



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 34
[2011 Senate Bill 81]

**Renewable Portfolio Standard;
Treatment of Hydroelectric Power**

Electric utilities and retail electric cooperatives (“electric providers”) must ensure that a specified percentage of the power they sell each year is derived from renewable resources, as defined in the statutes. This policy is referred to as the renewable portfolio standard (RPS).

Under *prior law*, hydroelectric power was included in the definition of “renewable resources,” and so could count toward compliance with the RPS, only if it was generated at a small facility, i.e., a facility with a generating capacity less than 60 megawatts (MW).

The *Act* specifies that electric power generated at large facilities (those with a generating capacity of 60 MW or more) may count toward compliance with the RPS if the facility is new, i.e., was placed in service on or after December 31, 2010.

The Act creates additional requirements for hydroelectric power generated at a facility located in Manitoba. The requirements relate to two large water management facilities operated by Manitoba Hydro as part of its hydroelectric generating system. The Act specifies that electric power generated at a large facility in Manitoba may count toward compliance with the RPS if the Province of Manitoba has informed the Public Service Commission in writing that the interim licenses under which the two facilities operated on the effective date of the Act have been replaced by final licenses and the final licenses are in effect under Canadian law.

The Act does not affect the treatment of electric power generated at small hydroelectric facilities.

Effective date: The Act takes effect on December 31, 2015.

Prepared by: David L. Lovell, Senior Analyst

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.