

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: **Hubbard**

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:.....Hubbard - AM77,

Topic:

Public utilities subject to distributed generation rules

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	gilfokm	rschluet	_____	lrb_docadmin 06/24/2001		
	06/23/2001	06/23/2001	06/24/2001	_____			
	kunkemd	gilfokm		_____			
	06/26/2001	06/26/2001		_____			
/2			rschluet	_____	lrb_docadmin 06/26/2001		
			06/26/2001	_____			

FE Sent For:

<END>

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: **Hubbard**

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:.....Hubbard - AM77,

Topic:

Public utilities subject to distributed generation rules

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 06/23/2001	gilfokm 06/23/2001	rschluet 06/24/2001		lrb_docadmin 06/24/2001		

FE Sent For:

6/26 kunkemd

RSHE
6-26-1

<END>

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: **Hubbard**

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:.....Hubbard - AM77,

Topic:

Public utilities subject to distributed generation rules

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	6/23 King		 6-24-01			

FE Sent For:

<END>

Budget Amendments 2001 - 2003

61667

Prepared by the Assembly Republican Caucus

Statement of Intent This motion modifies the requirements in item 9 of the Public Service Commission-Agencywide portion of the 2001-2003 Wisconsin State Budget, Comparative Summary of Budget Recommendations as prepared by the Legislative Fiscal Bureau, which relates to Administrative Rules to Facilitate the Production of Distributive Energy.

Legislator	Huebsch	Amendment	77
Legislator 2		Pass or Fail	Pass
Legislator 3		Spending Cut	
Legislator 4		Withdrawn	
Staff contact	Kent Disch	Package	

Agency PSC

Summary Define "public utility" to mean a public utility with a load that exceeds 1200 megawatts.

Fiscal Impact No fiscal effect

Drafting Inst

ARC Analyst Hubbard

MDK

Request # 113

Friday, June 22, 2001

Budget Amendments 2001 - 2003

Prepared by the Assembly Republican Caucus

Request #

113

Friday, June 22, 2001

Page 20 of 28

limitation would apply, notwithstanding a current law provision that the Commission has continuing supervisory control over the terms and conditions of a contract or arrangement approved under the affiliated interest law.

Electric cooperatives or municipal electric utilities would not be prohibited from acquiring an interest in the electric generating equipment and facilities constructed under a leased generation contract or from acquiring an interest in the associated land.

Authorize a public utility to transfer real property to its nonutility affiliate at book value for the purpose of implementing a leased generation contract. This authority would not apply to the transfer of any electric generating equipment and associated facilities or electric generating equipment.

8. COMMENCEMENT OF CONSTRUCTION OF ELECTRIC GENERATING EQUIPMENT AND ASSOCIATED FACILITIES

Joint Finance: Require an electric utility that has received a certificate of public convenience and necessity from the Commission for constructing electric generating equipment and associated facilities rated at a capacity of 100 megawatts or more to begin construction within one year of the latest of the following: (a) the date the Commission issues the certificate of public convenience and necessity; (b) the date on which the electric utility has been issued every federal and state permit, approval, and license required prior to beginning construction; (c) the date on which every deadline has expired for requesting administrative review or reconsideration of such permits and licenses; and (d) the date on which the electric utility has received the final decision, after exhausting every proceeding for judicial review.

Authorize the Commission to grant an extension of this deadline upon a showing of good cause by the electric utility.

Stipulate that if the electric utility does not begin construction of electric generating equipment and associated facilities within the applicable one-year period, unless extended, the original certificate of public convenience and necessity would be void and the electric utility could not commence construction of the large electric generating facility. Provide that this new limitation would first apply to requests for certificates of public convenience and necessity for large electric generating facilities that are issued on and after the general effective date of the biennial budget act.

9. ADMINISTRATIVE RULES TO FACILITATE THE PRODUCTION OF DISTRIBUTIVE ENERGY

Joint Finance: Newly define a "distributed generation facility" as a facility operated by an electric consumer that uses any form of generation, including photovoltaic or fuel cells or wind

power, for the production of electricity. Include in this definition a small electric generating facility used by an independent power producer.

Newly define "engineering concerns" to include those related to power quality or the safety and reliability of the state's electric power distribution grid. Define "regulatory concerns" to include any of the following: (a) tariffs for a public utility's distributed generation; (b) nondiscriminatory fees that a public utility may charge the owner or operator of a distributed generation facility; (c) the cost of upgrades to the state's electric power distribution grid; and (d) other terms or conditions imposed by a public utility on the owner or operator of a distributed generation facility, including liability insurance, indemnification or terms and conditions related to the transfer or sale of property.

Direct the Commission to promulgate rules designed to facilitate, to the greatest extent possible, the use of distributed generation facilities and their interconnection to the state's electric power distribution grid. Stipulate that the rules include standards for interconnection that are uniform across the state, regardless of the distributed generation facility that is interconnected and regardless of the owner of the transmission facility to which interconnection is made, except where engineering and regulatory concerns require additional interconnection standards.

Require the Commission to promulgate rules establishing standards for the purchase by public utilities of electric power, including standards for the following: (a) the use of a net metering tariff for a distributed generation facility with a capacity that does not exceed 20 kilowatts or the peak load of the facility's owner, whichever is greater; and (b) the use of real-time pricing, so that the price paid by a public utility for power placed on the grid by a distributed generation facility reflects the utility's cost of generation at that time.

Require that the draft administrative rules be submitted to the Legislative Council no later than the first day of the sixth month after the general effective date of the biennial budget act.

10. REFUSAL TO TRANSFER CUSTOMERS OF LOCAL EXCHANGE SERVICE MADE A PROHIBITED PRACTICE

Joint Finance: Prohibit a telecommunication utility, with respect to its regulated services, or any other telecommunications provider, with respect to its offering of local exchange services, to refuse to transfer or facilitate the transfer of its local exchange service customers to another provider on the same terms and conditions that it receives from any other telecommunications provider, unless such terms and conditions violate federal law.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1667/1

MDK:.....

D-NOTE

img

ARC:.....Hubbard – AM77, Public utilities subject to distributed generation rules

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

✓ 1. Page 987, line 25: after that line insert:

“[✓](bm) “[✓]Public utility” means a public utility that provides retail electric service to customers that have an aggregate load of 1,200 megawatts or more.”.

text. treat

5

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1667/1dn

MDK:.....
MDK

Gregory Hubbard:

The instructions refer to "a public utility with a load that exceeds 1,200 megawatts". Does the amendment's definition of "public utility" satisfy your intent? Also, I assume that "load" means the amount of power consumed by customers of a public utility. Is that okay, or do you have a different meaning in mind? If you have a different meaning, it may be advisable to define "load".

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**

LRBb1667/1dn
MDK:kmg:rs

June 24, 2001

Gregory Hubbard:

The instructions refer to "a public utility with a load that exceeds 1,200 megawatts." Does the amendment's definition of "public utility" satisfy your intent? Also, I assume that "load" means the amount of power consumed by customers of a public utility. Is that okay, or do you have a different meaning in mind? If you have a different meaning, it may be advisable to define "load."

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

2

ARC:.....Hubbard – AM77, Public utilities subject to distributed generation rules

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

in 2000, based on data provided by the public utility to the commission, provided

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 987, line 25: after that line insert:

3 “(bm) “Public utility” means a public utility that provides retail electric service
4 to customers that ~~have~~ an aggregate load of 1,200 megawatts or more.”.

5 (END)

had

Kunkel, Mark

From: Hubbard, Gregory
Sent: Monday, June 25, 2001 4:21 PM
To: Kunkel, Mark
Subject: FW: LRB Draft: 01b1667/1 Public utilities subject to distributed generation rules

Mark,

Here is what Huebsch's office sent me.

Greg Hubbard

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

From: Disch, Kent
Sent: Monday, June 25, 2001 4:06 PM
To: Hubbard, Gregory
Subject: RE: LRB Draft: 01b1667/1 Public utilities subject to distributed generation rules

Hubs-

At the direction of John Stoltzenberg at Leg. Council, we should add a timeframe for this.

We want to use the year 2000 data provided to the PSC as the rule as to whether public utilities are subject to the motion.

Thanks-

-Kent

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

From: Hubbard, Gregory
Sent: Monday, June 25, 2001 8:26 AM
To: Disch, Kent
Subject: FW: LRB Draft: 01b1667/1 Public utilities subject to distributed generation rules

Kent,

This is the draft to your "production of distributive energy" motion. Can you verify that this was your intent?

Hubbs

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

From: Schlueter, Ron
Sent: Sunday, June 24, 2001 9:27 AM
To: Hubbard, Gregory
Cc: Legislative Fiscal Bureau; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01b1667/1 Public utilities subject to distributed generation rules

Following is the PDF version of draft 01b1667/1.

<< File: 01b1667/1 >> << File: 01b1667/1dn >>



State of Wisconsin
2001 - 2002 LEGISLATURE

LRBb1667/2
MDK:kmg:rs

ARC:.....Hubbard – AM77, Public utilities subject to distributed generation rules

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 987, line 25: after that line insert:

3 “(bm) “Public utility” means a public utility that in 2000, based on data
4 provided by the public utility to the commission, provided retail electric service to
5 customers that had an aggregate load of 1,200 megawatts or more.”.

6 (END)