

Requested by Representative HELM

**PROPOSED AMENDMENTS TO
HOUSE BILL 3274**

1 On page 1 of the printed bill, line 3, after “758.515” delete the rest of the
2 line and insert “and 758.525.”.

3 On page 3, line 11, delete “468A.210” and insert “469A.210”.

4 On page 7, line 6, after “commission” delete the rest of the line and delete
5 lines 7 through 17 and insert “and shall give notice of the time and place
6 of the hearing.

7 “(c) Schedules filed by public utilities that adjust avoided costs may not
8 take effect until ninety days after the date on which the public utility files
9 the schedule.”.

10 Delete lines 30 through 39 and insert:

11 “(3)(a) If an electric utility makes an offer to purchase energy and ca-
12 pacity to a qualifying facility that, at the time of the offer, has been paid
13 by the electric utility for energy and capacity for at least 15 years, the
14 electric utility shall, as part of a contract to purchase the energy and ca-
15 pacity, provide the qualifying facility with the option of delivering the en-
16 ergy and capacity in exchange for an immediate payment of the projected
17 fixed costs of capacity for the term of the contract that the electric utility
18 would avoid by purchasing the output of the qualifying facility. Projected
19 fixed costs of capacity for purposes of this subsection shall include but need
20 not be limited to the capital, land, tax, salary and insurance costs of
21 baseload, peaking, renewable generation and storage facilities.

1 “(b) Paragraph (a) of this subsection may not be interpreted to prevent
2 the commission from requiring an electric utility to, as part of any contract
3 not described in paragraph (a) of this subsection to purchase energy and
4 capacity, provide a qualifying facility with the option of delivering energy
5 and capacity in exchange for an immediate payment of the projected fixed
6 costs of capacity for the term of the contract that the electric utility would
7 avoid by purchasing the output of the qualifying facility.”.

8 On page 8, after line 8, insert:

9 “(6)(a) A public utility shall offer, and the commission shall approve,
10 standard avoided cost rates and contracts for purchases of energy or energy
11 and capacity from qualifying facilities with a design capacity of not more
12 than 10,000 kilowatts alternating current.

13 “(b) For purposes of this subsection:

14 “(A) The design capacity of a qualifying facility shall be calculated as the
15 maximum amount of electric energy in alternating current that the qualify-
16 ing facility, including any energy storage devices associated with the facility,
17 is capable of delivering to the electrical grid, as measured on a rolling one-
18 hour basis, without exceeding facility controls, interconnection capacity or
19 transformer capacity; and

20 “(B) A qualifying facility that includes any associated energy storage de-
21 vices shall be eligible for all applicable standard avoided cost rates and
22 contracts offered to other qualifying facilities with a similar design capacity,
23 if:

24 “(i) The energy storage devices are charged with energy solely from the
25 qualifying facility with which the energy storage devices are associated; and

26 “(ii) The qualifying facility meets the requirements of the Federal Energy
27 Regulatory Commission for qualifying facilities.

28 “(c) A qualifying facility that utilizes generation technology characterized
29 as variable or intermittent shall be eligible for standard avoided cost rates
30 and contracts that have been approved by the commission for qualifying fa-

1 cilities that utilize generation technology characterized as firm, baseload or
2 nonvariable if the qualifying facility is capable, through the use of associ-
3 ated energy storage devices or otherwise, of:

4 “(A) Reasonably demonstrating an ability to meet the same contribution
5 to the public utility’s peak capacity as the qualifying facilities that utilize
6 generation technology characterized as firm, baseload or nonvariable; or

7 “(B) Committing to the contractual requirements associated with the
8 standard avoided cost rates approved by the commission for qualifying fa-
9 cilities that utilize generation technology characterized as firm, baseload or
10 nonvariable.”.

11 In line 9, delete “(6)” and insert “(7)”.

12 Delete lines 11 through 23.

13 In line 24, delete “9” and insert “7”.

14 On page 9, delete lines 6 through 18.

15 In line 22, delete “11” and insert “8”.

16 In line 24, delete “12” and insert “9”.

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