
HOUSE BILL 2101

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Klippert, Haler, McCune, Nealey, Chandler, Taylor,
and Angel

Read first time 04/18/11. Referred to Committee on Environment.

1 AN ACT Relating to reducing energy costs to consumers through
2 recognition of hydroelectric power as an eligible renewable resource;
3 amending RCW 19.285.030; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that our current
6 electrical grid is absorbing more power than it can handle due to high
7 water flow through the dams and an increase in the amount of
8 alternative sources of electricity.

9 (2) The legislature further finds that our electric grid cannot
10 sustain current levels of power generation without curtailing energy
11 generation to maintain grid stability.

12 (3) The legislature further finds that hydroelectric power is the
13 most abundant and cheapest source of energy available in our region.
14 Other sources of energy, such as wind and solar, are not cost
15 competitive with hydroelectric power and these sources should be the
16 first curtailed when there is excess energy generation on the grid.

17 (4) The legislature further finds that the current hydroelectric
18 system was not built to support all of the new alternative sources of
19 energy generation and the region will need to build substantial new

1 infrastructure and transmission lines to integrate this alternative
2 energy into the grid. These transmission lines can take anywhere from
3 five to ten years to plan and construct, at significant cost to
4 consumers.

5 (5) Recognizing hydroelectric power as an eligible renewable
6 resource will stabilize energy prices for Washington residents, protect
7 clean air and water, and provide the most cost-effective sources of
8 energy to get Washington working again.

9 **Sec. 2.** RCW 19.285.030 and 2009 c 565 s 20 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Attorney general" means the Washington state office of the
14 attorney general.

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

20 (3) "Commission" means the Washington state utilities and
21 transportation commission.

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

25 (5) "Cost-effective" has the same meaning as defined in RCW
26 80.52.030.

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

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

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

32 (9) "Distributed generation" means an eligible renewable resource
33 where the generation facility or any integrated cluster of such
34 facilities has a generating capacity of not more than five megawatts.

35 (10) "Eligible renewable resource" means:

36 (a) Electricity from a generation facility powered by a renewable
37 resource (~~((other than fresh water))~~) that commences operation after

1 March 31, 1999, where: (i) The facility is located in the Pacific
2 Northwest; or (ii) the electricity from the facility is delivered into
3 Washington state on a real-time basis without shaping, storage, or
4 integration services; or

5 ~~(b) ((Incremental electricity produced as a result of efficiency~~
6 ~~improvements completed after March 31, 1999, to hydroelectric~~
7 ~~generation projects owned by a qualifying utility and located in the~~
8 ~~Pacific Northwest or to hydroelectric generation in irrigation pipes~~
9 ~~and canals located in the Pacific Northwest, where the additional~~
10 ~~generation in either case does not result in new water diversions or~~
11 ~~impoundments)) Electricity from an existing generation facility powered~~
12 ~~by a fresh water renewable resource that commenced operation before~~
13 ~~March 31, 1999.~~

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

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

19 (13) "Nonpower attributes" means all environmentally related
20 characteristics, exclusive of energy, capacity reliability, and other
21 electrical power service attributes, that are associated with the
22 generation of electricity from a renewable resource, including but not
23 limited to the facility's fuel type, geographic location, vintage,
24 qualification as an eligible renewable resource, and avoided emissions
25 of pollutants to the air, soil, or water, and avoided emissions of
26 carbon dioxide and other greenhouse gases.

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

31 (15) "Public facility" has the same meaning as defined in RCW
32 39.35C.010.

33 (16) "Qualifying utility" means an electric utility, as the term
34 "electric utility" is defined in RCW 19.29A.010, that serves more than
35 twenty-five thousand customers in the state of Washington. The number
36 of customers served may be based on data reported by a utility in form
37 861, "annual electric utility report," filed with the energy
38 information administration, United States department of energy.

1 (17) "Renewable energy credit" means a tradable certificate of
2 proof of at least one megawatt-hour of an eligible renewable resource
3 (~~where the generation facility is not powered by fresh water~~), the
4 certificate includes all of the nonpower attributes associated with
5 that one megawatt-hour of electricity, and the certificate is verified
6 by a renewable energy credit tracking system selected by the
7 department.

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

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

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

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