

FINAL BILL REPORT

HB 1761

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Synopsis as Enacted

Brief Description: Clarifying physical conditions for determining the output of major energy projects.

Sponsors: Representatives Casada, Hankins, Patterson, Crouse, Huff, Carlson, Morris, Mielke, Mitchell and Kessler.

House Committee on Energy & Utilities
Senate Committee on Energy, Telecommunications & Utilities

Background: In 1970, the Legislature created the Energy Facility Site Evaluation Council (EFSEC) to coordinate the evaluation, siting, and licensing of major non-hydroelectric energy facilities. EFSEC has rulemaking authority.

For facilities falling within its jurisdiction, EFSEC: (1) evaluates the impacts of energy facility proposals; (2) recommends to the Governor whether to approve an energy facility application; (3) imposes conditions on approved projects to ensure safe construction and operation and to minimize adverse impacts; (4) monitors construction, operation, and eventual decommissioning of energy facilities; and (5) enforces compliance with site certification conditions.

Thermal power plants (electricity-generating facilities using fuel, such as gas-fired combined-cycle combustion turbines) of at least 250 megawatts are within EFSEC's jurisdiction.

In 1981, voters approved Initiative No. 394, the Washington State Energy Financing Voter Approval Act. Under the act, a local government is prohibited from selling bonds to finance the construction or acquisition of major electrical generating facilities, which are facilities intended to generate more than 250 megawatts of electricity, unless the voters of the local government approve a ballot proposition authorizing the expenditure of the funds. Provisions are made for the preparation of a cost-effectiveness study of the project by an independent consultant and preparation of a special voters' pamphlet on the proposal that is distributed to voters in the local governments proposing to participate in the project.

Historically, proponents of a new thermal power plant have relied on the "name-plate rating" to determine whether the plant is within EFSEC's jurisdiction or subject to the Washington State Energy Financing Voter Approval Act. However, a plant that

ordinarily generates less than 250 megawatts of electricity may on some occasions, due to weather conditions, generate more than 250 megawatts of electricity. Influential weather conditions include ambient temperature and pressure.

The statutes do not explicitly address situations where a thermal facility ordinarily generates less, but may occasionally generate more, than 250 megawatts of electricity.

Summary: The statutes are amended to specify how to determine whether a thermal power plant is within EFSEC's jurisdiction, or subject to the Washington State Energy Financing Voter Approval Act.

Specifically, a plant's generating capacity is to be determined by assuming average air temperature and pressure, and subtracting the amount of electricity necessary to operate the plant from the plant's maximum possible electricity output under those conditions.

Votes on Final Passage:

House	92	3
Senate	43	2

Effective: July 23, 1995