

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6414**

62nd Legislature  
2012 Regular Session

Passed by the Senate March 3, 2012  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House February 29, 2012  
YEAS 98 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6414** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6414**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

**State of Washington                      62nd Legislature                      2012 Regular Session**

**By** Senate Energy, Natural Resources & Marine Waters (originally sponsored by Senator Ranker)

READ FIRST TIME 02/03/12.

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 department is authorized to and shall provide analysis  
11 and an advisory opinion on whether a proposed electric generation  
12 project or conservation resource qualifies to meet a target under RCW  
13 19.285.040. The advisory opinion must include a legal analysis. When  
14 forming its advisory opinion, the department must: (a) Consider, and  
15 may rely on, previous opinions issued by the I-937 technical working  
16 group established by the commission and the department; and (b) solicit  
17 and consider comments from interested parties, including staff of the  
18 requesting utility. The department must give priority to any

1 application regarding an electric generation project or conservation  
2 resource that previously received an affirmative advisory opinion from  
3 the I-937 technical working group.

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

22 (3) The department may require an applicant to pay an application  
23 fee to cover the cost of reviewing the project and preparing an  
24 advisory opinion.

25 (4) An electric generation project reviewed and adopted under this  
26 section may produce renewable energy credits as defined in RCW  
27 19.285.030.

28 (5) The department may adopt rules to implement this section.

29 (6) Nothing in this section preempts the authority of any governing  
30 board of a consumer-owned utility from making a determination,  
31 independent of the process in this section, on whether a proposed  
32 electric generation project or conservation resource may qualify to  
33 meet a target under RCW 19.285.040.

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