

26-LS1353\C
Kane
4/14/10

HOUSE CS FOR CS FOR SENATE BILL NO. 277(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATE SPECIAL COMMITTEE ON ENERGY

A BILL

FOR AN ACT ENTITLED

"An Act exempting from regulation by the Regulatory Commission of Alaska and by municipalities certain generators of electricity from renewable energy resources that sell electricity to regulated utilities."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 29.35.070(a) is amended to read:

(a) The assembly acting for the area outside all cities in the borough and the council acting for the area in a city may regulate, fix, establish, and change the rates and charges imposed for a utility service provided to the municipality or its inhabitants by a utility that is not subject to regulation under AS 42.05 unless that utility is exempted from regulation under AS 42.05.711(a), (d) - (k), (o), [OR] (p), or (q), or is exempted under regulations adopted under AS 42.05.810 from complying with all or part of AS 42.05.141 - 42.05.721.

*** Sec. 2.** AS 42.05.711(l) is amended to read:

(l) A person, utility, joint action agency established under AS 42.45.310, or

1 cooperative that is exempt from regulation under (a), (d) - (k), [OR] (o), or (q) of this
2 section is not subject to regulation by a municipality under AS 29.35.060 and
3 29.35.070.

4 * **Sec. 3.** AS 42.05.711 is amended by adding a new subsection to read:

5 (q) A plant or facility that generates electricity entirely from renewable energy
6 resources, as that term is defined in AS 42.45.045, is exempt from regulation under
7 this chapter if

8 (1) the plant or facility is

9 (A) first placed into commercial operation on or after the
10 effective date of this subsection and before January 1, 2016; and

11 (B) does not generate more than 65 megawatts of electricity;

12 (2) the electricity generated by the plant or facility is sold only to one
13 or more electric utilities that are regulated by the commission; and

14 (3) the person that constructs, owns, acquires, or operates the plant or
15 facility has not received from the state

16 (A) a grant that was used to generate the electricity from the
17 renewable energy resources; or

18 (B) a tax credit related to the generation of electricity from the
19 renewable energy resources.