

2001 DRAFTING REQUEST**Assembly Amendment (AA-ASA1-SB55)**

Received: 06/23/2001

Received By: **kunkemd**Wanted: **As time permits**

Identical to LRB:

For: **Assembly Republican Caucus**By/Representing: **Raschka**This file may be shown to any legislator: **NO**Drafter: **kunkemd**

May Contact:

Addl. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Raschka - AM78, item 2,

Topic:

Omnibus energy motion: CPCN engineering plans

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 06/25/2001	jdyer 06/26/2001	kfollet 06/26/2001	_____	lrb_docadmin 06/26/2001		

FE Sent For:

<END>

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1?	kunkemd	6/26 JLD	6/26 KJ	6/26 KJ/SEFF			

FE Sent For:

<END>

Budget Amendments 2001 - 2003

b1662

Prepared by the Assembly Republican Caucus

Statement of Intent Omnibus Energy Motion

Legislator	Hoven	Amendment	78
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Mike	Package	
Agency	PSC		

Summary *Separate* 1) Create an energy and reliability assessment review by the Public Service Commission of proposed administrative rules that will impact the cost of energy to consumers and the ability for the state to meet its energy demands. This review authority will allow the Public Service Commission, if it deems appropriate, to attach an energy and reliability impact statement to any rule that could impact electric reliability in the state. *revise 01-2155/1*

MDK Separate 2) Under current law, when a party petitions the PSC for a certificate of public convenience and necessity (CPCN) for the construction of a large generating facility or high-voltage transmission line, the party must also file an engineering plan with the DNR so the Department can determine what air and water discharge permits are needed to protect air and water quality. This motion would specify that a party petitioning the Commission for a CPCN would only have to submit an engineering plan to the DNR for the construction of a large generating facility, as transmission lines do not affect air and water quality.

anything in 01-0965/1? *b1763* 3. The motion would freeze spending on low-income public benefits programs at 1999-2000 funding levels, therefore capping the maximum consumer public benefits fee (charged through electric bills) at current levels. *July 1, 2001 - June 30, 2002*

4. Effective July 1, 2002 repeal the provision in current law that requires all utilities to collect \$20,000,000 annually in public benefits for energy conservation, energy efficiency, environmental research and development, and renewable programs. *Low income & continue*

Sentiment to Reschke Separate 5. The motion would also give DOA authority to receive billing and use data for all the public school facilities in Wisconsin. This would allow DOA to perform accurate benchmarking and identify the highest energy cost schools and target their efforts to them. *16.95? school district loan under s. 27.61(5)? 01-065 20505 (1)(m)*

b1764 6. The motion requires the DOA to provide a performance based contracting program for nonresidential energy conservation programs. DOA must select a program administrator with responsibility for this program only. Under performance based contracting, energy service providers identify energy savings opportunities and manage the financing and installation of energy efficient equipment. The customer then repays the cost of the improvements out of the money saved on their utility bill.

7. The motion would also require that 25% of funding collected for energy conservation and efficiency and renewable resource programs be allocated to the performance based contracting program each fiscal year.

Request # **221** → *WEI 2*

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Fiscal Impact This motion saves \$20,000,000 (SEG).

Drafting Inst draft language written by the office

ARC Analyst Raschka

Request # 221

Friday, June 22, 2001

Page 22 of 28



jd

ARC:.....Raschka - AM78, item 2, Omnibus energy motion: CPCN engineering plans

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

substitute amendment

1

At the locations indicated, amend the ~~bill~~ as follows:

2

1. Page 492, line 2: after that line insert:

3

"SECTION 1245m. 30.025 (4) of the statutes is amended to read:

4

30.025 (4) The permit may be issued upon stated conditions deemed necessary

5

to assure compliance with the criteria designated under sub. (3). ~~The~~ For a large

6

electric generating facility, as defined in s. 196.491 (1) (g), the department shall grant

7

or deny the application within the time limit applicable under s. 196.491 (3) (a) 3. b."

History: 1975 c. 68; 1985 a. 332 s. 251 (1); 1997 a. 204.

8

2. Page 992, line 12: after that line insert:

9

"SECTION 3001d. 196.491 (3) (a) 3. a. of the statutes is amended to read:

1 196.491 (3) (a) 3. a. At least 60 days before a person files an application under
2 subd. 1. for construction of a [✓]large electric generating facility, the person shall
3 provide the department with an engineering plan showing the location of the large
4 electric generating facility, a description of the large electric generating facility,
5 including the major components of the large electric generating facility that have a
6 significant air, water or solid waste pollution potential, and a description of the
7 anticipated effects of the large electric generating [✓]facility on air and water quality.
8 Within 30 days after a person provides an engineering plan, the department shall
9 provide the person with a listing of each department permit or approval which, on
10 the basis of the information contained in the engineering plan, appears to be required
11 for the construction or operation of the large electric generating facility.

History: 1975 c. 68, 199; 1979 c. 221, 361; 1983 a. 53 s. 114; 1983 a. 192, 401; 1985 a. 182 s. 57; 1989 a. 31; 1993 a. 184; 1995 a. 27 ss. 9116 (5), 9126 (19); 1995 a. 227,
409; 1997 a. 27, 35, 204; 1999 a. 9; 1999 a. 150 s. 67^X

12 **SECTION 3001f.** [✓]196.491 (3) (a) 3. b. of the statutes is amended to read:

13 196.491 (3) (a) 3. b. Within 20 days after the department provides a listing
14 specified in subd. 3. a. to a person, the person shall apply for the permits and
15 approvals identified in the listing. The department shall determine whether an
16 application under this subd. 3. b. is complete and, no later than 30 days after the
17 application is filed, notify the applicant about the determination. If the department
18 determines that the application is incomplete, the notice shall state the reason for
19 the determination. An applicant may supplement and refile an application that the
20 department has determined to be incomplete. There is no limit on the number of
21 times that an applicant may refile an application under this subd. 3. b. If the
22 department fails to determine whether an application is complete within 30 days
23 after the application is filed, the application shall be considered to be complete. The
24 department shall complete action on an application under this subd. 3. b. for any

1 permit or approval that is required prior to construction of a ^{ok plain} large electric generating
2 facility within 120 days after the date on which the application is determined or
3 considered to be complete.

History: 1975 c. 68, 199; 1979 c. 221, 361; 1983 a. 53 s. 114; 1983 a. 192, 401; 1985 a. 182 s. 57; 1989 a. 31; 1993 a. 184; 1995 a. 27 ss. 9116 (5), 9126 (19); 1995 a. 227, 409; 1997 a. 27, 35, 204; 1999 a. 9; 1999 a. 150 s. 672.

4 **SECTION 3001h.** 196.491 (3) (e) [✓] of the statutes is amended to read:

5 196.491 (3) (e) If the application does not meet the criteria under par. (d), the
6 commission shall reject the application or approve the application with such
7 modifications as are necessary for an affirmative finding under par. (d). The
8 commission may not issue a certificate of public convenience and necessity for a large
9 electric generating facility [✓] until the department has issued all permits and
10 approvals identified in the listing specified in par. (a) 3. a. that are required prior to
11 construction.”.

History: 1975 c. 68, 199; 1979 c. 221, 361; 1983 a. 53 s. 114; 1983 a. 192, 401; 1985 a. 182 s. 57; 1989 a. 31; 1993 a. 184; 1995 a. 27 ss. 9116 (5), 9126 (19); 1995 a. 227, 409; 1997 a. 27, 35, 204; 1999 a. 9; 1999 a. 150 s. 672.

12

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1662/1dn

MDK:λ:....

date

Jld

Adam Raschka:

This amendment accomplishes item 2 of ARC amendment no. 78. The other items for that ARC amendment are accomplished in the following LRB amendments: LRBb1762 (item 1), LRBb1763 (items 3, 4, 6, and 7) and LRBb1764 (item 5). I divided up the items in order to expedite the drafting and editing process. Also, the amendments should be easier to review.

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**

LRBb1662/1dn
MDK:jld:kjf

June 26, 2001

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engineering plans

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