

SSB 6533 - S AMD 645

By Senator McCoy

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 19.29A.010 and 2015 c 285 s 1 are each reenacted
4 and amended to read as follows:

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

7 (1) "Biomass generation" means electricity derived from burning
8 solid organic fuels from wood, forest, or field residue, or dedicated
9 energy crops that do not include wood pieces that have been treated
10 with chemical preservatives such as creosote, pentachlorophenol, or
11 copper-chrome-arsenic.

12 (2) "Bonneville power administration system mix" means a
13 generation mix sold by the Bonneville power administration that is
14 net of any resource specific sales and that is net of any electricity
15 sold to direct service industrial customers, as defined in section
16 3(8) of the Pacific Northwest electric power planning and
17 conservation act (16 U.S.C. Sec. 839(a)(8)).

18 (3) "Coal generation" means the electricity produced by a
19 generating facility that burns coal as the primary fuel source.

20 (4) "Commission" means the utilities and transportation
21 commission.

22 (5) "Conservation" means an increase in efficiency in the use of
23 energy use that yields a decrease in energy consumption while
24 providing the same or higher levels of service. Conservation includes
25 low-income weatherization programs.

26 (6) "Consumer-owned utility" means a municipal electric utility
27 formed under Title 35 RCW, a public utility district formed under
28 Title 54 RCW, an irrigation district formed under chapter 87.03 RCW,
29 a cooperative formed under chapter 23.86 RCW, or a mutual corporation
30 or association formed under chapter 24.06 RCW, that is engaged in the
31 business of distributing electricity to more than one retail electric
32 customer in the state.

1 (7) "Declared resource" means an electricity source specifically
2 identified by a retail supplier to serve retail electric customers. A
3 declared resource includes a stated quantity of electricity tied
4 directly to a specified generation facility or set of facilities
5 either through ownership or contract purchase, or a contractual right
6 to a stated quantity of electricity from a specified generation
7 facility or set of facilities.

8 (8) "Department" means the department of commerce.

9 (9) "Electric meters in service" means those meters that record
10 in at least nine of twelve calendar months in any calendar year not
11 less than two hundred fifty kilowatt-hours per month.

12 (10) "Electric utility" means a consumer-owned or investor-owned
13 utility as defined in this section.

14 (11) "Electricity" means electric energy measured in kilowatt-
15 hours, or electric capacity measured in kilowatts, or both.

16 ~~(12) ("Electricity information coordinator" means the~~
17 ~~organization selected by the department under RCW 19.29A.080 to: (a)~~
18 ~~Compile generation data in the Northwest power pool by generating~~
19 ~~project and by resource category; (b) compare the quantity of~~
20 ~~electricity from declared resources reported by retail suppliers with~~
21 ~~available generation from such resources; (c) calculate the net~~
22 ~~system power mix; and (d) coordinate with other comparable~~
23 ~~organizations in the western interconnection.~~

24 ~~(13))~~ "Electricity product" means the electrical energy produced
25 by a generating facility or facilities that a retail supplier sells
26 or offers to sell to retail electric customers in the state of
27 Washington, provided that nothing in this title shall be construed to
28 mean that electricity is a good or product for the purposes of Title
29 62A RCW, or any other purpose. It does not include electrical energy
30 generated on-site at a retail electric customer's premises.

31 ~~((14))~~ (13) "Fuel mix" means the actual or imputed sources of
32 electricity sold to retail electric customers, expressed in terms of
33 percentage contribution by resource category. The total fuel mix
34 included in each disclosure shall total one hundred percent.

35 ~~((15))~~ (14) "Geothermal generation" means electricity derived
36 from thermal energy naturally produced within the earth.

37 ~~((16))~~ (15) "Governing body" means the council of a city or
38 town, the commissioners of an irrigation district, municipal electric
39 utility, or public utility district, or the board of directors of an

1 electric cooperative or mutual association that has the authority to
2 set and approve rates.

3 ~~((17))~~ (16) "High efficiency cogeneration" means electricity
4 produced by equipment, such as heat or steam used for industrial,
5 commercial, heating, or cooling purposes, that meets the federal
6 energy regulatory commission standards for qualifying facilities
7 under the public utility regulatory policies act of 1978.

8 ~~((18))~~ (17) "Hydroelectric generation" means a power source
9 created when water flows from a higher elevation to a lower elevation
10 and the flow is converted to electricity in one or more generators at
11 a single facility.

12 ~~((19))~~ (18) "Investor-owned utility" means a company owned by
13 investors that meets the definition of RCW 80.04.010 and is engaged
14 in distributing electricity to more than one retail electric customer
15 in the state.

16 ~~((20))~~ (19) "Landfill gas generation" means electricity
17 produced by a generating facility that uses waste gases produced by
18 the decomposition of organic materials in landfills.

19 ~~((21))~~ (20) "Natural gas generation" means electricity produced
20 by a generating facility that burns natural gas as the primary fuel
21 source.

22 ~~((22) "Net system power mix" means the fuel mix in the Northwest
23 power pool, net of: (a) Any declared resources in the Northwest power
24 pool identified by in-state retail suppliers or out-of-state entities
25 that offer electricity for sale to retail electric customers; (b) any
26 electricity sold by the Bonneville power administration to direct
27 service industrial customers; and (c) any resource specific sales
28 made by the Bonneville power administration.~~

29 ~~(23))~~ (21) "Northwest power pool" means the generating resources
30 included in the United States portion of the Northwest power pool
31 area as defined by the western ~~((systems))~~ electric coordinating
32 council.

33 ~~((24))~~ (22) "Oil generation" means electricity produced by a
34 generating facility that burns oil as the primary fuel source.

35 ~~((25))~~ (23) "Private customer information" includes a retail
36 electric customer's name, address, telephone number, and other
37 personally identifying information.

38 ~~((26))~~ (24) "Proprietary customer information" means: (a)
39 Information that relates to the source, technical configuration,
40 destination, and amount of electricity used by a retail electric

1 customer, a retail electric customer's payment history, and household
2 data that is made available by the customer solely by virtue of the
3 utility-customer relationship; and (b) information contained in a
4 retail electric customer's bill.

5 ~~((+27))~~ (25) "Renewable resources" means electricity generation
6 facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d)
7 geothermal energy; (e) landfill gas; or (f) biomass energy based on
8 solid organic fuels from wood, forest, or field residues, or
9 dedicated energy crops that do not include wood pieces that have been
10 treated with chemical preservatives such as creosote,
11 pentachlorophenol, or copper-chrome-arsenic.

12 ~~((+28))~~ (26) "Resale" means the purchase and subsequent sale of
13 electricity ~~((for profit, but does not include the purchase and the
14 subsequent sale of electricity at the same rate at which the
15 electricity was purchased))~~.

16 ~~((+29))~~ (27) "Retail electric customer" means a person or entity
17 that purchases electricity for ultimate consumption and not for
18 resale.

19 ~~((+30))~~ (28) "Retail supplier" means an electric utility that
20 offers an electricity product for sale to retail electric customers
21 in the state.

22 ~~((+31))~~ (29) "Small utility" means any consumer-owned utility
23 with twenty-five thousand or fewer electric meters in service, or
24 that has an average of seven or fewer customers per mile of
25 distribution line.

26 ~~((+32))~~ (30) "Solar generation" means electricity derived from
27 radiation from the sun that is directly or indirectly converted to
28 electrical energy.

29 ~~((+33))~~ (31) "State" means the state of Washington.

30 ~~((+34))~~ (32) "Waste incineration generation" means electricity
31 derived from burning solid or liquid wastes from businesses,
32 households, municipalities, or waste treatment operations.

33 ~~((+35))~~ (33) "Wind generation" means electricity created by
34 movement of air that is converted to electrical energy.

35 (34) "Disclose" means to provide information to retail electric
36 customers.

37 (35) "Nonpower attributes" means all environmentally related
38 characteristics, exclusive of energy, capacity, reliability, and
39 other electrical power service attributes, that are associated with
40 the generation of electricity, including but not limited to the

1 facility's fuel type, geographic location, vintage, qualification as
2 an eligible renewable resource, and avoided emissions of pollutants
3 to the air, soil, or water, and avoided emissions of greenhouse gases
4 as may be, but are not required to be, evidenced through emission
5 reduction credits, offsets, or similar tradable commodities or
6 certificates that may be associated with the generation or
7 consumption of electricity.

8 (36) "Unspecified sources" means electricity originating as a
9 market purchase whose origin cannot be reasonably identified as from
10 an actual generation facility or system of facilities, calculated by
11 the department, and to the extent practicable, as recommended by the
12 work group pursuant to RCW 19.29A.080.

13 **Sec. 2.** RCW 19.29A.060 and 2000 c 213 s 4 are each amended to
14 read as follows:

15 (1) Each retail supplier shall disclose the fuel mix of each
16 electricity product it ~~((offers to))~~ delivers to its retail electric
17 customers as follows:

18 ~~((For an electricity product comprised entirely of declared~~
19 ~~resources,))~~ A retail supplier shall disclose the fuel mix for the
20 electricity product based on the quantity of electric generation from
21 ~~((those))~~ declared resources and unspecified sources for the previous
22 calendar year and any adjustment, if taken, available under
23 subsection (6) of this section.

24 ~~((For an electricity product comprised of no declared~~
25 ~~resources, a retail supplier shall report the fuel mix for the~~
26 ~~electricity product as the fuel mix of net system power for the~~
27 ~~previous calendar year, as determined by the electricity information~~
28 ~~coordinator under RCW 19.29A.080.))~~ Declared resources must be
29 disclosed by the retail supplier as those resources reasonably known
30 to be used to serve the retail supplier's electric customers in the
31 state. For electrical companies, declared resources may be disclosed
32 as those resources that are allowed to be recovered in Washington
33 customer rates.

34 (c) For an electricity product comprised of a combination of
35 declared resources and ~~((the net system power))~~ unspecified sources,
36 a retail supplier shall disclose the fuel mix for the electricity
37 product as ~~((a weighted average of))~~ the megawatt-hours from declared
38 resources and the megawatt-hours from ~~((the net system power mix))~~
39 unspecified sources for the previous calendar year according to the

1 proportion of declared resources and (~~net system power~~) unspecified
2 sources contained in the electricity product.

3 (2) The disclosures required by this section shall identify the
4 percentage of the total electricity product sold by a retail supplier
5 during the previous calendar year from each of the following
6 categories:

7 (a) Coal generation;

8 (b) Hydroelectric generation;

9 (c) Natural gas generation;

10 (d) Nuclear generation; (~~and~~)

11 (e) Other generation, except that when a component of the other
12 generation category meets or exceeds two percent of the total
13 electricity product sold by a retail supplier during the previous
14 calendar year, the retail supplier shall (~~identify~~) disclose the
15 component or components and display the fuel mix percentages for
16 these component sources, which may include, but are not limited to:

17 (i) Biomass generation; (ii) geothermal generation; (iii) landfill
18 gas generation; (iv) oil generation; (v) solar generation; (vi) waste
19 incineration; or (vii) wind generation. A retail supplier may
20 voluntarily identify any component or components within the other
21 generation category that comprises two percent or less of annual
22 sales; and

23 (f) Unspecified sources, using the fuel mix for unspecified
24 sources as determined annually by the department under RCW
25 19.29A.080(8).

26 (3) Retail suppliers may separately report a subcategory of
27 natural gas generation to identify high efficiency cogeneration.

28 (4) Except as provided in subsection (3) of this section, a
29 retail supplier cannot include in the disclosure label any
30 environmental quality or environmental impact qualifier related to
31 any of the generation categories disclosed.

32 (5) For the portion of an electricity product purchased from the
33 Bonneville power administration, retail suppliers may disclose the
34 Bonneville power administration system mix.

35 (6) A retail supplier may adjust its reported fuel mix for known
36 changes in its declared resources for the current year based on any
37 changes in its sources of electricity supply from either generation
38 or contracts. If a retail supplier changes its fuel mix during a
39 calendar year, it shall report those changes to the (~~electricity~~
40 ~~information coordinator~~) department.

1 (7) Disclosure of the fuel mix information required in this
2 section shall be made in the following uniform format: A tabular
3 format with two columns, where the first column shall alphabetically
4 list each category and the second column shall display the
5 corresponding percentage of the total that each category represents.
6 The percentage shall be reported as a numeric value rounded to the
7 nearest one percent. The percentages listed for the categories
8 identified must sum to one hundred percent with the table displaying
9 such a total.

10 **Sec. 3.** RCW 19.29A.070 and 2000 c 213 s 5 are each amended to
11 read as follows:

12 (1) Beginning July 1, 2016, the department shall:

13 ~~((1))~~ (a) Convene a work group of interested parties ((to
14 suggest modifications, if any, to the disclosure requirements
15 required in RCW 19.29A.060)) on an annual basis to improve
16 information content, readability, and consumer understanding, and to
17 suggest modifications, if any, ((to the responsibilities of the
18 electricity information coordinator required in RCW 19.29A.080)) to
19 improve the accuracy and efficiency of the ((tracking process. If the
20 department serves as the electricity information coordinator, these
21 evaluation and reporting requirements relative to the
22 responsibilities of the electricity information coordinator and the
23 tracking process shall be assigned to an independent third party))
24 process of gathering, reporting, calculating, and tracking fuel mix
25 data. Additional duties of the work group include recommending the
26 methods and inputs for calculating the fuel mix for unspecified
27 sources, including a review and recommendations for intra-annual
28 changes of remaining resources available to be sold into the
29 wholesale market, and, for purposes of disclosure, treatment of
30 electricity whose nonpower attributes are no longer associated with
31 that electricity; and

32 ~~((2))~~ (b) Invite interested parties, including but not limited
33 to two representatives each from investor-owned utilities((7)) and
34 consumer-owned utilities, and at last one representative each from
35 the commission, the attorney general's office, consumer advocacy
36 groups, independent power producers, and the environmental community
37 to participate in the work group convened in (a) of this subsection
38 ((1) of this section; and)).

1 ~~((3))~~ (2) By December 1, 2016, the department and the work
2 group shall submit to the legislature ~~((no later than December 1,~~
3 ~~2003,))~~ a report with suggested modifications, if any, to the
4 disclosure methods, calculations, and requirements, the accuracy of
5 the unspecified sources calculations and pool of resources, and the
6 responsibilities of the ~~((electricity information coordinator))~~
7 department, as referred to in subsection (1) of this section.

8 **Sec. 4.** RCW 19.29A.080 and 2000 c 213 s 6 are each amended to
9 read as follows:

10 ~~((1) For the purpose of selecting the electricity information~~
11 ~~coordinator, the department shall form a work group of interested~~
12 ~~parties. The department shall invite interested parties, including,~~
13 ~~but not limited to, representatives from investor-owned utilities,~~
14 ~~consumer-owned utilities, the commission, the attorney general's~~
15 ~~office, consumer advocacy groups, and the environmental community to~~
16 ~~participate in the work group. In the event an appropriate regional~~
17 ~~entity is not selected by November 1, 2000, the department shall~~
18 ~~serve as the electricity information coordinator after notifying the~~
19 ~~committees of the senate and house of representatives with~~
20 ~~jurisdiction over energy matters.~~

21 ~~(2))~~ In order to ensure that data reported, managed, and used
22 under this chapter is complete, verifiable, and accurate:

23 (1) For purposes of reporting declared resources, data collection
24 and management, and any taxes or fees levied pursuant to the data
25 reported under this chapter, a retail supplier shall report and the
26 department shall record actual generation according to the fuel mix
27 categories in RCW 19.29A.060(2).

28 (2) A retail supplier shall separately report the form and amount
29 of nonpower attributes associated with the declared resources
30 reported and whether those nonpower attributes were retired, sold, or
31 banked during that reporting year.

32 (3) The department must, on an annual basis:

33 (a) Compile the generation data in the Northwest power pool by
34 generating project, generation, and resource category;

35 (b) Compile the information required under subsection (5) of this
36 section;

37 (c) Compare the quantity of electricity from declared resources
38 by retail suppliers with the total reported generation from these
39 resources;

1 (d) Calculate the fuel mix for unspecified sources pursuant to
2 subsections (5) and (6) of this section;

3 (e) Coordinate with other comparable organizations in the western
4 interconnection;

5 (f) Publish an annual fuel mix disclosure report by October 1st
6 of each year; and

7 (g) Make the data and calculations used for developing the fuel
8 mix information in this section available to the public as it becomes
9 available or is developed by the department, provided that the data
10 or calculations have not been deemed confidential under commission
11 rule or pursuant to RCW 43.21F.060.

12 (4) The department may receive any lawful gifts, grants, or
13 endowments from public or private sources that are made from time to
14 time, in trust or otherwise, for the use and benefit of the
15 department in implementing this section, and may spend such gifts,
16 grants, or endowments for the purposes of implementing this section.

17 ~~((3) As a condition for an appropriate regional entity to be~~
18 ~~selected under this section to serve as the electricity information~~
19 ~~coordinator, it must agree to compile the following information:~~

20 ~~(a) Actual generation by fuel mix in the Northwest power pool for~~
21 ~~the prior calendar year, expressed in megawatt hours. This data will~~
22 ~~be compiled as it becomes available.~~

23 ~~(b) Adjustments to the actual generation for the prior calendar~~
24 ~~year that are known and provided to the electricity information~~
25 ~~coordinator by the end of January of the current calendar year to~~
26 ~~reflect known changes in declared resources for the current year and~~
27 ~~changes due to interconnection of new generating resources or~~
28 ~~decommissioning or sale of existing resources or contracts. These~~
29 ~~adjustments shall include supporting documentation.~~

30 ~~(c) The amount of electricity from declared resources that retail~~
31 ~~suppliers will identify in their fuel mix disclosures during the~~
32 ~~current calendar year. Retail suppliers shall make this data~~
33 ~~available by the end of January each year.~~

34 ~~(4) Retail suppliers shall make available upon request the~~
35 ~~following information to support the ownership or contractual rights~~
36 ~~to declared resources:~~

37 ~~(a) Documentation of ownership of declared resources by retail~~
38 ~~suppliers; or~~

39 ~~(b) Documentation of contractual rights by retail suppliers to a~~
40 ~~stated quantity of electricity from a specific generating facility.~~

1 ~~If the documentation referred to in either (a) or (b) of this~~
2 ~~subsection is not available, the retail supplier may not identify the~~
3 ~~electricity source as a declared resource and instead must report the~~
4 ~~net system power mix for the quantity of electric generation from~~
5 ~~that resource.~~

6 ~~(5) If the documentation referred to in either subsection (4)(a)~~
7 ~~or (b) of this section is not available, the retail supplier may not~~
8 ~~identify the electricity source as a declared resource and instead~~
9 ~~must report the net system power mix for the quantity of electric~~
10 ~~generation from that resource.~~

11 ~~(6) As a condition for an appropriate regional entity to be~~
12 ~~selected under this section to serve as the electricity information~~
13 ~~coordinator, it must agree to:~~

14 ~~(a) Coordinate with comparable entities or organizations in the~~
15 ~~western interconnection;~~

16 ~~(b) On or before May 1st of each year, or as soon thereafter as~~
17 ~~practicable once the data in subsection (3)(a) of this section is~~
18 ~~available, calculate and make available the net system power mix as~~
19 ~~follows:~~

20 ~~(i) The actual Northwest power pool generation for the prior~~
21 ~~calendar year;~~

22 ~~(ii) Plus any adjustments to the Northwest power pool generation~~
23 ~~as made available to the electricity information coordinator by the~~
24 ~~end of January of the current calendar year pursuant to RCW~~
25 ~~19.29A.060(6);~~

26 ~~(iii) Less the quantity of electricity associated with declared~~
27 ~~resources claimed by retail suppliers for the current calendar year;~~

28 ~~(iv) Plus other adjustments necessary to ensure that the same~~
29 ~~resource output is not declared more than once;~~

30 ~~(c) To the extent the information is available, verify that the~~
31 ~~quantity of electricity associated with the declared resources does~~
32 ~~not exceed the available generation from those resources.~~

33 ~~(7) Subsections (3) and (6) of this section apply to the~~
34 ~~department in the event the department assumes the functions of the~~
35 ~~electricity information coordinator.)~~

36 (5) The department must compile the following information for the
37 prior calendar year:

38 (a) Actual generation, expressed in megawatt hours, by fuel mix
39 in the Northwest power pool as it becomes available.

1 (b) Adjustments to the actual generation for the prior calendar
2 year that are known and provided to the department by the end of
3 March of the current calendar year to reflect known changes in
4 declared resources.

5 (c) Changes due to interconnection of new generating resources or
6 decommissioning or sale of existing resources or contracts. These
7 adjustments shall include supporting documentation.

8 (d) The form and amount of actual generation reported to the
9 department by retail suppliers by the fuel sources identified in RCW
10 19.29A.060(2).

11 (e) The form and amount of nonpower attributes associated with
12 the actual generation associated with declared resources that a
13 retail supplier retired, banked, or sold.

14 (f) As calculated pursuant to subsection (6) of this section, the
15 amount of electricity from declared resources and unspecified
16 resources that retail suppliers will identify in their fuel mix
17 disclosures. Retail suppliers shall make this data available by the
18 end of January of the following year.

19 (6) Retail suppliers shall make available upon request the
20 following:

21 (a) Nonconfidential information demonstrating ownership of and
22 contractual rights to declared resources reported by retail
23 suppliers; and

24 (b) Nonconfidential information demonstrating purchases of
25 electricity from unspecified sources that are reported as reasonably
26 known to serve retail customers.

27 (7) The department must:

28 (a)(i) On or before October 1st of each year, using the data
29 available to the department in subsections (2) and (3) of this
30 section, and incorporating the recommendations of the work group to
31 the extent practicable, calculate the fuel mix for unspecified
32 sources based on actual generation as follows:

33 (A) The actual Northwest power pool generation for the prior
34 calendar year by project and resource type;

35 (B) Plus any adjustments to the Northwest power pool generation
36 as made available to the department by the end of March of the
37 current calendar year;

38 (C) Less the amount of electricity from declared resources in the
39 Northwest power pool identified by in-state retail suppliers or out-
40 of-state entities as sold to retail electric customers;

1 (D) Less the quantity of electricity, including the Bonneville
2 power administration system mix and resource specific sales, by fuel
3 type sold to retail customers by retail suppliers in states other
4 than Washington within the geographic area of the Northwest power
5 pool;

6 (E) Less the Bonneville power administration system mix and
7 resource-specific sales sold to retail suppliers and delivered to
8 retail electric customers in Washington;

9 (F) Less the quantity of electricity generated within the
10 Northwest power pool and sold outside of its geographic area, to the
11 extent such data is available;

12 (G) Less any electricity sold by the Bonneville power
13 administration or other sellers to direct service industrial
14 customers;

15 (H) Other adjustments necessary to determine resources from the
16 Northwest power pool available to be sold into the wholesale market
17 on the intra-annual basis selected by the department after
18 incorporating the recommendations of the work group to the extent
19 practicable; and

20 (I) To the extent practicable, other adjustments necessary to
21 improve the accuracy of the calculations, to ensure that the same
22 resource output is not declared more than once, that the quantity of
23 electricity associated with declared resources does not exceed the
24 available generation from those resources, and to reflect changing
25 data availability.

26 (ii) The fuel mixes calculated in this section must reflect the
27 intra-annual variations in generation resources available on the
28 wholesale market, to the extent practicable.

29 (b) Make the calculations and determinations developed pursuant
30 to this section available to reporting retail suppliers and members
31 of the work group.

32 (8) For the purpose of providing the fuel mix of unspecified
33 sources to retail suppliers for disclosing their fuel mix as required
34 in RCW 19.29A.060, modify the fuel mix for declared resources, and
35 unspecified sources calculated pursuant to subsection (7) of this
36 section, to reflect the disposition of associated nonpower
37 attributes."

SSB 6533 - S AMD 645
By Senator McCoy

1 On page 1, beginning on line 1 of the title, after "Relating to"
2 strike the remainder of the title and insert "improving the accuracy
3 and transparency of the reporting and calculation of the fuel mix
4 information to retail electric customers; amending RCW 19.29A.060,
5 19.29A.070, and 19.29A.080; and reenacting and amending RCW
6 19.29A.010."

EFFECT: Adds a definition of "disclose" and modifies definitions of "nonpower attributes" and "unspecified sources."

Clarifies the work group must have at least one representative from specified organizations and meets annually.

Requires a fuel mix report to be published by October 1st annually.

Specifies that confidential information under UTC or the state energy office rule is not to be shared with the public.

Makes technical changes throughout.

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