ASSEMBLY AMENDMENT 5,

TO 2003 ASSEMBLY BILL 378

June 10, 2003 – Offered by COMMITTEE ON ENERGY AND UTILITIES.

At the locations indicated, amend the bill as follows:

1. Page 3, line 6: after "60%" insert ", as determined by the public service commission".

2. Page 3, line 8: delete lines 8 to 12 and substitute:

"79.005 **(1f)** "Capacity factor" means the anticipated actual annual output of an electric generating facility expressed as a percentage of the facility's potential output as indicated in a certificate of public convenience and necessity or a certificate of authority. For purposes of this subchapter, the public service commission may review the capacity factor of an electric generating facility at any time.".

(END)