

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5678

67th Legislature
2022 Regular Session

Passed by the Senate February 12,
2022

Yeas 49 Nays 0

President of the Senate

Passed by the House March 4, 2022

Yeas 97 Nays 1

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5678** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5678

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Short, Carlyle, Frockt, and Mullet)

READ FIRST TIME 01/28/22.

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 may petition the commission for a
8 declaratory order pursuant to RCW 34.05.240 to determine whether a
9 proposed energy transformation project, nonemitting electric
10 generation project, or renewable resource project meets the
11 requirements of RCW 19.405.040 (1) through (3) and 19.405.050 (1) and
12 (5).

13 (2) The petition for a declaratory order must be in writing and
14 must include information that accurately describes the proposed
15 project.

16 (3) A project that the commission has determined under this
17 section to comply with the requirements of RCW 19.405.040 (1) through
18 (3) or 19.405.050 (1) and (5) may be identified in an investor-owned
19 utility's clean energy action plan under RCW 19.280.030(2) and the
20 utility's clean energy implementation plan under RCW 19.405.060(1).

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

25 (3) A declaratory order issued under section 1 of this act does
26 not by itself determine the prudence associated with an energy
27 transformation project, nonemitting electric generation project, or
28 renewable resource project.

29 (4) Nothing in section 1 of this act may be construed to require
30 an investor-owned utility to seek an order declaring whether the
31 proposed resource or project complies with the requirements of RCW
32 19.405.040 (1) through (3) or 19.405.050 (1) and (5).

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