

HOUSE BILL No. 2479

By Committee on Energy and Utilities

2-8

9 AN ACT concerning electric public utilities; establishing a renewable
10 portfolio standard.

11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. As used in this act:

14 (a) "Commission" means the state corporation commission.

15 (b) "Electric public utility" has the meaning provided in K.S.A. 66-
16 101a, and amendments thereto.

17 (c) "Eligible energy technology" means an energy technology that
18 generates electricity from one or more of the following renewable energy
19 resources: Wind, solar, photovoltaic, biomass, hydropower, geothermal,
20 waste incineration, landfill gas or hydrogen, except that, after January 1,
21 2010, the hydrogen must be generated from one of the other resources
22 listed in this subsection.

23 (d) "Total retail electric sales" means the kilowatt-hours of electricity
24 sold in a year by an electric public utility to Kansas retail customers of
25 the electric public utility or to a distribution utility for distribution to the
26 Kansas retail customers of the distribution utility.

27 Sec. 2. (a) Each electric public utility shall make a good faith effort
28 to generate or procure sufficient electricity generated by an eligible en-
29 ergy technology to provide its Kansas retail consumers, or the Kansas
30 retail customers of a distribution utility to which the electric public utility
31 provides wholesale electric service, so that:

32 (1) Commencing calendar year 2009, at least 1.25% of the electric
33 public utility's total retail electric sales to Kansas customers is generated
34 by eligible energy technologies; and

35 (2) the amount provided under paragraph (1) is increased by 1.25%
36 of the utility's total retail electric sales each year until 2012.

37 (b) By June 1, 2008, and as needed thereafter, the commission shall
38 issue an order detailing the criteria and standards by which it will measure
39 an electric public utility's efforts to meet the renewable energy objectives
40 of this section to determine whether the utility is making the required
41 good faith effort. In its order, the commission shall include criteria and
42 standards that protect against undesirable impacts on the reliability of the
43 utility's system and economic impacts on the utility's ratepayers and that

1 consider technical feasibility.

2 (c) In its order under subsection (b), the commission shall provide
3 for a weighted scale of how energy produced by various eligible energy
4 technologies shall count toward a utility's objective. In establishing this
5 scale, the commission shall consider the attributes of various technologies
6 and fuels and shall establish a system that grants multiple credits toward
7 the objectives for those technologies and fuels which the commission
8 determines are in the public interest to encourage.

9 Sec. 3. (a) Each electric public utility shall report on its plans, activ-
10 ities and progress with regard to these objectives in a report submitted
11 to the commission every two years, demonstrating to the commission that
12 the utility is making the required good faith effort. In its report, each
13 electric public utility shall provide a description of:

14 (1) The status of the utility's renewable energy mix relative to the
15 good faith objective;

16 (2) efforts taken to meet the objective;

17 (3) any obstacles encountered or anticipated in meeting the objective;
18 and

19 (4) potential solutions to the obstacles.

20 (b) The commission shall compile the information provided to the
21 commission under subsection (a) and report to the chairpersons of the
22 house of representatives and senate committees with jurisdiction over
23 energy and utility policy issues as to the progress of utilities in the state
24 in increasing the amount of renewable energy provided to retail custom-
25 ers, with any recommendations for regulatory or legislative action, by
26 January 15 of each year.

27 Sec. 4. (a) Electricity produced by fuel combustion may only count
28 toward a utility's objectives if the generation facility:

29 (1) Was constructed in compliance with new source performance
30 standards promulgated under the federal clean air act for a generation
31 facility of that type; or

32 (2) employs the maximum achievable or best available control tech-
33 nology available for a generation facility of that type.

34 (b) An eligible energy technology may blend or co-fire a fuel listed
35 in subsection (c) of section 1, and amendments thereto, with other fuels
36 in the generation facility, but only the percentage of electricity that is
37 attributable to a fuel listed in such subsection shall be counted toward an
38 electric public utility's renewable energy objectives.

39 Sec. 5. This act shall take effect and be in force from and after its
40 publication in the statute book.