

**2009 DRAFTING REQUEST**

**Senate Amendment (SA-SB273)**

Received: **04/15/2010**

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Mark Miller (608) 266-9170**

By/Representing: **Beth**

May Contact:

Drafter: **mkunkel**

Subject: **Public Util. - energy**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Miller@legis.wisconsin.gov**

Carbon copy (CC:) to: **david.lovell@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Wholesale supplier compliance on behalf of customers or members

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**Instructions:**

See attached

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**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>
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FE Sent For:

<END>

**Kunkel, Mark**

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**From:** Lovell, David  
**Sent:** Thursday, April 15, 2010 1:07 PM  
**To:** Kunkel, Mark  
**Cc:** Stolzenberg, John; Bier, Beth  
**Subject:** Amendments to SB 273 for Senator Miller

Mark, Senator Miller's office requests the following amendments to SB 273:

1. Substitute amendment that incorporates all provisions of SB 450 that relate to the RPS.
2. Insert the "enhanced" RPS, increased standards only, including instate components.
3. Limit SB 273 to light pipes; use the language of SB 450, generally; base credits on amount of usable light delivered.

Here's my suggestion:

Page 3, line 4: delete lines 4 to 12 and substitute:

196.378 (3) (a) 1m. The commission shall promulgate rules that allow an electric provider to create a renewable resource credit based on solar energy delivered by a solar light pipe and used by the electric provider, or a customer or member of the electric provider, but only if the energy displaces fossil fuel use in this state. The rules shall specify that an electric provider may create one credit under this subdivision for each megawatt-hour equivalent of usable light delivered by the light tube.

4. Same as 3., above, except base credits on amount of fossil fuel-based electric energy usage displaced, as described in SB 273.

Here's my suggestion:

Page 3, line 4: delete lines 4 to 12 and substitute:

196.378 (3) (a) 1m. The commission shall promulgate rules that allow an electric provider to create a renewable resource credit based on solar energy delivered by a solar light pipe and used by the electric provider, or a customer or member of the electric provider, but only if the energy displaces the electric provider's, customer's, or member's use of electricity that is derived from conventional resources, and only if the displacement is verifiable and measurable, as determined by the commission. The rules shall allow an electric provider to create a renewable resource credit based on 100 percent of the amount of the displacement.

5. Add a provision to amend s. 196.378 (2) (b) 2. to specify that the amount of creditable energy from a co-fired facility is the proportion of energy content of the renewable fuel multiplied by the actual output of the facility, rather than the facilities total capacity.

Here's my suggestion:

Page 2, line 3: after that line, insert:

SECTION 1m. 196.378 (2) (b) 2. is amended to read:

2. The amount of electricity supplied by a biomass cofired facility that may be counted toward satisfying the requirements of par. (a) shall be an amount equal to the product of the maximum amount of electricity that the facility is capable of generating actually generates and the ratio of the energy content of the biomass fuels to the energy content of both the biomass and conventional resources.

6. Add provisions from SB 450 that allow wholesale suppliers to act on behalf of their customers or members for purposes of complying with the RPS. This will include the added sentence on p. 85, lines 20-22 of SSA 1 to SB 450, and may include others.

Let me know if you have any questions about these requests.

85-1 ✓  
85-20 → 85-22 ✓  
41-1 ✓

David

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



now

**SENATE AMENDMENT ,  
TO 2009 SENATE BILL 273**

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

2 **1.** Page 1, line 3: after "providers" insert ", wholesale supplier compliance with  
3 renewable resource portfolio requirements,".

4 **2.** Page 2, line 1: before that line insert:

5 "SECTION 1d. 196.025 (1) (c) 2. of the statutes is amended to read:

6 196.025 (1) (c) 2. In a proceeding in which a wholesale supplier is a party, the  
7 commission shall not order or otherwise impose any renewable resource  
8 requirements on the wholesale supplier if the commission has fulfilled all of its  
9 duties under s. 196.378 and the wholesale supplier's members or customers are in  
10 the aggregate substantially in compliance with s. 196.378 (2).".

History: 1993 a. 414; 1999 a. 9; 2001 a. 38; 2003 <sup>✓</sup> 89; 2005 a. 141; 2009 a. 28.

11 **3.** Page 2, line 1: delete "1" and substitute "1h".

12 **4.** Page 2, line 3: after that line insert:

13 "SECTION 1p. 196.378 (2) (b) 2m. of the statutes is created to read:

1           196.378 (2) (b) 2m. A wholesale supplier may demonstrate compliance with  
2           par. (a) 2. on behalf of a member or customer, or on behalf of its members or customers  
3           in the aggregate.

4           **SECTION 1t.** 196.378 (2) (c) of the statutes is amended to read:

5           196.378 (2) (c) No later than April 15 annually, or another annual date specified  
6           by the commission by rule, an electric provider shall submit a report to the  
7           commission that identifies the electric provider's renewable energy percentage for  
8           the previous year and describes the electric provider's compliance with par. (a) 2. and  
9           the electric provider's implementation plans for future compliance. Reports under  
10          this paragraph may include certifications from renewable energy suppliers  
11          regarding the sources and amounts of renewable energy supplied to the electric  
12          provider. The commission may specify the documentation that is required to be  
13          included with reports submitted under this paragraph. The commission may require  
14          that electric providers submit the reports in a proceeding, initiated by the  
15          commission under this section relating to the implementation of s. 1.12, or in a  
16          proceeding for preparing a strategic energy assessment under s. 196.491 (2). A  
17          wholesale supplier may submit a report under this paragraph on behalf of a member  
18          or customer or on behalf of its members or customers in the aggregate. No later than  
19          90 days after the commission's receipt of ~~an electric provider's~~ a report submitted by  
20          or on behalf of an electric provider under this paragraph, the commission shall  
21          inform the electric provider whether the electric provider is in compliance with par.  
22          (a) 2."

23          History: 1999 a. 9; 2001 a. 30; 2005 a. 141; 2009 a. 40.

(END)