2688-S AMH MORR DURB 197

**SHB 2688** - H AMD **1112**

By Representative Morris

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 19.285 RCW to read as follows:

(1) When requested by a consumer-owned utility or by a person proposing an electric generation project or conservation resource, the initiative 937 technical working group, which is made up of staff from the department of commerce and the utilities and transportation commission, is authorized to and shall provide analysis and an advisory opinion on whether a proposed electric generation project or conservation resource qualifies to meet a target under RCW 19.285.040. The advisory opinion must include a legal analysis. When forming its advisory opinion, the initiative 937 technical working group must solicit and consider comments from interested parties, including staff of the requesting utility.

(2) Consumer-owned qualifying utilities and persons proposing electric generation projects or conservation resources may apply for an advisory opinion from the initiative 937 technical working group. The application must be in writing and must include information that accurately describes the proposed project or resource. Within ninety days of receiving an application, the initiative 937 technical working group must issue a signed advisory opinion on whether the proposed project or resource qualifies to meet a target under RCW 19.285.040. The governing board of the consumer-owned utility that will use the resource or project must either adopt or reject the advisory opinion after public notice and hearing. Under its responsibilities in RCW 19.285.060, the auditor shall consider any project or resource reviewed and adopted under the process in this section as being in compliance with RCW 19.285.040 and 19.285.060, but only if: (a) The advisory opinion affirmatively qualifies the project or resource; (b) the governing board of the consumer-owned utility that will use the project or resource adopts the advisory opinion after public notice and hearing; (c) the project or resource is built or acquired as proposed; (d) there is no court decision regarding a similar project or resource in which the court found that the project or resource did not qualify to meet a target under RCW 19.285.040; and (e) the applicable statutes defining what renewable resources and conservation resources qualify to meet a target under RCW 19.285.040 have not changed.

(3) The initiative 937 technical working group may require an applicant to pay an application fee to cover the cost of reviewing the project and preparing an advisory opinion.

(4) An electric generation project reviewed and adopted under this section may produce renewable energy credits as defined in RCW 19.285.030.

(5) The department of commerce may adopt rules on behalf of the initiative 937 technical working group to implement this section.

(6) Nothing in this section preempts the authority of any governing board of a consumer-owned utility from making a determination, independent of the process in this section, on whether a proposed electric generation project or conservation resource may qualify to meet a target under RCW 19.285.040."

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|  | EFFECT: Specifies that the Initiative 937 Technical Working Group (Technical Working Group), rather than the Washington State University Extension Energy Program, is the entity that may issue an advisory opinion as to whether a proposed project or resource qualifies to meet a target under Initiative 937. Adds additional criteria that must be met in order for an advisory opinion issued by the Technical Working Group and adopted by the consumer-owned utility to be binding on the State Auditor: (1) there is no court decision regarding a similar project or resource in which the court found that the project or resource did not qualify to meet a target under Initiative 937; and (2) the statutes defining what renewable resources and conservation resources qualify have not changed. |

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