

**SHB 1427** - H AMD TO H AMD (H-1604.2/23) **360**  
By Representative Dye

**NOT CONSIDERED 01/02/2024**

1 On page 11, after line 6, insert the following:

2 "Sec. 7. RCW 80.28.370 and 2017 3rd sp.s. c 36 s 10 are each  
3 amended to read as follows:

4 The definitions in this section apply throughout this section and  
5 RCW 80.28.375 unless the context clearly requires otherwise.

6 (1) "Community solar company" means a person, firm, or  
7 corporation, other than an electric utility or a community solar  
8 cooperative, that owns a community solar project and provides  
9 community solar project services to project participants.

10 (2) "Community solar project" means a solar energy system that  
11 has a direct current nameplate generating capacity that is no larger  
12 than one thousand kilowatts.

13 (3) "Community solar project services" means the provision of  
14 electricity generated by a community solar project, or the provision  
15 of the financial benefits associated with electricity generated by a  
16 community solar project, to multiple project participants, and may  
17 include other services associated with the use of the community solar  
18 project such as system monitoring and maintenance, warranty  
19 provisions, performance guarantees, and customer service.

20 (4) "Electric utility" means a consumer-owned utility or  
21 investor-owned utility as those terms are defined in RCW 19.280.020.

22 (5) "Project participant" means a customer who enters into a  
23 lease, power purchase agreement, loan, or other financial agreement  
24 with a community solar company in order to obtain a beneficial  
25 interest in, other than direct ownership of, a community solar  
26 project.

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

30 (7) "Solar installation services" means the sale, leasing,  
31 marketing, or installation of solar energy systems or the provision  
32 of financial benefits associated with such systems.

1 (8) "Solar installation company" means any corporation, company,  
2 partnership, or person that provides solar installation services to  
3 the public in the state of Washington.

4 **Sec. 8.** RCW 80.28.375 and 2017 3rd sp.s. c 36 s 11 are each  
5 amended to read as follows:

6 (1) No community solar company or solar installation company may  
7 engage in business in this state except in accordance with the  
8 provisions of this chapter. Engaging in business (~~as a community~~  
9 ~~solar company~~) includes (~~advertising~~) , but is not limited to: (i)  
10 Advertising, soliciting, offering, or entering into an agreement to  
11 own a community solar project and provide community solar project  
12 services to electric utility customers; or (ii) advertising,  
13 soliciting, offering, or entering into an agreement to provide solar  
14 installation services to electric utility customers.

15 (2) A community solar company or solar installation company must  
16 register with the commission before engaging in business in this  
17 state or applying for certification from the Washington State  
18 University extension energy program under RCW 82.16.165(1).  
19 Registration with the commission as a community solar company or  
20 solar installation company must occur on an annual basis. The  
21 registration must be on a form prescribed by the commission and  
22 contain that information as the commission may by rule require, but  
23 must include at a minimum:

24 (a) The name and address of the community solar company or solar  
25 installation company;

26 (b) The name and address of the community solar company's or  
27 solar installation company's registered agent, if any;

28 (c) The name, address, and title of each officer or director;

29 (d) The community solar company's or solar installation company's  
30 most current balance sheet;

31 (e) The community solar company's or solar installation company's  
32 latest annual report, if any;

33 (f) A description of the services the community solar company or  
34 solar installation company offers or intends to offer, including  
35 financing models; and

36 (g) Disclosure of any pending litigation against it.

37 (3) As a precondition to registration, the commission (~~may~~)  
38 shall require the procurement of a performance bond or other  
39 mechanism sufficient to cover any advances or deposits the community

1 solar company or solar installation company may collect from  
2 customers or project participants or order that the advances or  
3 deposits be held in escrow or trust.

4 (4) The commission may deny registration to any community solar  
5 company or solar installation company that:

6 (a) Does not provide the information required by this section;

7 (b) Fails to provide a performance bond or other mechanism, if  
8 required;

9 (c) Does not possess adequate financial resources to provide the  
10 proposed service; or

11 (d) Does not possess adequate technical competency to provide the  
12 proposed service.

13 (5) The commission must take action to approve or issue a notice  
14 of hearing concerning any application for registration within  
15 (~~thirty~~) 30 days after receiving the application. The commission  
16 may approve an application with or without a hearing. The commission  
17 may deny an application after a hearing.

18 (6) The commission may charge a community solar company or solar  
19 installation company an annual application fee to recover the cost of  
20 processing applications for registration under this section.

21 (7) The commission may adopt rules that describe the manner by  
22 which it will register a community solar company or solar  
23 installation company, ensure that the terms and conditions of  
24 community solar projects (~~or~~), community solar project services, or  
25 solar installation services comply with the requirements of chapter  
26 36, Laws of 2017 3rd sp. sess., establish the community solar  
27 company's or solar installation company's responsibilities for  
28 responding to customer complaints and disputes, and adopt annual  
29 reporting requirements. In addition to the application fee authorized  
30 under subsection (6) of this section, the commission may adopt  
31 regulatory fees applicable to community solar companies and solar  
32 installation companies pursuant to RCW 80.04.080, 80.24.010, and  
33 80.24.020. Such fees may not exceed the cost of ensuring compliance  
34 with this chapter.

35 (8) The commission may suspend or revoke a registration upon  
36 complaint by any interested party, or upon the commission's own  
37 motion after notice and opportunity for hearing, when it finds that a  
38 registered community solar company, registered solar installation  
39 company, or its agent has violated this chapter or the rules of the  
40 commission, or that the community solar company, solar installation

1 company, or its agent has been found by a court or governmental  
2 agency to have violated the laws of a state or the United States.

3 (9) For the purpose of ensuring compliance with this chapter, the  
4 commission may issue penalties against community solar companies or  
5 solar installation companies for violations of this chapter as  
6 provided for public service companies pursuant to chapter 80.04 RCW.

7 (10) Upon request of the commission, a community solar company or  
8 solar installation company registered under this section must provide  
9 information about its community solar projects ~~((or))~~, community  
10 solar project services, or solar installation services.

11 (11) The legislature finds that the practices covered by this  
12 section are matters vitally affecting the public interest for the  
13 purpose of applying the consumer protection act, chapter 19.86 RCW. A  
14 violation of this section ~~((constitutes))~~ is not reasonable in  
15 relation to the development and preservation of business, and is an  
16 unfair or deceptive act in trade or commerce ~~((in violation of))~~ and  
17 an unfair method of competition for the purpose of applying chapter  
18 19.86 RCW, the consumer protection act. ~~((Acts in violation of~~  
19 ~~chapter 36, Laws of 2017 3rd sp. sess. are not reasonable in relation~~  
20 ~~to the development and preservation of business, and constitute~~  
21 ~~matters vitally affecting the public interest for the purpose of~~  
22 ~~applying the consumer protection act, chapter 19.86 RCW.))~~

23 (12) For the purposes of RCW 19.86.170, actions or transactions  
24 of a community solar company or solar installation company may not be  
25 deemed otherwise permitted, prohibited, or regulated by the  
26 commission."

27 Renumber the remaining section consecutively and correct any  
28 internal references accordingly.

**EFFECT:** Adds definitions for solar installation services and  
solar installation company. Extends existing requirements for  
community solar companies to engage in business, to additionally  
cover solar installation services and solar installation companies.  
Makes a previously optional precondition for a company to register  
with the commission a requirement, regarding the covering or holding  
of project participants advances or deposits.

--- END ---