

**2011 DRAFTING REQUEST**

**Bill**

Received: **03/03/2011**

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Frank Lasee (608) 266-3512**

By/Representing: **Jon Kruse**

May Contact:

Drafter: **mkunkel**

Subject: **Public Util. - energy**

Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **YES**

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

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Hydroelectric renewable resources

---

**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>
/?							
/1	mkunkel 03/03/2011	jdye 03/04/2011	rschluet 03/04/2011	_____	sbasford 03/04/2011		
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/7	mkunkel 04/27/2011	jdye 04/27/2011	mduchek 04/27/2011	_____	sbasford 04/27/2011	sbasford 04/27/2011	

FE Sent For:

*None*

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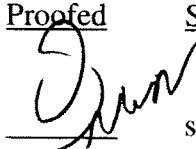
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See attached

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*[Handwritten signatures and initials: RS, PK, and others]*

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

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FE Sent For:

4611

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**2011 DRAFTING REQUEST**

**Bill**

Received: **03/03/2011**

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **Dan Romportl**

May Contact:

Drafter: **mkunkel**

Subject: **Public Util. - energy**

Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **YES**

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

*reassigned to Sen Lasee - see attached*

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Bill**

Received: 03/03/2011

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Scott Fitzgerald (608) 266-5660**

By/Representing: **Dan Romportl**

May Contact:

Drafter: **mkunkel**

Subject: **Public Util. - energy**

Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **YES**

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

Carbon copy (CC:) to:

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/?	mkunkel	1/3/4 jld		==			

FE Sent For:

<END>



**Kunkel, Mark**

---

**From:** Parisi, Lori  
**Sent:** Wednesday, March 02, 2011 4:25 PM  
**To:** Kunkel, Mark  
**Subject:** FW: Draft request - Fitzgerald office

Hi Mark, Would this be your area? I was thinking "energy".....If not, could you please forward it on??

Thank you.

Lori

---

**From:** Romportl, Daniel  
**Sent:** Wednesday, March 02, 2011 4:23 PM  
**To:** LRB.Legal  
**Subject:** Draft request - Fitzgerald office

We would like a bill draft that repeals the capacity cap on hydroelectric generation sources qualifying as renewable resources under the state's Renewable Portfolio Standard.

**Proposed statutory change:**

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

Please **remove** the words "**with a capacity of less than 60 megawatts**".

Thank you,

**Dan Romportl**  
*Policy Director  
Office of Senator Scott Fitzgerald  
Senate Majority Leader*

*Phone: 608-266-5660  
[daniel.romportl@legis.wisconsin.gov](mailto:daniel.romportl@legis.wisconsin.gov)*



*JLD*

*SOON  
IN 3-3*

## 2011 BILL

*4*

*Gen*

1  
2

AN ACT ...; relating to: eligibility of hydroelectric resources under the renewable portfolio standard. ✓

### *Analysis by the Legislative Reference Bureau*

Under current law, an electric utility or retail electric cooperative (electric provider) ✓ is subject to certain requirements for ensuring that, in a given year, a specified percentage of the electricity that the electric provider ✓ sells to retail customers or members is derived from renewable resources. ✓ These requirements are commonly collectively ✓ referred to as the renewable portfolio standard ✓ (RPS). "Renewable resource" ✓ is defined to include certain resources, including a resource deriving electricity from hydroelectric power that has a capacity of less than 60 megawatts. ✓ An electric provider may count toward compliance with the ✓ RPS electricity purchased by the electric provider that is generated from such a hydroelectric resource. Subject to certain requirements, an electric provider can also count electricity generated from such a hydroelectric resource that the electric provider owns or operates. ✓

This bill changes the definition of "renewable resource" ✓ so that it includes a resource deriving electricity from hydroelectric power without regard to the capacity of the resource. The bill does not otherwise change the requirements for counting electricity derived from such hydroelectric resources toward compliance with the RPS. ✓

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

**BILL**

1           **SECTION 1.** 196.378 (1) (h) 1m. <sup>✓</sup> of the statutes is amended to read:  
2           196.378 (1) (h) 1m. A resource <sup>✓</sup> with a capacity of less than 60 megawatts that  
3           derives electricity from hydroelectric power. <sup>✓</sup>

4           **History:** 1999 a. 9; 2001 a. 30; 2005 a. 141; 2009 a. 40, 406.

(END)

**Parisi, Lori**

---

**From:** Romportl, Daniel  
**Sent:** Thursday, March 24, 2011 1:23 PM  
**To:** Parisi, Lori; Kunkel, Mark  
**Cc:** Kruse, Jon  
**Subject:** Reassignment of drafts

Please reassign the following two-drafts to the office of Sen. Lasee:

**LRB 1374/1 – relating to: defining “renewable energy”...**  
**LRB 1579/1 – relating to: hydroelectric renewable resources...**

Jon Kruse, Sen. Lasee's chief of staff, is CC'd on this email.

Thank you,

**Dan Romportl**  
*Policy Director*  
*Office of Senator Scott Fitzgerald*  
*Senate Majority Leader*

*Phone: 608-266-5660*  
*[daniel.romportl@legis.wisconsin.gov](mailto:daniel.romportl@legis.wisconsin.gov)*

## Kunkel, Mark

---

**From:** Kunkel, Mark  
**Sent:** Wednesday, April 06, 2011 9:52 AM  
**To:** Kunkel, Mark  
**Subject:** FW: LRB 1579/1 – relating to: hydroelectric renewable resources...

Per phone call with Jon today, my assumptions below are correct.

---

**From:** Kunkel, Mark  
**Sent:** Friday, April 01, 2011 10:07 AM  
**To:** Kruse, Jon  
**Subject:** RE: LRB 1579/1 – relating to: hydroelectric renewable resources...

Jon:

I assume that you want to achieve the following:

Hydro can be included in the RPS only as follows:

- If a facility is less than 60 MW, it can be included as allowed under current law. ✓
- If a facility is 60 MW or more, and it is located anywhere but Manitoba, it can be included only if it is first placed in service on or after Dec. 31, 2010.
- If a facility is 60 MW or more, and it is located in Manitoba, it can be included only if it is first placed in service on or after Dec. 31, 2010 AND Manitoba Hydro makes the written notification to the PSC that is described below.

Did I get that right? Please let me know.

Thanks,

-- Mark

---

**From:** Kruse, Jon  
**Sent:** Thursday, March 31, 2011 7:02 PM  
**To:** Kunkel, Mark  
**Subject:** LRB 1579/1 – relating to: hydroelectric renewable resources...

Mark,

I was told to have the bill re-drafted to contain the following language. Could you do that for me and have it sent over?

Hydro Language:

Repeal of the Capacity Cap for Hydroelectric Generation Facilities, Effective 2015 ✓

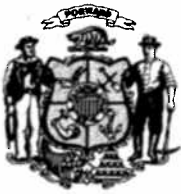
"Section 1: s. 196.378 (1) (h) 1n, and 1n (i) Wis. Stats., are created to read:

196.378 (1) (h) 1n. Except as provided in 1n(i), on or after December 31, 2015, a resource with a capacity of 60 megawatts or more that derives electricity from hydroelectric power that is first placed in service on or after December 31, 2010.

196.378 (1)(h) 1n(i). "Electricity derived from a hydroelectric facility that is located in Manitoba, Canada shall be included in the renewable energy percentage only if Manitoba Hydro has informed the commission in writing that the interim licenses under with the Lake Winnipeg Regulation Project and the Churchill River Diversion Project were operating have been replaced by final licenses, and the final licenses are in effect under Canadian law."

Thank you very much!  
**Jon Kruse**  
Chief of Staff  
Office of Senator Frank Lasee

phone: 608-266-3512  
[jon.kruse@legis.wisconsin.gov](mailto:jon.kruse@legis.wisconsin.gov)



(2)  
town

today

# 2011 BILL

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been  
sun

SAV  
x-ref ✓

INSERT  
IA

Regen.

- 1 AN ACT to amend 196.378 (1) (h) 1m. of the statutes; relating to: eligibility of
- 2 hydroelectric resources under the renewable portfolio standard. ✓

### *Analysis by the Legislative Reference Bureau*

Under current law, an electric utility or retail electric cooperative (electric provider) is subject to certain requirements for ensuring that, in a given year, a specified percentage of the electricity that the electric provider sells to retail customers or members is derived from renewable resources. These requirements are commonly collectively referred to as the renewable portfolio standard (RPS). "Renewable resource" is defined to include certain resources, including a resource deriving electricity from hydroelectric power that has a capacity of less than 60 megawatts. An electric provider may count toward compliance with the RPS electricity purchased by the electric provider that is generated from such a hydroelectric resource. Subject to certain requirements, an electric provider can also count electricity generated from such a hydroelectric resource that the electric provider owns or operates.

^ This bill changes the definition of "renewable resource" so that it includes a resource deriving electricity from hydroelectric power without regard to the capacity of the resource. The bill does not otherwise change the requirements for counting electricity derived from such hydroelectric resources toward compliance with the RPS.

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

**BILL**

INSERT 2-1

1

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

2

196.378 (1) (h) 1m. A resource ~~with a capacity of less than 60 megawatts~~ that

3

derives electricity from hydroelectric power. ✓

4

(END) ✓  
INSERT 2-3



Ins 1-A

Effective December 31, 2015, this bill allows, under certain circumstances, an electric provider to count toward compliance with the RPS electricity derived by a hydroelectric facility with a capacity of 60 megawatts or more, which the bill defines as a "large hydroelectric facility." The bill allows an electric provider to count electricity derived from a large hydroelectric facility only if the facility was initially placed in service on or after December 31, 2010. In addition, for a large hydroelectric facility located in Manitoba, Canada, the electricity may be counted toward compliance only if the Province of Manitoba informs the Public Service Commission in writing that final licenses which are in effect under Canadian law have replaced interim licenses for two specified hydroelectric projects located in the province. The bill does change the requirements under current law relating to electricity derived from a hydroelectric facility with a capacity of less than 60 megawatts, except that the bill defines such a facility as a "small hydroelectric facility."

**INSERT 2-1:**

**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.

**INSERT 2-3:**

**SECTION 2.** 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 3.** 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:

1 a. The average of the amounts of hydroelectric power generated by small  
2 hydroelectric facilities owned or operated by the electric provider for 2001, 2002, and  
3 2003, adjusted to reflect the permanent removal from service of any of those facilities  
4 and adjusted to reflect any capacity increases from improvements made to those  
5 facilities on or after January 1, 2004.✓

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

9 History: 1999 a. 9; 2001 a. 30; 2005 a. 141; 2009 a. 40, 406.

9 SECTION 4. 196.378 (2) (b) 1o. of the statutes is created to read:

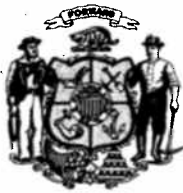
10 196.378 (2) (b) 1o. An electric provider may count electricity derived from large  
11 hydroelectric facilities toward satisfying the requirements of par. (a) 2.✓ only if all of  
12 the following are satisfied:✓

13 a. The facility was initially placed in service on or after December 31, 2010.✓

14 b. If the facility is located in Manitoba, Canada, the province of Manitoba has  
15 informed the commission✓ in writing that the interim licenses under which the Lake  
16 Winnipeg Regulation Project and the Churchill River Diversion Project were  
17 operating on the effective date of this subd. 1o. b. .... [LRB inserts date], have been  
18 replaced by final licenses that are in effect under Canadian law.✓

19 SECTION 5. Effective date.

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



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1579/2  
MDK:jld:rs

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

***Analysis by the Legislative Reference Bureau***

Under current law, an electric utility or retail electric cooperative (electric provider) is subject to certain requirements for ensuring that, in a given year, a specified percentage of the electricity that the electric provider sells to retail customers or members is derived from renewable resources. These requirements are commonly collectively referred to as the renewable portfolio standard (RPS). "Renewable resource" is defined to include certain resources, including a resource deriving electricity from hydroelectric power that has a capacity of less than 60 megawatts. An electric provider may count toward compliance with the RPS electricity purchased by the electric provider that is generated from such a hydroelectric resource. Subject to certain requirements, an electric provider can also count electricity generated from such a hydroelectric resource that the electric provider owns or operates.

Effective December 31, 2015, this bill allows, under certain circumstances, an electric provider to count toward compliance with the RPS electricity derived by a hydroelectric facility with a capacity of 60 megawatts or more, which the bill defines as a "large hydroelectric facility." The bill allows an electric provider to count electricity derived from a large hydroelectric facility only if the facility was initially

**BILL**

placed in service on or after December 31, 2010. In addition, for a large hydroelectric facility located in Manitoba, Canada, the electricity may be counted toward compliance only if the Province of Manitoba informs the Public Service Commission in writing that final licenses which are in effect under Canadian law have replaced interim licenses for two specified hydroelectric projects located in the province. The bill does change the requirements under current law relating to electricity derived from a hydroelectric facility with a capacity of less than 60 megawatts, except that the bill defines such a facility as a “small hydroelectric facility.”

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

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

2       196.378 (1) (dm) “Large hydroelectric facility” means an electric generating  
3       facility with a capacity of 60 megawatts or more that derives electricity from  
4       hydroelectric power.

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

6       196.378 (1) (h) 1m. A resource with a capacity of less than 60 megawatts that  
7       derives electricity from hydroelectric power.

8       ~~**INSERT 2-1:**~~

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

10       196.378 (1) (m) “Small hydroelectric facility” means an electric generating  
11       facility with a capacity of less than 60 megawatts that derives electricity from  
12       hydroelectric power.

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

14       196.378 (2) (b) 1m. The amount of electricity derived from small hydroelectric  
15       ~~renewable resources~~ facilities that an electric provider may count toward satisfying  
16       the requirements of par. (a) 2. shall be all electricity provided by hydroelectric power  
17       such facilities that the electric provider purchased in the reporting year plus all of  
18       the following:

**BILL**

1 a. The average of the amounts of hydroelectric power generated by small  
2 hydroelectric facilities owned or operated by the electric provider for 2001, 2002, and  
3 2003, adjusted to reflect the permanent removal from service of any of those facilities  
4 and adjusted to reflect any capacity increases from improvements made to those  
5 facilities on or after January 1, 2004.

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

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

10 196.378 (2) (b) 1o. An electric provider may count electricity derived from large  
11 hydroelectric facilities toward satisfying the requirements of par. (a) 2. only if all of  
12 the following are satisfied:

13 a. The facility was initially placed in service on or after December 31, 2010.

14 b. If the facility is located in Manitoba, Canada, the province of Manitoba has  
15 informed the commission in writing that the interim licenses under which the Lake  
16 Winnipeg Regulation Project and the Churchill River Diversion Project were  
17 operating on the effective date of this subd. 1o. b. .... [LRB inserts date], have been  
18 replaced by final licenses that are in effect under Canadian law.

19 **SECTION 6. Effective date.**

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

21 (END)

D-note  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1579/3dn

MDK:π:...

date

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Sen. Lasee:✓

This version is identical to the prior version except that it corrects a typo.✓

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

LRB-1579/3dn  
MDK:jld:rs

April 13, 2011

Sen. Lasee:

This version is identical to the prior version except that it corrects a typo.

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