

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6414

Chapter 254, Laws of 2012

62nd Legislature
2012 Regular Session

ELECTRIC GENERATION PROJECT OR CONSERVATION RESOURCE--REVIEW
PROCESS

EFFECTIVE DATE: 06/07/12

Passed by the Senate March 3, 2012
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House February 29, 2012
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 30, 2012, 1:40 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6414** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 30, 2012

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6414

AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Energy, Natural Resources & Marine Waters (originally sponsored by Senator Ranker)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to creating a review process to determine whether
2 a proposed electric generation project or conservation resource
3 qualifies to meet a target under RCW 19.285.040; and adding a new
4 section to chapter 19.285 RCW.

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

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

8 (1) When requested by a consumer-owned qualifying utility or by a
9 person proposing an electric generation project or conservation
10 resource, the department is authorized to and shall provide analysis
11 and an advisory opinion on whether a proposed electric generation
12 project or conservation resource qualifies to meet a target under RCW
13 19.285.040. The advisory opinion must include a legal analysis. When
14 forming its advisory opinion, the department must: (a) Consider, and
15 may rely on, previous opinions issued by the I-937 technical working
16 group established by the commission and the department; and (b) solicit
17 and consider comments from interested parties, including staff of the
18 requesting utility. The department must give priority to any

1 application regarding an electric generation project or conservation
2 resource that previously received an affirmative advisory opinion from
3 the I-937 technical working group.

4 (2) Consumer-owned qualifying utilities and persons proposing
5 electric generation projects or conservation resources may apply for an
6 advisory opinion from the department. The application must be in
7 writing and must include information that accurately describes the
8 proposed project or resource. Within ninety days of receiving an
9 application, the director of the department must issue a signed
10 advisory opinion on whether the proposed project or resource qualifies
11 to meet a target under RCW 19.285.040. The governing board of the
12 consumer- owned utility that will use the resource or project must
13 either adopt or reject the advisory opinion after public notice and
14 hearing. Under its responsibilities in RCW 19.285.060, the auditor
15 shall consider any project or resource reviewed and adopted under the
16 process in this section as being in compliance with RCW 19.285.040 and
17 19.285.060, but only if: (a) The advisory opinion affirmatively
18 qualifies the project or resource; (b) the governing board of the
19 consumer-owned utility that will use the project or resource adopts the
20 advisory opinion after public notice and hearing; and (c) the project
21 or resource is built or acquired as proposed.

22 (3) The department may require an applicant to pay an application
23 fee to cover the cost of reviewing the project and preparing an
24 advisory opinion.

25 (4) An electric generation project reviewed and adopted under this
26 section may produce renewable energy credits as defined in RCW
27 19.285.030.

28 (5) The department may adopt rules to implement this section.

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

Passed by the Senate March 3, 2012.

Passed by the House February 29, 2012.

Approved by the Governor March 30, 2012.

Filed in Office of Secretary of State March 30, 2012.