

SSB 6355 - H AMD TO H AMD (H-3830.1/26) 2639
By Representative Dye

WITHDRAWN 03/11/2026

1 On page 12, after line 10, insert the following:

2 **"PART II - APPLICATION OF THE STATE ENVIRONMENTAL POLICY ACT TO**
3 **TRANSMISSION IMPROVEMENTS**

4 NEW SECTION. **Sec. 12.** A new section is added to chapter 43.21C
5 RCW to read as follows:

6 (1) The following utility-related actions are categorically
7 exempt from compliance with this chapter: Upgrading or rebuilding
8 existing electric powerlines within an existing powerline right-of-
9 way, including:

10 (a) Relocations of small segments of the powerlines within an
11 existing powerline right-of-way or within previously disturbed or
12 developed lands; or

13 (b) Widening an existing powerline right-of-way to meet current
14 electrical standards if the widening remains within previously
15 disturbed or developed lands and only extends into a small area
16 beyond such lands as needed to comply with applicable electrical
17 standards.

18 (2) The categorical exemption required in subsection (1) of this
19 section shall not apply if any of the following conditions are
20 present:

21 (a) The proposed action is a series of actions, physically or
22 functionally related to each other, some of which are categorically
23 exempt and some of which are not;

24 (b) The proposed action is a series of exempt actions that are
25 physically or functionally related to each other, and that together
26 may have a probable significant adverse environmental impact in the
27 judgment of an agency with jurisdiction. If so, that agency shall be
28 the lead agency, unless the agencies with jurisdiction agree that
29 another agency should be the lead agency. For proposals in this
30 subsection, the agency or applicant may proceed with the exempt

1 aspects of the proposals, prior to conducting environmental review;
2 or

3 (c) The proposed action includes installation or construction
4 directly in or under lands covered by water.

5 (3) For the purposes of this section, the following definitions
6 apply:

7 (a) "Previously disturbed or developed" refers to land that has
8 been changed such that its functioning ecological processes have been
9 and remain altered by human activity. The phrase encompasses areas
10 that have been transformed from natural cover to nonnative species or
11 a managed state including, but not limited to, utility and electric
12 power transmission corridors and rights-of-way, and other areas where
13 active utilities and currently used roads are readily available.

14 (b) "Upgrading or rebuilding existing electric powerlines"
15 includes any repair, maintenance, replacement, modification, or
16 upgrade including, but not limited to, increases in voltage,
17 reconductoring, installation of grid-enhancing or optimizing
18 technologies, or the relocation or addition of utility poles, to any
19 existing electric transmission or distribution electric powerlines
20 and any associated infrastructure.

21 NEW SECTION. **Sec. 13.** A new section is added to chapter 43.21C
22 RCW to read as follows:

23 For a project that is categorically exempt under section 12 of
24 this act, the utility must notify the department of archaeology and
25 historic preservation created in chapter 43.334 RCW and each
26 federally recognized Indian tribe with usual and accustomed areas and
27 ceded treaty areas in the area where the right-of-way exists before
28 commencing the project. The purpose of the notification and
29 consultation required under this section is to allow the utility to
30 determine that there are no existing archaeological, cultural, or
31 tribal resources in the right-of-way. The department of archaeology
32 and historic preservation may require a survey to be done in
33 coordination with the affected federally recognized Indian tribe,
34 must ensure that consultation with such tribe occurs, and must
35 determine whether archaeological, cultural, or tribal resources are
36 identified in an existing right-of-way. If any such resources are
37 identified, the department of archaeology and historic preservation
38 must ensure that the utility accounts for and protects the resources
39 under chapter 27.53 RCW. Information provided by the federally

1 recognized Indian tribe must be kept confidential and exempt from
2 public disclosure under chapter 42.56 RCW.

3 **PART III - ELECTRIC UTILITY RECONDUCTORING EVALUATION**

4 **Sec. 14.** RCW 19.280.030 and 2024 c 351 s 9 are each amended to
5 read as follows:

6 Each electric utility must develop a plan consistent with this
7 section.

8 (1) Utilities with more than 25,000 customers that are not full
9 requirements customers must develop or update an integrated resource
10 plan by September 1, 2008. At a minimum, progress reports reflecting
11 changing conditions and the progress of the integrated resource plan
12 must be produced every two years thereafter. An updated integrated
13 resource plan must be developed at least every four years subsequent
14 to the 2008 integrated resource plan. The integrated resource plan,
15 at a minimum, must include:

16 (a) A range of forecasts, for at least the next 10 years or
17 longer, of projected customer demand which takes into account
18 econometric data and customer usage;

19 (b) An assessment of commercially available conservation and
20 efficiency resources, as informed, as applicable, by the assessment
21 for conservation potential under RCW 19.285.040 for the planning
22 horizon consistent with (a) of this subsection. Such assessment may
23 include, as appropriate, opportunities for development of combined
24 heat and power as an energy and capacity resource, demand response
25 and load management programs, and currently employed and new policies
26 and programs needed to obtain the conservation and efficiency
27 resources;

28 (c) An assessment of commercially available, utility scale
29 renewable and nonrenewable generating technologies including a
30 comparison of the benefits and risks of purchasing power or building
31 new resources;

32 (d) A comparative evaluation of renewable and nonrenewable
33 generating resources, including transmission and distribution
34 delivery costs, and conservation and efficiency resources using
35 "lowest reasonable cost" as a criterion;

36 (e) An assessment of methods, commercially available
37 technologies, or facilities for integrating renewable resources,
38 including but not limited to battery storage and pumped storage, and

1 addressing overgeneration events, if applicable to the utility's
2 resource portfolio;

3 (f) An assessment and 20-year forecast of the availability of and
4 requirements for regional generation and transmission capacity to
5 provide and deliver electricity to the utility's customers and to
6 meet the requirements of chapter 288, Laws of 2019 and the state's
7 greenhouse gas emissions reduction limits in RCW 70A.45.020. The
8 transmission assessment must identify the utility's expected needs to
9 acquire new long-term firm rights, develop new, or expand or upgrade
10 existing, bulk transmission facilities consistent with the
11 requirements of this section and reliability standards;

12 (i) If an electric utility operates transmission assets rated at
13 115,000 volts or greater, the transmission assessment must take into
14 account opportunities to make more effective use of existing
15 transmission capacity through improved transmission system operating
16 practices, energy efficiency, demand response, grid modernization,
17 nonwires solutions, and other programs if applicable;

18 (ii) An electric utility that relies entirely or primarily on a
19 contract for transmission service to provide necessary transmission
20 services may comply with the transmission requirements of this
21 subsection by requesting that the counterparty to the transmission
22 service contract include the provisions of chapter 288, Laws of 2019
23 and chapter 70A.45 RCW as public policy mandates in the transmission
24 service provider's process for assessing transmission need, and
25 planning and acquiring necessary transmission capacity;

26 (iii) An electric utility may comply with the requirements of
27 this subsection (1)(f) by relying on and incorporating the results of
28 a separate transmission assessment process, conducted individually or
29 jointly with other utilities and transmission system users, if that
30 assessment process meets the requirements of this subsection;

31 (g) A determination of resource adequacy metrics for the resource
32 plan consistent with the forecasts;

33 (h) A forecast of distributed energy resources that may be
34 installed by the utility's customers and an assessment of their
35 effect on the utility's load and operations;

36 (i) An identification of an appropriate resource adequacy
37 requirement and measurement metric consistent with prudent utility
38 practice in implementing RCW 19.405.030 through 19.405.050;

39 (j) The integration of the demand forecasts, resource
40 evaluations, and resource adequacy requirement into a long-range

1 assessment describing the mix of supply side generating resources and
2 conservation and efficiency resources that will meet current and
3 projected needs, including mitigating overgeneration events and
4 implementing RCW 19.405.030 through 19.405.050, at the lowest
5 reasonable cost and risk to the utility and its customers, while
6 maintaining and protecting the safety, reliable operation, and
7 balancing of its electric system;

8 (k) An assessment, informed by the cumulative impact analysis
9 conducted under RCW 19.405.140, of: Energy and nonenergy benefits and
10 the avoidance and reductions of burdens to vulnerable populations and
11 highly impacted communities; long-term and short-term public health
12 and environmental benefits, costs, and risks; and energy security and
13 risk;

14 (l) A 10-year clean energy action plan for implementing RCW
15 19.405.030 through 19.405.050 at the lowest reasonable cost, and at
16 an acceptable resource adequacy standard, that identifies the
17 specific actions to be taken by the utility consistent with the
18 long-range integrated resource plan; and

19 (m) An analysis of how the plan accounts for:

20 (i) Modeled load forecast scenarios that consider the anticipated
21 levels of zero emissions vehicle use in a utility's service area,
22 including anticipated levels of zero emissions vehicle use in the
23 utility's service area provided in RCW 47.01.520, if feasible;

24 (ii) Analysis, research, findings, recommendations, actions, and
25 any other relevant information found in the electrification of
26 transportation plans submitted under RCW 35.92.450, 54.16.430, and
27 80.28.365; and

28 (iii) Assumed use case forecasts and the associated energy
29 impacts. Electric utilities may, but are not required to, use the
30 forecasts generated by the mapping and forecasting tool created in
31 RCW 47.01.520. This subsection (1)(m)(iii) applies only to plans due
32 to be filed after September 1, 2023.

33 (2) The clean energy action plan must:

34 (a) Identify and be informed by the utility's 10-year cost-
35 effective conservation potential assessment as determined under RCW
36 19.285.040, if applicable;

37 (b) Establish a resource adequacy requirement;

38 (c) Identify the potential cost-effective demand response and
39 load management programs that may be acquired;

1 (d) Identify renewable resources, nonemitting electric
2 generation, and distributed energy resources that may be acquired and
3 evaluate how each identified resource may be expected to contribute
4 to meeting the utility's resource adequacy requirement;

5 (e) Identify any need to develop new, or expand or upgrade
6 existing, bulk transmission and distribution facilities (~~and~~
7 ~~document existing and planned efforts by the utility to make more~~
8 ~~effective use of existing transmission capacity and secure additional~~
9 ~~transmission capacity consistent with the requirements of subsection~~
10 ~~(1)(f) of this section~~), which must include an evaluation of where
11 reconductoring to increase ampacity, reduce line loss, or improve
12 grid resilience would yield meaningful improvements to the
13 functioning and reliability of the system; and

14 (f) Identify the nature and possible extent to which the utility
15 may need to rely on alternative compliance options under RCW
16 19.405.040(1)(b), if appropriate.

17 (3)(a) An electric or large combination utility shall consider
18 the social cost of greenhouse gas emissions, as determined by the
19 commission for investor-owned utilities pursuant to RCW 80.28.405 and
20 the department for consumer-owned utilities, when developing
21 integrated resource plans and clean energy action plans. An electric
22 utility must incorporate the social cost of greenhouse gas emissions
23 as a cost adder when:

24 (i) Evaluating and selecting conservation policies, programs, and
25 targets;

26 (ii) Developing integrated resource plans and clean energy action
27 plans; and

28 (iii) Evaluating and selecting intermediate term and long-term
29 resource options.

30 (b) For the purposes of this subsection (3): (i) Gas consisting
31 largely of methane and other hydrocarbons derived from the
32 decomposition of organic material in landfills, wastewater treatment
33 facilities, and anaerobic digesters must be considered a nonemitting
34 resource; and (ii) qualified biomass energy must be considered a
35 nonemitting resource.

36 (4) To facilitate broad, equitable, and efficient implementation
37 of chapter 288, Laws of 2019, a consumer-owned energy utility may
38 enter into an agreement with a joint operating agency organized under
39 chapter 43.52 RCW or other nonprofit organization to develop and

1 implement a joint clean energy action plan in collaboration with
2 other utilities.

3 (5) All other utilities may elect to develop a full integrated
4 resource plan as set forth in subsection (1) of this section or, at a
5 minimum, shall develop a resource plan that:

6 (a) Estimates loads for the next five and 10 years;

7 (b) Enumerates the resources that will be maintained and/or
8 acquired to serve those loads;

9 (c) Explains why the resources in (b) of this subsection were
10 chosen and, if the resources chosen are not: (i) Renewable resources;
11 (ii) methods, commercially available technologies, or facilities for
12 integrating renewable resources, including addressing any
13 overgeneration event; or (iii) conservation and efficiency resources,
14 why such a decision was made;

15 (d) By December 31, 2020, and in every resource plan thereafter,
16 identifies how the utility plans over a 10-year period to implement
17 RCW 19.405.040 and 19.405.050; and

18 (e) Accounts for:

19 (i) Modeled load forecast scenarios that consider the anticipated
20 levels of zero emissions vehicle use in a utility's service area,
21 including anticipated levels of zero emissions vehicle use in the
22 utility's service area provided in RCW 47.01.520, if feasible;

23 (ii) Analysis, research, findings, recommendations, actions, and
24 any other relevant information found in the electrification of
25 transportation plans submitted under RCW 35.92.450, 54.16.430, and
26 80.28.365; and

27 (iii) Assumed use case forecasts and the associated energy
28 impacts. Electric utilities may, but are not required to, use the
29 forecasts generated by the mapping and forecasting tool created in
30 RCW 47.01.520. This subsection (5)(e)(iii) applies only to plans due
31 to be filed after September 1, 2023.

32 (6) Assessments for demand-side resources included in an
33 integrated resource plan may include combined heat and power systems
34 as one of the measures in a conservation supply curve. The value of
35 recoverable waste heat resulting from combined heat and power must be
36 reflected in analyses of cost-effectiveness under this subsection.

37 (7) An electric utility that is required to develop a resource
38 plan under this section must complete its initial plan by September
39 1, 2008.

1 (8) Plans developed under this section must be updated on a
2 regular basis, on intervals approved by the commission or the
3 department, or at a minimum on intervals of two years.

4 (9) (a) Plans shall not be a basis to bring legal action against
5 electric utilities. However, nothing in this subsection (9) (a) may be
6 construed as limiting the commission or any party from bringing any
7 action pursuant to Title 80 RCW, this chapter, or chapter 19.405 RCW
8 against any large combination utility related to an integrated system
9 plan submitted pursuant to RCW 80.86.020.

10 (b) The commission may approve, reject, or approve with
11 conditions, any integrated system plans submitted by a large
12 combination utility as defined in RCW 80.86.010.

13 (10) (a) To maximize transparency, the commission, for investor-
14 owned utilities, or the governing body, for consumer-owned utilities,
15 may require an electric utility to make the utility's data input
16 files available in a native format. Each electric utility shall
17 publish its final plan either as part of an annual report or as a
18 separate document available to the public. The report may be in an
19 electronic form.

20 (b) Nothing in this subsection limits the protection of records
21 containing commercial information under RCW 80.04.095.

22 (11) The commission may require a large combination utility as
23 defined in RCW 80.86.010 to incorporate the requirements of this
24 section into an integrated system plan established under RCW
25 80.86.020."

26 Renumber the remaining sections consecutively and correct any
27 internal references accordingly.

28 On page 12, line 11, after "**PART**" strike "**II**" and insert "**IV**"

EFFECT: • Provides a categorical exemption from the State
Environmental Policy Act for certain upgrades and rebuilds of
electric powerlines within an existing powerline right-of-way.

• Requires a review for resources in the rights-of-way for such
categorical exemptions that includes utilities notifying the
Department of Archaeology and Historic Preservation (DAHP) and each
federally recognized Indian tribe with usual and accustomed areas and
ceded treaty areas where the right-of-way exists before beginning the
project, an option for the DAHP to require a survey to determine
whether archeological, cultural, or tribal resources are in the
right-of-way, and a requirement that if such resources are
identified, the DAHP must ensure that the utility accounts for and
protects the resources.

- Requires electric utilities with more than 25,000 customers to evaluate where reconductoring would yield meaningful improvements to the grid and removes a requirement for these utilities to document their efforts to increase transmission capacity.

--- **END** ---