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**SENATE BILL 6121**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senator Boehnke

1 AN ACT Relating to providing electricity service to large energy  
2 use facilities; amending RCW 19.29A.010; adding new sections to  
3 chapter 19.29A RCW; creating a new section; and providing an  
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the rapid  
7 growth of large energy-consuming customers, including data centers,  
8 may necessitate substantial investment in new electrical generation,  
9 transmission, and distribution infrastructure. The intent of this act  
10 is to ensure that the costs and risks of these energy-related  
11 investments are borne solely by the customers causing the need for  
12 the investment, thereby protecting residential, small commercial, and  
13 existing industrial ratepayers from unwarranted rate increases.

14 **Sec. 2.** RCW 19.29A.010 and 2019 c 222 s 2 are each amended to  
15 read as follows:

16 The definitions in this section apply throughout this chapter  
17 unless the context clearly requires otherwise.

18 (1) "Biomass generation" has the same meaning as "biomass energy"  
19 defined in RCW 19.285.030.

1 (2) "Bonneville power administration system mix" means a  
2 generation mix sold by the Bonneville power administration that is  
3 net of any resource specific sales.

4 (3) "Commission" means the utilities and transportation  
5 commission.

6 (4) "Conservation" means an increase in efficiency in the use of  
7 energy use that yields a decrease in energy consumption while  
8 providing the same or higher levels of service. Conservation includes  
9 low-income weatherization programs.

10 (5) "Consumer-owned utility" means a municipal electric utility  
11 formed under Title 35 RCW, a public utility district formed under  
12 Title 54 RCW, an irrigation district formed under chapter 87.03 RCW,  
13 a cooperative formed under chapter 23.86 RCW, or a mutual corporation  
14 or association formed under chapter 24.06 RCW, that is engaged in the  
15 business of distributing electricity to more than one retail electric  
16 customer in the state.

17 (6) "Costs of serving" includes, as applicable, the costs  
18 incurred by an electric utility in providing transmission,  
19 distribution, energy, capacity, or ancillary electricity services,  
20 and any related costs or associated risks with serving a class of  
21 retail electricity consumers or a retail electricity consumer.

22 (7) "Declared resource" means an electricity source specifically  
23 identified by a retail supplier to serve retail electric customers. A  
24 declared resource includes a stated quantity of electricity tied  
25 directly to a specified generation facility or set of facilities  
26 either through ownership or contract purchase, or a contractual right  
27 to a stated quantity of electricity from a specified generation  
28 facility or set of facilities.

29 ~~((7))~~ (8) "Department" means the department of commerce.

30 ~~((8))~~ (9) "Electric meters in service" means those meters that  
31 record in at least nine of twelve calendar months in any calendar  
32 year not less than two hundred fifty kilowatt-hours per month.

33 ~~((9))~~ (10) "Electric utility" means a consumer-owned or  
34 investor-owned utility as defined in this section.

35 ~~((10))~~ (11) "Electricity" means electric energy measured in  
36 kilowatt-hours, or electric capacity measured in kilowatts, or both.

37 ~~((11))~~ (12) "Electricity product" means the electrical energy  
38 produced by a generating facility or facilities that a retail  
39 supplier sells or offers to sell to retail electric customers in the  
40 state of Washington, provided that nothing in this title shall be

1 construed to mean that electricity is a good or product for the  
2 purposes of Title 62A RCW, or any other purpose. It does not include  
3 electrical energy generated on-site at a retail electric customer's  
4 premises.

5 ~~((12))~~ (13) "Electricity product content label" means  
6 information presented in a uniform format by a retail supplier to its  
7 retail customers and disclosing the information required in RCW  
8 19.29A.060 about the characteristics of an electricity product.

9 ~~((13))~~ (14) "Facility" means any physical property, plant,  
10 building, structure, source, or stationary equipment located on one  
11 or more contiguous or adjacent properties in actual physical contact  
12 or separated solely by a public roadway or other public right-of-way  
13 and under common ownership or common control.

14 (15) "Fuel attribute" means the characteristic of electricity  
15 determined by the fuel used in the generation of that electricity.  
16 For a renewable resource, the fuel attribute is included in its  
17 nonpower attributes.

18 ~~((14))~~ (16) "Fuel mix" means the sources of electricity sold to  
19 retail electric customers, expressed in terms of percentage  
20 contribution by resource category. The total fuel mix included in  
21 each disclosure shall total one hundred percent.

22 ~~((15))~~ (17) "Governing body" means the council of a city or  
23 town, the commissioners of an irrigation district, municipal electric  
24 utility, or public utility district, or the board of directors of an  
25 electric cooperative or mutual association that has the authority to  
26 set and approve rates.

27 ~~((16))~~ (18) "Investor-owned utility" means a company owned by  
28 investors that meets the definition of RCW 80.04.010 and is engaged  
29 in distributing electricity to one or more retail electric customers  
30 in the state.

31 ~~((17))~~ (19) "Large energy use facility" means a facility that  
32 uses or is able to use 20 megawatts or more.

33 (20) "Nonpower attributes" has the same meaning as defined in RCW  
34 19.285.030.

35 ~~((18))~~ (21) "Private customer information" includes a retail  
36 electric customer's name, address, telephone number, and other  
37 personally identifying information.

38 ~~((19))~~ (22) "Proprietary customer information" means: (a)  
39 Information that relates to the source, technical configuration,  
40 destination, and amount of electricity used by a retail electric

1 customer, a retail electric customer's payment history, and household  
2 data that is made available by the customer solely by virtue of the  
3 utility-customer relationship; and (b) information contained in a  
4 retail electric customer's bill.

5 ~~((20))~~ (23) "Renewable energy certificate" means a tradable  
6 certificate of proof of one megawatt-hour of electricity from a  
7 renewable resource. The certificate includes all of the nonpower  
8 attributes associated with that one megawatt-hour of electricity, and  
9 the certificate is verified by a renewable energy certificate  
10 tracking system specified by the department.

11 ~~((21))~~ (24) "Renewable resource" has the same meaning as  
12 defined in RCW 19.285.030.

13 ~~((22))~~ (25) "Resale" means the purchase and subsequent sale of  
14 electricity for profit, but does not include the purchase and the  
15 subsequent sale of electricity at the same rate at which the  
16 electricity was purchased.

17 ~~((23))~~ (26) "Retail electric customer" means a person or entity  
18 that purchases electricity for ultimate consumption and not for  
19 resale.

20 ~~((24))~~ (27) "Retail supplier" means an electric utility that  
21 offers an electricity product for sale to retail electric customers  
22 in the state.

23 ~~((25))~~ (28) "Small utility" means any consumer-owned utility  
24 with twenty-five thousand or fewer electric meters in service, or  
25 that has an average of seven or fewer customers per mile of  
26 distribution line.

27 ~~((26))~~ (29) "Source and disposition report" means the report  
28 required in RCW 19.29A.140.

29 ~~((27))~~ (30) "State" means the state of Washington.

30 ~~((28))~~ (31) "Unspecified source" means an electricity source  
31 for which the fuel attribute is unknown or has been separated from  
32 the energy.

33 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.29A  
34 RCW to read as follows:

35 (1) The commission for investor-owned utilities and the  
36 department for consumer-owned utilities shall each develop a model  
37 tariff for retail electricity consumers that are large energy use  
38 facilities by June 30, 2027. The model tariff must be separate and  
39 distinct from tariffs for other commercial or industrial retail

1 electricity consumers and have its own tariff schedule. Any model  
2 tariff schedule developed for large energy use facilities by the  
3 commission for investor-owned utilities or the department for  
4 consumer-owned utilities must:

5 (a) (i) Allocate the costs of serving retail electricity consumers  
6 that are large energy use facilities in a manner that is equal or  
7 proportional to the costs of serving these consumers; or

8 (ii) Directly assign the costs of serving a retail electricity  
9 consumer that is a large energy use facility to the retail  
10 electricity consumer;

11 (b) Meet the same public interest conditions that the commission  
12 or a governing body requires for a contract under section 4(1)(b)(v)  
13 of this act; and

14 (c) Mitigate the risk of:

15 (i) Other classes of retail electricity consumers paying  
16 increased or unwarranted costs; and

17 (ii) Shifting the costs, in an unwarranted manner, of serving a  
18 retail electricity consumer that is a large energy use facility to  
19 other classes of retail electricity consumers, including costs of an  
20 electric utility to meet load requirements resulting from the  
21 provision of electricity service to a retail electricity consumer  
22 that is a large energy use facility.

23 (2) In deciding whether to approve a proposed tariff schedule of  
24 an investor-owned utility for a retail electricity consumer that is a  
25 large energy use facility, the commission shall consider whether the  
26 rates:

27 (a) Result in, or have the potential to result in, increased  
28 costs or unwarranted risk to other retail electricity consumers;

29 (b) Provide for equitable contributions to grid efficiency,  
30 reliability, and resiliency benefits;

31 (c) Impede the investor-owned utility's ability to meet the clean  
32 energy transformation act requirements under chapter 19.405 RCW or  
33 reduce the emissions of greenhouse gases consistent with state  
34 policy;

35 (d) Allow for procurement of or contracts for generation  
36 resources that support the investor-owned utility's ability to meet  
37 the clean energy transformation act requirements under chapter 19.405  
38 RCW or reduce the emissions of greenhouse gases consistent with state  
39 policy; and

1 (e) Meet any other conditions the commission may require in the  
2 public interest.

3 (3) In deciding whether to approve a proposed tariff schedule of  
4 a consumer-owned utility for a retail electricity consumer that is a  
5 large energy use facility, the governing body shall consider whether  
6 the rates:

7 (a) Result in, or have the potential to result in, increased  
8 costs or unwarranted risk to other retail electricity consumers;

9 (b) Provide for equitable contributions to grid efficiency,  
10 reliability, and resiliency benefits;

11 (c) Impede the consumer-owned utility's ability to meet the clean  
12 energy transformation act requirements under chapter 19.405 RCW or  
13 reduce the emissions of greenhouse gases consistent with state  
14 policy;

15 (d) Allow for procurement of or contracts for generation  
16 resources that support the consumer-owned utility's ability to meet  
17 the clean energy transformation act requirements under chapter 19.405  
18 RCW or reduce the emissions of greenhouse gases consistent with state  
19 policy; and

20 (e) Meet any other conditions the governing body may require in  
21 the public interest.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.29A  
23 RCW to read as follows:

24 (1)(a) With the exception of subsection (2) of this section,  
25 beginning January 1, 2028, the commission for an investor-owned  
26 utility or a governing body of a consumer-owned utility shall require  
27 an electric utility that is providing electricity service to a retail  
28 electricity consumer that is a large energy use facility to enter  
29 into a contract with the retail electricity consumer that covers the  
30 provision of the electricity service, including, as applicable,  
31 transmission, distribution, energy, capacity, or ancillary  
32 electricity services.

33 (b) Any contract for the provision of electricity service entered  
34 into between an electric utility and a retail electricity consumer  
35 that is a large energy use facility must:

36 (i) Be consistent with the model tariff developed in accordance  
37 with section 3 of this act;

38 (ii) Specify the duration of the contract and be for a duration  
39 of 10 years or longer;

1 (iii) Specify the date or estimated date that the electric  
2 utility will begin to provide electricity service to the retail  
3 electricity consumer;

4 (iv) Obligate the retail electricity consumer to pay a minimum  
5 amount or percentage, as determined by the commission, based on the  
6 retail electricity consumer's projected electricity usage for the  
7 electricity services the electric utility is contracted to provide  
8 for the duration of the contract; and

9 (v) Meet any other conditions that may be required in the public  
10 interest.

11 (c) Any contract for the provision of electricity service entered  
12 into between an electric utility and a retail electricity consumer  
13 that is a large energy use facility, may include a charge for excess  
14 demand for the electricity services the electric utility is  
15 contracted to provide that is in addition to the tariff schedule.

16 (2) A consumer-owned utility that has executed a contract with a  
17 large energy use facility on or before the effective date of this  
18 section is considered to be in compliance with the requirements of  
19 subsection (1) of this section as long as the contract meets the  
20 criteria under subsection (1) of this section.

21 NEW SECTION. **Sec. 5.** A new section is added to chapter 19.29A  
22 RCW to read as follows:

23 Section 4 of this act applies to retail electricity consumers  
24 that are large energy use facilities that:

25 (1) Enter into a contract for electricity service with an  
26 electric utility after December 31, 2027; or

27 (2) Enter into a contract for electricity service with an  
28 electric utility before January 1, 2028, if the provision of  
29 electricity service requires the electric utility to make significant  
30 investments or incur costs after January 1, 2028, that could result  
31 in increased costs or risks to other retail electricity consumers of  
32 the electric utility.

33 NEW SECTION. **Sec. 6.** A new section is added to chapter 19.29A  
34 RCW to read as follows:

35 (1) By September 1st of each odd-numbered year, the department  
36 must submit a report, and may include recommendations for  
37 legislation, to the relevant committees of the legislature. The  
38 report must review trends in load requirements and other implications

1 from retail electricity consumers that are large energy use  
2 facilities and other retail electricity consumers that use large  
3 amounts of electricity. In providing the report, the department must  
4 protect proprietary information.

5 (2) This section expires January 2, 2036.

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