

2007 DRAFTING REQUEST

Bill

Received: **03/02/2007**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - JLC**

By/Representing: **John Stolzenberg**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - electric**

Extra Copies:

Submit via email: **YES**

Requester's email: **john.stolzenberg@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Investigation of electric supplies after operating licenses of nuclear power plants expire

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>
/?							State
/P1	mkunkel 03/02/2007	kfollett 03/06/2007	pgreensl 03/06/2007		sbasford 03/06/2007		State
	mkunkel 03/06/2007	kfollett 03/06/2007					
/1			pgreensl 03/06/2007		cduerst 03/06/2007	mbarman 05/14/2007	

FE Sent For:

*at
intro*

<END>

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/1			pgreensl 03/06/2007	_____	cduerst 03/06/2007		

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/P1	mkunkel 03/02/2007	kfollett 03/06/2007	pgreensl 03/06/2007	3/6	sbasford 03/06/2007		State

FE Sent For:

11/5f
3/6
P8
P8
<END>

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/?	mkunkel	1/11/07 3/6	3/6 PS	3/6 PS			

FE Sent For:

<END>

Kunkel, Mark

From: Stolzenberg, John
Sent: Tuesday, February 27, 2007 11:48 AM
To: Kunkel, Mark
Cc: Lovell, David
Subject: Revised drafting instructions on nuclear power study committee recommendations

Attachments: 0061/3

Mark,

Here's a revised version of one of the drafts for the Special Committee on Nuclear Power. Please use WLC: 0061/3 in place of WLC: 0061/2 in the drafting instructions I previously provided to you.

Let me know if you have any questions on WLC: 0061/3.

Thanks.

John



00613.pdf (12 KB)

John Stolzenberg
Legislative Council
266-2988

JES:jal:ksm

02/27/2007

2130

1 **AN ACT to amend** 196.491 (3) (dm) of the statutes; **relating to:** requiring the public
 2 service commission to investigate future electric supplies after the operating licenses
 3 of nuclear power plants in the state expire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the joint legislative council's special committee on nuclear power. The draft directs the public service commission (PSC) to undertake an investigation of alternative strategies that the state could pursue to meet the anticipated demand for electricity in 2033, by which date it is expected that the operating licenses of the nuclear power plants currently operating in Wisconsin will have expired. The investigation must be based on the development of scenarios that project in the forecast period the total demand for electricity and the proportions of electricity that are expected to be generated by different types of fuel. The draft specifies certain elements and assumptions that the PSC must incorporate into the design and preparation of these scenarios.

fuel

The draft directs the PSC to appoint a committee to advise the PSC on the investigation and its report on the investigation. The draft requires the Energy Institute of the University of Wisconsin-Madison to assist the PSC in conducting the investigation. The draft directs the PSC to submit its report on the investigation to the legislature within 18 months after the draft's effective date.

The draft establishes that, in making a determination necessary for the PSC to approve a certificate of public convenience and necessity (CPCN) for a new large power plant or high-voltage transmission line, the PSC may not consider a factual conclusion in the PSC's report on the investigation unless the conclusion is independently corroborated in the PSC's hearing on the CPCN application.

4 **SECTION 1.** 196.491 (3) (dm) of the statutes is amended to read:
 5 196.491 (3) (dm) In making a determination required under par. (d), the commission
 6 may not consider a factual conclusion in a strategic energy assessment or the report required

1 under 2007 Wisconsin Act ... (this act), SECTION 2 (1) (e) unless the conclusion is
2 independently corroborated in the hearing under par. (b). (1) defn.
2

3 **SECTION 2. Nonstatutory provisions. (1) PUBLIC SERVICE COMMISSION.** (a) The public
4 service commission shall undertake an investigation of alternative strategies that the state
5 could pursue to meet the expected demand for electricity in the state in 2033, the final year
6 in which the operating licenses of the nuclear power plants in Wisconsin are set or expected
7 to expire. The study shall be designed to provide guidance to the commission, the legislature,
8 and the electric power industry in formulating policy and conducting planning regarding the
9 future sources of electric power that will be available in this state, including intermediate and
10 longer-term strategies for achieving alternative outcomes identified in the investigation.

11 ³ (b) The public service commission shall base the investigation under paragraph (a) on
12 the development of scenarios that project in the forecast period the total demand for electricity
13 and the proportions of electricity that are expected to be generated by different types of fuels.
14 The commission shall do all of the following in designing and preparing these scenarios:

15 ^a 1. Incorporate appropriate factors, including the continuation of a reliable and adequate
16 supply of electricity, the expected retirement of existing electric generating facilities and
17 construction of new electric generating facilities, the importation of electricity into the state,
18 and expected improvements in the electric transmission system.

19 ^b 2. Include one or more scenarios that include electric generating technologies that use
20 coal as a fuel and produce no or minimal emissions of carbon dioxide, or that use nuclear fuel
21 in advanced light water reactors, separately and in combination.

22 ^c 3. Base the scenarios on the assumed implementation of a range of energy efficiency
23 programs, ranging from continuation of the current programs to implementation of programs
24 that produce the maximum energy savings foreseen by the commission, and of a range of

1 regulatory programs that result in an effective cost of air emissions of carbon dioxide ranging
2 from \$0 per ton to the highest amount per ton foreseen by the commission.

3 d 4. Identify the expected economic costs and environmental impacts of each scenario
4 using established methodologies that facilitate comparisons of the scenarios.

5 y (c) The public service commission shall appoint an advisory committee under section
6 15.04 (1) (c) of the statutes to assist in the investigation and report required under this section.

7 s (d) The energy institute of the University of Wisconsin-Madison shall assist the public
8 service commission in conducting the investigation under this subsection.

9 b (e) The energy institute of the University of Wisconsin-Madison shall assist the public
10 service commission in conducting the investigation under this subsection.

11 b (f) The public service commission shall prepare a report on the results of its
12 investigation under this section and shall submit the report to the legislature in the manner
13 provided under section 13.172 (3) of the statutes, no later than the first day of the 19th month
14 beginning after publication.

15

(END)



D-note

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*Bu Tues.
3/6
2pm*

Gen

FE-S

1

AN ACT ...; relating to: requiring the public service commission to investigate future electric supplies after the operating licenses of nuclear power plants in the state expire.

2

3

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTE provided by the Joint Legislative Council in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:



JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Nuclear Power. The bill directs the Public Service Commission (PSC) to undertake an investigation of alternative strategies that the state could pursue to meet the anticipated demand for electricity in 2033, by which date it is expected that the operating licenses of the nuclear power plants currently operating in Wisconsin will have expired. The investigation must be based on the development of scenarios that project in the forecast period the total demand for electricity and the proportions of electricity that are expected to be generated by different types of fuel. The bill specifies certain elements and assumptions that the PSC must incorporate into the design and preparation of these scenarios.



The bill directs the PSC to appoint a committee to advise the PSC on the investigation and its report on the investigation. The bill requires the Energy Institute

*LPS:
change
bottom
note: pref
below: 0*

of the University of Wisconsin-Madison to assist the PSC in conducting the investigation. The bill directs the PSC to submit its report on the investigation to the legislature within 18 months after the bill's effective date.

The bill provides that, in making a determination necessary for the PSC to approve a certificate of public convenience and necessity (CPCN) for a new large power plant or high-voltage transmission line, the PSC may not consider a factual conclusion in the PSC's report on the investigation unless the conclusion is independently corroborated in the PSC's hearing on the CPCN application.

below: .04x

1 **SECTION 1.** 196.491 (3) (dm) of the statutes is amended to read:
2 196.491 (3) (dm) In making a determination required under par. (d), the
3 commission may not consider a factual conclusion in a strategic energy assessment
4 or the report required under 2007 Wisconsin Act 10 (this act), section 2 (6), unless the
5 conclusion is independently corroborated in the hearing under par. (b).

History: 1975 c. 68, 199; 1979 c. 221, 361; 1983 a. 53 s. 114; 1983 a. 192, 401; 1985 a. 182 s. 57; 1989 a. 31; 1993 a. 184; 1995 a. 27 ss. 9116 (5), 9126 (19); 1995 a. 227, 409; 1997 a. 27, 35, 204; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2003 a. 33, 89; 2005 a. 24, 29.

6 **SECTION 2. Nonstatutory provisions.**

7 (1) In this section, "commission" means the public service commission.

8 (2) The commission shall undertake an investigation of alternative strategies
9 that the state could pursue to meet the expected demand for electricity in the state
10 in 2033, which is the final year in which the operating licenses of the nuclear power
11 plants in Wisconsin are set or expected to expire. The study shall be designed to
12 provide guidance to the commission, the legislature, and the electric power industry
13 in formulating policy and conducting planning regarding the future sources of
14 electric power that will be available in this state, including intermediate and
15 longer-term strategies for achieving alternative outcomes identified in the
16 investigation.

17 (3) The commission shall base the investigation under subsection (2) on the
18 development of scenarios that project in the forecast period the total demand for
19 electricity and the proportions of electricity that are expected to be generated by

1 different types of fuels. The commission shall do all of the following in designing and
2 preparing these scenarios:

3 (a) Incorporate appropriate factors, including the continuation of a reliable and
4 adequate supply of electricity, the expected retirement of existing electric generating
5 facilities, and construction of new electric generating facilities, the importation of
6 electricity into the state, and expected improvements in the electric transmission
7 system.

8 (b) Include scenarios that include electric generating technologies that use coal
9 as a fuel and produce no or minimal emissions of carbon dioxide, that use nuclear fuel
10 in advanced light water reactors, and that use both types of technologies.

11 (c) Base the scenarios on the assumed implementation of a range of energy
12 efficiency programs, ranging from continuation of the current programs to
13 implementation of programs that produce the maximum energy savings foreseen by
14 the commission, and of a range of regulatory programs that result in an effective cost
15 of air emissions of carbon dioxide ranging from \$0 per ton to the highest amount per
16 ton foreseen by the commission.

17 (d) Identify the expected economic costs and environmental impacts of each
18 scenario using established methodologies that facilitate comparisons of the
19 scenarios.

20 (4) The commission shall appoint an advisory committee under section 15.04
21 (1) (c) of the statutes to assist in the investigation and report required under this
22 section.

23 (5) The Energy Institute of the University of Wisconsin-Madison shall assist
24 the commission in conducting the investigation under this section.

1 (6) The commission shall prepare a report on the results of its investigation
2 under this section and shall submit the report to the legislature in the manner
3 provided under section 13.172 (3) of the statutes, no later than the first day of the
4 19th month beginning after the effective date of this subsection.

5 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2130/P1dn
MDK..*kgf*

Date

John Stolzenberg:

✓
This bill corresponds to WLC: 0061/3. If you don't want to add additional notes, let me know, and I will prepare a "/1" version.

✓
Also note that I changed Section 2 (3) (b) to clarify what the scenarios are required to include.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2130/P1dn
MDK:kjf:pg

March 6, 2007

John Stolzenberg:

This bill corresponds to WLC: 0061/3. If you don't want to add additional notes, let me know, and I will prepare a "/1" version.

Also note that I changed Section 2 (3) (b) to clarify what the scenarios are required to include.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Kunkel, Mark

From: Stolzenberg, John
Sent: Tuesday, March 06, 2007 11:08 AM
To: Kunkel, Mark
Cc: Lovell, David
Subject: RE: 07-2130

Hi Mark,

I've received LRB-2130/P1, the 3rd draft for the Special Committee on Nuclear Power. It looks fine, so please go ahead and prepare the "/1" version based on no changes in the "/P1" version.

Thanks much.

John

John Stolzenberg,
Legislative Council
266-2988

From: Kunkel, Mark
Sent: Tuesday, March 06, 2007 10:28 AM
To: Stolzenberg, John
Subject: 07-2130

The draft is through editing and in typing, so it should be available fairly soon.



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2130/P1

MDK:kjf:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Today
3pm

NOTE

Regen

- 1 AN ACT *to amend* 196.491 (3) (dm) of the statutes; **relating to:** requiring the
- 2 Public Service Commission to investigate future electric supplies after the
- 3 operating licenses of nuclear power plants in the state expire.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTE provided by the Joint Legislative Council in the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Nuclear Power. The bill directs the Public Service Commission (PSC) to undertake an investigation of alternative strategies that the state could pursue to meet the anticipated demand for electricity in 2033, by which date it is expected that the operating licenses of the nuclear power plants currently operating in Wisconsin will have expired. The investigation must be based on the development of scenarios that project in the forecast period the total demand for electricity and the proportions of electricity that are expected to be generated by different types of fuel. The bill specifies certain elements and assumptions that the PSC must incorporate into the design and preparation of these scenarios.

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of the University of Wisconsin-Madison to assist the PSC in conducting the investigation. The bill directs the PSC to submit its report on the investigation to the legislature within 18 months after the bill's effective date.

The bill provides that, in making a determination necessary for the PSC to approve a certificate of public convenience and necessity (CPCN) for a new large power plant or high-voltage transmission line, the PSC may not consider a factual conclusion in the PSC's report on the investigation unless the conclusion is independently corroborated in the PSC's hearing on the CPCN application.

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3 commission may not consider a factual conclusion in a strategic energy assessment
4 or the report required under 2007 Wisconsin Act ... (this act), section 2 (6), unless
5 the conclusion is independently corroborated in the hearing under par. (b).

6 **SECTION 2. Nonstatutory provisions.**

7 (1) In this section, "commission" means the public service commission.

8 (2) The commission shall undertake an investigation of alternative strategies
9 that the state could pursue to meet the expected demand for electricity in the state
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11 plants in Wisconsin are set or expected to expire. The study shall be designed to
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1 different types of fuels. The commission shall do all of the following in designing and
2 preparing these scenarios:

3 (a) Incorporate appropriate factors, including the continuation of a reliable and
4 adequate supply of electricity, the expected retirement of existing electric generating
5 facilities, and construction of new electric generating facilities, the importation of
6 electricity into the state, and expected improvements in the electric transmission
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24 the commission in conducting the investigation under this section.

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2 under this section and shall submit the report to the legislature in the manner
3 provided under section 13.172 (3) of the statutes, no later than the first day of the
4 19th month beginning after the effective date of this subsection.

5

(END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2130/1dn
MDK: *ef*

Date

John Stolzenberg:

This version is identical to the previous version.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2130/1dn
MDK:kjf:pg

March 6, 2007

John Stolzenberg:

This version is identical to the previous version.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

Barman, Mike

From: Kunkel, Mark
Sent: Monday, May 14, 2007 10:01 AM
To: Barman, Mike
Subject: FW: Study committee bills

Regarding that last email I forwarded to you, please see below.

From: Lovell, David
Sent: Monday, May 14, 2007 9:46 AM
To: Stolzenberg, John; Kunkel, Mark
Subject: RE: Study committee bills

... in the Assembly.

David L. Lovell, Senior Analyst
Wisconsin Legislative Council Staff
608/266-1537

From: Stolzenberg, John
Sent: Monday, May 14, 2007 9:41 AM
To: Kunkel, Mark
Cc: Lovell, David
Subject: Study committee bills

Mark,

Last week the Joint Legislative Council voted to introduce the 3 bills developed by the Special Committee on Nuclear Power, LRB-2129/1, LRB-2130/1 and LRB-2131/1.

We have no changes in these versions, so please have them jacketed for introduction.

Thanks.

John

John Stolzenberg
Legislative Council
266-2988