



HB 369 CS: Explanation of Changes (Version A to G)

Presented by the Office of Rep. Ky Holland on behalf of the House
Energy Committee

Summary of Updates to Version A

Version A

Version G (CS)

Components

- Plug-in solar
- Utility Right of Way Wildfire Liability

RCA/IRP

- RCA evaluates 'best value' in parallel to RRC/IRP
 - All diversified projects pre-cleared with RCA
- RCA promulgates an economic development rate rule
- No RCA approval required for board-approved <15MW renewable projects
- RCA does not evaluate 'best value' in parallel to RRC/IRP
- Only IRP projects precleared
- RCA status quo on approving reduced rates case by case
- No RCA approval required for board-approved <7MW renewable projects

Diversified Portfolio Standard

- 1.5x multiplier for large, shared wind projects
 - Other multipliers
- DEC certifies projects qualifying through <100kg CO₂-eq/MW-hr
- 1.5x multiplier for all large, shared diversified energy projects
- No other multipliers
- Third-party certifiers



HB 369 Version G

Title - Title changed to reflect addition and removal of bill sections

Section 1 – Uncodified law state energy policy targets

- The energy efficiency target was clarified to include heating efficiency, beneficial electrification, and electricity generation and transmission efficiency;
- The diversified energy target was removed from this section to avoid confusion with the target's introduction in Section 8;
- The Power Project Fund goal was removed;
- The reference to critical minerals was removed;
- Language around achieving average US prices in electricity was clarified.





Section 2 -This is a new section to Version G. This section requires Railbelt utilities to adopt a wildland fire mitigation plan (WMP) and offers limited liability protections if they do so

- Presumption of non-negligence if a utility adopts and complies with a WMP, except for cases of gross negligence
- Liability protection for vegetation risks not reasonably foreseeable, or if notice is given to the adjacent property owner
- Liability for unnecessary vegetation removal outside right-of-way is permitted, up to replacement value
- Other notes on liability:
 - A utility can be held liable for causing vegetation–powerline contact, failure to meet ROW maintenance obligations, or unauthorized ROW work
 - A utility can be held liable for negligence causing damage or injury at a residence
 - Utilities are protected when removing vegetation in accordance with a WMP
 - Adjacent property owners are not liable for damages from utility vegetation work





Section 3 -This is a new section to Version G. This section outlines the required elements of a wildland fire mitigation plan (WMP)

- A WMP must be in writing, must describe the property where the utility operates and adjacent properties, must be updated every three years, and must be on file with the Department of Natural Resources;
- A WMP must assess the risk of a wildfire starting in the area that the utility is responsible for maintaining, or starting outside and spreading into that area;
- A WMP must include procedures for inspection and maintenance, de-energization, vegetation management, fire detection, emergency notification, and maintenance of access routes
- A utility must notify DNR and adjacent property owners and occupants of high-risk vegetation conditions
- A utility may remove vegetation outside of its right of way that poses an imminent fire risk;
- DNR may review and consult on a WMP and must acknowledge receipt of a final plan;
- A utility must publish a WMP 60 days before its adoption and provide a 30-day public comment notice





Sec. 4: Replaced “15,000 kilowatts” with “7,000 KW.”

Sec. 5: No change.

Sec. 6: No change.

Sec. 7 (previously Sec. 8 of Version A): No change.





Section 8 - Previously Sec. 9 of Version A): There are several changes to this section:

- Version G removes Sec. 42.05.900 (e) from Version A, which would have created a duplicative role for the RCA in determining that a diversified energy project meet ‘best value’ criteria in parallel to the Railbelt Reliability Council in their creation of an Integrated Resource Plan;
- Sec. 42.05.905 is simplified from Version A, and now only includes a 1.5x multiplier for all diversified energy projects that meet the relevant criteria of being operational before 2033, >100MW, and shared between utilities; other multipliers were removed;
- The role of diversified portfolio credits was clarified as being distinct from renewable energy certificates (RECs) and only subject to exchange between ERO-regulated utilities;
- Version G makes several changes to Sec. 42.05.915 from Version A, which pertains to how utilities could seek to certify that energy resources that were not otherwise specifically cited in this section as ‘diversified energy resources.’ These include:
 - Moving the burden of certification from DEC to third-party certifier entities accredited under ISO 14064-3 and ISO 14065;
 - Requiring that that third-party certifier evaluate the plan for maintaining greenhouse gas emissions from the facility below 100kg CO2-eq/MW-hr across the lifetime of the project as well as submitting a cost estimate for complying with the plan;
 - Requiring an annual certification that the emissions from the facility remained below the above benchmark;
 - Requiring the certifier to submit all reports and evaluations to the RCA, who will designate the resource as a diversified energy resource if the statutory requirements were met.





Sec. 9 (previously Sec. 10 of Version A): No change.

Sec. 10 (previously Sec. 11 of Version A): No change.

Sec. 11 (previously Sec. 14 of Version A): Added “improving the efficiency of electricity generation and transmission” to the portion of the state energy policy pertaining to goals for energy efficiency and conservation

Sec. 12: This is a new section to Version G. It applies the contents of Section 2 to civil lawsuits occurring on or after the Act’s effective date.

Sec. 13: This is a new section to Version G. It requires ERO-served utilities to submit wildland fire mitigation plans to DNR before January 1st, 2028.

Sec. 14 (previously Sec. 15 of Version A): No change.





In addition, the following sections from Version **A** have been removed:

- **Section 2**, which pertained to portable solar generation devices;
- **Section 3**, which pertained to economic development rates for excess renewable electricity;
- **Section 7**, which pertained to preapproval of diversified energy resource projects;
- **Section 12**, which pertained to DNR's role in determining whether certain energy projects counted as diversified energy projects;
- **Section 13**, which also pertained to DNR's role in determining whether certain energy projects counted as diversified energy projects.

