
HOUSE BILL 2827

State of Washington

64th Legislature

2016 Regular Session

By Representative DeBolt

1 AN ACT Relating to repealing fuel mix disclosure requirements;
2 amending RCW 19.29A.050; reenacting and amending RCW 19.29A.010;
3 creating a new section; and repealing RCW 19.29A.060, 19.29A.070, and
4 19.29A.080.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that in the over
7 fifteen years since the fuel mix disclosure statute was adopted it
8 has become standard industry practice to disclose fuel mix
9 information to retail electric customers. The legislature finds that
10 it is unnecessary to retain a mandate in statute requiring fuel mix
11 disclosure reports to the department of commerce, and for taxpayers
12 to pay for a state agency to aggregate and collect the disclosure
13 reports. Therefore, the legislature intends to repeal these outdated
14 sections of the Revised Code of Washington while retaining the basic
15 requirement that electric utilities provide fuel mix information to
16 their customers at least once per year.

17 **Sec. 2.** RCW 19.29A.010 and 2015 c 285 s 1 are each reenacted and
18 amended to read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

1 (1) "Biomass generation" means electricity derived from burning
2 solid organic fuels from wood, forest, or field residue, or dedicated
3 energy crops that do not include wood pieces that have been treated
4 with chemical preservatives such as creosote, pentachlorophenol, or
5 copper-chrome-arsenic.

6 ~~((("Bonneville power administration system mix" means a
7 generation mix sold by the Bonneville power administration that is
8 net of any resource specific sales and that is net of any electricity
9 sold to direct service industrial customers, as defined in section
10 3(8) of the Pacific Northwest electric power planning and
11 conservation act (16 U.S.C. Sec. 839(a)(8)).~~

12 ~~(+3))~~ "Coal generation" means the electricity produced by a
13 generating facility that burns coal as the primary fuel source.

14 ~~((+4))~~ (3) "Commission" means the utilities and transportation
15 commission.

16 ~~((+5))~~ (4) "Conservation" means an increase in efficiency in the
17 use of energy use that yields a decrease in energy consumption while
18 providing the same or higher levels of service. Conservation includes
19 low-income weatherization programs.

20 ~~((+6))~~ (5) "Consumer-owned utility" means a municipal electric
21 utility formed under Title 35 RCW, a public utility district formed
22 under Title 54 RCW, an irrigation district formed under chapter 87.03
23 RCW, a cooperative formed under chapter 23.86 RCW, or a mutual
24 corporation or association formed under chapter 24.06 RCW, that is
25 engaged in the business of distributing electricity to more than one
26 retail electric customer in the state.

27 ~~((+7)) "Declared resource" means an electricity source
28 specifically identified by a retail supplier to serve retail electric
29 customers. A declared resource includes a stated quantity of
30 electricity tied directly to a specified generation facility or set
31 of facilities either through ownership or contract purchase, or a
32 contractual right to a stated quantity of electricity from a
33 specified generation facility or set of facilities.~~

34 ~~(+8))~~ (6) "Department" means the department of commerce.

35 ~~((+9))~~ (7) "Electric meters in service" means those meters that
36 record in at least nine of twelve calendar months in any calendar
37 year not less than two hundred fifty kilowatt-hours per month.

38 ~~((+10))~~ (8) "Electric utility" means a consumer-owned or
39 investor-owned utility as defined in this section.

1 ~~((11))~~ (9) "Electricity" means electric energy measured in
2 kilowatt-hours, or electric capacity measured in kilowatts, or both.

3 ~~((12))~~ "Electricity information coordinator" means the
4 organization selected by the department under RCW 19.29A.080 to: (a)
5 Compile generation data in the Northwest power pool by generating
6 project and by resource category; (b) compare the quantity of
7 electricity from declared resources reported by retail suppliers with
8 available generation from such resources; (c) calculate the net
9 system power mix; and (d) coordinate with other comparable
10 organizations in the western interconnection.

11 ~~(13)~~ "Electricity product" means the electrical energy produced
12 by a generating facility or facilities that a retail supplier sells
13 or offers to sell to retail electric customers in the state of
14 Washington, provided that nothing in this title shall be construed to
15 mean that electricity is a good or product for the purposes of Title
16 62A RCW, or any other purpose. It does not include electrical energy
17 generated on-site at a retail electric customer's premises.

18 ~~(14))~~ (10) "Fuel mix" means the actual or imputed sources of
19 electricity sold to retail electric customers, expressed in terms of
20 percentage contribution by resource category. The total fuel mix
21 included in each disclosure shall total one hundred percent.

22 ~~((15))~~ (11) "Geothermal generation" means electricity derived
23 from thermal energy naturally produced within the earth.

24 ~~((16))~~ (12) "Governing body" means the council of a city or
25 town, the commissioners of an irrigation district, municipal electric
26 utility, or public utility district, or the board of directors of an
27 electric cooperative or mutual association that has the authority to
28 set and approve rates.

29 ~~((17))~~ (13) "High efficiency cogeneration" means electricity
30 produced by equipment, such as heat or steam used for industrial,
31 commercial, heating, or cooling purposes, that meets the federal
32 energy regulatory commission standards for qualifying facilities
33 under the public utility regulatory policies act of 1978.

34 ~~((18))~~ (14) "Hydroelectric generation" means a power source
35 created when water flows from a higher elevation to a lower elevation
36 and the flow is converted to electricity in one or more generators at
37 a single facility.

38 ~~((19))~~ (15) "Investor-owned utility" means a company owned by
39 investors that meets the definition of RCW 80.04.010 and is engaged

1 in distributing electricity to more than one retail electric customer
2 in the state.

3 ~~((20))~~ (16) "Landfill gas generation" means electricity
4 produced by a generating facility that uses waste gases produced by
5 the decomposition of organic materials in landfills.

6 ~~((21))~~ (17) "Natural gas generation" means electricity produced
7 by a generating facility that burns natural gas as the primary fuel
8 source.

9 ~~((22))~~ "~~Net system power mix~~" ~~means the fuel mix in the Northwest~~
10 ~~power pool, net of: (a) Any declared resources in the Northwest power~~
11 ~~pool identified by in-state retail suppliers or out-of-state entities~~
12 ~~that offer electricity for sale to retail electric customers; (b) any~~
13 ~~electricity sold by the Bonneville power administration to direct~~
14 ~~service industrial customers; and (c) any resource specific sales~~
15 ~~made by the Bonneville power administration.~~

16 ~~(23)~~ "~~Northwest power pool~~" ~~means the generating resources~~
17 ~~included in the United States portion of the Northwest power pool~~
18 ~~area as defined by the western systems coordinating council.~~

19 ~~((24))~~ (18) "Oil generation" means electricity produced by a
20 generating facility that burns oil as the primary fuel source.

21 ~~((25))~~ (19) "Private customer information" includes a retail
22 electric customer's name, address, telephone number, and other
23 personally identifying information.

24 ~~((26))~~ (20) "Proprietary customer information" means: (a)
25 Information that relates to the source, technical configuration,
26 destination, and amount of electricity used by a retail electric
27 customer, a retail electric customer's payment history, and household
28 data that is made available by the customer solely by virtue of the
29 utility-customer relationship; and (b) information contained in a
30 retail electric customer's bill.

31 ~~((27))~~ (21) "Renewable resources" means electricity generation
32 facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d)
33 geothermal energy; (e) landfill gas; or (f) biomass energy based on
34 solid organic fuels from wood, forest, or field residues, or
35 dedicated energy crops that do not include wood pieces that have been
36 treated with chemical preservatives such as creosote,
37 pentachlorophenol, or copper-chrome-arsenic.

38 ~~((28))~~ (22) "Resale" means the purchase and subsequent sale of
39 electricity for profit, but does not include the purchase and the

1 subsequent sale of electricity at the same rate at which the
2 electricity was purchased.

3 ~~((+29+))~~ (23) "Retail electric customer" means a person or entity
4 that purchases electricity for ultimate consumption and not for
5 resale.

6 ~~((+30+))~~ (24) "Retail supplier" means an electric utility that
7 offers an electricity product for sale to retail electric customers
8 in the state.

9 ~~((+31+))~~ (25) "Small utility" means any consumer-owned utility
10 with twenty-five thousand or fewer electric meters in service, or
11 that has an average of seven or fewer customers per mile of
12 distribution line.

13 ~~((+32+))~~ (26) "Solar generation" means electricity derived from
14 radiation from the sun that is directly or indirectly converted to
15 electrical energy.

16 ~~((+33+))~~ (27) "State" means the state of Washington.

17 ~~((+34+))~~ (28) "Waste incineration generation" means electricity
18 derived from burning solid or liquid wastes from businesses,
19 households, municipalities, or waste treatment operations.

20 ~~((+35+))~~ (29) "Wind generation" means electricity created by
21 movement of air that is converted to electrical energy.

22 **Sec. 3.** RCW 19.29A.050 and 2000 c 213 s 3 are each amended to
23 read as follows:

24 ~~((+1) Beginning in 2001,)~~ Each retail supplier shall provide to
25 its existing and new retail electric customers its annual fuel mix
26 information by ((generation category as required in RCW 19.29A.060))
27 mail and via its internet web site.

28 ~~((+2) Disclosures required under subsection (1) of this section~~
29 ~~shall be provided through a disclosure label presented in a~~
30 ~~standardized format as required in RCW 19.29A.060(7)).~~

31 ~~(+3) Except as provided in subsection (5) of this section, each~~
32 ~~retail supplier shall provide the disclosure label:~~

33 ~~(a) To each of its new retail electric customers at the time~~
34 ~~service is established;~~

35 ~~(b) To all of its existing retail electric customers, as a bill~~
36 ~~insert or other mailed publication, not less than semiannually; and~~

37 ~~(c) As part of any marketing material, in paper, written, or~~
38 ~~other media format, that is used primarily to promote the sale of any~~

1 ~~specific electricity product being advertised, contracted for, or~~
2 ~~offered for sale to current or prospective retail electric customers.~~

3 ~~(4) In addition to the disclosure requirements under subsection~~
4 ~~(3) of this section, each retail supplier shall provide to each~~
5 ~~electric customer it serves, at least two additional times per year,~~
6 ~~a publication that contains either:~~

7 ~~(a) The disclosure label;~~

8 ~~(b) A customer service phone number to request a disclosure~~
9 ~~label; or~~

10 ~~(c) A reference to an electronic form of the disclosure label.~~

11 ~~(5) Small utilities and mutual light and power companies shall~~
12 ~~provide the disclosure label not less than annually through a~~
13 ~~publication that is distributed to all their retail electric~~
14 ~~customers, and have disclosure label information available in their~~
15 ~~main business office. If a small utility or mutual company engages in~~
16 ~~marketing a specific electric product new to that utility it shall~~
17 ~~provide the disclosure label described in subsection (3)(c) of this~~
18 ~~section.)~~

19 NEW SECTION. **Sec. 4.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 19.29A.060 (Fuel mix disclosure—Electricity product
22 categories—Disclosure format) and 2000 c 213 s 4;

23 (2) RCW 19.29A.070 (Actions required of department—Convene work
24 group—Report to legislature) and 2000 c 213 s 5; and

25 (3) RCW 19.29A.080 (Electricity information coordinator—Selection
26 —Regional entity serving as coordinator, requirements—Retail
27 supplier's information) and 2000 c 213 s 6.

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