriate for inclusion in state, regional, or national greenhouse
19 gas reduction programs or strategies. Furthermore, aircraft fuel
20 purchased in the state may not be considered equivalent to aircraft
21 fuel combusted in the state.

22 (h)(i) The definitions in RCW 70.235.010 apply throughout this
23 subsection (5) unless the context clearly requires otherwise.

24 (ii) For the purpose of this subsection (5), the term "supplier"
25 includes: (A) A motor vehicle fuel supplier or a motor vehicle fuel
26 importer, as those terms are defined in RCW 82.36.010; (B) a special
27 fuel supplier or a special fuel importer, as those terms are defined
28 in RCW 82.38.020; and (C) a distributor of aircraft fuel, as those
29 terms are defined in RCW 82.42.010.

30 (iii) For the purpose of this subsection (5), the term "person"
31 includes: (A) An owner or operator, as those terms are defined by the
32 United States environmental protection agency in its mandatory
33 greenhouse gas reporting regulation in 40 C.F.R. Part 98, as adopted
34 on September 22, 2009; and (B) a supplier.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.94
36 RCW to read as follows:

37 For purposes of the implementation and enforcement of this
38 chapter, the department shall apply a natural gas upstream emissions

1 rate and global warming potential consistent with the rule adopted
2 under section 2 of this act.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.235
4 RCW to read as follows:

5 For purposes of the implementation and enforcement of this
6 chapter, the department shall use a natural gas upstream emissions
7 rate and global warming potential consistent with the rule adopted
8 under section 2 of this act.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.21C
10 RCW to read as follows:

11 The review under this chapter of a proposed action that will
12 involve the use of natural gas by a person required to report
13 greenhouse gas emissions under RCW 70.94.151(5)(a), or related to a
14 facility or project whose associated direct or indirect annual
15 greenhouse gas emissions may reasonably be anticipated to exceed ten
16 thousand tons per year, must apply the upstream emissions rate and
17 global warming potential of the rule adopted under section 2 of this
18 act.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 80.70
20 RCW to read as follows:

21 For purposes of the implementation and enforcement of this
22 chapter, the council, department, or authority shall apply a natural
23 gas upstream emissions rate and global warming potential consistent
24 with the rule adopted under section 2 of this act. The council,
25 department, or authority shall require a carbon dioxide mitigation
26 plan developed under RCW 80.70.020 to provide mitigation based upon
27 the carbon dioxide equivalents associated with both the end use of
28 the natural gas and the production, gathering, processing,
29 transmission, storage, and distribution of natural gas consistent
30 with the rule adopted under section 2 of this act.

31 **Sec. 8.** RCW 80.50.175 and 1983 c 3 s 205 are each amended to
32 read as follows:

33 (1) In addition to all other powers conferred on the council
34 under this chapter, the council shall have the powers set forth in
35 this section.

1 (2) The council, upon request of any potential applicant, is
2 authorized, as provided in this section, to conduct a preliminary
3 study of any potential site prior to receipt of an application for
4 site certification. A fee of ten thousand dollars for each potential
5 site, to be applied toward the cost of any study agreed upon pursuant
6 to subsection (3) of this section, shall accompany the request and
7 shall be a condition precedent to any action on the request by the
8 council.

9 (3) After receiving a request to study a potential site, the
10 council shall commission its own independent consultant to study
11 matters relative to the potential site. The study shall include, but
12 need not be limited to, the preparation and analysis of environmental
13 impact information for the proposed potential site and any other
14 matter the council and the potential applicant deem essential to an
15 adequate appraisal of the potential site. The study of environmental
16 impact information for a proposed potential site must evaluate
17 greenhouse gas emissions consistent with the rule adopted under
18 section 2 of this act. In conducting the study, the council is
19 authorized to cooperate and work jointly with the county or counties
20 in which the potential site is located, any federal, state, or local
21 governmental agency that might be requested to comment upon the
22 potential site, and any municipal or public corporation having an
23 interest in the matter. The full cost of the study shall be paid by
24 the potential applicant: PROVIDED, That such costs exceeding a total
25 of ten thousand dollars shall be payable subject to the potential
26 applicant giving prior approval to such excess amount.

27 (4) Any study prepared by the council pursuant to subsection (3)
28 of this section may be used in place of the "detailed statement"
29 required by RCW 43.21C.030(2)(c) by any branch of government except
30 the council created pursuant to chapter 80.50 RCW.

31 (5) All payments required of the potential applicant under this
32 section are to be made to the state treasurer, who in turn shall pay
33 the consultant as instructed by the council. All such funds shall be
34 subject to state auditing procedures. Any unexpended portions thereof
35 shall be returned to the potential applicant.

36 (6) Nothing in this section shall change the requirements for an
37 application for site certification or the requirement of payment of a
38 fee as provided in RCW 80.50.071, or change the time for disposition
39 of an application for certification as provided in RCW 80.50.100.

1 (7) Nothing in this section shall be construed as preventing a
2 city or county from requiring any information it deems appropriate to
3 make a decision approving a particular location.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 80.28
5 RCW to read as follows:

6 For purposes of the implementation and enforcement of this
7 chapter, the commission, gas companies, and electrical companies
8 shall use a natural gas upstream emissions rate and global warming
9 potential consistent with the rule adopted under section 2 of this
10 act.

11 **Sec. 10.** RCW 19.280.030 and 2015 3rd sp.s. c 19 s 9 are each
12 amended to read as follows:

13 Each electric utility must develop a plan consistent with this
14 section.

15 (1) Utilities with more than twenty-five thousand customers that
16 are not full requirements customers shall develop or update an
17 integrated resource plan by September 1, 2008. At a minimum, progress
18 reports reflecting changing conditions and the progress of the
19 integrated resource plan must be produced every two years thereafter.
20 An updated integrated resource plan must be developed at least every
21 four years subsequent to the 2008 integrated resource plan. The
22 integrated resource plan, at a minimum, must include:

23 (a) A range of forecasts, for at least the next ten years or
24 longer, of projected customer demand which takes into account
25 econometric data and customer usage;

26 (b) An assessment of commercially available conservation and
27 efficiency resources. Such assessment may include, as appropriate,
28 opportunities for development of combined heat and power as an energy
29 and capacity resource, demand response and load management programs,
30 and currently employed and new policies and programs needed to obtain
31 the conservation and efficiency resources;

32 (c) An assessment of commercially available, utility scale
33 renewable and nonrenewable generating technologies including a
34 comparison of the benefits and risks of purchasing power or building
35 new resources;

36 (d) A comparative evaluation of renewable and nonrenewable
37 generating resources, including transmission and distribution

1 delivery costs, and conservation and efficiency resources using
2 "lowest reasonable cost" as a criterion;

3 (e) An assessment of methods, commercially available
4 technologies, or facilities for integrating renewable resources, and
5 addressing overgeneration events, if applicable to the utility's
6 resource portfolio;

7 (f) The integration of the demand forecasts and resource
8 evaluations into a long-range assessment describing the mix of supply
9 side generating resources and conservation and efficiency resources
10 that will meet current and projected needs, including mitigating
11 overgeneration events, at the lowest reasonable cost and risk to the
12 utility and its ratepayers; and

13 (g) A short-term plan identifying the specific actions to be
14 taken by the utility consistent with the long-range integrated
15 resource plan.

16 (2) All other utilities may elect to develop a full integrated
17 resource plan as set forth in subsection (1) of this section or, at a
18 minimum, shall develop a resource plan that:

19 (a) Estimates loads for the next five and ten years;

20 (b) Enumerates the resources that will be maintained and/or
21 acquired to serve those loads; and

22 (c) Explains why the resources in (b) of this subsection were
23 chosen and, if the resources chosen are not: (i) Renewable resources;
24 (ii) methods, commercially available technologies, or facilities for
25 integrating renewable resources, including addressing any
26 overgeneration event; or (iii) conservation and efficiency resources,
27 why such a decision was made.

28 (3) (a) Assessments for demand side resources included in an
29 integrated resource plan may include combined heat and power systems
30 as one of the measures in a conservation supply curve. The value of
31 recoverable waste heat resulting from combined heat and power must be
32 reflected in analyses of cost-effectiveness under this subsection.

33 (b) Assessments involving natural gas resources must be
34 consistent with the rule adopted under section 2 of this act.

35 (4) An electric utility that is required to develop a resource
36 plan under this section must complete its initial plan by September
37 1, 2008.

38 (5) Resource plans developed under this section must be updated
39 on a regular basis, at a minimum on intervals of two years.

1 (6) Plans shall not be a basis to bring legal action against
2 electric utilities.

3 (7) Each electric utility shall publish its final plan either as
4 part of an annual report or as a separate document available to the
5 public. The report may be in an electronic form.

--- **END** ---