

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 348

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO PUBLIC UTILITIES; AMENDING CHAPTER 5, TITLE 61, IDAHO CODE, BY  
2 THE ADDITION OF A NEW SECTION 61-543, IDAHO CODE, TO DEFINE TERMS AND TO  
3 PROVIDE THE AUTHORITY OF THE PUBLIC UTILITIES COMMISSION AND ITS JURIS-  
4 DICTION OVER THE AVOIDED COST RATES PAID TO PURPA SOLAR AND WIND QUALI-  
5 FYING FACILITIES; AND DECLARING AN EMERGENCY.  
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7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 5, Title 61, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 61-543, Idaho Code, and to read as follows:

11 61-543. ELIGIBILITY FOR PUBLISHED OR STANDARD AVOIDED COST RATES FOR  
12 PURPA QUALIFYING FACILITY PURCHASES. (1) As used in this section:

13 (a) "PURPA" means the public utility regulatory policies act of 1978,  
14 16 U.S.C. section 824-a-3.

15 (b) "Qualifying facility" means a qualifying facility energy resource  
16 pursuant to PURPA, and shall have the meaning as defined in 18 CFR  
17 section 292.201 et seq., or in its successor or similar federal regula-  
18 tions.

19 (c) "Public utility" means a public utility as defined in section  
20 61-129, Idaho Code.

21 (d) "Standard avoided cost rates" or "published avoided cost rates"  
22 shall have the same meaning as "standard rates for purchases" as set  
23 forth in 18 CFR section 292.304(c).

24 (2) The public utilities commission is hereby directed to implement  
25 rules that establish and place into effect standard, or published, avoided  
26 cost rates for a public utility's purchase of electricity from PURPA solar  
27 and wind qualifying facilities with a design capacity of one hundred (100)  
28 kilowatts or less. Only PURPA solar and wind qualifying facilities whose  
29 total maximum design capacity is one hundred (100) kilowatts or less shall be  
30 eligible to receive the standard, or published, avoided cost rates in a power  
31 purchase agreement with a public utility. This section only applies to power  
32 purchase agreements for PURPA solar and wind projects filed with the public  
33 utilities commission on or after the effective date of this section.

34 SECTION 2. An emergency existing therefor, which emergency is hereby  
35 declared to exist, this act shall be in full force and effect on and after its  
36 passage and approval.