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HOUSE BILL 2688

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State of Washington                      62nd Legislature                      2012 Regular Session  
By Representatives Upthegrove, Fitzgibbon, and Cody

1            AN ACT Relating to creating a review process to determine whether  
2 a proposed electric generation project or conservation resource  
3 qualifies to meet a target under RCW 19.285.040; and adding a new  
4 section to chapter 19.285 RCW.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 19.285 RCW  
7 to read as follows:

8            (1) When requested by a qualifying utility that is not investor-  
9 owned or by persons proposing electric generation or conservation  
10 resource projects, the Washington State University extension energy  
11 program is authorized to and shall provide analysis and an advisory  
12 opinion on whether a proposed electric generation project or  
13 conservation resource qualifies to meet a target under RCW 19.285.040.  
14 The advisory opinion must include a legal analysis. When forming its  
15 advisory opinion, the energy program must consult with the technical  
16 and legal staff of the department of commerce. Other experts may also  
17 be consulted as needed.

18            (2) Qualifying utilities that are not investor-owned and persons  
19 proposing electric generation or conservation resource projects may

1 apply for an advisory opinion from the Washington State University  
2 extension energy program. The application must be in writing and must  
3 include information that accurately describes the proposed project or  
4 resource. Within ninety days of receiving an application, the energy  
5 program must issue a signed advisory opinion on whether the proposed  
6 project or resource qualifies to meet a target under RCW 19.285.040.  
7 The governing body of the applicant must either adopt or reject the  
8 advisory opinion after public notice and hearing. An advisory opinion  
9 adopted by the governing body under this subsection is dispositive  
10 regarding the eligibility of the proposed project or resource under RCW  
11 19.285.040 and for the purposes of RCW 19.285.060, but only if: (a)  
12 The advisory opinion affirmatively qualified the project or resource;  
13 and (b) the project or resource is built or acquired as proposed.

14 (3) The Washington State University extension energy program may  
15 require an applicant to pay an application fee to cover the cost of  
16 reviewing the project and preparing an advisory opinion.

17 (4) Nothing in this section is intended to preempt the authority of  
18 any governing body of utilities that are not investor-owned from making  
19 a determination, independent of the process in subsection (2) of this  
20 section, on whether a proposed electric generation project or  
21 conservation resource may qualify to meet a target under RCW  
22 19.285.040.

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