

---

HOUSE BILL 2009

---

State of Washington

61st Legislature

2009 Regular Session

By Representatives Ericksen and Herrera

1 AN ACT Relating to allowing purchases under the voluntary green  
2 power program to count towards the state's existing renewable energy  
3 targets; and amending RCW 19.285.040.

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

5 **Sec. 1.** RCW 19.285.040 and 2007 c 1 s 4 are each amended to read  
6 as follows:

7 (1) Each qualifying utility shall pursue all available conservation  
8 that is cost-effective, reliable, and feasible.

9 (a) By January 1, 2010, using methodologies consistent with those  
10 used by the Pacific Northwest electric power and conservation planning  
11 council in its most recently published regional power plan, each  
12 qualifying utility shall identify its achievable cost-effective  
13 conservation potential through 2019. At least every two years  
14 thereafter, the qualifying utility shall review and update this  
15 assessment for the subsequent ten-year period.

16 (b) Beginning January 2010, each qualifying utility shall establish  
17 and make publicly available a biennial acquisition target for cost-  
18 effective conservation consistent with its identification of achievable  
19 opportunities in (a) of this subsection, and meet that target during

1 the subsequent two-year period. At a minimum, each biennial target  
2 must be no lower than the qualifying utility's pro rata share for that  
3 two-year period of its cost-effective conservation potential for the  
4 subsequent ten-year period.

5 (c) In meeting its conservation targets, a qualifying utility may  
6 count high-efficiency cogeneration owned and used by a retail electric  
7 customer to meet its own needs. High-efficiency cogeneration is the  
8 sequential production of electricity and useful thermal energy from a  
9 common fuel source, where, under normal operating conditions, the  
10 facility has a useful thermal energy output of no less than thirty-  
11 three percent of the total energy output. The reduction in load due to  
12 high-efficiency cogeneration shall be: (i) Calculated as the ratio of  
13 the fuel chargeable to power heat rate of the cogeneration facility  
14 compared to the heat rate on a new and clean basis of a  
15 best-commercially available technology combined-cycle natural gas-fired  
16 combustion turbine; and (ii) counted towards meeting the biennial  
17 conservation target in the same manner as other conservation savings.

18 (d) The commission may determine if a conservation program  
19 implemented by an investor-owned utility is cost-effective based on the  
20 commission's policies and practice.

21 (e) The commission may rely on its standard practice for review and  
22 approval of investor-owned utility conservation targets.

23 (2)(a) Each qualifying utility shall use eligible renewable  
24 resources or acquire equivalent renewable energy credits, or a  
25 combination of both, to meet the following annual targets:

26 (i) At least three percent of its load by January 1, 2012, and each  
27 year thereafter through December 31, 2015;

28 (ii) At least nine percent of its load by January 1, 2016, and each  
29 year thereafter through December 31, 2019; and

30 (iii) At least fifteen percent of its load by January 1, 2020, and  
31 each year thereafter.

32 (b) A qualifying utility may count distributed generation at double  
33 the facility's electrical output if the utility: (i) Owns or has  
34 contracted for the distributed generation and the associated renewable  
35 energy credits; or (ii) has contracted to purchase the associated  
36 renewable energy credits.

37 (c) In meeting the annual targets in (a) of this subsection, a

1 qualifying utility shall calculate its annual load based on the average  
2 of the utility's load for the previous two years.

3 (d) A qualifying utility shall be considered in compliance with an  
4 annual target in (a) of this subsection if: (i) The utility's weather-  
5 adjusted load for the previous three years on average did not increase  
6 over that time period; (ii) after December 7, 2006, the utility did not  
7 commence or renew ownership or incremental purchases of electricity  
8 from resources other than renewable resources other than on a daily  
9 spot price basis and the electricity is not offset by equivalent  
10 renewable energy credits; and (iii) the utility invested at least one  
11 percent of its total annual retail revenue requirement that year on  
12 eligible renewable resources, renewable energy credits, or a  
13 combination of both.

14 (e) The requirements of this section may be met with eligible  
15 renewable resources or renewable energy credits obtained for and used  
16 in an optional pricing program such as the program established in RCW  
17 19.29A.090.

18 (f) The requirements of this section may be met for any given year  
19 with renewable energy credits produced during that year, the preceding  
20 year, or the subsequent year. Each renewable energy credit may be used  
21 only once to meet the requirements of this section.

22 ~~((f))~~ (g) In complying with the targets established in (a) of  
23 this subsection, a qualifying utility may not count ~~((+~~

24 ~~(+))~~ eligible renewable resources or distributed generation where  
25 the associated renewable energy credits are owned by a separate  
26 entity ~~((+or~~

27 ~~(+or~~ (ii) ~~Eligible renewable resources or renewable energy credits~~  
28 ~~obtained for and used in an optional pricing program such as the~~  
29 ~~program established in RCW 19.29A.090))~~.

30 ~~((g))~~ (h) Where fossil and combustible renewable resources are  
31 cofired in one generating unit located in the Pacific Northwest where  
32 the cofiring commenced after March 31, 1999, the unit shall be  
33 considered to produce eligible renewable resources in direct proportion  
34 to the percentage of the total heat value represented by the heat value  
35 of the renewable resources.

36 ~~((h))~~ (i) (i) A qualifying utility that acquires an eligible  
37 renewable resource or renewable energy credit may count that  
38 acquisition at one and two-tenths times its base value:

1 (A) Where the eligible renewable resource comes from a facility  
2 that commenced operation after December 31, 2005; and

3 (B) Where the developer of the facility used apprenticeship  
4 programs approved by the council during facility construction.

5 (ii) The council shall establish minimum levels of labor hours to  
6 be met through apprenticeship programs to qualify for this extra  
7 credit.

8 (~~(i)~~) (j) A qualifying utility shall be considered in compliance  
9 with an annual target in (a) of this subsection if events beyond the  
10 reasonable control of the utility that could not have been reasonably  
11 anticipated or ameliorated prevented it from meeting the renewable  
12 energy target. Such events include weather-related damage, mechanical  
13 failure, strikes, lockouts, and actions of a governmental authority  
14 that adversely affect the generation, transmission, or distribution of  
15 an eligible renewable resource under contract to a qualifying utility.

16 (3) Utilities that become qualifying utilities after December 31,  
17 2006, shall meet the requirements in this section on a time frame  
18 comparable in length to that provided for qualifying utilities as of  
19 December 7, 2006.

--- END ---