

1 **SECTION 100.** 285.48 (4) (a) of the statutes is amended to read:

2 285.48 (4) (a) The use of renewable energy, including renewable energy that
3 is provided by electric providers for the purpose of complying with the requirements
4 of s. 196.378 (2) (a) 2., or renewable energy that is used under programs specified in
5 ~~s. 196.374 (2) (d) that are funded by expenditures~~ under s. 196.374 (3).

6 **SECTION 101.** 285.48 (4) (b) of the statutes is amended to read:

7 285.48 (4) (b) The implementation of low-income weatherization and energy
8 conservation measures, including programs established under s. 16.957 (2) (a) or (b)
9 or programs ~~specified in s. 196.374 (2) (a) or (b) that are funded by expenditures~~
10 under s. 196.374 (3).

11 **SECTION 102. Nonstatutory provisions.**

12 (1) INITIAL CONTRACTS. To promote administrative efficiency and build on
13 existing, successful programs, the public service commission shall direct energy
14 utilities, as defined in section 196.374 (1) (e) of the statutes, as affected by this act,
15 to negotiate initial contracts under section 196.374 (2) (a) 1. of the statutes, as
16 affected by this act, with the holders of current contracts under section 16.957 (3) (b),
17 2003 stats., to the extent that the programs administered by those contract holders
18 are functioning effectively and accomplishing most or all of the goals set for them.

19 (2) CORN-BURNING FURNACE PILOT PROGRAM. The department of administration
20 shall conduct a pilot program under section 16.957 (2) (b) 1. b. of the statutes during
21 the winter heating season between November 1, 2006, and March 1, 2007, to
22 determine the feasibility and cost-effectiveness of the use of residential space
23 heating equipment in this state that is fueled by biomass, as defined in section
24 196.378 (1) (a) of the statutes, from corn plants. The department of administration

1 shall report to the legislature the results of the pilot program in the report required
2 under section 16.957 (2) (d) 4. of the statutes.

3 (3) REVIEW OF ENERGY CONSERVATION CODE. Notwithstanding section 101.027
4 (3) (a) and (b) of the statutes, the department of commerce shall begin a review of the
5 energy conservation code, as defined in section 101.027 (1) (a) of the statutes, on the
6 effective date of this subsection and shall complete that review and submit proposed
7 rules changing the energy conservation code as provided in section 101.027 (2) of the
8 statutes to the legislative council staff under section 227.15 (1) of the statutes by no
9 later than the first day of the 18th month beginning after the effective date of this
10 subsection. Notwithstanding section 101.027 (2) of the statutes, in conducting the
11 review under this subsection, the department of commerce, to the extent practicable,
12 shall consider incorporating into the energy conservation code design requirements
13 from the most current national energy efficiency design standards for new buildings,
14 except low-rise residential buildings, published by the American society of heating,
15 refrigerating, and air-conditioning engineers.

16 (4) ANAEROBIC DIGESTOR RESEARCH. The department of agriculture, trade and
17 consumer protection shall include, as part of its 2007–09 biennial budget request
18 that it submits to the department of administration under section 16.42 of the
19 statutes, a proposal to provide additional funding for the research and development
20 of anaerobic digestors at farms participating in the discovery farms program under
21 the Wisconsin agricultural stewardship initiative.

22 (5) PUBLIC SERVICE COMMISSION PROHIBITIONS.

23 (a) In this subsection:

24 1. "Commission" means the public service commission.

1 2. “Energy efficiency program” has the meaning given in section 196.374 (1) (d),
2 as affected by this act.

3 3. “Public utility” has the meaning given in section 196.01 (5) of the statutes.

4 4. “Renewable resource program” has the meaning given in section 196.374 (1)
5 (k), as affected by this act.

6 5. “Total renewable energy” has the meaning given in section 196.378 (1) (o) of
7 the statutes.

8 (b) Beginning on the effective date of this paragraph and ending on June 30,
9 2007, the commission may not order an investor–owned natural gas or electric public
10 utility to administer or fund any energy efficiency or renewable resource program
11 that is in addition to the requirements of section 196.374 of the statutes.

12 (c) Paragraph (b) does not affect the authority of the commission to enforce the
13 requirements of section 16.957 or 196.374 of the statutes. ✓

14 (6) ~~COST RECOVERY FROM CERTAIN RATEPAYERS. Notwithstanding section 196.374~~
15 ~~(3), 2003 stats., during the period beginning on the effective date of this subsection~~
16 ~~and ending on July 1, 2007, if a ratepayer of a utility, as defined in section 196.374~~
17 ~~(1) (c), 2003 stats., was required to pay more than \$750 for the utility’s recovery of~~
18 ~~amounts under section 196.374 (3), 2003 stats., in any month during 2005, the~~
19 ~~ratepayer shall pay the utility, for the recovery of amounts under section 196.374 (3),~~
20 ~~2003 stats., a monthly amount equal to the monthly average that the ratepayer paid~~
21 ~~the utility in 2005 for recovery under s. 196.374 (3), stats.~~

22 (7) REPORT.

23 (a) In this subsection, “energy utility” has the meaning given in section 196.374
24 (1) (e) of the statutes, as created by this act.

INSERT
47-9

1 (b) No later than July 1, 2008, the public service commission shall submit a
2 report to the governor and chief clerk of each house of the legislature for distribution
3 to the legislature under section 13.172 (2) of the statutes that consists of the
4 following:

5 1. The commission's recommendations for allocating among different classes
6 of ratepayers the amounts that energy utilities recover from ratepayers under
7 section 196.374 (5) (a) of the statutes, as created by this act.

8 2. The commission's recommendations on whether any component of an energy
9 utility's revenue requirements should be itemized on ratepayer bills.

10 **SECTION 103. Initial applicability.**

11 (1) ENERGY EFFICIENCY STANDARDS. The treatment of sections 16.855 (10s) and
12 20.924 (1) (j) of the statutes first applies with respect to projects for which design
13 work begins on the effective date of this subsection.

14 **SECTION 104. Effective dates.** This act takes effect on July 1, 2007, except
15 as follows:

16 (1) The treatment of sections 16.75 (12), 16.897, 16.953, 79.005 (4) (d), 101.027
17 (1) (intro.), (a), and (b), (2), and (3) (a) 1. and 2. and (b) 1. and 2., 196.378 (1) (a), (ag),
18 (bm), (e), (f), (fg), (fm), (fr), (g), (i), (n), (o), and (p), (2) (a), (b) 1., 1m., 3., 4., and 5., (c),
19 (e), (f), and (g), (3) (b), and (c), (4m), (4r), and (5) (intro.) of the statutes, the creation
20 of section 196.378 (3) (a) 2. of the statutes, and the renumbering and amendment of
21 section 196.378 (3) (a) of the statutes and SECTION 102 (2), (4), (5), ~~(6)~~ and (7) of this
22 act take effect on the day after publication.

23 (END)

and (8)

INSERT 2-17:

Analysis by the Legislative Reference Bureau

Engrossment information:

The text of Engrossed 2005 Senate Bill 459[✓], as passed by the senate on February 21, 2006[✓], consists of the following documents adopted in the senate on February 21, 2006: the bill as affected by Senate Substitute Amendment 1[✓] (as affected by Senate Amendment 1[✓] thereto). The text also includes the February 21, 2006[✓] chief clerk's correction to Senate Amendment 1 to Senate Substitute Amendment 1.

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE BILL 459**

February 21, 2006 – Offered by Senators COWLES, PLALE, KEDZIE, WIRCH, KAPANKE and MILLER.

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

1. Page 2, line 14: after “construction” insert “and certain purchases”.

2. Page 2, line 18: before that line insert:

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2-18:

SECTION 1e. 16.75 (1) (a) 1. of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

16.75 (1) (a) 1. All orders awarded or contracts made by the department for all materials, supplies, equipment, and contractual services to be provided to any agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t), (6), (7), (8), (9), (10e), and (10m) and ss. 16.73 (4) (a), 16.751, 16.754, 50.05 (7) (f), 153.05 (2m) (a), 287.15 (7), and 301.265, shall be awarded to the lowest responsible bidder, taking into consideration life cycle cost estimates under sub. (1m), when appropriate, the location of the agency, the quantities of the articles to be supplied,

INSERT 2-18 (Cont'd):

1 their conformity with the specifications, and the purposes for which they are
2 required and the date of delivery.

3 **SECTION 1m.** 16.75 (10e) of the statutes is created to read:

4 16.75 (10e) (a) In this subsection, "energy consuming equipment" means any
5 equipment that is designed for heating, ventilation, air conditioning, water heating
6 or cooling, lighting, refrigeration, or any other function, and that consumes energy.

7 (b) The department, any other designated purchasing agent under s. 16.71 (1),
8 any agency making purchases under s. 16.74, and any authority may not purchase
9 energy consuming equipment unless the specifications for the equipment meet the
10 applicable standards for the equipment established under s. 16.855 (10s) (a). If there
11 is no standard under s. 16.855 (10s) (a) applicable to the type of energy consuming
12 equipment being purchased, or if the energy consuming equipment meeting that
13 standard is not reasonably available, the department, purchasing agent, agency, or
14 authority shall ensure that the energy consuming equipment that is purchased
15 maximizes energy efficiency to the extent technically and economically feasible. The
16 department, purchasing agent, agency, or authority shall not determine that energy
17 consuming equipment that meets the applicable standard under s. 16.855 (10s) (a)
18 either is not reasonably available on the basis of cost alone or is not cost-effective
19 unless the difference in the cost of the purchase and installation of the equipment
20 that meets the standard and the equipment that would otherwise be installed is
21 greater than the difference in the cost of operating the equipment that meets the
22 standard and the equipment that would otherwise be installed over the anticipated
23 life of the equipment. *CS*

24 **3.** Page 2, line 18: delete "~~SECTION 1~~" and substitute "~~SECTION 1s~~".

END OF INSERT 2-18

INSEPT 6-2:

1 **4.** Page 6, line 2: after "revenues," insert "The department of administration
2 shall consider in its plan the means of financing allowed under s. 16.858." END OF INSEPT 6-2

3 **5.** Page 10, line 6: delete lines 6 to 14 and substitute:

INSEPT 10-6:

4 ~~16.957~~ **(4)** (c) 3. 'Limitation on electric bill increases low-income assistance
5 fees.' For the period beginning on October 29, 1999, and ending on June 30, 2008,
6 the total increase in a customer's electric bills that is based on the requirement to pay
7 public benefits fees, including any increase resulting from an electric utility's
8 compliance with this section, In any month, the low-income assistance fee may not
9 exceed 3% of the total of every other charge for which the customer is billed for that
10 period month or \$750 per month, whichever is less. END OF INSEPT 10-6

INSEPT 11-3:

11 **6.** Page 11, line 3: delete lines 3 to 11 and substitute "on June 30, 2008, the
12 total increase in a customer's or member's electric bills that is based on the
13 requirement to pay public benefits fees, including any increase resulting from a
14 retail electric cooperative's or municipal utility's compliance with this section, in any
15 month, the low-income assistance fee may not exceed 3% 1.5 percent of the total of
16 every other charge for which the member or customer is billed for that period month
17 or \$750 per month \$375, whichever is less. END OF INSEPT 11-3

18 ~~**7.** Page 11, line 14: delete "annually,".~~

19 ~~**8.** Page 11, line 15: delete "an amount equal to".~~

20 ~~**9.** Page 11, line 16: delete "in that year".~~

21 ~~**10.** Page 19, line 2: delete "196.025 (1) (a)" and substitute "196.025 (1) (ar)".~~

22 ~~**11.** Page 19, line 4: delete "196.025 (1) (a)" and substitute "196.025 (1) (ar)".~~

23 ~~**12.** Page 19, line 8: after that line insert:~~

INSERT 19-8.

1 ^{or} SECTION 61m. 196.025 (1) (ag) of the statutes is created to read:

2 196.025 (1) (ag) *Definitions*. In this subsection:

3 1. "Renewable resource" has the meaning given in s. 196.374 (1) (j).

4 2. "Wholesale supplier" has the meaning given in s. 16.957 (1) (w).

END OF
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19-8

5 **13.** Page 19, line 10; delete the material beginning with that line and ending
6 with page 20, line 16, and substitute:

7 ^{or} 196.025 (1) (b) *Energy conservation and efficiency*. 1. In a proceeding in which
8 an investor-owned electric public utility is a party, the commission shall not order
9 or otherwise impose energy conservation or efficiency requirements on the
10 investor-owned electric public utility if the commission has fulfilled all of its duties
11 under s. 196.374 and the investor-owned electric public utility has satisfied the
12 requirements of s. 196.374 for the year prior to commencement of the proceeding, as
13 specified in s. 196.374 (8).

14 2. In a proceeding in which a wholesale supplier is a party, the commission shall
15 not order or otherwise impose energy conservation or efficiency requirements on the
16 wholesale supplier if the commission has fulfilled all of its duties under s. 196.374
17 and the wholesale supplier's members are in the aggregate substantially in
18 compliance with s. 196.374 (7).

19 (c) *Renewable resources*. 1. In a proceeding in which an investor-owned electric
20 public utility is a party, the commission shall not order or otherwise impose any
21 renewable resource requirements on the investor-owned electric public utility if the
22 commission has fulfilled all of its duties under s. 196.378 and the commission has
23 informed the utility under s. 196.378 (2) (c) that, with respect to the most recent

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19-9.

INSERT 19-9 (Cont'd):

1 report submitted under s. 196.378 (2) (c), the utility is in compliance with the
2 requirements of s. 196.378 (2) (a) 2.

3 2. In a proceeding in which a wholesale supplier is a party, the commission shall
4 not order or otherwise impose any renewable resource requirements on the
5 wholesale supplier if the commission has fulfilled all of its duties under s. 196.378
6 and the wholesale supplier's members are in the aggregate substantially in
7 compliance with s. 196.378 (2).

8 (d) *Transmission facilities.* In a proceeding regarding a request by a public
9 utility or wholesale supplier to acquire, construct, install, or operate an electric
10 transmission facility or associated equipment, the commission shall not order or
11 otherwise impose requirements on the public utility or wholesale supplier.

END OF
INSERT 19-9

12 **14.** Page 21, line 20: after that line insert:

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13 21-20:

13 (em) "Large energy customer" means a customer of an energy utility that owns
14 or operates a facility in the energy utility's service area that has an energy demand
15 of at least 1,000 kilowatts of electricity per month or of at least 10,000 decatherms
16 of natural gas per month and that, in a month, is billed at least \$60,000 for electric
17 service, natural gas service, or both, for all of the facilities of the customer within the
18 energy utility's service territory.

END OF INSERT 21-20

19 **15.** Page 23, line 1: delete lines 1 to 4.

20 **16.** Page 23, line 11: before "administer" insert "develop and".

21 **17.** Page 23, line 17: delete "(a)" and substitute "(ar)".

INSERT
22 24-6:

22 **18.** Page 24, line 6: after "customers." insert "A local unit of government that
23 receives assistance under this subd. 2. b. shall apply all costs savings realized from
24 the assistance to reducing the property tax levy.

END OF INSERT 24-6

1 **19.** Page 24, line 10: after that line insert:

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24-10

2 d. Initiatives for research and development regarding the environmental and
3 economic impacts of energy use in this state. *page* *END OF INSERT 24-10*

4 **20.** Page 24, line 18: delete "to large" and substitute "to, as determined by the
5 commission, large".

6 **21.** Page 25, line 5: delete "shall" and substitute "may".

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705-7

7 **22.** Page 25, line 7: delete "or" and substitute "at any time and shall request
8 the modification or discontinuation of" *NO IT* *END OF INSERT 25-7*

9 **23.** Page 25, line 8: delete lines 8 to 14 and substitute:

INSERT
25-14

10 (c) *Large energy customer programs.* A customer of an energy utility may, with
11 commission approval, administer and fund its own energy efficiency programs if the
12 customer satisfies the definition of a large energy customer for any month in the 12
13 months preceding the date of the customer's request for approval. A customer may
14 request commission approval at any time. A customer that funds a program under
15 this paragraph may deduct the amount of the funding from the amount the energy
16 utility may collect from the customer under sub. (5) (b). If the customer deducts the
17 amount of the funding from the amount the energy utility may collect from the
18 customer under sub. (5) (b), the energy utility shall credit the amount of the funding
19 against the amount the energy utility is required to spend under sub. (3) (b) *2.* *END OF INSERT 25-14*

20 **24.** Page 28, line 11: delete lines 11 and 12.

INSERT
28-17

21 **25.** Page 28, line 17: after "(b) 1." insert "The person or persons with whom
22 the energy utilities contract for program administration under sub. (2) (a) 1. shall

NO IT

INSEAT 28-17 (Cont'd):

1 pay the costs of the audits from the amounts paid under the contracts under sub. (2)

2 (a) 1. ^{page} END OF INSEAT 28-17

3 ~~26. Page 29, line 19: delete "and (b) 1. and 2."~~

4 ~~27. Page 30, line 13: delete that line and substitute:~~

5 ^{INSEAT 30-13:} ~~(5) COST RECOVERY. (a) Rate-making orders. The commission shall ensure~~ ^{page}

6 ~~28. Page 30, line 15: delete "is required to spend under sub. (3) (b) 2." and~~ END OF INSEAT 30-13

7 ^{INSEAT 30-15:} ~~substitute~~ [↓] spends for programs under sub. (2) (a) 1. ^{page}

8 ~~29. Page 30, line 16: delete the material beginning with that line and ending~~ END OF INSEAT 30-15

9 with page 31, line 3, and substitute:

10 ^{INSEAT 30-16:} ~~(b) Large energy customers. 1. Except as provided in sub. (2) (c) and par. (bm)~~

11 2., if the commission has determined that a customer of an energy utility is a large
12 energy customer under 2005 Wisconsin Act (this act), section 102 (8) (b), then,
13 each month, the energy utility shall collect from the customer, for recovery of
14 amounts under par. (a), the amount determined by the commission under 2005
15 Wisconsin Act (this act), section 102 (8) (c).

16 2. A customer of an energy utility that the commission has not determined is
17 a large energy customer under 2005 Wisconsin Act (this act), section 102 (8) (b),
18 may petition the commission for a determination that the customer is a large energy
19 customer. The commission shall determine that a petitioner is a large energy
20 customer if the petitioner satisfies the definition of large energy customer for any
21 month in the 12 months preceding the date of the petition. If the commission makes
22 such a determination, the commission shall also determine the amount that the
23 energy utility may collect from the customer each month for recovery of the amounts
24 under par. (a). The commission shall determine an amount that ensures that the

INSERT 30-16 (cont'd):

1 amount collected from the customer is similar to the amounts collected from other
2 customers that have a similar level of energy costs as the customer. Except as
3 provided in sub. (2) (c) and par. (bm) 2., each month, the energy utility shall collect
4 from the customer, for recovery of amounts under par. (a), the amount determined
5 by the commission under this subdivision.

6 (bm) *Allocation proposal.* 1. The commission shall commence a proceeding ~~for~~
7 for creating a proposal for allocating within different classes of customers an
8 equitable distribution of the recovery of the amounts under par. (a) by all energy
9 utilities. The purpose of the allocation is to ensure that customers of an energy utility
10 within a particular class are treated equitably with respect to customers of other
11 energy utilities within the same class. No later than December 31, 2008, the
12 commission shall submit the proposal to the governor and chief clerk of each house
13 of the legislature for distribution to the appropriate standing committees of the
14 legislature under s. 13.172 (3).

15 2. If, by July 1, 2009, legislation based on the proposal under subd. 1. has not
16 been enacted, the commission shall, beginning on July 1, 2009, annually increase the
17 amount that an energy utility may recover from a large energy customer each month
18 under par. (b) only by a percentage that is the lesser of the following:

19 a. The percentage increase in the energy utility's operating revenues during the
20 preceding year.

21 b. The percentage increase in the consumer price index for all urban
22 consumers, U.S. city average, as determined by the U.S. department of labor, during
23 the preceding year.

END OF INSERT 30-16

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INSERT 31-7

31. Page 31, line 7: delete "(d) The commission" and substitute "(d) Equitable contributions. Subject to pars. (b) and (bm) 2., the commission".

END OF INSERT 31-7

32. Page 31, line 9: delete the material beginning with "The" and ending with "amounts." on line 12.

INSERT 31-13

33. Page 31, line 13: delete that line and substitute:

(5m) BENEFIT AND GRANT OPPORTUNITIES. (a) The commission shall ensure that, on an annual basis, each customer class of

END OF INSERT 31-13

INSERT 31-16

34. Page 31, line 16: delete "par. (a)." and substitute "sub. (5) (a). Biennially, the commission shall submit a report to the governor, and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2), that summarizes the total amount recovered from each customer class and the total amount of grants made to, and benefits received by, each customer class.

END OF INSERT 31-16

35. Page 31, line 17: delete "(e)" and substitute "(b)".

INSERT 32-9

36. Page 32, line 10: delete lines 10 to 17 and substitute:

2. Notwithstanding subd. 1., in any month, the monthly fee under subd. 1. may not exceed 1.5 percent of the total of every other charge for which the member or customer is billed for that month or \$375 per month, whichever is less.

END OF INSERT 32-9

INSERT 32-20

37. Page 32, line 20: delete the material beginning with "A commitment to" and ending with "sub. (3) (f) 4." on line 22 and substitute "The purpose of the programs under this paragraph shall be to help achieve environmentally sound and adequate energy supplies at reasonable cost."

END OF INSERT 32-20

38. Page 35, line 13: delete "for" and substitute "in".

39. Page 35, line 14: delete "for" and substitute "in".

1 ~~40. Page 38, line 6: delete lines 6 to 12 and substitute:~~

INSERT
38-6:

2 196.378 (2) (b) 1m. The amount of electricity derived from hydroelectric
3 renewable resources that an electric provider may count toward satisfying the
4 requirements of par. (a) 2. shall be all electricity provided by hydroelectric power that
5 the electric provider purchased in the reporting year plus all of the following:

6 a. The average of the amounts of hydroelectric power generated by facilities
7 owned or operated by the electric provider for 2001, 2002, and 2003, adjusted to
8 reflect the permanent removal from service of any of those facilities and adjusted to
9 reflect any capacity increases from improvements made to those facilities on or after
10 January 1, 2004.

11 b. The amount of hydroelectric power generated in the reporting year by
12 facilities owned or operated by the electric provider that are initially placed in service
13 on or after January 1, 2004. END OF INSERT 38-6

14 ~~41. Page 38, line 14: delete lines 14 to 18 and substitute:~~

INSERT
38-14:

15 ~~SECTION 87m.~~ 196.378 (2) (b) 4. of the statutes is repealed and recreated to
16 read:

17 196.378 (2) (b) 4. A wholesale supplier may sell credits that it creates and may
18 aggregate and allocate the credits that it creates among its members or customers.

19 A member or customer may sell credits or portions of a credit allocated to the member
20 or customer by the wholesale supplier. END OF INSERT 38-14

21 ~~42. Page 43, line 1: before "The" insert "(a)".~~

22 ~~43. Page 43, line 6: delete "subsection" and substitute "paragraph".~~

23 ~~44. Page 43, line 8: after that line insert:~~

INSEAT 43-8:

1 (b) An electric utility may, with commission approval, administer or fund a
2 program that increases the electric utility's renewable energy percentage beyond
3 that required under sub. (2) (a) 2. The commission may not order an electric utility
4 to administer or fund a program under this paragraph. END OF INSEAT 43-8

5 **45.** Page 46, line 14: delete lines 14 to 21.

6 **46.** Page 47, line 1: delete lines 1 to 9 and substitute:

INSEAT
47-9

7 (b) No later than July 1, 2008, the public service commission shall submit a
8 report to the governor and chief clerk of each house of the legislature for distribution
9 to the legislature under section 13.172 (2) of the statutes that consists of the
10 commission's recommendations on whether any component of an energy utility's
11 revenue requirements should be itemized on ratepayer bills.

12 **47.** Page 47, line 9: after that line insert:

13 (8) LARGE ENERGY CUSTOMERS.

14 (a) In this subsection:

15 1. "Commission" means the public service commission.

16 2. "Energy utility" has the meaning given in section 196.374 (1) (e) of the
17 statutes, as created by this act.

18 3. "Large energy customer" has the meaning given in section 196.374 (1) (em)
19 of the statutes, as created by this act.

20 4. "Ordered program" has the meaning given under section 196.374 (1) (i) of the
21 statutes, as created by this act.

22 (b) No later than July 1, 2007, the commission shall determine the customers
23 of energy utilities that, for any month during the 12 months preceding the date of the
24 commission's determination, satisfy the definition of large energy customer.

INSERT 47-9 (cont'd):

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(c) For each customer of an energy utility that the commission determines is a large energy customer under paragraph (b), the commission shall, no later than July 1, 2007, determine the monthly average that the customer paid the energy utility in 2005 for recovery under s. 196.374 (3), 2003 stats., and for recovery of the costs of ordered programs.

END OF INSERT 47-9

48. Page 47, line 21: delete "(6), and (7)" and substitute "(7), and (8)".

(END)