
HOUSE BILL 1192

State of Washington

68th Legislature

2023 Regular Session

By Representatives Duerr, Doglio, Berry, Ramel, Fitzgibbon, Lekanoff, and Pollet; by request of Office of the Governor

Prefiled 01/06/23. Read first time 01/09/23. Referred to Committee on Environment & Energy.

1 AN ACT Relating to electric power system transmission planning;
2 amending RCW 19.280.030, 80.50.060, and 80.50.045; adding a new
3 section to chapter 19.280 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
6 electric power system serving Washington will require additional high
7 voltage transmission capacity to achieve the state's objectives and
8 legal requirements. Washington must reduce its greenhouse gas
9 emissions under state law, and the 2021 state energy strategy finds
10 that this will require a significant increase in the use of renewable
11 or nonemitting electricity in place of fossil fuels now used in the
12 transportation, industry, and building sectors.

13 (2) The legislature anticipated the crucial role of additional
14 transmission capacity in 2019 in the enactment of the clean energy
15 transformation act and directed the energy facilities site evaluation
16 council to convene a transmission corridors work group. The
17 transmission corridors work group issued its final report on October
18 31, 2022, in which it confirmed the central role of transmission and
19 recommended actions to achieve the expansion of transmission capacity
20 to address this need.

1 (3) Expanded transmission capacity and the more effective use of
2 existing transmission capacity will provide benefits to electricity
3 consumers in the state by enhancing the reliability of the electric
4 power system and increasing access to more affordable sources of
5 electricity within the state and across the western United States and
6 Canada.

7 (4) Existing constraints on transmission capacity within the
8 state already present challenges in ensuring adequate and affordable
9 supplies of clean electricity. Of particular concern is the
10 capability of the transmission system to deliver clean electricity
11 into and within the central Puget Sound area.

12 (5) There are multiple issues that contribute to the challenge of
13 making timely and cost-effective expansions of the high voltage
14 transmission system. Among those challenges is the need for a more
15 proactive transmission planning process using a longer planning
16 period than current law requires. Transmission planning must reflect
17 not just the requirements to connect individual generating resources
18 to the grid but also the need to transfer electricity across the
19 state and the west. Transmission planning must incorporate state
20 policies and laws in planning objectives.

21 (6) Certain transmission projects are of significant state
22 interest due to their impact on the access of multiple utilities and
23 communities to gain access to clean, affordable electricity supplies
24 and obtain electricity that is necessary to comply with state laws.

25 **Sec. 2.** RCW 19.280.030 and 2021 c 300 s 3 are each amended to
26 read as follows:

27 Each electric utility must develop a plan consistent with this
28 section.

29 (1) Utilities with more than (~~twenty-five thousand~~) 25,000
30 customers that are not full requirements customers must develop or
31 update an integrated resource plan by September 1, 2008. At a
32 minimum, progress reports reflecting changing conditions and the
33 progress of the integrated resource plan must be produced every two
34 years thereafter. An updated integrated resource plan must be
35 developed at least every four years subsequent to the 2008 integrated
36 resource plan. The integrated resource plan, at a minimum, must
37 include:

1 (a) A range of forecasts, for at least the next (~~ten~~) 10 years
2 or longer, of projected customer demand which takes into account
3 econometric data and customer usage;

4 (b) An assessment of commercially available conservation and
5 efficiency resources, as informed, as applicable, by the assessment
6 for conservation potential under RCW 19.285.040 for the planning
7 horizon consistent with (a) of this subsection. Such assessment may
8 include, as appropriate, opportunities for development of combined
9 heat and power as an energy and capacity resource, demand response
10 and load management programs, and currently employed and new policies
11 and programs needed to obtain the conservation and efficiency
12 resources;

13 (c) An assessment of commercially available, utility scale
14 renewable and nonrenewable generating technologies including a
15 comparison of the benefits and risks of purchasing power or building
16 new resources;

17 (d) A comparative evaluation of renewable and nonrenewable
18 generating resources, including transmission and distribution
19 delivery costs, and conservation and efficiency resources using
20 "lowest reasonable cost" as a criterion;

21 (e) An assessment of methods, commercially available
22 technologies, or facilities for integrating renewable resources,
23 including but not limited to battery storage and pumped storage, and
24 addressing overgeneration events, if applicable to the utility's
25 resource portfolio;

26 (f) An assessment and (~~ten~~) 20-year forecast of the
27 availability of and requirements for regional generation and
28 transmission capacity (~~(on which the utility may rely)~~) to provide
29 and deliver electricity to (~~(its customers)~~)the utility's customers
30 and to meet the requirements of the clean energy transformation act.
31 The transmission assessment must take into account the state's
32 emissions reduction limits; opportunities to make more effective use
33 of existing transmission capacity through energy efficiency, demand
34 response, grid modernization, and other programs; and the
35 electrification of transportation and other end uses historically met
36 using fossil fuels. The transmission assessment must identify the
37 utility's expected needs to develop new, or expand or upgrade
38 existing, bulk transmission facilities consistent with the
39 requirements of this section;

- 1 (g) A determination of resource adequacy metrics for the resource
2 plan consistent with the forecasts;
- 3 (h) A forecast of distributed energy resources that may be
4 installed by the utility's customers and an assessment of their
5 effect on the utility's load and operations;
- 6 (i) An identification of an appropriate resource adequacy
7 requirement and measurement metric consistent with prudent utility
8 practice in implementing RCW 19.405.030 through 19.405.050;
- 9 (j) The integration of the demand forecasts, resource
10 evaluations, and resource adequacy requirement into a long-range
11 assessment describing the mix of supply side generating resources and
12 conservation and efficiency resources that will meet current and
13 projected needs, including mitigating overgeneration events and
14 implementing RCW 19.405.030 through 19.405.050, at the lowest
15 reasonable cost and risk to the utility and its customers, while
16 maintaining and protecting the safety, reliable operation, and
17 balancing of its electric system;
- 18 (k) An assessment, informed by the cumulative impact analysis
19 conducted under RCW 19.405.140, of: Energy and nonenergy benefits and
20 reductions of burdens to vulnerable populations and highly impacted
21 communities; long-term and short-term public health and environmental
22 benefits, costs, and risks; and energy security and risk;
- 23 (l) A ~~((ten))~~ 10-year clean energy action plan for implementing
24 RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and
25 at an acceptable resource adequacy standard, that identifies the
26 specific actions to be taken by the utility consistent with the
27 long-range integrated resource plan; and
- 28 (m) An analysis of how the plan accounts for:
- 29 (i) Modeled load forecast scenarios that consider the anticipated
30 levels of zero emissions vehicle use in a utility's service area,
31 including anticipated levels of zero emissions vehicle use in the
32 utility's service area provided in RCW 47.01.520, if feasible;
- 33 (ii) Analysis, research, findings, recommendations, actions, and
34 any other relevant information found in the electrification of
35 transportation plans submitted under RCW 35.92.450, 54.16.430, and
36 80.28.365; and
- 37 (iii) Assumed use case forecasts and the associated energy
38 impacts. Electric utilities may, but are not required to, use the
39 forecasts generated by the mapping and forecasting tool created in

1 RCW 47.01.520. This subsection (1)(m)(iii) applies only to plans due
2 to be filed after September 1, 2023.

3 (2) (~~For an investor-owned utility, the~~) The clean energy
4 action plan must:

5 (a) Identify and be informed by the utility's (~~ten~~) 10-year
6 cost-effective conservation potential assessment as determined under
7 RCW 19.285.040, if applicable;

8 (b) (~~establish~~) Establish a resource adequacy requirement;

9 (c) (~~identify~~) Identify the potential cost-effective demand
10 response and load management programs that may be acquired;

11 (d) (~~identify~~) Identify renewable resources, nonemitting
12 electric generation, and distributed energy resources that may be
13 acquired and evaluate how each identified resource may be expected to
14 contribute to meeting the utility's resource adequacy requirement;

15 (e) (~~identify~~) Identify any need to develop new, or expand or
16 upgrade existing, bulk transmission and distribution facilities and
17 document existing and planned efforts by the utility to secure
18 additional transmission capacity consistent with the requirements of
19 subsection (1)(f) of this section; and

20 (f) (~~identify~~) Identify the nature and possible extent to which
21 the utility may need to rely on alternative compliance options under
22 RCW 19.405.040(1)(b), if appropriate.

23 (3)(a) An electric utility shall consider the social cost of
24 greenhouse gas emissions, as determined by the commission for
25 investor-owned utilities pursuant to RCW 80.28.405 and the department
26 for consumer-owned utilities, when developing integrated resource
27 plans and clean energy action plans. An electric utility must
28 incorporate the social cost of greenhouse gas emissions as a cost
29 adder when:

30 (i) Evaluating and selecting conservation policies, programs, and
31 targets;

32 (ii) Developing integrated resource plans and clean energy action
33 plans; and

34 (iii) Evaluating and selecting intermediate term and long-term
35 resource options.

36 (b) For the purposes of this subsection (3): (i) Gas consisting
37 largely of methane and other hydrocarbons derived from the
38 decomposition of organic material in landfills, wastewater treatment
39 facilities, and anaerobic digesters must be considered a nonemitting

1 resource; and (ii) qualified biomass energy must be considered a
2 nonemitting resource.

3 (4) To facilitate broad, equitable, and efficient implementation
4 of chapter 288, Laws of 2019, a consumer-owned energy utility may
5 enter into an agreement with a joint operating agency organized under
6 chapter 43.52 RCW or other nonprofit organization to develop and
7 implement a joint clean energy action plan in collaboration with
8 other utilities.

9 (5) All other utilities may elect to develop a full integrated
10 resource plan as set forth in subsection (1) of this section or, at a
11 minimum, shall develop a resource plan that:

12 (a) Estimates loads for the next five and (~~ten~~) 10 years;

13 (b) Enumerates the resources that will be maintained and/or
14 acquired to serve those loads;

15 (c) Explains why the resources in (b) of this subsection were
16 chosen and, if the resources chosen are not: (i) Renewable resources;
17 (ii) methods, commercially available technologies, or facilities for
18 integrating renewable resources, including addressing any
19 overgeneration event; or (iii) conservation and efficiency resources,
20 why such a decision was made;

21 (d) By December 31, 2020, and in every resource plan thereafter,
22 identifies how the utility plans over a (~~ten~~) 10-year period to
23 implement RCW 19.405.040 and 19.405.050; and

24 (e) Accounts for:

25 (i) Modeled load forecast scenarios that consider the anticipated
26 levels of zero emissions vehicle use in a utility's service area,
27 including anticipated levels of zero emissions vehicle use in the
28 utility's service area provided in RCW 47.01.520, if feasible;

29 (ii) Analysis, research, findings, recommendations, actions, and
30 any other relevant information found in the electrification of
31 transportation plans submitted under RCW 35.92.450, 54.16.430, and
32 80.28.365; and

33 (iii) Assumed use case forecasts and the associated energy
34 impacts. Electric utilities may, but are not required to, use the
35 forecasts generated by the mapping and forecasting tool created in
36 RCW 47.01.520. This subsection (5)(e)(iii) applies only to plans due
37 to be filed after September 1, 2023.

38 (6) Assessments for demand-side resources included in an
39 integrated resource plan may include combined heat and power systems
40 as one of the measures in a conservation supply curve. The value of

1 recoverable waste heat resulting from combined heat and power must be
2 reflected in analyses of cost-effectiveness under this subsection.

3 (7) An electric utility that is required to develop a resource
4 plan under this section must complete its initial plan by September
5 1, 2008.

6 (8) Plans developed under this section must be updated on a
7 regular basis, on intervals approved by the commission or the
8 department, or at a minimum on intervals of two years.

9 (9) Plans shall not be a basis to bring legal action against
10 electric utilities.

11 (10)(a) To maximize transparency, the commission, for investor-
12 owned utilities, or the governing body, for consumer-owned utilities,
13 may require an electric utility to make the utility's data input
14 files available in a native format. Each electric utility shall
15 publish its final plan either as part of an annual report or as a
16 separate document available to the public. The report may be in an
17 electronic form.

18 (b) Nothing in this subsection limits the protection of records
19 containing commercial information under RCW 80.04.095.

20 ~~((11) By December 31, 2021, the department and the commission
21 must adopt rules establishing the requirements for incorporating the
22 cumulative impact analysis developed under RCW 19.405.140 into the
23 criteria for developing clean energy action plans under this
24 section.))~~

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.280
26 RCW to read as follows:

27 (1) Electric utilities must, in the selection and acquisition of
28 renewable resources, give reasonable consideration to, and may not
29 unreasonably exclude from consideration, resources that would use
30 transmission services considered to be conditional firm under the
31 tariff of the relevant transmission provider. For the purposes of
32 this section, conditional firm service means any form of long-term
33 firm point-to-point transmission service in which transmission
34 customers are able to reserve service subject to specific and limited
35 conditions under which the transmission provider may curtail the
36 transmission customer's reservation of service prior to curtailment
37 of other firm service.

38 (2) Electric utilities are encouraged to satisfy the transmission
39 planning requirements of RCW 19.280.030 through statewide or

1 multiutility planning activities and through interstate transmission
2 planning processes.

3 (3) Electric utilities must seek the support of federal,
4 interstate, and voluntary industry organizations with a role in the
5 bulk power transmission system, including but not limited to the
6 Bonneville power administration, the Pacific Northwest electric power
7 and conservation planning council, NorthernGrid, the Western Power
8 Pool, and public interest organizations in improving the planning and
9 development of transmission capacity consistent with this act.

10 **Sec. 4.** RCW 80.50.060 and 2022 c 183 s 6 are each amended to
11 read as follows:

12 (1)(a) The provisions of this chapter apply to the construction
13 of energy facilities which includes the new construction of energy
14 facilities and the reconstruction or enlargement of existing energy
15 facilities where the net increase in physical capacity or dimensions
16 resulting from such reconstruction or enlargement meets or exceeds
17 those capacities or dimensions set forth in RCW 80.50.020 (14) and
18 (29). No construction or reconstruction of such energy facilities may
19 be undertaken, except as otherwise provided in this chapter, without
20 first obtaining certification in the manner provided in this chapter.

21 (b) If applicants proposing the following types of facilities
22 choose to receive certification under this chapter, the provisions of
23 this chapter apply to the construction, reconstruction, or
24 enlargement of these new or existing facilities:

25 (i) Facilities that produce refined biofuel, but which are not
26 capable of producing 25,000 barrels or more per day;

27 (ii) Alternative energy resource facilities;

28 (iii) Electrical transmission facilities: (A) Of a nominal
29 voltage of at least 115,000 volts; and (B) located in more than one
30 jurisdiction that has promulgated land use plans or zoning
31 ordinances;

32 (iv) Clean energy product manufacturing facilities; and

33 (v) Storage facilities.

34 (c) All of the council's powers with regard to energy facilities
35 apply to all of the facilities in (b) of this subsection and these
36 facilities are subject to all provisions of this chapter that apply
37 to an energy facility.

38 (2)(a) The provisions of this chapter must apply to ~~((the))~~ :

1 (i) The construction, reconstruction, or enlargement of new or
2 existing electrical transmission facilities: (A) Of a nominal voltage
3 of at least 500,000 volts; (B) located in more than one county; and
4 (C) located in the Washington service area of more than one retail
5 electric utility; and

6 (ii) The construction, reconstruction, or modification of
7 electrical transmission facilities when the facilities are located in
8 a national interest electric transmission corridor as specified in
9 RCW 80.50.045.

10 (b) For the purposes of this subsection, "modification" means a
11 significant change to an electrical transmission facility and does
12 not include the following: (i) Minor improvements such as the
13 replacement of existing transmission line facilities or supporting
14 structures with equivalent facilities or structures; (ii) the
15 relocation of existing electrical transmission line facilities; (iii)
16 the conversion of existing overhead lines to underground; or (iv) the
17 placing of new or additional conductors, supporting structures,
18 insulators, or their accessories on or replacement of supporting
19 structures already built.

20 (3) The provisions of this chapter shall not apply to normal
21 maintenance and repairs which do not increase the capacity or
22 dimensions beyond those set forth in RCW 80.50.020 (14) and (29).

23 (4) Applications for certification of energy facilities made
24 prior to July 15, 1977, shall continue to be governed by the
25 applicable provisions of law in effect on the day immediately
26 preceding July 15, 1977, with the exceptions of RCW 80.50.071 which
27 shall apply to such prior applications and to site certifications
28 prospectively from July 15, 1977.

29 (5) Applications for certification shall be upon forms prescribed
30 by the council and shall be supported by such information and
31 technical studies as the council may require.

32 (6) Upon receipt of an application for certification under this
33 chapter, the chair of the council shall notify:

34 (a) The appropriate county legislative authority or authorities
35 where the proposed facility is located;

36 (b) The appropriate city legislative authority or authorities
37 where the proposed facility is located;

38 (c) The department of archaeology and historic preservation; and

39 (d) The appropriate federally recognized tribal governments that
40 may be affected by the proposed facility.

1 (7) The council must work with local governments where a project
2 is proposed to be sited in order to provide for meaningful
3 participation and input during siting review and compliance
4 monitoring.

5 (8) The council must consult with all federally recognized tribes
6 that possess resources, rights, or interests reserved or protected by
7 federal treaty, statute, or executive order in the area where an
8 energy facility is proposed to be located to provide early and
9 meaningful participation and input during siting review and
10 compliance monitoring. The chair and designated staff must offer to
11 conduct government-to-government consultation to address issues of
12 concern raised by such a tribe. The goal of the consultation process
13 is to identify tribal resources or rights potentially affected by the
14 proposed energy facility and to seek ways to avoid, minimize, or
15 mitigate any adverse effects on tribal resources or rights. The chair
16 must provide regular updates on the consultation to the council
17 throughout the application review process. The report from the
18 council to the governor required in RCW 80.50.100 must include a
19 summary of the government-to-government consultation process that
20 complies with RCW 42.56.300, including the issues and proposed
21 resolutions.

22 (9) The department of archaeology and historic preservation shall
23 coordinate with the affected federally recognized tribes and the
24 applicant in order to assess potential effects to tribal cultural
25 resources, archaeological sites, and sacred sites.

26 **Sec. 5.** RCW 80.50.045 and 2006 c 196 s 3 are each amended to
27 read as follows:

28 (1) The council shall consult with other state agencies,
29 utilities, local municipal governments, public interest groups,
30 tribes, and other interested persons to convey their views to the
31 secretary and the federal energy regulatory commission regarding
32 appropriate limits on federal regulatory authority in the siting of
33 electrical transmission corridors in the state of Washington.

34 (2) The council is designated as the state authority for purposes
35 of siting transmission facilities under (~~the national energy policy~~
36 ~~act of 2005~~) Title 16 U.S.C. Sec. 824p and for purposes of other
37 such rules or regulations adopted by the secretary. The council's
38 authority regarding transmission facilities under this subsection is
39 limited to those transmission facilities that are the subject of

1 ((~~section 1221 of the national energy policy act~~)) Title 16 U.S.C.
2 Sec. 824p and this chapter.

3 (3) For the construction and modification of transmission
4 facilities that are the subject of ((~~section 1221 of the national~~
5 ~~energy policy act~~)) Title 16 U.S.C. Sec. 824p, the council may: (a)
6 Approve the siting of the facilities; and (b) consider the interstate
7 benefits expected to be achieved by the proposed construction or
8 modification of the facilities in the state.

9 (4) When developing recommendations as to the disposition of an
10 application for the construction or modification of transmission
11 facilities under this chapter, the fuel source of the electricity
12 carried by the transmission facilities shall not be considered.

13 (5) For electrical transmission projects proposed or sited by a
14 federal agency, the director must coordinate state agency
15 participation in environmental review under the national
16 environmental policy act.

--- END ---