



# LAWS OF ALASKA

2010

**Source**

HCS CSSB 277(L&C)

**Chapter No.**

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**AN ACT**

Exempting from regulation by the Regulatory Commission of Alaska and by municipalities certain generators of electricity from renewable energy resources that sell electricity to regulated utilities.

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**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1



## AN ACT

1 Exempting from regulation by the Regulatory Commission of Alaska and by municipalities  
2 certain generators of electricity from renewable energy resources that sell electricity to  
3 regulated utilities.

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5 \* **Section 1.** AS 29.35.070(a) is amended to read:

6 (a) The assembly acting for the area outside all cities in the borough and the  
7 council acting for the area in a city may regulate, fix, establish, and change the rates  
8 and charges imposed for a utility service provided to the municipality or its inhabitants  
9 by a utility that is not subject to regulation under AS 42.05 unless that utility is  
10 exempted from regulation under AS 42.05.711(a), (d) - (k), (o), [OR] (p), or (q), or is  
11 exempted under regulations adopted under AS 42.05.810 from complying with all or  
12 part of AS 42.05.141 - 42.05.721.

13 \* **Sec. 2.** AS 42.05.711(l) is amended to read:

14 (l) A person, utility, joint action agency established under AS 42.45.310, or

1 cooperative that is exempt from regulation under (a), (d) - (k), [OR] (o), or (q) of this  
2 section is not subject to regulation by a municipality under AS 29.35.060 and  
3 29.35.070.

4 \* **Sec. 3.** AS 42.05.711 is amended by adding a new subsection to read:

5 (q) A plant or facility that generates electricity entirely from renewable energy  
6 resources, as that term is defined in AS 42.45.045, is exempt from regulation under  
7 this chapter if

8 (1) the plant or facility

9 (A) is first placed into commercial operation on or after the  
10 effective date of this subsection and before January 1, 2016; and

11 (B) does not generate more than 65 megawatts of electricity;

12 (2) the electricity generated by the plant or facility is sold only to one  
13 or more electric utilities that are regulated by the commission; and

14 (3) the person that constructs, owns, acquires, or operates the plant or  
15 facility has not received from the state

16 (A) a grant that was used to generate the electricity from the  
17 renewable energy resources; or

18 (B) a tax credit related to the generation of electricity from the  
19 renewable energy resources.