

# State of Wisconsin



2009 Senate Bill 273

Date of enactment: **May 19, 2010**  
Date of publication\*: **June 2, 2010**

## 2009 WISCONSIN ACT 406

AN ACT *to amend* 196.378 (1) (i), 196.378 (3) (a) 1. and 196.378 (3) (c); and *to create* 196.378 (1) (h) 1. h., i. and j. and 196.378 (3) (a) 1m. of the statutes; **relating to:** creation of renewable resource credits by electric providers, inclusion of certain resources that generate electric power from certain fuel, synthetic gas, or fuel pellets in the renewable portfolio standard, and granting rule-making authority.

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

**SECTION 1g.** 196.378 (1) (h) 1. h., i. and j. of the statutes are created to read:

196.378 (1) (h) 1. h. Synthetic gas created by the plasma gasification of waste.

i. Densified fuel pellets made from waste material that does not include garbage, as defined in s. 289.01(9), and that contains no more than 30 percent fixed carbon.

j. Fuel produced by pyrolysis of organic or waste material.

**SECTION 1r.** 196.378 (1) (i) of the statutes is amended to read:

196.378 (1) (i) "Renewable resource credit" means a credit calculated in accordance with rules promulgated under sub. (3) (a) 1., 1m., and 2.

**SECTION 2.** 196.378 (3) (a) 1. of the statutes is amended to read:

196.378 (3) (a) 1. Subject to subd. 2., an electric provider that provides total renewable energy to its retail electric customers or members in excess of the percentages specified in sub. (2) (a) 2., or that satisfies the requirements specified in rules promulgated under subd. 1m., may, in the applicable year, create a renewable resource credit and sell to any other electric provider the

renewable resource credit or a portion of the renewable resource credit at any negotiated price. An electric provider that creates or purchases a renewable resource credit or portion may use the credit or portion ~~in a subsequent year~~, as provided under par. (c), to establish compliance with sub. (2) (a) 2. The commission shall promulgate rules that establish requirements for the creation and use of a renewable resource credit created on or after January 1, 2004, including calculating the amount of a renewable resource credit, and for the tracking of renewable resource credits by a regional renewable resource credit tracking system. The rules shall specify the manner for aggregating or allocating credits under this subdivision or sub. (2) (b) 4. or 5.

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

196.378 (3) (a) 1m. The commission shall promulgate rules that allow an electric provider to create a renewable resource credit based on use in a year by the electric provider, or a customer or member of the electric provider, of solar energy, including solar water heating and direct solar applications such as solar light pipe technology; geothermal energy; biomass; biogas; synthetic gas created by the plasma gasification of waste; densified fuel pellets described in sub. (1) (h) 1. i.; or fuel described in sub. (1) (h) 1. j.; but only if the use displaces

\* Section 991.11, WISCONSIN STATUTES 2007-08 : 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].

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.

**SECTION 4.** 196.378 (3) (c) of the statutes is amended to read:

196.378 (3) (c) A renewable resource credit created under s. 196.378 (3) (a), 2003 stats., may not be used after December 31, 2011. A renewable resource credit created under par. (a) 1., 1m., or 2., ~~as affected by 2005 Wisconsin Act 141,~~ may not be used after the 4th year after the year

in which the credit is created, except the commission may promulgate rules specifying a different period of time if the commission determines that such period is necessary for consistency with any regional renewable resource credit trading program that applies in this state.

**SECTION 5. Nonstatutory provisions.**

(1) The public service commission shall submit in proposed form the rules required under section 196.378

(3) (a) 1m. of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 7th month beginning after the effective date of this subsection.

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