

SB0781/113323/1

BY: Delegate Chisholm

AMENDMENTS TO SENATE BILL 781, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Offshore**” and substitute “**Electricity Generation Facilities and Offshore**”; in line 4, after “of” insert “requiring the Public Service Commission to consider certain factors before authorizing or approving the premature retirement of an electricity generation facility; establishing a rebuttable presumption that an electricity generation facility should not be prematurely retired;”; and in line 8, strike “Public Service”.

On page 2, in line 18, after “Section” insert “7-218.”.

AMENDMENT NO. 2

On page 2, after line 28, insert:

“7-218.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “DISPATCHABLE” MEANS A SOURCE OF ELECTRICITY THAT:

(I) IS AVAILABLE FOR USE ON DEMAND; AND

(II) 1. CAN BE DISPATCHED ON REQUEST OF A POWER GRID OPERATOR; OR

2. CAN HAVE ITS POWER OUTPUT ADJUSTED, ACCORDING TO MARKET NEEDS, OUTSIDE OF ROUTINE MAINTENANCE OR REPAIRS.

(3) "ELECTRICITY GENERATION FACILITY" MEANS A FACILITY THAT USES WATER, COAL, NATURAL GAS, OR NUCLEAR ENERGY TO GENERATE RELIABLE OR DISPATCHABLE ELECTRICITY TO BE PROVIDED TO CUSTOMERS.

(4) (I) "PREMATURE RETIREMENT" AND "RETIRED PREMATURELY" MEAN THE CLOSURE OF, OR COMPLETE AND PERMANENT CESSATION OF OPERATIONS AT, AN ELECTRICITY GENERATION FACILITY BEFORE THE PLANNED OPERATION LIFE OF THE FACILITY HAS LAPSED.

(II) "PREMATURE RETIREMENT" AND "RETIRED PREMATURELY" DO NOT INCLUDE THE CLOSURE OF OR CESSATION OF OPERATIONS AT AN ELECTRICITY GENERATION FACILITY THAT IS MANDATED BY FEDERAL LAW.

(5) "RELIABLE" MEANS A SOURCE OF ELECTRICITY THAT IS NOT SUBJECT TO INTERMITTENT UNAVAILABILITY, OUTSIDE OF ROUTINE MAINTENANCE OR REPAIRS.

(B) BEFORE AUTHORIZING OR APPROVING THE PREMATURE RETIREMENT OF AN ELECTRICITY GENERATION FACILITY THAT HAS BEEN PROPOSED IN A UTILITY RATE CASE, INTEGRATED RESOURCE PLAN, OR ANY OTHER SUBMISSION TO THE COMMISSION, THE COMMISSION SHALL CONSIDER:

(1) THE EFFECT OF THE PREMATURE RETIREMENT ON AVAILABLE RELIABLE OR DISPATCHABLE ELECTRICITY TO CUSTOMERS; AND

(2) THE IMPACT THAT ANY SHORTAGE OF AVAILABLE RELIABLE OR DISPATCHABLE ELECTRICITY NATIONWIDE WOULD HAVE ON CUSTOMERS IF THE ELECTRICITY GENERATION FACILITY IS RETIRED PREMATURELY.

(C) (1) THERE IS A REBUTTABLE PRESUMPTION THAT AN ELECTRICITY GENERATION FACILITY SHOULD NOT BE RETIRED PREMATURELY.

(2) AN ELECTRICITY GENERATION FACILITY MAY NOT BE RETIRED UNLESS IT HAS BEEN ESTABLISHED THAT:

(I) CUSTOMERS WILL EXPERIENCE COSTS SAVINGS AS A RESULT OF THE PREMATURE RETIREMENT;

(II) THE PREMATURE RETIREMENT WILL NOT RESULT IN AN INSUFFICIENT AMOUNT OF RELIABLE OR DISPATCHABLE ENERGY TO SERVE CUSTOMERS; AND

(III) THE PREMATURE RETIREMENT WILL NOT ADVERSELY IMPACT THE AVAILABILITY OR RELIABILITY OF ELECTRIC SERVICE TO CUSTOMERS SERVED BY THE ELECTRICITY GENERATION FACILITY.

(D) (1) THE COMMISSION MAY NOT APPROVE THE PREMATURE RETIREMENT OF AN ELECTRICITY GENERATION FACILITY IF THE PROPOSED REPLACEMENT GENERATION FACILITY IS DETERMINED TO BE MORE DETRIMENTAL TO THE ENVIRONMENT THAN THE EXISTING ELECTRICITY GENERATION FACILITY.

(2) IN CONSIDERING THE DETRIMENT TO THE ENVIRONMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL

(Over)

CONSIDER POTENTIAL DISRUPTION OF LARGE AREAS OF CRITICAL HABITAT, NEGATIVE IMPACTS ON THREATENED OR ENDANGERED WILDLIFE, STRESSES TO LOCAL WATERSHEDS, DISBURSEMENT OF TOXIC MATERIALS INTO WILDERNESS AREAS, AND OTHER ECOLOGICAL HARMS OF A SIMILAR NATURE.”.