

DRAFT

ELECTRIC COMPANIES--PURCHASES OF ELECTRICITY FROM QUALIFYING FACILITIES AND INDEPENDENT POWER PRODUCERS, AND PURCHASES OF ELECTRICAL SAVINGS FROM CONSERVATION SUPPLIERS

WAC

- 480-107-001 Purpose and scope
- 480-107-002 Application of rules
- 480-107-003 Exemptions from rules in chapter 480-107 WAC
- 480-107-004 Additional requirements
- 480-107-006 Severability
- 480-107-007 Definitions
- 480-107-015 The solicitation process
- 480-107-025 Contents of the solicitation
- 480-107-035 Project ranking procedure
- 480-107-045 Pricing and contracting procedures
- 480-107-055 Avoided cost schedules
- 480-107-065 Eligibility for long-run conservation purchase rates
- 480-107-075 Contract finalization
- 480-107-085 Obligations of generating facilities to electric utility
- 480-107-095 Obligations of electric utility to qualifying facilities
- 480-107-105 Rates for sales to qualifying facilities
- 480-107-115 System emergencies
- 480-107-125 Interconnection costs
- 480-107-135 Conditions for purchase of electrical power or savings from a utility's subsidiary or affiliate
- 480-107-145 Filings--Investigations
- 480-107-999 Adoption by reference

AMENDATORY SECTION

WAC 480-107-001 Purpose and scope. (1) The rules in this chapter require utilities to solicit bids, rank project proposals, and identify any bidders that meet the minimum selection criteria. The rules in this chapter do not establish the sole procedures electric utilities must use to acquire new resources. Electric utilities may

construct electric resources, operate conservation programs, purchase power through negotiated contracts, or take other action to satisfy their public service obligations.

(2) The commission may use information about the price and availability of electric power obtained through the bidding procedures described in these rules, in conjunction with other evidence, in general rate cases and other cost recovery proceedings pertaining to resources not acquired through these bidding procedures.

(3) The rules in this chapter are consistent with the provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. To the extent of any conflict between these rules and PURPA, or the related rules promulgated by FERC in 18 C.F.R. Part 292, PURPA and those related rules control. Purchase of electric power under these rules satisfies an electric utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.

NEW SECTION

WAC 480-107-002 Application of rules. (1) The rules in this chapter apply to any electric utility that is subject to the commission's jurisdiction under RCW 80.04.010 and chapter 80.28 RCW.

(2) Any affected person may ask the commission to review the interpretation of these rules by an electric utility or customer by making an informal complaint under WAC 480-07-910, Informal complaints, or by filing a formal complaint under WAC 480-07-370, Pleading --- General.

(3) No exception from the provisions of any rule in this chapter is permitted without prior written authorization by the commission. Such exceptions may be granted only if consistent with the public interest, the purposes underlying regulation, and applicable statutes. Any deviation from the provisions of any rule in this chapter without prior commission authorization will be subject to penalties as provided by law.

NEW SECTION

WAC 480-107-004 Additional requirements. (1) These rules do not relieve any electric utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains its authority to impose additional or different requirements on any electric utility in appropriate circumstances, consistent with the requirements of law.

NEW SECTION

WAC 480-107-006 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 480-107-007 Definitions. (1) " Affiliate" means a person or corporation as defined in RCW 80.16.010.

(2) "Avoided costs" means the incremental costs to an electric utility of electric energy, electric capacity, or both, that the utility would generate itself or purchase from another source, but for purchases to be made under these rules. Avoided cost is identified as the minimum bid that meets the criteria specified in the Request for Proposal, or is estimated from data in the utility's most recent Integrated Resource Plan.

(3) "Back-up power" means electric energy or capacity supplied by an electric utility to replace energy ordinarily supplied by utility-owned generation or purchased through contracts that is unavailable due to an unscheduled outage.

(4) "Commission" means the Washington utilities and transportation commission.

(5) "Conservation contract" means a contract in which a conservation supplier provides equipment or services to reduce the use of electricity by a specified amount for a given price or for a price determined by a clear mechanism.

(6) "Conservation measures" means electric energy efficiency improvements to buildings or energy-using equipment and processes.

(7) "Conservation supplier" means a third party supplier or utility affiliate that provides equipment or services that save capacity or energy.

(8) "Demand Side Management" (DSM) means the same as "conservation measure."

(9) "Economic dispatch" means, within contractually specified limits, modifying the scheduling of power purchases from a generating facility to minimize the costs of delivering electricity.

(10) "Electrical savings contract" means the same as "conservation contract."

(11) "Electric utility" means any public service company, as defined by RCW 80.04.010, engaged in the generation, distribution, sale, or furnishing of electricity, and that is subject to the jurisdiction of the commission.

(12) "Generating facilities" means plant and other equipment used to generate electricity purchased through contracts entered into under these rules.

(13) "Independent power producers" means generating facilities or portions thereof that are not recognized in the retail rates of any electric utility and that are not qualifying facilities as defined in subsection (18) of this section.

(14) "Interruptible power" means electric energy or capacity supplied to an electric utility by a generating facility, the availability of which may be interrupted under certain conditions.

(15) "Integrated resource plan" or "IRP" means the filing made every two years by an electric utility in accordance with WAC 480-100-238, Integrated Resource Planning.

(16) "Maintenance power" means electric energy or capacity supplied by an electric utility during scheduled outages of a generating facility.

(17) "Project developer" means an individual, association, corporation, or other legal entity that potentially can enter into a power or conservation contract with the utility.

(18) "Project proposal" means a project developer's document containing a description of a project and other information responsive to the requirements set forth in a Request for Proposal.

(19) "Qualifying facilities" means generating facilities that meet the criteria specified by the FERC in 18 C.F.R. Part 292 Subpart B.

(20) "Request for proposals" or "RFPs" means the documents describing an electric utility's solicitation of bids for delivering electric capacity, energy, or capacity and energy, or conservation

(21) "Resource Block" means the deficit of capacity and associated energy that the IRP shows for the near term.

(22) "Subsidiary" means any company in which the gas utility owns directly or indirectly five percent or more of the voting securities, unless the utility demonstrates it does not have control.

(23) "Supplementary power" means electric energy or capacity supplied by an electric utility that is regularly used by a generating facility in addition to that which the facility generates itself.

(24) "Utility" means an electric utility.

(25) "Utility subsidiary" means a legal entity, other than a qualifying facility, that is owned, in whole or in part, by an electric utility, and that may enter a power or conservation contract with that electric utility.

NEW SECTION

WAC 480-107-015 The solicitation process. (1) Participants in the solicitation process may include:

(a) Any owner of a generating facility, developer of a potential generating facility, or provider of energy savings may participate in the RFP process. Bidders may propose a variety of energy resources: eligible electrical savings associated with conservation measures; electricity from qualifying facilities; electricity from independent power producers; and, at the utility's election, electricity from utility subsidiaries, and other electric utilities, whether or not such electricity includes ownership of property. Qualifying Facility producers with a generation capacity of one MW or less may choose to participate in the utilities standard tariffs without filing a bid.

(b) An electric utility may allow an affiliated generating subsidiary to participate in the bidding process as a power supplier, on conditions described in WAC 480-107-135, Conditions for purchase of electrical power or savings from a utility's subsidiary or affiliate. Such a decision must be explained in the utility's RFP submittal.

(2) Timing of the solicitation process.

(a) An electric utility must submit to the commission a proposed request for proposals and accompanying documentation no later than ninety days after the utility's integrated resource plan is due to be filed with the commission. Interested persons will have sixty days from the RFP's filing date with the commission to submit written comments to the commission on the RFP. The commission will approve or suspend the RFP within thirty days after the close of the comment period.

(b) An electric utility must solicit bids for electric power and electrical savings within thirty days of a commission order approving the RFP.

(c) All bids will remain sealed until expiration of the solicitation period specified in the RFP.

(3) In addition to the solicitation process required by these rules, an electric utility may, at its own discretion, issue a RFP that limits project proposals to resources with specific characteristics. In addition, an electric utility, at its own discretion, may issue RFP's more frequently than required by this rule.

(4) Persons interested in receiving commission notice of a specific electric utility's RFP filings can request the commission to place their name on a mailing list for notification of future RFP filings by that utility.

(5) The information that a bidder files in response to an electric utility's RFP is referred to as the "project proposal."

NEW SECTION

WAC 480-107-025 Contents of the solicitation. (1) The RFP must specify the resource block, the initial estimate of long-term avoided cost schedule as calculated in WAC 480-107-055, Avoided cost schedule, and any additional information necessary for potential bidders to make a complete bid.

(2) The RFP must identify a resource block consisting of the overall amount and duration of power the electric utility is soliciting through the bidding process. The RFP must document that the size of the resource block is consistent with the range of estimated new resource needs identified in the utility's integrated resource plan. The RFP may specify a zero-megawatt resource block only if the integrated resource plan demonstrates that the utility does not need additional capacity within three years.

(3) The RFP must explain general evaluation and ranking procedures the electric utility will use in accordance with WAC 480-107-035, Project ranking procedure. The RFP must also specify any minimum criteria that bidders must satisfy to be eligible for consideration in the ranking procedure.

(4) The RFP must specify the timing of process including the solicitation period, the ranking period, and the expected selection period.

(5) The RFP must identify all security requirements and the rationale for them.

(6) Electric utilities are encouraged to consult with commission staff during the development of the RFP. Electric utilities may, at their own discretion, submit draft RFPs for staff review prior to formally submitting a RFP to the commission.

NEW SECTION

WAC 480-107-035 Project ranking procedure. (1) The procedures and criteria the electric utility will use in its RFP to evaluate and rank project proposals are subject to commission approval.

(2) The ranking criteria must address price, dispatchability, risks imposed on ratepayers, and environmental effects including those associated with resources that emit carbon dioxide. The ranking criteria must recognize differences in relative amounts of risk inherent among different technologies, fuel sources, financing arrangements, and contract provisions. The ranking process must complement power acquisition goals identified in the electric utility's integrated resource plan.

(3) After the project proposals have been opened for ranking, the electric utility must make available for public inspection at the utility's designated place of business a summary of each project proposal and a final ranking of all proposed projects.

(4) The electric utility may reject any project proposal that does not specify, as part of the price bid, the costs of complying with environmental laws, rules, and regulations in effect at the time of the bid.

(5) Any project proposal that involves the acquisition of energy from a hydroelectric project located in a protected area, as designated by the Northwest Power and Conservation Council, must show that:

(a) Such project qualifies for exception or exemption under sections 1103 (b)(4)-(5) or section 1303(g) of the Columbia River Basin Fish and Wildlife Program, or corresponding provisions of the Northwest Conservation and Electric Power Plan, in effect at the time of rule adoption; or

(b) The project developer must obtain the necessary approvals from all entities legally responsible for the protection or management of fish or wildlife resources affected by the project, including the Federal Energy Regulatory Commission prior to commencing construction. The bid shall specify the estimated costs of such compliance.

NEW SECTION

WAC 480-107-045 Pricing and contracting procedures. (1) Once project proposals have been ranked in accordance with WAC 480-107-035, Project ranking procedure, the electric utility must identify the bidders that best meet the selection criteria and that are expected to produce the energy, capacity, and electrical savings as defined by that portion of the resource block to which the project proposal is directed.

(2) The electric utility may reject all bids if it finds that no bid adequately serves ratepayers' interests. The commission will, as appropriate, review such a finding together with evidence filed in support of any acquisition in the electric utility's next general rate case.

(3) The bid's price, pricing structure, and terms are subject to negotiation. If a qualifying facility or other generating facility agrees to be operated under economic dispatch, then the electric utility will adjust the price bid by operating performance adjustments, such as the project's equivalent availability factor. The methodology for such performance adjustments must be explained in the electric utility's RFP submittal.

NEW SECTION

WAC 480-107-055 Avoided cost schedules. (1) On an annual basis, an electric utility must file an avoided cost schedule for the energy and capacity associated with the resource block the electric utility solicited in its most recent RFP filed pursuant to WAC 480-07-025, Contents of the solicitation.

(2) Avoided cost schedules shall contain rates that are calculated using a surrogate avoided resource (SAR). The SAR shall be a hypothetical combined cycle combustion turbine with state of the art emissions control equipment constructed at each utility's load center. Included in the avoided cost, in addition to the capital, running and O&M costs shall be fuel costs based on a the most recent twenty-year forecast of natural gas prices published by the Northwest Power Planning and Conservation Council.

(4) Electric utilities may revise an avoided cost schedule at any time. Such revisions must be filed with the commission and are subject to commission approval.

(5) The avoided cost shall contain rates, based on the SAR calculations, that each utility shall pay any QF, sized less than ten average annual megawatts, for all of the net output from the QF on an as delivered basis. QF's shall have the option to a fixed term contract for up to twenty years based upon the SAR rate and the option of an escalating or levelized rate. The utility shall pay each QF the avoided cost rate for the life of the QF agreement that is in effect at the time the agreement is entered into. That rate shall be fixed for the life of the agreement. No default security shall be required of the QF if (1) it provides certification by relevant professionals that the facility is constructed as designed and that it is capable of producing pursuant to the agreement (2) it carries insurance in commercially reasonable amounts (3) it has a secure motive force for the life of the agreement (4) and it offers to provide a lien on the facility in favor of the utility subject to superior claims by financing institutions used to finance the facility; provided, however, no default security shall be required of a QF that chooses a non-levelized rate stream. (6) For projects rated at ten average annual megawatts or less, the most recently approved long-term avoided costs will be the basis for prices offered.

(7) For projects in excess of ten average annual megawatts, the avoided cost will be calculated using the under ten megawatt rate as the starting point taking into account unique factors of the over ten-megawatt QF.

NEW SECTION

WAC 480-107-065 Eligibility for long-run conservation purchase rates. (1) Any conservation supplier may participate in the bidding process. An electric utility may allow a utility subsidiary to participate as a conservation supplier, on conditions described in WAC 480-107-135, Conditions for purchase of electrical power or savings from a utility's subsidiary or affiliate. A decision to allow a utility subsidiary to participate must be explained in the electric utility's RFP submittal.

(2) All conservation measures included in a project proposal must:

(a) Produce electrical savings over a time period greater than five years, or a longer period if specified in the electric utility's RFP. A measure with an expected life that is shorter than the contract term must include replacements through the contract term;

(b) Be consistent with the electric utility's integrated resource plan; and

(c) Produce savings that can be reliably measured or estimated with accepted engineering methods.

NEW SECTION

WAC 480-107-075 Contract finalization. (1) Unless otherwise prohibited by law, an electric utility has discretion to decide whether to enter into a final contract with any project bidder that meets the selection criteria of the RFP. Any such bidder may petition the commission to review a utility decision not to enter into a final contract.

(2) Any project bidder and electric utility may negotiate changes to the selected project proposal for the purpose of finalizing a particular contract consistent with the provisions of this chapter.

(3) The electric utility may sign contracts for any appropriate time period specified in a selected project proposal for up to a twenty-year term. The utility may sign longer-term contracts if such provisions are specified in the utility's RFP.

(4) If material changes are made to the project proposal after project ranking, including material price changes, the electric utility must suspend contract finalization with that party and re-rank projects according to the revised project proposal. If the material changes cause the revised project proposal to rank lower than projects not originally selected, the utility must dismiss the project proposal from further consideration and replace it with next ranked project.

(5) A project developer must provide evidence that the developer has obtained or will obtain a generation site (e.g., letter of intent) before signing a contract with the purchasing electric utility.

NEW SECTION

WAC 480-107-085 Obligations of generating facilities to electric utility. (1) The owner or operator of a generating facility purchasing or selling electricity under this chapter must execute with the electric utility a written agreement stating that:

(a) The owner or operator will construct and operate all interconnected generating facilities in accordance with all applicable federal, state, and local laws and regulations to ensure system safety and reliability of interconnected operations;

(b) The generating facility will furnish, install, operate, and maintain in good order and repair, and without cost to the electric utility, such relays, locks and seals, breakers, automatic synchronizers, and other control and protective apparatus as shown by the utility to be reasonably necessary for the operation of the generating facility in parallel with the electric utility's system; and

(c) At all times, the electric utility will be able to gain access to all switching equipment capable of isolating the generating facility from the electric utility's system.

(2) The electric utility may choose to operate the switching equipment described in subsection (1)(c) of this section if, in the sole opinion of the utility, continued operation of the customer's generating facility in connection with the utility's system may create or contribute to a system emergency. Such a decision by the utility is subject to commission verification in accordance with WAC 480-107-115, System emergencies. The utility must endeavor to minimize any adverse effects of such operation on the customer.

(3) Any agreement between a generating facility and an electric utility must state the extent to which the generating facility will assume responsibility for the safe operation of the interconnection facilities. The generating facility may not be required to assume responsibility for negligent acts of the utility.

NEW SECTION

WAC 480-107-095 Obligations of electric utility to qualifying facilities. (1) **Obligation to purchase from qualifying facilities.** Any owner of a generating facility or developer of a potential generating facility may participate in the bidding process. Qualifying facility developers proposing projects with a design capacity of one megawatt or less may choose to receive a purchase price for power based on avoided energy and capacity costs as identified pursuant to WAC 480-107-055, Avoided cost schedules.

(2) **Obligation to sell to qualifying facilities.** An electric utility must sell to any qualifying facilities, in accordance with WAC 480-107-105, Rates for sales to qualifying facilities, any energy and capacity requested by the qualifying facilities on the same basis as available to other customers of the utility in the same class.

(3) Obligation to interconnect. Any electric utility must make all the necessary interconnections with any qualifying facilities to accomplish purchases or sales under this section. The obligation to pay for any interconnection costs will be determined in accordance with WAC 480-107-125, Interconnection Costs.

(4) Transmission to other electric utilities. At the request of a qualifying facility, an electric utility that would otherwise be obligated to purchase energy or capacity from such qualifying facility shall transmit energy or capacity to any other electric utility at the option of the QF's involved.

(5) Parallel operation. Each electric utility shall operate in parallel with a qualifying facility if the qualifying facility so requests and it complies with all applicable standards established in WAC 480-107-095, Obligations of generating facilities to electric utilities.

NEW SECTION

WAC 480-107-105 Rates for sales to qualifying facilities. (1) General rules:

(a) Rates must be just and reasonable, and in the public interest; and

(b) Rates must not discriminate between qualifying facilities and other customers served by the electric utility.

(2) Rates for sales that are based on accurate data and consistent system-wide costing principles will not be considered to discriminate against any qualifying facilities if those rates apply to the utility's other customers with similar load or other cost-related characteristics.

(3) Additional services to be provided to qualifying facilities:

(a) Upon request by a qualifying facility, each electric utility will provide:

(i) Supplementary power;

(ii) Back-up power;

(iii) Maintenance power; and

(iv) Interruptible power.

(b) The commission may waive any requirement of subsection (a) of this section if the electric utility demonstrates and the commission finds, after notice in the area served by the electric utility and after opportunity for public comment, that compliance with such requirement will:

(i) Impair the electric utility's ability to render adequate service to its customers;

or

(ii) Place an undue burden on the electric utility.

(4) The rate for sale of back-up power or maintenance power:

(a) Unless otherwise supported by factual data, may not be based on an assumption that forced outages or other reductions in electric output by all qualifying

facilities on an electric utility's system will occur simultaneously, or during the system peak, or both; and

(b) Must take into account the extent to which scheduled outages of the qualifying facilities can be coordinated with scheduled outages of the utility's facilities.

NEW SECTION

WAC 480-107-115 System emergencies. (1) A generating facility entering into a power contract under these rules is required to provide energy or capacity to an electric utility during a system emergency only to the extent:

(a) Provided by agreement between such generating facility and electric utility;

or

(b) Ordered under section 202(c) of the Federal Power Act.

(2) During any system emergency, an electric utility may discontinue or curtail:

(a) Purchases from a generating facility if such purchases would contribute to such emergency; and

(b) Sales to a generating facility, if such discontinuance or curtailment:

(i) Does not discriminate against a generating facility; and

(ii) Takes into account the degree to which purchases from the generating facility would offset the need to discontinue or curtail sales to the generating facility.

(3) System emergencies resulting in utility action under this chapter are subject to verification by the commission upon request by either party.

NEW SECTION

WAC 480-107-125 Interconnection costs. (1) Obligation to pay. Any costs of interconnection are the responsibility of the owner or operator of the generating facility entering into a power contract under this chapter. The electric utility must assess all reasonable interconnection costs it incurs against a generating facility on a nondiscriminatory basis.

(2) Reimbursement of interconnection costs. The generating facility must reimburse the electric utility for any reasonable interconnection costs the utility may incur. Such reimbursement may be over an agreed period of time, but not greater than the length of any contract between the utility and the generating facility.

NEW SECTION

WAC 480-107-135 Conditions for purchase of electrical power or savings from a utility subsidiary or affiliate. (1) The electric utility's subsidiaries and affiliates may

participate in the utility's bidding process. In these circumstances, the solicitation and bidding process will be subject to additional scrutiny by the commission to ensure that no unfair advantage is given to the bidding subsidiary. Commission scrutiny will ensure ratepayer interests are protected.

(2) As part of its RFP, an electric utility must include specific notice that the utility intends to allow its subsidiaries and affiliates to participate in its bidding process. The electric utility must indicate in its RFP submittal how it will ensure that its subsidiary or affiliates will not gain an unfair advantage through association with the electric utility over potential nonaffiliated competitors. Specifically, disclosure by an electric utility to its subsidiary and affiliates of the contents of an RFP or competing project proposals prior to any public availability of such information will be construed to constitute an unfair advantage.

(3) The commission may deny in full or in part rate recovery of costs associated with the subsidiary's or affiliate's project(s), upon a showing that any unfair advantage was given to the subsidiary or any other bidder.

NEW SECTION

WAC 480-107-145 Filings--Investigations. (1) The commission retains the right to examine project proposals as originally submitted by potential developers. The electric utility must keep all documents supplied by project bidders or on their behalf, and all documents created by the electric utility relating to each bid, for at least seven years from the close of the bidding process, or the conclusion of the electric utility's next general rate case, whichever is later.

(2) The electric utility must file with the commission and maintain on file for inspection at its place of business the current rates, prices, and charges established in accordance with this chapter.

(3) If a project developer is damaged by an action of an electric utility acting in accordance with these rules, the developer may petition the commission to investigate such action. The commission, at its discretion, may open an investigation and hold public hearings regarding any such petition.

NEW SECTION

WAC 480-107-999 Adoption by reference (1) In WAC 480-107-001, Purpose and scope, the commission refers to the provisions of the Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. The

versions referenced are those current on the day the commission adopted the rule that includes the reference, consistent with the requirements of WAC 480-07-180.

CURRENT RULES	PROPOSED LANGUAGE
<p><u>001 Purpose and scope</u></p>	<p>001 Purpose and scope Subsection (1) The provision about environmental compliance has been removed from this rule. It was included twice in current chapter, also in 020.</p>
	<p>New rules common to all chapters 002 Application of rules 003 Exemptions from rules in Chapter 480-107 WAC 004 Additional requirements 006 Severability</p>
<p><u>005 Definitions</u> It is now renumbered 007.</p>	<p>007 Definitions It contains more definitions.</p>
<p><u>010 Filing requirements for prototype contracts</u> This rule section was deleted.</p>	
<p><u>020 Eligibility for long-run generating facility purchase rates</u> Subsection (1) is in 095 (1) Subsection (2) deleted Subsection (3) moved to 015 (1)(b) Subsection (4) moved to 075 (5) Subsection (5) deleted as such Subsection (6) moved to 035 (5) but revised to provide utility more flexibility</p>	
<p><u>030 Eligibility for long-run conservation purchase rates</u> Subsection (1) is subsection (1) of 015 Subsection (2) deleted, meaningless Subsection (3) is subsection (2) of 065</p>	<p>065 Eligibility for long-run conservation purchase rates Subsection (1) coming from 030 (1) Subsection (2) coming from 030 (3)</p>
<p><u>040 Size of resource block</u> Moved to 025</p>	<p>025 Contents of the solicitation Subsections (1) and (2) come from 040 (1) and (2) and 060 (2) (c) Subsection (3) comes from 060 (2) (d)</p>
<p><u>050 Avoided cost schedules</u></p>	<p>055 Avoided cost schedules Proposed language eliminates the 20 years as an option for the utility to determine the avoided cost for energy and capacity associated with resource block.</p>

CURRENT RULES	PROPOSED LANGUAGE
<p><u>060 The solicitation process</u> Subsection (1) merged in 015 Subsection (2) (a) goes to 015 (2) (a) and (b) Subsection (2) (b) moved 015 (2) Subsection (2) (c) goes to 025 (1) Subsection (2) (d) moved to 025 (3)</p>	<p>015 The solicitation process Subsection (1) comes from 020 (1) and (3). Subsection (2) new organization Subsection (3) from 060 (2) (a)</p>
<p><u>070 Project ranking procedure</u> Subsections (1), (2), and (3) moved to 035 (1) and (2) Subsection (4) went to 145</p>	<p>035 Project ranking procedure Subsections (1) and (2) from 070 (1), (2) and (3) Subsection (4) includes environmental law requirement from 001 (1) and 020 (5) but revised to give utility’s more flexibility Subsection (5) includes current 020 (6)</p>
<p><u>080 Pricing and contracting procedures</u> Subsection (1) moved to 045 (1) Subsection (2) moved to 045 (3)</p>	<p>045 Pricing and contracting procedures Subsection (1) from 080 (1) Subsection (2) is new Subsection (3) from 080 (2)</p>
<p><u>090 Security considerations</u> Deleted for redundancy</p>	
<p><u>100 Contract finalization</u> Subsection (1) rewritten in 075 (1) Subsection (2) moved to 075 (3) Subsection (3) moved to 075 (4)</p>	<p>75 Contract finalization Subsection (1) similar to 100 (1) Subsection (3) comes from 100 (2) but revised to give utility’s more flexibility Subsection (4) comes from 100 (3) Subsection (5) comes from 020 (4)</p>
<p>110, 120, 130 140, 150, 160</p>	<p>85,95, 105, 115, 125, 135 Rewritten for clarity only</p>
<p><u>170 Filings – Investigations – Exceptions</u> Subsection (3) deleted. Same as the new 003.</p>	<p>145 Filings – Investigations –</p>
	<p>099 Adoption by reference New rule: it is equivalent to rules in other chapters</p>