
SUBSTITUTE SENATE BILL 5400

State of Washington

63rd Legislature

2013 Regular Session

By Senate Energy, Environment & Telecommunications (originally sponsored by Senators Honeyford, Ericksen, and Hewitt)

READ FIRST TIME 02/21/13.

1 AN ACT Relating to allowing utilities serving customers in
2 Washington and in other states to use eligible renewable resources in
3 their other states to comply with chapter 19.285 RCW, the energy
4 independence act; and reenacting and amending RCW 19.285.030.

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

6 **Sec. 1.** RCW 19.285.030 and 2012 c 22 s 2 are each reenacted and
7 amended to 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)(a) "Biomass energy" includes: (i) Organic by-products of
18 pulping and the wood manufacturing process; (ii) animal manure; (iii)
19 solid organic fuels from wood; (iv) forest or field residues; (v)

1 untreated wooden demolition or construction debris; (vi) food waste and
2 food processing residuals; (vii) liquors derived from algae; (viii)
3 dedicated energy crops; and (ix) yard waste.

4 (b) "Biomass energy" does not include: (i) Wood pieces that have
5 been treated with chemical preservatives such as creosote,
6 pentachlorophenol, or copper-chrome-arsenic; (ii) wood from old growth
7 forests; or (iii) municipal solid waste.

8 (4) "Commission" means the Washington state utilities and
9 transportation commission.

10 (5) "Conservation" means any reduction in electric power
11 consumption resulting from increases in the efficiency of energy use,
12 production, or distribution.

13 (6) "Cost-effective" has the same meaning as defined in RCW
14 80.52.030.

15 (7) "Council" means the Washington state apprenticeship and
16 training council within the department of labor and industries.

17 (8) "Customer" means a person or entity that purchases electricity
18 for ultimate consumption and not for resale.

19 (9) "Department" means the department of commerce or its successor.

20 (10) "Distributed generation" means an eligible renewable resource
21 where the generation facility or any integrated cluster of such
22 facilities has a generating capacity of not more than five megawatts.

23 (11) "Eligible renewable resource" means:

24 (a) Electricity from a generation facility powered by a renewable
25 resource other than freshwater that commences operation after March 31,
26 1999, where: (i) The facility is located in the Pacific Northwest; or
27 (ii) the electricity from the facility is delivered into Washington
28 state on a real-time basis without shaping, storage, or integration
29 services;

30 (b) Incremental electricity produced as a result of efficiency
31 improvements completed after March 31, 1999, to hydroelectric
32 generation projects owned by a qualifying utility and located in the
33 Pacific Northwest or to hydroelectric generation in irrigation pipes
34 and canals located in the Pacific Northwest, where the additional
35 generation in either case does not result in new water diversions or
36 impoundments; (~~and~~)

37 (c) Qualified biomass energy; or

1 (d) For a qualifying utility that serves customers in other states,
2 electricity from a generation facility powered by a renewable resource
3 other than freshwater that commences operation after March 31, 1999,
4 where: (i) The facility is located within a state in which the
5 qualifying utility serves retail electrical customers; and (ii) the
6 qualifying utility owns the facility in whole or in part or has a long-
7 term contract with the facility of at least twelve months or more.

8 (12) "Investor-owned utility" has the same meaning as defined in
9 RCW 19.29A.010.

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

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

21 (15) "Pacific Northwest" has the same meaning as defined for the
22 Bonneville power administration in section 3 of the Pacific Northwest
23 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.
24 Sec. 839a).

25 (16) "Public facility" has the same meaning as defined in RCW
26 39.35C.010.

27 (17) "Qualified biomass energy" means electricity produced from a
28 biomass energy facility that: (a) Commenced operation before March 31,
29 1999; (b) contributes to the qualifying utility's load; and (c) is
30 owned either by: (i) A qualifying utility; or (ii) an industrial
31 facility that is directly interconnected with electricity facilities
32 that are owned by a qualifying utility and capable of carrying
33 electricity at transmission voltage.

34 (18) "Qualifying utility" means an electric utility, as the term
35 "electric utility" is defined in RCW 19.29A.010, that serves more than
36 twenty-five thousand customers in the state of Washington. The number
37 of customers served may be based on data reported by a utility in form

1 861, "annual electric utility report," filed with the energy
2 information administration, United States department of energy.

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

10 (20) "Renewable resource" means: (a) Water; (b) wind; (c) solar
11 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or
12 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel
13 fuel as defined in RCW 82.29A.135 that is not derived from crops raised
14 on land cleared from old growth or first-growth forests where the
15 clearing occurred after December 7, 2006; or (i) biomass energy.

16 (21) "Rule" means rules adopted by an agency or other entity of
17 Washington state government to carry out the intent and purposes of
18 this chapter.

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

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