

# State of Wisconsin



2011 Senate Bill 81

Date of enactment: July 5, 2011  
Date of publication\*: July 19, 2011

## 2011 WISCONSIN ACT 34

AN ACT *to amend* 196.378 (1) (h) 1m. and 196.378 (2) (b) 1m.; and *to create* 196.378 (1) (dm), 196.378 (1) (m) and 196.378 (2) (b) 1o. of the statutes; **relating to**: eligibility of hydroelectric resources under the renewable portfolio standard.

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

**SECTION 1.** 196.378 (1) (dm) of the statutes is created to read:

196.378 (1) (dm) "Large hydroelectric facility" means an electric generating facility with a capacity of 60 megawatts or more that derives electricity from hydroelectric power.

**SECTION 2.** 196.378 (1) (h) 1m. of the statutes is amended to read:

196.378 (1) (h) 1m. A resource ~~with a capacity of less than 60 megawatts~~ that derives electricity from hydroelectric power.

**SECTION 3.** 196.378 (1) (m) of the statutes is created to read:

196.378 (1) (m) "Small hydroelectric facility" means an electric generating facility with a capacity of less than 60 megawatts that derives electricity from hydroelectric power.

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

196.378 (2) (b) 1m. The amount of electricity derived from small hydroelectric renewable resources facilities that an electric provider may count toward satisfying the requirements of par. (a) 2. shall be all electricity provided

by hydroelectric power such facilities that the electric provider purchased in the reporting year plus all of the following:

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

b. The amount of hydroelectric power generated in the reporting year by small hydroelectric facilities owned or operated by the electric provider that are initially placed in service on or after January 1, 2004.

**SECTION 5.** 196.378 (2) (b) 1o. of the statutes is created to read:

196.378 (2) (b) 1o. An electric provider may count electricity derived from a large hydroelectric facility toward satisfying the requirements of par. (a) 2. only if the facility was initially placed in service on or after December 31, 2010, and, if the facility is located in Manitoba, Canada, all of the following are satisfied:

a. The province of Manitoba has informed the commission in writing that the interim licenses under which the Lake Winnipeg Regulation Project and the Churchill River Diversion Project were operating on the effective

\* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

date of this subd. 1o. a. .... [LRB inserts date], have been replaced by final licenses.

b. The final licenses specified in subd. 1o. a. are in

effect under Canadian law.

**SECTION 6. Effective date.**

(1) This act takes effect on December 31, 2015.

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