
SUBSTITUTE HOUSE BILL 2688

State of Washington 62nd Legislature 2012 Regular Session

By House Environment (originally sponsored by Representatives
Upthegrove, Fitzgibbon, and Cody)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to creating a review process to determine whether
2 a proposed electric generation project or conservation resource
3 qualifies to meet a target under RCW 19.285.040; and adding a new
4 section to chapter 19.285 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 19.285 RCW
7 to read as follows:

8 (1) When requested by a consumer-owned qualifying utility or by a
9 person proposing an electric generation project or conservation
10 resource, the Washington State University extension energy program is
11 authorized to and shall provide analysis and an advisory opinion on
12 whether a proposed electric generation project or conservation resource
13 qualifies to meet a target under RCW 19.285.040. The advisory opinion
14 must include a legal analysis. When forming its advisory opinion, the
15 Washington State University extension energy program must: (a)
16 Consider, and may rely on, previous opinions issued by the I-937
17 technical working group established by the commission and the
18 department; (b) consult with the technical and legal staff of the
19 department; and (c) solicit and consider comments from interested

1 parties, including staff of the requesting utility. The Washington
2 State University extension energy program must give priority to any
3 application regarding an electric generation project or conservation
4 resource that previously received an affirmative advisory opinion from
5 the I-937 technical working group.

6 (2) Consumer-owned qualifying utilities and persons proposing
7 electric generation projects or conservation resources may apply for an
8 advisory opinion from the Washington State University extension energy
9 program. The application must be in writing and must include
10 information that accurately describes the proposed project or resource.
11 Within ninety days of receiving an application, the Washington State
12 University extension energy program must issue a signed advisory
13 opinion on whether the proposed project or resource qualifies to meet
14 a target under RCW 19.285.040. The governing board of the consumer-
15 owned utility that will use the resource or project must either adopt
16 or reject the advisory opinion after public notice and hearing. Under
17 its responsibilities in RCW 19.285.060, the auditor shall consider any
18 project or resource reviewed and adopted under the process in this
19 section as being in compliance with RCW 19.285.040 and 19.285.060, but
20 only if: (a) The advisory opinion affirmatively qualifies the project
21 or resource; (b) the governing board of the consumer-owned utility that
22 will use the project or resource adopts the advisory opinion after
23 public notice and hearing; and (c) the project or resource is built or
24 acquired as proposed.

25 (3) The Washington State University extension energy program may
26 require an applicant to pay an application fee to cover the cost of
27 reviewing the project and preparing an advisory opinion.

28 (4) An electric generation project reviewed and adopted under this
29 section may produce renewable energy credits as defined in RCW
30 19.285.030.

31 (5) The Washington State University extension energy program may
32 adopt rules to implement this section.

33 (6) Nothing in this section preempts the authority of any governing
34 board of a consumer-owned utility from making a determination,
35 independent of the process in this section, on whether a proposed
36 electric generation project or conservation resource may qualify to

1 meet a target under RCW 19.285.040.

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