
SENATE BILL 5678

State of Washington

67th Legislature

2022 Regular Session

By Senators Short, Carlyle, Frockt, and Mullet

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1 AN ACT Relating to energy transformation, nonemitting electric
2 generation, and renewable resource project analysis and declaratory
3 orders; and adding new sections to chapter 19.405 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.405
6 RCW to read as follows:

7 (1) An investor-owned utility or a person proposing an energy
8 transformation project, nonemitting electric generation project, or
9 renewable resource project, that may be acquired by an investor-owned
10 utility for the purpose of complying with RCW 19.405.040 or
11 19.405.050 may petition the commission for a declaratory order
12 pursuant to RCW 34.05.240 to determine whether the proposed energy
13 transformation project, nonemitting electric generation project, or
14 renewable resource project meets the requirements of RCW 19.405.040
15 (1) through (3) and 19.405.050 (1) and (5).

16 (2) The petition for a declaratory order must be in writing and
17 must include information that accurately describes the proposed
18 project.

19 (3) A project that the commission has determined under this
20 section to comply with the requirements of RCW 19.405.040 (1) through
21 (3) or 19.405.050 (1) and (5) may be identified in an investor-owned

1 utility's clean energy action plan under RCW 19.280.030(2) and the
2 utility's clean energy implementation plan under RCW 19.405.060(1).

3 (4) If an investor-owned utility seeks approval of a resource or
4 project in a clean energy implementation plan under RCW 19.405.060,
5 or in a proceeding to set rates, that the commission has previously
6 determined under this section complies with the requirements of RCW
7 19.405.040 (1) through (3) or 19.405.050 (1) and (5) and the resource
8 or project deviates substantively from the one described in the
9 commission's determination made under this section, the commission
10 may reevaluate the resource or project to determine if it complies.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.405
12 RCW to read as follows:

13 (1) The commission may require an applicant to pay an application
14 fee for a declaratory order requested under section 1 of this act.
15 The amount of the fee must be set by the commission to solely cover
16 the cost of reviewing the project and preparing a declaratory order,
17 including a legal analysis.

18 (2) Nothing in section 1 of this act preempts the authority of
19 the commission from making a determination, independent of the
20 processes under section 1 of this act, on whether a proposed energy
21 transformation project, nonemitting electric generation project, or
22 renewable resource project, under RCW 19.405.040 and 19.405.050,
23 meets the planning and portfolio requirements of an investor-owned
24 utility's clean energy implementation plan under this chapter.

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