
HOUSE BILL 1365

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Eddy, Warnick, Morris, and Hinkle

Read first time 01/19/11. Referred to Committee on Environment.

1 AN ACT Relating to distributed generation; and amending RCW
2 19.285.030.

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

4 **Sec. 1.** RCW 19.285.030 and 2009 c 565 s 20 are each amended to
5 read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Attorney general" means the Washington state office of the
9 attorney general.

10 (2) "Auditor" means: (a) The Washington state auditor's office or
11 its designee for qualifying utilities under its jurisdiction that are
12 not investor-owned utilities; or (b) an independent auditor selected by
13 a qualifying utility that is not under the jurisdiction of the state
14 auditor and is not an investor-owned utility.

15 (3) "Commission" means the Washington state utilities and
16 transportation commission.

17 (4) "Conservation" means any reduction in electric power
18 consumption resulting from increases in the efficiency of energy use,
19 production, or distribution.

1 (5) "Cost-effective" has the same meaning as defined in RCW
2 80.52.030.

3 (6) "Council" means the Washington state apprenticeship and
4 training council within the department of labor and industries.

5 (7) "Customer" means a person or entity that purchases electricity
6 for ultimate consumption and not for resale.

7 (8) "Department" means the department of commerce or its successor.

8 (9) "Distributed generation" means an eligible renewable resource
9 where the generation facility or any integrated cluster of such
10 facilities (~~((has a generating capacity of))~~) generates not more than
11 (~~((five))~~) twenty average megawatts in a calendar year.

12 (10) "Eligible renewable resource" means:

13 (a) Electricity from a generation facility powered by a renewable
14 resource other than fresh water that commences operation after March
15 31, 1999, where: (i) The facility is located in the Pacific Northwest;
16 or (ii) the electricity from the facility is delivered into Washington
17 state on a real-time basis without shaping, storage, or integration
18 services; or

19 (b) Incremental electricity produced as a result of efficiency
20 improvements completed after March 31, 1999, to hydroelectric
21 generation projects owned by a qualifying utility and located in the
22 Pacific Northwest or to hydroelectric generation in irrigation pipes
23 and canals located in the Pacific Northwest, where the additional
24 generation in either case does not result in new water diversions or
25 impoundments.

26 (11) "Investor-owned utility" has the same meaning as defined in
27 RCW 19.29A.010.

28 (12) "Load" means the amount of kilowatt-hours of electricity
29 delivered in the most recently completed year by a qualifying utility
30 to its Washington retail customers.

31 (13) "Nonpower attributes" means all environmentally related
32 characteristics, exclusive of energy, capacity reliability, and other
33 electrical power service attributes, that are associated with the
34 generation of electricity from a renewable resource, including but not
35 limited to the facility's fuel type, geographic location, vintage,
36 qualification as an eligible renewable resource, and avoided emissions
37 of pollutants to the air, soil, or water, and avoided emissions of
38 carbon dioxide and other greenhouse gases.

1 (14) "Pacific Northwest" has the same meaning as defined for the
2 Bonneville power administration in section 3 of the Pacific Northwest
3 electric power planning and conservation act (94 Stat. 2698; 16 U.S.C.
4 Sec. 839a).

5 (15) "Public facility" has the same meaning as defined in RCW
6 39.35C.010.

7 (16) "Qualifying utility" means an electric utility, as the term
8 "electric utility" is defined in RCW 19.29A.010, that serves more than
9 twenty-five thousand customers in the state of Washington. The number
10 of customers served may be based on data reported by a utility in form
11 861, "annual electric utility report," filed with the energy
12 information administration, United States department of energy.

13 (17) "Renewable energy credit" means a tradable certificate of
14 proof of at least one megawatt-hour of an eligible renewable resource
15 where the generation facility is not powered by fresh water, the
16 certificate includes all of the nonpower attributes associated with
17 that one megawatt-hour of electricity, and the certificate is verified
18 by a renewable energy credit tracking system selected by the
19 department.

20 (18) "Renewable resource" means: (a) Water; (b) wind; (c) solar
21 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or
22 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel
23 fuel as defined in RCW 82.29A.135 that is not derived from crops raised
24 on land cleared from old growth or first-growth forests where the
25 clearing occurred after December 7, 2006; and (i) biomass energy based
26 on animal waste or solid organic fuels from wood, forest, or field
27 residues, or dedicated energy crops that do not include (i) wood pieces
28 that have been treated with chemical preservatives such as creosote,
29 pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor by-
30 product from paper production; (iii) wood from old growth forests; or
31 (iv) municipal solid waste.

32 (19) "Rule" means rules adopted by an agency or other entity of
33 Washington state government to carry out the intent and purposes of
34 this chapter.

35 (20) "Year" means the twelve-month period commencing January 1st
36 and ending December 31st.

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