

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Hansen

1 Amend the Energy & Environment Committee Report, dated February 11,
2 2019, page 22, strike lines 27 through 41.

3 Strike page 23.

4 Page 24, strike lines 1 through 11 and substitute:

5 **"40-41-118. Replacement resources - definitions.** (1) AN
6 ELECTRIC UTILITY THAT ISSUES CO-EIA BONDS IN CONJUNCTION WITH THE
7 RETIREMENT OF AN ELECTRIC GENERATING FACILITY MAY SEEK
8 AUTHORIZATION FROM THE COMMISSION TO REPLACE THE RETIRED
9 ELECTRIC GENERATING FACILITY WITH COST-EFFECTIVE GENERATION
10 RESOURCES OR ENERGY STORAGE FACILITIES BY FILING WITH THE
11 COMMISSION FOR ITS APPROVAL:

12 (a) AN ELECTRIC RESOURCE PLAN APPLICATION UNDER THE RULES
13 OF THE COMMISSION;

14 (b) AN AMENDMENT TO THE ELECTRIC UTILITY'S MOST RECENTLY
15 APPROVED ELECTRIC RESOURCE PLAN; OR

16 (c) A SEPARATE APPLICATION THAT IS CONSISTENT WITH THE
17 ELECTRIC RESOURCE PLANNING RULES OF THE COMMISSION AND THAT
18 UTILIZES A COMPETITIVE ACQUISITION PROCESS FOR RESOURCE
19 ACQUISITION.

20 (2) WHEN CONSIDERING AN APPLICATION FILED AS AUTHORIZED BY
21 SUBSECTION (1) OF THIS SECTION FOR APPROVAL TO REPLACE AN ELECTRIC
22 GENERATING FACILITY RETIRED IN CONJUNCTION WITH CO-EIA BONDS,
23 THE COMMISSION SHALL:

24 (a) USE ITS REGULAR PROCESS FOR CONSIDERATION OF
25 APPLICATIONS;

26 (b) DETERMINE WHETHER THE REPLACEMENT RESOURCES ARE
27 NEEDED TO SERVE LOAD AND ARE CONSISTENT WITH THE ELECTRIC
28 UTILITY'S MOST RECENTLY APPROVED ELECTRIC RESOURCE PLAN; AND

29 (c) DETERMINE THE RELATIVE LEVELS OF ELECTRIC UTILITY
30 OWNERSHIP AND NON-UTILITY OWNERSHIP AS FOLLOWS:

31 (I) THE ELECTRIC UTILITY SHALL BE PERMITTED TO OWN
32 REPLACEMENT FACILITIES WITH A VALUE THAT IS NO LESS THAN THE
33 UTILITY-OWNED REPLACEMENT MINIMUM; AND

34 (II) THE UTILITY SHALL NOT BE PERMITTED TO OWN REPLACEMENT
35 FACILITIES WITH A VALUE GREATER THAN THE UTILITY-OWNED
36 REPLACEMENT MAXIMUM.

37 (3) FOR ANY APPLICATION FILED AS AUTHORIZED BY SUBSECTION
38 (1) OF THIS SECTION, THE ELECTRIC UTILITY, SUBJECT TO COMMISSION

1 APPROVAL, SHALL USE A COMPETITIVE ACQUISITION PROCESS TO ACQUIRE
2 COST-EFFECTIVE RESOURCES, REGARDLESS OF OWNERSHIP OF SUCH
3 RESOURCES, FOR ALL ACQUISITION OF GENERATION OR ENERGY STORAGE
4 RESOURCES TO REPLACE ELECTRIC GENERATING FACILITIES THAT WERE
5 RETIRED IN CONJUNCTION WITH A FINANCING ORDER.

6 (4) FOR PURPOSES OF THIS SECTION:

7 (a) "UTILITY-OWNED REPLACEMENT MAXIMUM" MEANS THE VALUE
8 OF REPLACEMENT GENERATION RESOURCES WITH TOTAL CAPACITY THAT
9 IS EQUAL TO THE NAMEPLATE CAPACITY OF THE ELECTRIC GENERATING
10 FACILITY BEING RETIRED.

11 (b) "UTILITY-OWNED REPLACEMENT MINIMUM" MEANS THE VALUE
12 OF ELECTRIC UTILITY INVESTMENTS IN EXISTING OR NEW ELECTRIC
13 GENERATION CAPACITY OR ENERGY STORAGE FACILITIES THAT IS THE
14 LESSER OF:

15 (I) THE VALUE OF THE PROCEEDS OF THE ASSOCIATED CO-EIA
16 BONDS; OR

17 (II) THE UNDEPRECIATED ACCOUNTING VALUE AT THE TIME OF
18 RETIREMENT OF THE ELECTRIC GENERATING FACILITIES RETIRED
19 PURSUANT TO THIS ARTICLE 41.".

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