

2003 DRAFTING REQUEST

Assembly Amendment (AA-AA5-AB378)

Received: 06/17/2003

Received By: jkreye

Wanted: Today

Identical to LRB:

For: Legislative Fiscal Bureau 6-9916

By/Representing: Olin

This file may be shown to any legislator: NO

Drafter: jkreye

May Contact:

Addl. Drafters:

Subject: Shared Revenue

Extra Copies:

Submit via email: YES

Requester's email: rick.olin@legis.state.wi.us

Carbon copy (CC:) to: joseph.kreye@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Capacity factor

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>
/?	jkreye 06/17/2003	wjackson 06/17/2003		_____			
/1			rschluet 06/17/2003	_____	lemery 06/17/2003	lemery 06/17/2003	

FE Sent For:

<END>

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/?	jkreye	1/1 WJ 6/17					

6-17-3
<END>

FE Sent For:

Kreye, Joseph

From: Olin, Rick
Sent: Tuesday, June 17, 2003 10:47 AM
To: Kreye, Joseph
Subject: FW: Assembly Amendment 5 to 2003 Assembly Bill 378

Joe:
Can you draft this for me as a JFC amndment?
Exec is at 1pm.
Thanks

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

From: Stolzenberg, John
Sent: Tuesday, June 17, 2003 10:42 AM
To: Gottlieb, Mark
Cc: Healy, Brett; Halbur, Jennifer; Mnuk, Katie; Olin, Rick; Lovell, David
Subject: FW: Assembly Amendment 5 to 2003 Assembly Bill 378

SB *lit* 1

Mark,

I have talked to Bob Norcross, administrator of the PSC's Electric Division, about AA 5. He indicated that for plants that don't require a CPCN or CA (those less than 100 MW in size proposed by a nonutility applicant, such as a coop or IPP), it would be preferable to not have the reference to a CPCN or CA in AA 5 on page 1, lines 7 and 8.

David Lovell and I have discussed this issue and would suggest the following change to AA 5 to fix this problem:

- Page 1, line 7: delete the material beginning with "indicated" and ending with "authority" on line 8 and substitute "determined by the public service commission".

Let me know if you have any questions on AA 5 or this proposed amendment to it.

John

> -----Original Message-----

> **From:** Stolzenberg, John
> **Sent:** Friday, June 13, 2003 1:43 PM
> **To:** Gottlieb, Mark
> **Cc:** Healy, Brett; Halbur, Jennifer; Mnuk, Katie; Olin,
> Rick; Lovell, David
> **Subject:** Assembly Amendment 5 to 2003 Assembly Bill 378

> Mark,

>
> In reviewing the amendments to Assembly Bill 378 recommended
> by the Assembly Committee on Energy and Utilities earlier
> this week, I noticed a potential problem with Assembly
> Amendment 5 in that it still contains a reference in the
> definition of "capacity factor" to a certificate of public
> convenience and necessity (CPCN) and a certificate of
> authority (CA). (I had missed this point in the rush of

> things last Tuesday.)
>
> As you'll recall, Assembly Amendment 5 replaced Assembly
> Amendment 4 and was intended to deal with the concerns of
> variable capacity factors while establishing that the PSC did
> not need to reopen a CPCN or CA docket to modify the capacity
> factor of a particular power plant and dealing with a
> merchant plant that has a design capacity less than 100 MW
> and thus does not require a CPCN or a CA.
>
> I've asked PSC staff if they can work with Assembly Amendment
> 5, as drafted, or if it raises implementation concerns that
> should be addressed in the legislation.
>
> I'll let you know what the PSC staff tells me as soon as I
> hear from them.
>
> John
>
> _____
> John Stolzenberg,
> Legislative Council
> Chief of Research Services
> Suite 401, One East Main Street
> PO Box 2536
> Madison, WI 53701-2536
> Direct: 608-266-2988
> Fax: 608-266-3830
>

**ASSEMBLY AMENDMENT 5,
TO 2003 ASSEMBLY BILL 378**

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

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

2 **1.** Page 3, line 6: after “60%” insert “, as determined by the public service
3 commission”.

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

5 “79.005 (1f) “Capacity factor” means the anticipated actual annual output of
6 an electric generating facility expressed as a percentage of the facility’s potential
7 output as indicated in a certificate of public convenience and necessity or a certificate
8 of authority. For purposes of this subchapter, the public service commission may
9 review the capacity factor of an electric generating facility at any time.”.

10

(END)

2003

Date (time) needed

in 6-17-03

LRBa 067511

AMENDMENT

NOW

WJ: Wlj:

See form AMENDMENTS — COMPONENTS & ITEMS.

S (A) AMENDMENT

(attached)

TO S (A) AMENDMENT 5 (LRBa 1),

~~TO S A SUBSTITUTE AMENDMENT (LRBs 1),~~

TO 2003 SB SJR SR (AB) AJR AR 378 (LRB- [scribble])

At the locations indicated, amend the amendment as follows:

(fill ONLY if "engrossed ..." or "as shown by")

#. Page 1, line 7: delete the material beginning with "as" and ending with "authority" on line 80

#. Page ..., line ...:

(end)

#. Page ..., line ...:

#. Page ..., line ...:

#. Page ..., line ...: