

# Chapter 200-400 WAC

## ENERGY EFFICIENCY SERVICES ACCOUNT

### WAC

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**WAC 200-400-010 Purpose.** This chapter implements the provisions of section 415 and related sections of chapter 186, Laws of 1996, establishing criteria and procedures for setting a fee schedule, establishing working capital requirements, and receiving funds for the energy efficiency services account.

[Statutory Authority: 2011 c 43. 11-23-093, recodified as WAC 200-400-010, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 39.35C RCW. 00-08-039, amended and recodified as § 236-200-010, filed 3/29/00, effective 4/29/00. Statutory Authority: RCW 43.21F.045(12) and 1991 c 201 § 12. 92-01-120, § 194-20-010, filed 12/19/91, effective 1/19/92.]

**WAC 200-400-020 Definitions.** (1) "Department" means the state department of general administration.

(2) "Energy services" means the energy efficiency program that emerges from chapter 186, Laws of 1996, the mission of which is the fulfillment of the requirements of that legislation: To achieve cost-effective conservation improvements in state and school district facilities and to investigate and, if appropriate, to pursue development of cost-effective cogeneration in existing or new state facilities.

(3) "Energy life cycle cost analysis (ELCCA)" means the method of economic analysis which accounts for the initial cost and the cost of operation of a major facility or its systems over its economic life. (See RCW 39.35.030(7).) Chapter 39.35 RCW requires that an ELCCA be prepared prior to construction or alteration of a publicly owned or leased facility having twenty-five thousand square feet or more of usable floor space.

(4) "Energy conservation report (ECR)" means the report describing the ELCCA performed for schools, funded in part by the Washington superintendent of public instruction and reviewed by the department. The contents of the report and the submission procedures are outlined in the department's publication, "Energy Life Cycle Cost Analysis Guidelines for Public Agencies."

(5) "Energy efficiency project" means a project which reduces energy consumption or energy cost, or increases the efficient use of energy. It includes activities, measures, and/or equipment designed to achieve these results.

(6) "Cogeneration project" means a project which results in the sequential generation of two or more forms of energy from a common fuel or energy source.

[Statutory Authority: 2011 c 43. 11-23-093, recodified as WAC 200-400-020, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 39.35C RCW. 00-08-039, amended and recodified as § 236-200-020, filed 3/29/00,

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effective 4/29/00. Statutory Authority: RCW 43.21F.045(12) and 1991 c 201 § 12. 92-01-120, § 194-20-020, filed 12/19/91, effective 1/19/92.]

**WAC 200-400-030 Criteria and procedures for setting fees.** The department will charge fees sufficient to recover the cost of providing services to state agencies, school districts, and public agencies which undertake energy efficiency or cogeneration projects under the energy services program. Recoverable costs include, but are not limited to all necessary costs of providing services directly to public facilities, of monitoring and implementing utility agreements when utilities elect to offer designated services, and of monitoring agreements with private consultants or energy service companies who provide energy services. The department's fees are based on hourly rates and the billable hours of service providers, and include all technical and program costs, and associated administrative costs. Fees are negotiated between the department and the public facility being served, except for fees to review ELCCA's and ECR's.

[Statutory Authority: 2011 c 43. 11-23-093, recodified as WAC 200-400-030, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 39.35C RCW. 00-08-039, amended and recodified as § 236-200-030, filed 3/29/00, effective 4/29/00. Statutory Authority: RCW 43.21F.045(12) and 1991 c 201 § 12. 92-01-120, § 194-20-030, filed 12/19/91, effective 1/19/92.]

**WAC 200-400-040 Energy life cycle cost analysis/energy conservation report fees.** Fees for ELCCA and ECR reviews will be established to recover the department's actual costs in conducting the reviews. The department's fee for an ELCCA or ECR review will not exceed two thousand dollars or one-tenth of one percent of the project's total design and construction cost, whichever is less, unless mutually agreed by the public agency and the department. The department shall annually evaluate whether energy savings resulting from its review of ELCCA's and ECR's justify the costs of performing the reviews.

[Statutory Authority: 2011 c 43. 11-23-093, recodified as WAC 200-400-040, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 39.35C RCW. 00-08-039, amended and recodified as § 236-200-040, filed 3/29/00, effective 4/29/00. Statutory Authority: RCW 43.21F.045(12) and 1991 c 201 § 12. 92-01-120, § 194-20-040, filed 12/19/91, effective 1/19/92.]

**WAC 200-400-050 Receipt of funds.** The department requires full payment of its invoices in the form of a check made payable to the department or an electronic fund transfer. For ELCCA's and ECR's submitted for review, public facilities will be invoiced when the review takes place. For all other energy conservation or cogeneration services, public facilities will be invoiced on a monthly basis unless other financing arrangements are mutually agreed upon in advance.

[Statutory Authority: 2011 c 43. 11-23-093, recodified as WAC 200-400-050, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 39.35C RCW. 00-08-039, amended and recodified as § 236-200-050, filed 3/29/00, effective 4/29/00. Statutory Authority: RCW 43.21F.045(12) and 1991 c 201 § 12. 92-01-120, § 194-20-050, filed 12/19/91, effective 1/19/92.]

**WAC 200-400-080 Working capital requirements.**

The department establishes an initial goal of building within the energy efficiency services account a working capital account balance equal to a minimum of one month of operating costs.

[Statutory Authority: 2011 c 43. 11-23-093, recodified as WAC 200-400-080, filed 11/17/11, effective 11/17/11. Statutory Authority: Chapter 39.35C RCW. 00-08-039, amended and recodified as § 236-200-080, filed 3/29/00, effective 4/29/00. Statutory Authority: RCW 43.21F.045(12) and 1991 c 201 § 12. 92-01-120, § 194-20-080, filed 12/19/91, effective 1/19/92.]