

2007 ASSEMBLY BILL 268

April 13, 2007 – Introduced by Representatives WIECKERT, BERCEAU, HAHN, BOYLE, KERKMAN, MUSSER, MURSAU, WOOD and MOLEPSKE, cosponsored by Senators MILLER, ROESSLER and SCHULTZ. Referred to Committee on Biofuels and Sustainable Energy.

- 1 **AN ACT to create** 196.01 (1c) and 196.01 (5) (b) 7. of the statutes; **relating to:**
2 creating an exemption from Public Service Commission regulation for persons
3 who provide electricity from certain alternative energy sources.

Analysis by the Legislative Reference Bureau

Under current law, unless an exception applies, a person that provides electricity to the public satisfies the definition of “public utility.” As a public utility, the person’s rates for electricity, as well as other aspects of the person’s business, would be subject to regulation by the Public Service Commission (PSC).

This bill creates an exception from the definition of “public utility” for a person that provides electricity to a customer from an alternative energy source and satisfies other requirements. The bill defines “alternative energy source” as equipment that captures solar energy, wind energy, or gas from livestock manure or other agricultural waste, and that converts such energy or gas into electricity, but only if the rated capacity of the equipment does not exceed 25,000 watts of alternating or direct current. “Alternative energy source” also means equipment that captures and uses solar energy for domestic water heating, but only if the maximum output of such equipment does not exceed a rated output of 35,000,000 British thermal units per day.

If a person installs an alternative energy source at a customer’s premises to provide electricity in an amount that does not exceed the customer’s annual demand for electricity, and the person does not otherwise satisfy the definition of “public

