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SENATE BILL 5400

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Honeyford, Ericksen, and Hewitt

Read first time 01/29/13. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to allowing utilities serving customers in  
2 Washington and in other states to use eligible renewable resources  
3 located within the western electricity coordinating council area to  
4 comply with chapter 19.285 RCW, the energy independence act; and  
5 reenacting and amending RCW 19.285.030.

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

7 **Sec. 1.** RCW 19.285.030 and 2012 c 22 s 2 are each reenacted and  
8 amended to read as follows:

9 The definitions in this section apply throughout this chapter  
10 unless the context clearly requires otherwise.

11 (1) "Attorney general" means the Washington state office of the  
12 attorney general.

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

18 (3)(a) "Biomass energy" includes: (i) Organic by-products of  
19 pulping and the wood manufacturing process; (ii) animal manure; (iii)

1 solid organic fuels from wood; (iv) forest or field residues; (v)  
2 untreated wooden demolition or construction debris; (vi) food waste and  
3 food processing residuals; (vii) liquors derived from algae; (viii)  
4 dedicated energy crops; and (ix) yard waste.

5 (b) "Biomass energy" does not include: (i) Wood pieces that have  
6 been treated with chemical preservatives such as creosote,  
7 pentachlorophenol, or copper-chrome-arsenic; (ii) wood from old growth  
8 forests; or (iii) municipal solid waste.

9 (4) "Commission" means the Washington state utilities and  
10 transportation commission.

11 (5) "Conservation" means any reduction in electric power  
12 consumption resulting from increases in the efficiency of energy use,  
13 production, or distribution.

14 (6) "Cost-effective" has the same meaning as defined in RCW  
15 80.52.030.

16 (7) "Council" means the Washington state apprenticeship and  
17 training council within the department of labor and industries.

18 (8) "Customer" means a person or entity that purchases electricity  
19 for ultimate consumption and not for resale.

20 (9) "Department" means the department of commerce or its successor.

21 (10) "Distributed generation" means an eligible renewable resource  
22 where the generation facility or any integrated cluster of such  
23 facilities has a generating capacity of not more than five megawatts.

24 (11) "Eligible renewable resource" means:

25 (a) Electricity from a generation facility powered by a renewable  
26 resource other than freshwater that commences operation after March 31,  
27 1999, where: (i) The facility is located in the Pacific Northwest;  
28 ~~((or))~~ (ii) the electricity from the facility is delivered into  
29 Washington state on a real-time basis without shaping, storage, or  
30 integration services; or (iii) for a qualifying utility that serves  
31 retail customers in Washington and other states, the facility is  
32 located within the geographic boundary of the United States portion of  
33 the western electricity coordinating council and the qualifying utility  
34 uses the facility for compliance with this chapter;

35 (b) Incremental electricity produced as a result of efficiency  
36 improvements completed after March 31, 1999, to hydroelectric  
37 generation projects owned by a qualifying utility and located in the  
38 Pacific Northwest or to hydroelectric generation in irrigation pipes

1 and canals located in the Pacific Northwest, where the additional  
2 generation in either case does not result in new water diversions or  
3 impoundments; and

4 (c) Qualified biomass energy.

5 (12) "Investor-owned utility" has the same meaning as defined in  
6 RCW 19.29A.010.

7 (13) "Load" means the amount of kilowatt-hours of electricity  
8 delivered in the most recently completed year by a qualifying utility  
9 to its Washington retail customers.

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

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

22 (16) "Public facility" has the same meaning as defined in RCW  
23 39.35C.010.

24 (17) "Qualified biomass energy" means electricity produced from a  
25 biomass energy facility that: (a) Commenced operation before March 31,  
26 1999; (b) contributes to the qualifying utility's load; and (c) is  
27 owned either by: (i) A qualifying utility; or (ii) an industrial  
28 facility that is directly interconnected with electricity facilities  
29 that are owned by a qualifying utility and capable of carrying  
30 electricity at transmission voltage.

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

37 (19) "Renewable energy credit" means a tradable certificate of  
38 proof of at least one megawatt-hour of an eligible renewable resource

1 where the generation facility is not powered by freshwater. The  
2 certificate includes all of the nonpower attributes associated with  
3 that one megawatt-hour of electricity, and the certificate is verified  
4 by a renewable energy credit tracking system selected by the  
5 department.

6 (20) "Renewable resource" means: (a) Water; (b) wind; (c) solar  
7 energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or  
8 tidal power; (g) gas from sewage treatment facilities; (h) biodiesel  
9 fuel as defined in RCW 82.29A.135 that is not derived from crops raised  
10 on land cleared from old growth or first-growth forests where the  
11 clearing occurred after December 7, 2006; or (i) biomass energy.

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

15 (22) "Year" means the twelve-month period commencing January 1st  
16 and ending December 31st.

17 (23) "Western electricity coordinating council" means the western  
18 electricity coordinating council of the North American electric  
19 reliability corporation, or a successor to either corporation.

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