

1       **AN ACT relating to:** requiring the public service commission to study a carbon free  
2               resources portfolio standard.

*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 at the request of public member Mike Corradini. The draft directs the public service commission (PSC) to undertake a study of a state carbon free portfolio standard and to report to the legislature within 24 months after the draft’s effective date whether such a standard should be established and, if so, proposing legislation necessary to establish the standard. The draft directs the PSC to appoint a committee to advise the PSC on the study and its report on the study.

3               **SECTION 1. Nonstatutory provisions. (1) PUBLIC SERVICE COMMISSION.** (a) The public  
4               service commission shall undertake a study of a state carbon free resources portfolio standard  
5               that specifies the portion of electricity sold in the state to retail customers of public utilities  
6               or members of retail electric cooperatives that must be produced from electric generating  
7               technologies that produce no or minimal carbon dioxide air emissions.

8               (b) If the public service commission determines in the study required under this section  
9               that a carbon free resources portfolio standard should be established in the state, the  
10              commission shall recommend as part of the study report legislation to establish the standard.  
11              The standard recommended by the commission shall be expressed in terms of performance  
12              measures and may not favor or disfavor any particular electric generating technology. In  
13              designing the standard, the commission shall coordinate the new standard with all of the  
14              following:

1           1. Existing renewable resources requirements in section 196.378 of the statutes,  
2 including coordinating the date that the new standard becomes effective with the dates that the  
3 existing renewable resources requirements take effect.

4           2. Energy efficiency programs specified in section 196.374 of the statutes, as affected  
5 by 2005 Wisconsin act 141.

6           (c) The department of natural resources shall assist the public service commission in  
7 the study and report required under this section.

8           (d) The public service commission shall appoint an advisory committee under section  
9 15.04 (1) (c) of the statutes to assist in the study and report required under this section.

**COMMENT:** Section 15.04 (1) (c) directs each head of an independent agency, including the PSC, to create and appoint such councils or committees as the operation of the independent agency requires. For purposes of this provision, the "head" is the commission itself.

10           (e) The public service commission shall prepare a report on the results of its study under  
11 this section and shall submit the report to the legislature in the manner provided under section  
12 13.172 (3) of the statutes, no later than the first day of the 25th month beginning after  
13 publication.

**COMMENT:** The report in this paragraph will be submitted to all members of the legislature, pursuant to the reference to s. 13.172 (3), stats.