

SHB 2688 - H AMD 1112

By Representative Morris

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 19.285
4 RCW to read as follows:

5 (1) When requested by a consumer-owned utility or by a person
6 proposing an electric generation project or conservation resource, the
7 initiative 937 technical working group, which is made up of staff from
8 the department of commerce and the utilities and transportation
9 commission, is authorized to and shall provide analysis and an
10 advisory opinion on whether a proposed electric generation project or
11 conservation resource qualifies to meet a target under RCW 19.285.040.
12 The advisory opinion must include a legal analysis. When forming its
13 advisory opinion, the initiative 937 technical working group must
14 solicit and consider comments from interested parties, including staff
15 of the requesting utility.

16 (2) Consumer-owned qualifying utilities and persons proposing
17 electric generation projects or conservation resources may apply for
18 an advisory opinion from the initiative 937 technical working group.
19 The application must be in writing and must include information that
20 accurately describes the proposed project or resource. Within ninety
21 days of receiving an application, the initiative 937 technical working
22 group must issue a signed advisory opinion on whether the proposed
23 project or resource qualifies to meet a target under RCW 19.285.040.
24 The governing board of the consumer-owned utility that will use the
25 resource or project must either adopt or reject the advisory opinion
26 after public notice and hearing. Under its responsibilities in RCW
27 19.285.060, the auditor shall consider any project or resource

1 reviewed and adopted under the process in this section as being in
2 compliance with RCW 19.285.040 and 19.285.060, but only if: (a) The
3 advisory opinion affirmatively qualifies the project or resource; (b)
4 the governing board of the consumer-owned utility that will use the
5 project or resource adopts the advisory opinion after public notice
6 and hearing; (c) the project or resource is built or acquired as
7 proposed; (d) there is no court decision regarding a similar project
8 or resource in which the court found that the project or resource did
9 not qualify to meet a target under RCW 19.285.040; and (e) the
10 applicable statutes defining what renewable resources and conservation
11 resources qualify to meet a target under RCW 19.285.040 have not
12 changed.

13 (3) The initiative 937 technical working group may require an
14 applicant to pay an application fee to cover the cost of reviewing the
15 project and preparing an advisory opinion.

16 (4) An electric generation project reviewed and adopted under this
17 section may produce renewable energy credits as defined in RCW
18 19.285.030.

19 (5) The department of commerce may adopt rules on behalf of the
20 initiative 937 technical working group to implement this section.

21 (6) Nothing in this section preempts the authority of any
22 governing board of a consumer-owned utility from making a
23 determination, independent of the process in this section, on whether
24 a proposed electric generation project or conservation resource may
25 qualify to meet a target under RCW 19.285.040."

EFFECT: Specifies that the Initiative 937 Technical Working
Group (Technical Working Group), rather than the Washington State
University Extension Energy Program, is the entity that may issue an
advisory opinion as to whether a proposed project or resource
qualifies to meet a target under Initiative 937. Adds additional
criteria that must be met in order for an advisory opinion issued by
the Technical Working Group and adopted by the consumer-owned
utility to be binding on the State Auditor: (1) there is no court
decision regarding a similar project or resource in which the court
found that the project or resource did not qualify to meet a target
under Initiative 937; and (2) the statutes defining what renewable
resources and conservation resources qualify have not changed.

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