
ENGROSSED SENATE BILL 5091

State of Washington

64th Legislature

2015 Regular Session

By Senators Brown, Hewitt, and Sheldon

Read first time 01/14/15. Referred to Committee on Energy,
Environment & Telecommunications.

1 AN ACT Relating to including nuclear energy in the definition of
2 a "qualified alternative energy resource" for the purposes of RCW
3 19.29A.090; and amending RCW 19.29A.090.

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

5 **Sec. 1.** RCW 19.29A.090 and 2014 c 129 s 1 are each amended to
6 read as follows:

7 (1) Beginning January 1, 2002, each electric utility must provide
8 to its retail electricity customers a voluntary option to purchase
9 qualified alternative energy resources in accordance with this
10 section.

11 (2) Each electric utility must include with its retail electric
12 customer's regular billing statements, at least quarterly, a
13 voluntary option to purchase qualified alternative energy resources.
14 The option may allow customers to purchase qualified alternative
15 energy resources at fixed or variable rates and for fixed or variable
16 periods of time, including but not limited to monthly, quarterly, or
17 annual purchase agreements. For residential customers, the option
18 must specify the percentage of electricity fueled by (a) through (g),
19 and including (i) of subsection (3) of this section, and the
20 percentage of electricity fueled by nuclear energy. A utility may
21 provide qualified alternative energy resource options through either:

1 (a) Resources it owns or contracts for; or (b) the purchase of
2 credits issued by a clearinghouse or other system by which the
3 utility may secure, for trade or other consideration, verifiable
4 evidence that a second party has a qualified alternative energy
5 resource and that the second party agrees to transfer such evidence
6 exclusively to the benefit of the utility.

7 (3) For the purposes of this section, a "qualified alternative
8 energy resource" means the electricity or thermal energy produced
9 from generation facilities that are fueled by: (a) Wind; (b) solar
10 energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal
11 action; (f) gas produced during the treatment of wastewater; (g)
12 qualified hydropower; ~~((e))~~ (h) nuclear energy; or (i) biomass
13 energy based on animal waste or solid or liquid organic fuels from
14 wood, forest, or field residues, or dedicated energy crops that do
15 not include wood pieces that have been treated with chemical
16 preservatives such as creosote, pentachlorophenol, or
17 copper-chrome-arsenic.

18 (4) For the purposes of this section, "qualified hydropower"
19 means the energy produced either: (a) As a result of modernizations
20 or upgrades made after June 1, 1998, to hydropower facilities
21 operating on May 8, 2001, that have been demonstrated to reduce the
22 mortality of anadromous fish; or (b) by run of the river or run of
23 the canal hydropower facilities that are not responsible for
24 obstructing the passage of anadromous fish.

25 (5) The rates, terms, conditions, and customer notification of
26 each utility's option or options offered in accordance with this
27 section must be approved by the governing body of the consumer-owned
28 utility or by the commission for investor-owned utilities. All costs
29 and benefits associated with any option offered by an electric
30 utility under this section must be allocated to the customers who
31 voluntarily choose that option and may not be shifted to any
32 customers who have not chosen such option. Utilities may pursue
33 known, lawful aggregated purchasing of qualified alternative energy
34 resources with other utilities to the extent aggregated purchasing
35 can reduce the unit cost of qualified alternative energy resources,
36 and are encouraged to investigate opportunities to aggregate the
37 purchase of alternative energy resources by their customers.
38 Aggregated purchases by investor-owned utilities must comply with any
39 applicable rules or policies adopted by the commission related to
40 least-cost planning or the acquisition of renewable resources.

1 (6) Each consumer-owned utility must maintain and make available
2 upon request of the department and each investor-owned utility must
3 maintain and make available upon request of the commission
4 information describing the option or options it is offering its
5 customers under the requirements of this section, the rate of
6 customer participation, the amount of qualified alternative energy
7 resources purchased by customers, the amount of utility investments
8 in qualified alternative energy resources, and the results of
9 pursuing aggregated purchasing opportunities. The department and the
10 commission shall report the information to the appropriate committees
11 of the legislature upon request.

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