

1999 DRAFTING REQUEST

Bill

Received: 03/09/2000

Received By: **kunkemd**

Wanted: **As time permits**

Identical to LRB:

For: **Charles Chvala (608) 266-9170**

By/Representing: **Curt Pawlisch**

This file may be shown to any legislator: **NO**

Drafter: **kunkemd**

May Contact:

Alt. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Electric reliability trailer bill

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kunkemd 03/13/2000	wjackson 03/13/2000	jfrantze 03/13/2000	_____	lrb_docadmin 03/13/2000		State
	kunkemd 03/14/2000	kgeller 03/14/2000		_____			
/2			jfrantze 03/14/2000	_____	lrb_docadmin 03/14/2000	lrb_docadminState 03/15/2000	

FE Sent For: **(03/15/2000.)**
1/2"

<END>

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/1	kunkemd 03/13/2000	wjackson 03/13/2000	jfrantze 03/13/2000	_____	lrb_docadmin 03/13/2000		State

FE Sent For:

1/2 3/14 WLJ
Jo 3/14
Jo / Rh
3/14
<END>

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Extra Copies: **RCT**

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No specific pre topic given

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1?	kunkemd	1 WJ 3/13	J 3/13	To/cl 3/13			

FE Sent For:

<END>

Kunkel, Mark

From: Karen Schmidt [schmidt@cwpb.com]
Sent: Thursday, March 09, 2000 2:13 PM
To: mark.kunkel@legis.state.wi.us
Subject: Drafting Instructions-R2K Trailer Bill

Enclosed are the drafting instructions for the Reliability 2000 trailer bill, to be introduced at the request of the governor through Senator Moen and Representative Hoven. A hearing on this matter is scheduled before the Senate Utilities Committee on March 16, at 10:30 a.m. Could you provide Bruce Humphrey of Senator Moen's office with an LRB number as soon as possible? Curt Pawlisch and I are available to meet with you at your convenience to discuss this bill.

Lee Cullen

Cullen, Weston, Pines & Bach
122 W. Washington Avenue, Suite 900
Madison, WI 53703
(608) 251-0101
(608) 251-2883 fax

Post-It™ brand fax transmittal memo 7671

of pages > 2

To	Mark Kunkel	From	Carl Paulisch
Co.			
Dept.			
Fax #	264-6948		

Drafting Instructions - R2K Trailer Bill
CONFIDENTIAL

March 9, 2000

1. Transco dates.

Sec. 196.485(3m)(a)1.a. is amended to read as follows:

1. The transmission company shall do each of the following:

a. Apply for any approval under state or federal law that is necessary for the transmission company to begin operations no later than ~~November 1, 2000~~ January 1, 2001.

Sec. 196.485(5)(a)2. is amended to read as follows:

2. Files with the commission an unconditional, irrevocable and binding commitment to contribute, no later than ~~September 30, 2000~~ January 1, 2001, all of the transmission facilities that the public utility affiliate owns or operates in this state on the effective date of the subdivision . . . [revisor inserts date], and land rights, to the transmission company. A filing under this subdivision shall specify a date no later than ~~September 30, 2000~~ January 1, 2001, on which the public utility affiliate will complete the contribution of transmission facilities.

Sec. 196.485(6)(a) is amended to read as follows:

196.485(6) ELECTRIC UTILITIES, TRANSMISSION DEPENDENT UTILITIES AND RETAIL ELECTRIC COOPERATIVES.

(a) No later than ~~the first day of the 12th month beginning after the first public utility affiliate a commitment under sub.(5)(a)2~~ January 1, 2001:

1. An electric utility, other than a public utility affiliate or an owner or operator of a wholesale merchant plant, as defined in s. 196.491(1)(w), may transfer all of its transmission facilities that are specified in subd. 2. to the transmission company on the same terms and conditions as a contribution of transmission facilities and land rights by a public utility affiliate under sub.(5)(b) and (c).

2. NSP-NOx issue

Sec. 196.86(1)(b) is amended to read as follows:

(b) "Electric public utility affiliate" means a public utility affiliate, as defined in s. 196.795(1)(L), that sells electricity in this state, and that owns electric generating facilities in the transmission area.

Sec. 196.86(1)(f) is created to read as follows:

(f) "Transmission area" has the meaning given in s. 196.485(1)(g).

3. NOx Clarification Provision

s. 285.48(3)(c) is repealed and recreated as follows:

In establishing nitrogen oxide emission reduction requirements for the control of atmospheric ozone in another state pursuant to a call, the department may not, with respect to any stationary or mobile source in this state that is not an electric generating facility owned by a public utility or electric cooperative, in a state implementation plan, by rule or through the adoption of control strategies, establish nitrogen oxide emission standards or limitations that do any of the following:

- 1) Require any reductions in nitrogen-oxide emissions for any boiler, turbine, or internal combustion engine the designed heat input of which is 250 mmBtu per hour or less;
- 2) Require reductions of nitrogen oxide emissions that are in addition to those reductions required by or projected for such stationary sources based on source-specific nitrogen oxide emissions inventory data or other sub-inventory information used to establish state nitrogen oxide emission budgets concerning interstate pollution transport; or
- 3) Require any additional reductions of nitrogen oxide emissions from (such sources due to this section), including the reduction requirements under par. (3)(a). Logic ?

which sources ?

s. 285.48(3)(d)2. is renumbered as s. 285.48(3)(d)3.

s. 285.48(3)(d)2. is created as follows:

2. Determine the amounts by which reduction requirements for any stationary source located in this state that is not an electric generating facility owned by a public utility or electric cooperative, and any mobile source, shall be relaxed to reflect the lower reductions.

4. Intervenor Compensation.

Sec. 20.155(1)(j). Amend the appropriation as follows:

1999-00	2000-01
500,000 750,000	500,000 750,000

From: "Kunkel, Mark" <Mark.Kunkel@legis.state.wi.us>
To: "pawlisch@cwpb.com" <pawlisch@cwpb.com>, "pawlisch@chorus.net" <pawlisch@chorus.net>
Date: 3/10/00 10:06AM
Subject: Trailer bill questions

Curt,

I have a few questions about the new NOx language:

1. What does mmBtu stand for? *m.btu*
2. What is "subinventory" information? What is a state nitrogen oxide emission "budget"?
3. Your proposed s. 285.48 (3) (c) 3. refers to "such" sources. Which sources are those? Also, that language says "due to this section". I'd like to talk about the meaning of that and how it logically relates to the rest of the proposal.

Please give me a call when you have a chance to look at these issues. If we can talk to today, the bill could be done later this afternoon or Monday at the latest.

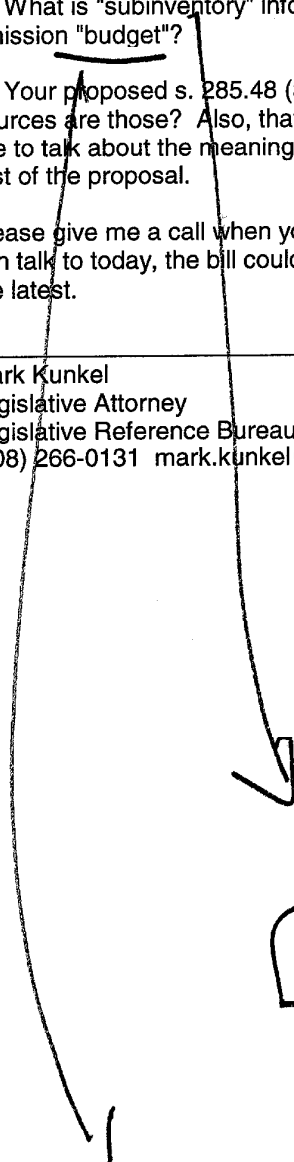
Mark Kunkel
 Legislative Attorney
 Legislative Reference Bureau
 (608) 266-0131 mark.kunkel@legis.state.wi.us

Lee, H. [unclear]

920-722-1500

Inventary standards

sector-specific



MAIL-IT REQUESTED: MARCH 10, 2000

102R2H

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EPA & SUBINVENTORY

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1

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CULLEN WESTON PINES & BACH
122 W WASHINGTON AVE STE 900
MADISON WISCONSIN 53703-2718

*****07832*****

FOCUS - 1 OF 1 ITEM

FEDERAL REGISTER
Vol. 63, No. 207

Rules and Regulations

ENVIRONMENTAL PROTECTION AGENCY (EPA)

40 CFR Parts 51, 72, 75, and 96

[FRL-6171-2]
RIN 2060-AH10

Finding of Significant Contribution and Rulemaking for Certain States
in the
Ozone Transport Assessment Group Region for Purposes of Reducing
Regional
Transport of Ozone

Part II

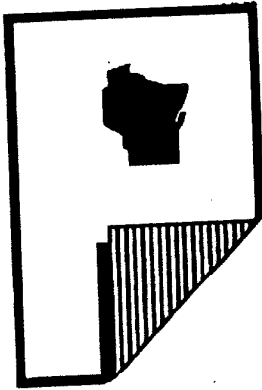
63 FR 57356

DATE: Tuesday, October 27, 1998

ACTION: Final Rule

... [*57426] first step, EPA projected the mass emissions for EGUs and industrial boilers out to 2007, taking into account measures required under the CAA and projected growth. The result was a base case 2007 subinventory for each of those two categories. Next, EPA projected the 2007 mass emissions for other sectors of the emission inventory (e.g., mobile sources), again taking into account projected growth and measures required under the CAA and existing SIPs, thereby creating a base case 2007 subinventory for each of them as well. The aggregation of all of the base case 2007 subinventories is the complete base case 2007 inventory. The EPA then applied cost-effective control measures to the EGU, industrial boiler and other non-EGU source categories as explained in section III., to determine the amount of the reductions from these categories. The EPA applied control measures to the base case inventory to develop the final budget. Thus, the final budget is the sum of (1) the emissions remaining after application of the cost-effective control measures to the subinventories for the categories for which controls are assumed for purposes of budget calculation and (2) the emissions in the base case 2007 subinventories for the categories for which EPA assumed no controls.

The rule then requires each upwind State to use the same base case 2007 inventory in its 1999 SIP submittal as EPA used in ...



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TO: CURT PAWLISCH

FROM: ED WILUSZ

DATE: 3/10/00

TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 2

We are transmitting from a Canon CFX-B380IF.

Please call (920) 722-1500 if you have any problems with this transmittal.

OUT THIS P.M.

TRY HANK WITH ADDITIONAL QUESTIONS

Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

(d) (1) The SIP submissions required under paragraph (a) of this section must be submitted to EPA by no later than [12 months from signature].

(2) The State makes an official submission of its SIP revision to EPA only when:

(i) The submission conforms to the requirements of appendix V to this part; and

(ii) The State delivers five copies of the plan to the appropriate Regional Office, with a letter giving notice of such action.

40 CFR
PART 51
51.121

(e) (1) The NOx budget for a State listed in paragraph (c) of this section is defined as the total amount of NOx emissions from all sources in that State, as indicated in paragraph (e) (2) of this section with respect to that State, which the State must demonstrate that it will not exceed in the 2007 ozone season pursuant to paragraph (g) (1) of this section.

(2) The State-by-State amounts of the NOx budget, expressed in tons, are as follows:



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4721/1

MDK:/:....

WLj

O-NOTE

to dec by
4:30

1999 BILL

Gen Cat

- 1
- 2
- 3
- 4

AN ACT ...; relating to: transmission company duties; contributions of transmission facilities to ^{the} transmission company; nitrogen oxide emission standards and limitations; air quality improvement program assessments; and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law imposes various requirements if the department of natural resources (DNR) issues a state implementation plan for controlling atmospheric ozone in another state that requires electric generating facilities in a certain area of the state to comply with nitrogen oxide emission reduction requirements. The area of the state is the northwestern portion of the state that is served by the Mid-Continent Area Power Pool (MAPP), which is an association of electric utilities. If DNR issues such a state implementation plan, the department of administration (DOA) is required to make grants to assist electric providers in complying with the nitrogen oxide emission reduction requirements. The funding source for the grants consists of assessments paid by electric utilities in public utility holding company systems. This bill specifies that the electric utilities that must pay the assessments are those electric utilities that own electric generating facilities in the area outside the northwestern portion of the state served by MAPP.

Current law also imposes certain restrictions on the nitrogen oxide emissions standards or limitations that DNR may establish if DNR issues the state implementation plan described above. In addition, current law prohibits DNR from requiring, on the basis of these restrictions, reductions of nitrogen oxide emissions

BILL

from mobile sources and certain stationary sources that are in addition to the reductions required in the state implementation plan. The stationary sources to which this prohibition applies are stationary sources that are not electric generating facilities owned by public utilities or electric cooperatives.

The bill replaces this prohibition with the following prohibition that specifies that DNR may not, with respect to any mobile source or nonutility stationary source, do any of the following: 1) require reductions in nitrogen oxide emissions for boilers, turbines or internal combustion engines with a designed heat input of 250 million British thermal units per hour or less; 2) require reductions of nitrogen oxide emissions that are in addition to reductions for nonutility stationary sources that are specified by the federal environmental protection agency (EPA) in determining the total amount of allowable nitrogen oxide emissions in the state under the federal clean air act; or 3) require any additional reductions of nitrogen oxide emissions from nonutility stationary sources or mobile sources due to the foregoing prohibitions or the restrictions under current law on DNR's establishment of nitrogen oxide emissions standards or limitations. The bill defines a "nonutility stationary source" as a stationary source that is not an electric generating facility owned by a public utility or electric cooperative.

Current law also requires DNR to take certain actions if DNR implements a state implementation plan described above in a manner that requires reductions in nitrogen oxide emissions that are lower than certain reductions specified by EPA in calling for the state implementation plan. In addition to the actions required under current law, the bill requires DNR to determine the amounts by which reduction requirements for any nonutility stationary source or mobile source are to be relaxed to reflect the lower reductions.

The bill also makes changes to requirements under current law for the creation of a transmission company that plans, constructs, operates, maintains and expands electric transmission facilities and takes other measures to provide for an adequate and reliable electric transmission system. Under current law, the transmission company is required to apply, no later than November 1, 2000, for any state or federal approvals that are necessary for the transmission company to begin operations. This bill changes the application deadline to January 1, 2001.

Also under current law, certain limits apply to the amount of nonutility assets that may be held in a public utility holding company system. There is an exception to these limits if each public utility affiliate in such a holding company system takes certain actions, including filing with the public service commission (PSC) a commitment to contribute all of its transmission facilities and certain land rights to the transmission company. Certain other electric utilities and cooperatives are also allowed to transfer certain of their transmission facilities to the transmission company and purchase equity interests in the transmission company, but must do so no later than one year after the first public utility affiliate files a commitment with the PSC. This bill changes this deadline to January 1, 2001.

Finally, the bill increases the appropriation for intervenors in proceedings before the PSC by \$250,000 in fiscal year 1999-00 and in fiscal year 2000-01.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 196.485 (3m) (a) 1. a. [✓] of the statutes, as created by 1999 Wisconsin
2 Act 9, is amended to read:

3 196.485 (3m) (a) 1. a. Apply for any approval under state or federal law that
4 is necessary for the transmission company to begin operations no later than
5 ~~November 1, 2000~~ January 1, 2001.

History: 1997 a. 204; 1999 a. 9.

6 **SECTION 2.** 196.485 (5) (a) 2. [✓] of the statutes, as created by 1999 Wisconsin Act
7 9, is amended to read:

8 196.485 (5) (a) 2. Files with the commission an unconditional, irrevocable and
9 binding commitment to contribute, no later than ~~September 30, 2000~~ January 1,
10 2001, all of the transmission facilities that the public utility affiliate owns or operates
11 in this state on October 29, 1999, and land rights, to the transmission company.
12 A filing under this subdivision shall specify a date no later than ~~September 30, 2000~~
13 January 1, 2001, on which the public utility affiliate will complete the contribution
14 of transmission facilities.

History: 1997 a. 204; 1999 a. 9.

15 **SECTION 3.** 196.485 (6) (a) (intro.) [✓] of the statutes, as created by 1999 Wisconsin
16 Act 9, is amended to read:

17 196.485 (6) (a) (intro.) No later than ~~the first day of the 12th month beginning~~
18 ~~after the first public utility affiliate files a commitment under sub. (5) (a) 2.~~ January
19 1, 2001:

History: 1997 a. 204; 1999 a. 9.

BILL

1 **SECTION 4.** 196.86 (1) (b) of the statutes, as created by 1999 Wisconsin Act 9,
2 is amended to read:

3 196.86 (1) (b) “Electric public utility affiliate” means a public utility affiliate,
4 as defined in s. 196.795 (1) (L), that sells electricity in this state and owns electric
5 generating facilities in the transmission area.

6 History: 1999 a. 9.

6 **SECTION 5.** 196.86 (1) (f) of the statutes is created to read:

7 196.86 (1) (f) “Transmission area” has the meaning given in s. 196.485 (1) (g)

8 **SECTION 6.** 285.48 (1) (cm) of the statutes is created to read:

9 285.48 (1) (cm) “Nonutility stationary source” means a stationary source that
10 is not an electric generating facility owned by a public utility or electric cooperative.

11 **SECTION 7.** 285.48 (3) (c) of the statutes, as created by 1999 Wisconsin Act 9,
12 is repealed and recreated to read:

13 285.48 (3) (c) In establishing nitrogen oxide emission reduction requirements
14 for the control of atmospheric ozone in another state pursuant to a call, the
15 department may not, with respect to any nonutility stationary or mobile source in
16 this state, in a state implementation plan, by rule or through the adoption of control
17 strategies, establish nitrogen oxide emissions standards or limitations that do any
18 of the following:

19 1. Require any reductions in nitrogen oxide emissions for any boiler, turbine
20 or internal combustion engine the designed heat input of which is 250 million British
21 thermal units per hour or less.

22 2. Require reductions of nitrogen oxide emissions that are in addition to those
23 reductions required by or projected for nonutility stationary sources based on
24 source-specific nitrogen oxide inventory data or other subinventory information

BILL

1 used by the federal environmental protection agency to establish state nitrogen oxide
2 emission budgets concerning interstate pollution transport.

3 3. Require any additional reductions of nitrogen oxide emissions from
4 nonutility stationary sources or mobile sources in this state due to this section,
5 including the reduction requirements under par. (a).^{under}

6 **SECTION 8.** 285.48 (3) (d) 2m. of the statutes is created to read:

7 285.48 (3) (d) 2m. Determine the amounts by which reduction requirements for
8 any nonutility stationary source or mobile source in this state shall be relaxed to
9 reflect the lower reductions.

10 **SECTION 9. Appropriation changes.**

11 (1) INTERVENOR FINANCING. In the schedule under section 20.005 (3) of the
12 statutes for the appropriation to the public service commission under section 20.155
13 (1) (j) of the statutes, as affected by the acts of 1999, the dollar amount is increased
14 by \$250,000 for fiscal year 1999-00 and the dollar amount is increased by \$250,000
15 for fiscal year 2000-01 for the purpose for which the appropriation is made.

16

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4721/1dn

MDK/.....

WLj

Senator Chvala:

Please review this bill very carefully to make sure it achieves your intent. Also, please advise whether the bill should be revised to makes changes to s. 196.485 (3m) (a) 4., stats., which refers to the date "that the last public utility affiliate files a commitment with the commission under" s. 196.485 (5) (a) 2., stats. I want to make sure that the bill's amendment of s. 196.485 (5) (a) 2., stats., does not have any unintended consequences regarding s. 196.485 (3m) (a) 4., stats.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4721/1dn
MDK:wlj:jf

March 13, 2000

Senator Chvala:

Please review this bill very carefully to make sure it achieves your intent. Also, please advise whether the bill should be revised to make changes to s. 196.485 (3m) (a) 4., stats., which refers to the date "that the last public utility affiliate files a commitment with the commission under" s. 196.485 (5) (a) 2., stats. I want to make sure that the bill's amendment of s. 196.485 (5) (a) 2., stats., does not have any unintended consequences regarding s. 196.485 (3m) (a) 4., stats.

Mark D. Kunkel
Legislative Attorney
Phone: (608) 266-0131
E-mail: Mark.Kunkel@legis.state.wi.us

Today
by 3:00pm

1999 BILL

2

RM NOT
SUN

INSERT A ↓

Regen

1 AN ACT *to amend* 196.485 (3m) (a) 1. a., 196.485 (5) (a) 2., 196.485 (6) (a) (intro.)
 2 and 196.86 (1) (b); *to repeal and recreate* 285.48 (3) (c); and *to create* 196.86
 3 (1) (f), 285.48 (1) (cm) and 285.48 (3) (d) 2m. of the statutes; **relating to:**
 4 transmission company duties; contributions of transmission facilities to the
 5 transmission company; nitrogen oxide emissions standards and limitations; air
 6 quality improvement program assessments; and making an appropriation.

Analysis by the Legislative Reference Bureau

~~Current law imposes various requirements if the department of natural resources (DNR) issues a state implementation plan for controlling atmospheric ozone in another state that requires electric generating facilities in a certain area of the state to comply with nitrogen oxide emission reduction requirements. The area of the state is the northwestern portion of the state that is served by the Mid-Continent Area Power Pool (MAPP), which is an association of electric utilities. If DNR issues such a state implementation plan, the department of administration (DOA) is required to make grants to assist electric providers in complying with the nitrogen oxide emission reduction requirements. The funding source for the grants consists of assessments paid by electric utilities in public utility holding company systems. This bill specifies that the electric utilities that must pay the assessments are those electric utilities that own electric generating facilities in the area outside the northwestern portion of the state served by MAPP.~~

BILL

if DNR issues that state implementation plans

Current law also imposes certain restrictions on the nitrogen oxide emissions standards or limitations that DNR may establish if DNR issues the state implementation plan described above. In addition, current law prohibits DNR from requiring, on the basis of these restrictions, reductions of nitrogen oxide emissions from mobile sources and certain stationary sources that are in addition to the reductions required in the state implementation plan. The stationary sources to which this prohibition applies are stationary sources that are not electric generating facilities owned by public utilities or electric cooperatives.

INSERT B

or mobile

~~The bill replaces this prohibition with the following prohibition that specifies that DNR may not, with respect to any mobile source or nonutility stationary source, do any of the following: 1) require reductions in nitrogen oxide emissions for boilers, turbines or internal combustion engines with a designed heat input of 250 million British thermal units per hour or less; 2) require reductions of nitrogen oxide emissions that are in addition to reductions for nonutility stationary sources that are specified by the federal environmental protection agency (EPA) in determining the total amount of allowable nitrogen oxide emissions in the state under the federal clean air act; or 3) require any additional reductions of nitrogen oxide emissions from nonutility stationary ~~source~~ or mobile sources due to the foregoing prohibitions or the restrictions under current law on DNR's establishment of nitrogen oxide emissions standards or limitations. The bill defines a "nonutility stationary source" as a stationary source that is not an electric generating facility owned by a public utility or electric cooperative.~~

INSERT C

or mobile

or mobile

Current law also requires DNR to take certain actions if DNR implements a state implementation plan described above in a manner that requires reductions in nitrogen oxide emissions that are lower than certain reductions specified by EPA in calling for the state implementation plan. In addition to the actions required under current law, the bill requires DNR to determine the amounts by which reduction requirements for any nonutility stationary ~~source~~ or mobile source are to be relaxed to reflect the lower reductions.

✓

The bill also makes changes to requirements under current law for the creation of a transmission company that plans, constructs, operates, maintains and expands electric transmission facilities and takes other measures to provide for an adequate and reliable electric transmission system. Under current law, the transmission company is required to apply, no later than November 1, 2000, for any state or federal approvals that are necessary for the transmission company to begin operations. This bill changes the application deadline to January 1, 2001.

Also under current law, certain limits apply to the amount of nonutility assets that may be held in a public utility holding company system. There is an exception to these limits if each public utility affiliate in such a holding company system takes certain actions, including filing with the public service commission (PSC) a commitment to contribute all of its transmission facilities and certain land rights to the transmission company. Certain other electric utilities and cooperatives are also allowed to transfer certain of their transmission facilities to the transmission company and purchase equity interests in the transmission company, but must do

✓

or

BILL

so no later than one year after the first public utility affiliate files a commitment with the PSC. This bill changes this deadline to January 1, 2001.

Finally, the bill increases the appropriation for intervenors in proceedings before the PSC by \$250,000 in fiscal year 1999–00 and in fiscal year 2000–01.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 196.485 (3m) (a) 1. a. of the statutes, as created by 1999 Wisconsin
2 Act 9, is amended to read:

3 196.485 (3m) (a) 1. a. Apply for any approval under state or federal law that
4 is necessary for the transmission company to begin operations no later than
5 ~~November 1, 2000~~ January 1, 2001.

6 **SECTION 2.** 196.485 (5) (a) 2. of the statutes, as created by 1999 Wisconsin Act
7 9, is amended to read:

8 196.485 (5) (a) 2. Files with the commission an unconditional, irrevocable and
9 binding commitment to contribute, no later than ~~September 30, 2000~~ January 1,
10 2001, all of the transmission facilities that the public utility affiliate owns or operates
11 in this state on October 29, 1999, and land rights, to the transmission company. A
12 filing under this subdivision shall specify a date no later than ~~September 30, 2000~~
13 January 1, 2001, on which the public utility affiliate will complete the contribution
14 of transmission facilities.

15 **SECTION 3.** 196.485 (6) (a) (intro.) of the statutes, as created by 1999 Wisconsin
16 Act 9, is amended to read:

17 196.485 (6) (a) (intro.) No later than ~~the first day of the 12th month beginning~~
18 ~~after the first public utility affiliate files a commitment under sub. (5) (a) 2.~~ January
19 1, 2001:

BILL

1 **SECTION 4.** 196.86 (1) (b) of the statutes, as created by 1999 Wisconsin Act 9,
2 is amended to read:

3 196.86 (1) (b) "Electric public utility affiliate" means a public utility affiliate,
4 as defined in s. 196.795 (1) (L), that sells electricity in this state and owns electric
5 generating facilities in the transmission area.

6 **SECTION 5.** 196.86 (1) (f) of the statutes is created to read:

7 196.86 (1) (f) "Transmission area" has the meaning given in s. 196.485 (1) (g).

8 **SECTION 6.** 285.48 (1) (cm) of the statutes is created to read:

9 285.48 (1) (cm) "Nonutility stationary or mobile source" means a stationary or mobile source that
10 is not an electric generating facility owned by a public utility or electric cooperative.

11 **SECTION 7.** 285.48 (3) (c) of the statutes, as created by 1999 Wisconsin Act 9,
12 is repealed and recreated to read:

13 285.48 (3) (c) In establishing nitrogen oxide emission reduction requirements
14 for the control of atmospheric ozone in another state pursuant to a call, the
15 department may not, with respect to any nonutility stationary or mobile source in
16 this state, in a state implementation plan, by rule or through the adoption of control
17 strategies, establish nitrogen oxide emissions standards or limitations that do any
18 of the following:

19 1. Require any reductions in nitrogen oxide emissions for any boiler, turbine
20 or internal combustion engine the designed heat input of which is 250 million British
21 thermal units per hour or less.

22 2. Require reductions of nitrogen oxide emissions that are in addition to those
23 reductions required by or projected for nonutility stationary or mobile sources based on
24 source-specific nitrogen oxide inventory data or other subinventory information

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1 used by the federal environmental protection agency to establish state nitrogen oxide
2 emission budgets concerning interstate pollution transport.

3 3. Require any additional reductions of nitrogen oxide emissions from
4 nonutility stationary ~~sources~~ or mobile sources in this state ~~under~~ this section, *due to*
5 including the reduction requirements under par. (a).

6 **SECTION 8.** 285.48 (3) (d) 2m. of the statutes is created to read:

7 285.48 (3) (d) 2m. Determine the amounts by which reduction requirements for
8 any nonutility stationary ~~sources~~ or mobile source in this state shall be relaxed to
9 reflect the lower reductions.

10 **SECTION 9. Appropriation changes.**

11 (1) INTERVENOR FINANCING. In the schedule under section 20.005 (3) of the
12 statutes for the appropriation to the public service commission under section 20.155
13 (1) (j) of the statutes, as affected by the acts of 1999, the dollar amount is increased
14 by \$250,000 for fiscal year 1999-00 and the dollar amount is increased by \$250,000
15 for fiscal year 2000-01 for the purpose for which the appropriation is made.

16

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4721/2ins
MDK:.....

1

INSERT A:

Current law imposes certain requirements if the department of natural resources (DNR) issues a state implementation plan for the control of atmospheric ozone in another state pursuant to a call by the federal environmental protection agency (EPA) under the federal clean air act. The requirements apply if EPA made the call before October 29, 1999, or if EPA makes a call after that date that arises out of a call EPA made before that date. In addition, for the requirements to apply, the state implementation plan must require electric generating facilities in a certain area of the state to comply with nitrogen oxide emission reduction requirements. The area of the state is the northwestern portion of the state that is served by the Mid-Continent Area Power Pool (MAPP), which is a reliability council established under federal law. If DNR issues such a state implementation plan, the department of administration (DOA) is required to make grants to assist electric providers in complying with the nitrogen oxide emission reduction requirements. The funding source for the grants consists of assessments paid by electric public utility affiliates in certain public utility holding company systems.

This bill specifies that the electric public utility affiliates that must pay the assessments are those electric public utility affiliates that own electric generating facilities in the area outside the northwestern portion of the state served by MAPP.

2

INSERT B:

Not The bill replaces the prohibition that applies if DNR issues the state implementation plan described above. Under the bill, if DNR issues that state implementation plan,

3

INSERT C:

Not require reductions of nitrogen oxide emissions that are in addition to reductions required by or projected for nonutility stationary or mobile sources based on nitrogen oxide inventory and subinventory data used

Barman, Mike

From: Kunkel, Mark
Sent: Wednesday, March 15, 2000 2:19 PM
To: Barman, Mike
Subject: FW: Please jacket LRB-4721/2

Mike, did you take care of this? Just wonderin'....

Mark Kunkel
Legislative Attorney
Legislative Reference Bureau
(608) 266-0131 mark.kunkel@legis.state.wi.us

-----Original Message-----

From: Burnett, Douglas
Sent: Wednesday, March 15, 2000 1:24 PM
To: Kunkel, Mark; Barman, Mike
Cc: Humphrey, Bruce
Subject: Please jacket LRB-4721/2

The reliability trailer bill for introduction in the Senate, and send the jacket to Sen. Chvala's office asap. Also, please request fiscal estimates immediately. Thanks!

Bruce-If Rep. Hoven wants to introduce a companion, he would need to request a jacket for introduction in the Assembly from the LRB.