

ESHB 1365 - H AMD 843

By Representative Fitzgibbon

ADOPTED 05/24/2011

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that distributing
4 generation from new solar energy systems broadly throughout the state
5 advances state energy policy.

6 **Sec. 2.** RCW 19.285.030 and 2009 c 565 s 20 are each amended to
7 read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Attorney general" means the Washington state office of the
11 attorney general.

12 (2) "Auditor" means: (a) The Washington state auditor's office or
13 its designee for qualifying utilities under its jurisdiction that are
14 not investor-owned utilities; or (b) an independent auditor selected by
15 a qualifying utility that is not under the jurisdiction of the state
16 auditor and is not an investor-owned utility.

17 (3) "Commission" means the Washington state utilities and
18 transportation commission.

19 (4) "Conservation" means any reduction in electric power
20 consumption resulting from increases in the efficiency of energy use,
21 production, or distribution.

22 (5) "Cost-effective" has the same meaning as defined in RCW
23 80.52.030.

24 (6) "Council" means the Washington state apprenticeship and
25 training council within the department of labor and industries.

26 (7) "Customer" means a person or entity that purchases electricity
27 for ultimate consumption and not for resale.

28 (8) "Department" means the department of commerce or its successor.

1 (9) "Distributed generation" means an eligible renewable resource
2 where the generation facility or any integrated cluster of such
3 facilities has a generating capacity of not more than five megawatts.

4 (10) "Eligible renewable resource" means:

5 (a) Electricity from a generation facility powered by a renewable
6 resource other than fresh water that commences operation after March
7 31, 1999, where: (i) The facility is located in the Pacific Northwest;
8 or (ii) the electricity from the facility is delivered into Washington
9 state on a real-time basis without shaping, storage, or integration
10 services; or

11 (b) Incremental electricity produced as a result of efficiency
12 improvements completed after March 31, 1999, to hydroelectric
13 generation projects owned by a qualifying utility and located in the
14 Pacific Northwest or to hydroelectric generation in irrigation pipes
15 and canals located in the Pacific Northwest, where the additional
16 generation in either case does not result in new water diversions or
17 impoundments.

18 (11) "Investor-owned utility" has the same meaning as defined in
19 RCW 19.29A.010.

20 (12) "Load" means the amount of kilowatt-hours of electricity
21 delivered in the most recently completed year by a qualifying utility
22 to its Washington retail customers.

23 (13) "Nonpower attributes" means all environmentally related
24 characteristics, exclusive of energy, capacity reliability, and other
25 electrical power service attributes, that are associated with the
26 generation of electricity from a renewable resource, including but not
27 limited to the facility's fuel type, geographic location, vintage,
28 qualification as an eligible renewable resource, and avoided emissions
29 of pollutants to the air, soil, or water, and avoided emissions of
30 carbon dioxide and other greenhouse gases.

31 (14) "Pacific Northwest" has the same meaning as defined for the
32 Bonneville power administration in section 3 of the Pacific Northwest
33 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.
34 Sec. 839a).

35 (15) "Public facility" has the same meaning as defined in RCW
36 39.35C.010.

37 (16) "Qualifying utility" means an electric utility, as the term
38 "electric utility" is defined in RCW 19.29A.010, that serves more than

1 twenty-five thousand customers in the state of Washington. The number
2 of customers served may be based on data reported by a utility in form
3 861, "annual electric utility report," filed with the energy
4 information administration, United States department of energy.

5 (17) "Renewable energy credit" means a tradable certificate of
6 proof of at least one megawatt-hour of an eligible renewable resource
7 where the generation facility is not powered by fresh water, the
8 certificate includes all of the nonpower attributes associated with
9 that one megawatt-hour of electricity, and the certificate is verified
10 by a renewable energy credit tracking system selected by the
11 department.

12 (18) "Renewable resource" means: (a) Water; (b) wind; (c) solar
13 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or
14 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel
15 fuel as defined in RCW 82.29A.135 that is not derived from crops raised
16 on land cleared from old growth or first-growth forests where the
17 clearing occurred after December 7, 2006; and (i) biomass energy based
18 on animal waste or solid organic fuels from wood, forest, or field
19 residues, or dedicated energy crops that do not include (i) wood pieces
20 that have been treated with chemical preservatives such as creosote,
21 pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor by-
22 product from paper production; (iii) wood from old growth forests; or
23 (iv) municipal solid waste.

24 (19) "Rule" means rules adopted by an agency or other entity of
25 Washington state government to carry out the intent and purposes of
26 this chapter.

27 (20) "Year" means the twelve-month period commencing January 1st
28 and ending December 31st.

29 (21) "Solar energy system" means any device or combination of
30 devices or elements that rely upon direct sunlight as an energy source
31 for use in the generation of electricity.

32 NEW SECTION. Sec. 3. A new section is added to chapter 19.285 RCW
33 to read as follows:

34 (1) A qualifying utility may count the output from a solar energy
35 system at double the system's electrical output if at least one-half of
36 the system is manufactured in Washington and the system:

37 (a) Is located in Washington;

1 (b) Is capable of generating not more than twenty average megawatts
2 in a calendar year; and

3 (c) Has by July 31, 2012, either:

4 (i) A site certification from the energy facility site evaluation
5 council; or

6 (ii) A land use permit from a local government.

7 (2) A solar energy system under subsection (1) of this section may
8 not be counted at double its electrical output under RCW
9 19.285.040(2)(b).

10 NEW SECTION. **Sec. 4.** If any provision of this act or its
11 application to any person or circumstance is held invalid, the
12 remainder of the act or the application of the provision to other
13 persons or circumstances is not affected."

14 Correct the title.

EFFECT: Strikes changes to the definition of distributed generation. Strikes the double multiplier for specified photovoltaic systems. Creates a new section allowing a double multiplier for "solar energy systems" under the same conditions as the stricken photovoltaic systems. Prohibits an additional double multiplier as a distributed generation facility. Adds a finding that distributing generation from new solar energy systems broadly throughout the state advances the state energy policy.

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