

**ALASKA STATE LEGISLATURE**  
**HOUSE SPECIAL COMMITTEE ON ENERGY**

February 24, 2011

3:06 p.m.

**MEMBERS PRESENT**

Representative Neal Foster, Co-Chair  
Representative Lance Pruitt, Co-Chair  
Representative Kurt Olson  
Representative Dan Saddler  
Representative Pete Petersen  
Representative Chris Tuck

**MEMBERS ABSENT**

Representative Bob Lynn

**COMMITTEE CALENDAR**

HOUSE BILL NO. 103

"An Act relating to the procurement of supplies, services, professional services, and construction for the Alaska Energy Authority; establishing the Alaska Railbelt energy fund and relating to the fund; relating to and repealing the Railbelt energy fund; relating to the quorum of the board of the Alaska Energy Authority; relating to the powers of the Alaska Energy Authority regarding employees and the transfer of certain employees of the Alaska Industrial Development Export Authority to the Alaska Energy Authority; relating to acquiring or constructing certain projects by the Alaska Energy Authority; relating to the definition of 'feasibility study' in the Alaska Energy Authority Act; and providing for an effective date."

- HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 103

SHORT TITLE: POWER PROJECT; ALASKA ENERGY AUTHORITY

SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

|          |     |                                 |
|----------|-----|---------------------------------|
| 01/18/11 | (H) | READ THE FIRST TIME - REFERRALS |
| 01/18/11 | (H) | ENE, FIN                        |
| 02/15/11 | (H) | ENE AT 3:00 PM BARNES 124       |
| 02/15/11 | (H) | Heard & Held                    |
| 02/15/11 | (H) | MINUTE(ENE)                     |

02/17/11 (H) ENE AT 3:00 PM BARNES 124  
02/17/11 (H) Heard & Held  
02/17/11 (H) MINUTE(ENE)  
02/22/11 (H) ENE AT 3:00 PM BARNES 124  
02/22/11 (H) Heard & Held  
02/22/11 (H) MINUTE(ENE)  
02/24/11 (H) ENE AT 3:00 PM BARNES 124

**WITNESS REGISTER**

SENATOR JOE THOMAS  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 103.

GENE THERRIAULT, Vice President of Resource  
Golden Valley Electrical Association (GVEA)  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 103.

MIKE CRAFT, President  
Delta Wind Farm, Inc.  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 103.

CHARLES DUNCAN  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 103.

ERIC YOULD, Consultant  
Wood Canyon Group, Inc.  
Glennallen, Alaska

**POSITION STATEMENT:** Testified in support of HB 103.

MARILYN LELAND, Executive Director  
Alaska Power Association (APA)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 103.

RICH WILSON, Spokesperson  
Alaska Ratepayers, Inc.  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 103.

FRANK MIELKE, Vice President  
Alaska Ratepayers, Inc.  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 103.

JERRY MCCUTCHEON  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 103.

BOB PICKETT, Commissioner/Chair  
Regulatory Commission of Alaska (RCA)  
Department of Commerce, Community & Economic Development (DCCED)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 103.

#### **ACTION NARRATIVE**

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**CO-CHAIR NEAL FOSTER** called the House Special Committee on Energy meeting to order at 3:06 p.m. Representatives Foster, Pruitt, Tuck, and Petersen were present at the call to order. Representatives Saddler and Olson arrived as the meeting was in progress. Senator Thomas was also in attendance.

#### **HB 103-POWER PROJECT; ALASKA ENERGY AUTHORITY**

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CO-CHAIR FOSTER announced that the only order of business would be HOUSE BILL NO. 103, "An Act relating to the procurement of supplies, services, professional services, and construction for the Alaska Energy Authority; establishing the Alaska Railbelt energy fund and relating to the fund; relating to and repealing the Railbelt energy fund; relating to the quorum of the board of the Alaska Energy Authority; relating to the powers of the Alaska Energy Authority regarding employees and the transfer of certain employees of the Alaska Industrial Development Export Authority to the Alaska Energy Authority; relating to acquiring or constructing certain projects by the Alaska Energy Authority; relating to the definition of 'feasibility study' in the Alaska Energy Authority Act; and providing for an effective date."

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CO-CHAIR FOSTER opened public testimony.

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SENATOR JOE THOMAS, Alaska State Legislature, urged the committee to imagine that the Susitna dam had been completed in 1991, and for the last 20 years the Railbelt had enjoyed the benefits of relatively inexpensive, reliable, clean, and stable power, freeing other sources of energy for use in other parts of the state. He surmised making natural gas available for other uses would have attracted industry to the area. In 2008, Senator Thomas added \$2.5 million to reexamine the project, which had previously been studied for decades, but had been finally "shelved" in the '80s. This money was used by the Alaska Energy Authority (AEA) to develop cost estimates for the dam proposals, and to create the Regional Integrated Resource Plan (RIRP). Last year, \$10 million was dedicated to refining studies on three projects, the Watana dam on the Susitna River, the Chakachamna Hydroelectric Project, and the Glacier Fork Hydroelectric Project; in addition, the governor has included \$65.7 million in his budget this year for project design, planning, permitting, and licensing. Senator Thomas advised the 250-mile radius around the dam is known as the "ring of influence" and approaches the site of the proposed Donlin Creek gold mine. He observed that had the dam been in operation, the gold mine project would have progressed because there would have been access to a power supply, and easier access to gas, which is an issue for many developments around the state. In addition, power to Livengood would have created more potential for mine development in that area. Also within the radius are the Yukon-Kuskokwim Delta, the Richardson Highway, Delta Junction, Glennallen, and many Interior villages.

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SENATOR THOMAS noted that hydroelectric (hydro) projects provide low-cost, stable, clean, and reliable power, often for one to two hundred years as proven by the Salmon Creek and Gold Creek hydro plants in Juneau. In addition, hydro power brings stability to Alaska's energy and economy, unlike natural gas from Cook Inlet with its fluctuating costs. Today, the prices of natural gas and oil are rising, "and that's what we will continue to live with without moving forward with ... at least in the Railbelt area, with Watana." He clarified that the project should be identified as "Watana" as there have been many versions of dams on the Susitna River. Senator Thomas expressed his preference for the expandable Watana dam project, saying the redesign by MWH with roller-compacted concrete (RCC) construction makes the project very similar to other dams around the world. He cautioned against another delay - although it is a big, expensive project that will create jobs - more

importantly, the project will provide a stable power system that will benefit the Interior and Southcentral. The project does not cancel out the need for a natural gas pipeline as gas is better for space heat and for industrial use, even with the loss of waste heat. In Fairbanks, waste heat from a coal-burning plant is used, but generally plants are not located in towns. Senator Thomas advised that the estimated costs for the project are coming down with MWH's review of the construction models; in fact, he expects the price for the expandable Watana dam will fall by another \$600-\$700 million. He concluded that most of the questions have been answered, and the Federal Energy Regulatory Commission (FERC) process will require many more answers.

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REPRESENTATIVE PETERSEN asked whether there was a cost estimate for building several hundred miles of transmission lines to the Kuskokwim area.

SENATOR THOMAS relayed the estimates from the Donlin Creek mine project were approximately \$800 million for a power line from south of Nenana to Donlin Creek. The upgrade to the intertie was estimated at \$140-\$150 million, for a total of about \$1 billion. The need for infrastructure creates opportunities for public private partnerships, and he assured the committee companies will "step up." Although this estimate may decrease due to the situation with natural gas, he cautioned against importing gas into the state.

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REPRESENTATIVE TUCK asked whether the failure of HB 103 to pass the legislature would be a hindrance to the construction of the Susitna dam.

SENATOR THOMAS opined an agency such as the Alaska Industrial Development & Export Authority (AIDEA) or AEA is needed to oversee this type of project and to put together the process; for example, the U.S. Department of Energy, Bonneville Power Administration (BPA) is a good model to follow, and the Greater Railbelt Energy and Transmission Corporation (GRETC) is another example of how to manage power consumption. In fact, GRETC now proposes the participation of five utilities with the potential for adding a sixth "user of the resource." It is necessary to firmly involve the energy authority and an entity like AIDEA to manage and help move the projects along.

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REPRESENTATIVE PETERSEN recalled the cost of electricity is projected to be about 20 cents per kilowatt hour. He pointed out this is a significant increase over the present cost, and asked whether the state will have to subsidize the project to a large degree in order for the price of electricity to be competitive.

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SENATOR THOMAS heard estimates in the range of 6-10 cents per kilowatt hour, depending on the final contract cost and the state's willingness to "buy-down the financing". If other entities are involved, the potential investment by the state is 25 percent of a \$4 billion price tag, so if the state contributes \$1 billion and \$3 billion is financed, the cost is reduced. Although 8-10 cents per kilowatt hour for electricity may not be appealing to consumers at this time, he reminded the committee that this price may be level for one hundred years due to the low cost of maintenance on a hydro power plant. An additional benefit, particularly to Anchorage, is the reduction of demand for Cook Inlet natural gas. Furthermore, Fairbanks, along with the rest of the state, is being limited by the lack of reasonably priced power for the production of industrial goods.

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CO-CHAIR PRUITT reiterated the potential for expanding the transmission of electricity down the Richardson Highway. He asked for the percentage of Alaskans that could benefit from that expansion.

SENATOR THOMAS responded that about 75 percent of the state's population, with the exception of Southeast and Western Alaska, could benefit; however, he stressed that an appropriate proportion of money will also need to be allocated for projects to benefit the remaining 25 percent of the population, such as funding for the expansion of transmission lines in Southeast.

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GENE THERRIault, Vice President of Resource, Golden Valley Electrical Association (GVEA), expressed GVEA's support of the passage of HB 103 to modify the structure of AEA so it may

better move forward with energy projects for the benefit of all Alaskans. Passage of the bill will enable AEA to work with utilities in a manner similar to that which resulted in the completion of the successful Bradley Lake Hydroelectric Project (Bradley Lake Hydro) and Railbelt interties. Mr. Therriault pointed out that a large hydro project is too large for any of the Railbelt utilities to facilitate individually or collectively; however, the project can be constructed with the support of the state. Passage of the bill is an important step to achieve the goal of providing affordable and stable power in the future. He pointed out that the administration designed the bill to reconstruct AEA not just for the Susitna River hydro project, but to be used in the future for power projects across the state. His company has reviewed HB 103 and supports the following: restoration of AEA's ability to bond for energy projects; creation of the Alaska Railbelt energy fund, if it is restructured in a manner identical to the Southeast Energy Fund; language that allows AEA to establish subsidiary corporations; language that allows projects constructed by AEA or its subsidiaries to be exempt from RCA rate regulation. Although GVEA was concerned about the wording of section 8 of the bill, its concern is partially mitigated by AS 44.83.396, which requires AEA to enter into contracts with a utility that purchases power from the project, for the operation of the project, and he asked for assurance that this section of law will apply to AEA subsidiary corporations. Mr. Therriault explained it is important to GVEA that AEA does not operate the project itself. In conclusion, he pointed out that without this legislation, AEA will not be able to own the Watana dam project and thus cannot begin the application process with FERC.

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MIKE CRAFT, President, Delta Wind Farm, Inc., informed the committee he is the only wind farmer on the Railbelt grid and has been studying this issue for three and one-half years. Before he began his wind farm, he was a land developer and he realized an energy gap was approaching along with the rising cost of power. He observed that the inflation of the cost of fossil fuel is choking Fairbanks because the city makes 60 percent of its electricity from diesel fuel, and he cautioned against ignoring the impending increases in the price of electricity. In fact, he opined, "I don't think we're ever going to find anything that's going to deliver cheaper energy than what we currently pay." Mr. Craft began his wind farm business because wind energy presents an opportunity to stabilize the electric rate. He recalled hearing about the

Susitna dam in 1978, and noted that if it had been built, there would be diversified industry and jobs in Alaska. The dam would have provided opportunities for the mining and smelting industries, and for the production of value-added products. At that time, the cost of electricity from the dam was projected to be 4.5 cents per kilowatt hour. Mr. Craft restated his concern that there will be a gap in the supply of energy before the natural gas pipeline and the dam can be built. Wind energy can fill the gap, but it is not the solution to the impending shortage of energy. Mr. Craft indicated his support for the project.

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REPRESENTATIVE PETERSEN stated that wind farms have problems with integration into the electric grid, but hydro systems do not.

MR. CRAFT explained that "the shorter the head, the easier to integrate." For example, a project with a 20-mile pipe is harder to regulate with wind, but a dam has a short head thus it is easy to regulate power. In fact, there could be multiple wind farms located in different wind regimes for balance, and integration would not be a problem because today's turbines are "completely controllable," and the load balance is controlled by curtailing the output of the turbines. Different "ramp rates" are also not a problem, and Mr. Craft explained how integration is handled between Eagle Creek, Delta Junction, and the wind farm. He restated the importance of displacing the use of oil generation in Fairbanks due to the pollution of the air and ground water caused by ash and emissions. Mr. Craft concluded that integration is not a technical issue, but a political issue.

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CO-CHAIR PRUITT asked whether the availability of hydro power would discourage subsequent individuals from investing in wind power to add to the grid.

MR. CRAFT indicated no. As a matter of fact, the estimated cost of 20 cents per kilowatt hour is an opportunity for wind, as wind farms built today would have their capital cost paid, thus would be in a position to compete with the hydro project when it is complete. Even now, there is room for 200 megawatts of wind power on the Railbelt grid, especially with an intertie from Glennallen to Delta Junction. Wind power can compete with

hydrocarbons and hydroelectric projects. However, wind power is variable and cannot provide 100 percent of "firm power," although periods of wind power would allow the dam to reserve water capacity.

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CHARLES DUNCAN stated he has been writing an economics newsletter for 27 years and provided copies of the current issue for the committee. He expressed his support for HB 103 and its bonding feature. Mr. Duncan's current newsletter includes articles on employment and on strategies for funding infrastructure, such as bonding. He gave a short history on the bonding of state and federal projects in the 1800s, and opined the situation then was similar to what Alaska faces now, in that a collapse of the national economy is occurring during the construction of the Susitna project. He said his article explains how to avoid "debt pyramiding" while encouraging industrial development. The state should pay cash for one-half of the first stage for the Watana dam and bond for the rest, and then leverage a small percentage of state funds with federal money for the completion of the Watana dam and the Devil Canyon dam. This plan would guarantee the success of a new strategic and construction materials industry.

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CO-CHAIR FOSTER asked whether Mr. Duncan has approached the administration or AEA.

MR. DUNCAN indicated many people are aware of his newsletter. In further response to Co-Chair Foster, he said he has received comments that the Bradley Lake Hydro method of financing "was successful before, we can do it again."

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ERIC YOULD, Consultant, Wood Canyon Group, Inc., stated he is an independent consultant and cited his 35 years of experience in the energy business, primarily in the area of hydropower. He was the program manager/director for the Susitna hydro project in the '70s and '80s, working for the U.S. Army Corps of Engineers (USACE) and the Alaska Power Authority (APA). Mr. Yould offered the benefit of his experience with the implementation of legislation relating to operating an authority similar to what is now the AEA. He provided a short history of the Alaska Power Authority (APA), which was created as a

mechanism to develop the Susitna project in a joint venture with USACE. The legislation authorizing the project passed in 1976, and in 1989, the legislature expanded the authority of APA and renamed it AEA. In 1993, the legislature stripped AEA of much of its powers and authority, thus it is unknown whether AEA can develop the Susitna project, or any major project, with its present statutes. Mr. Yould urged the passage of HB 103 and the reconstitution of all of the previous powers of APA and AEA. During his tenure with APA, the power authority developed Bradley Lake Hydro, the Anchorage-Fairbanks Intertie, the Terror Lake Hydroelectric Project, Swan Lake Hydroelectric Project, Tye Lake Hydroelectric Project, smaller projects, and moved the Susitna project to FERC licensing. He restated his support HB 103 and urged that the AEA board of directors become autonomous from the board of AIDEA because AIDEA is essentially a banking institution, while AEA is an entity that will study, permit, design, construct, operate, own, and market energy. Mr. Yould pointed out that there is no provision in the proposed legislation for the right of eminent domain, and he recommended adding this element to the legislation. Regarding the proposed legislation to strip the authority to allow independent procurement by AEA, he stressed that the authority to develop a procurement plan to procure contracts for the implementation of each individual project is required.

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CO-CHAIR PRUITT asked for other powers of authority previously held by APA that are not authorized by the proposed legislation.

MR. YOULD said he was unsure, as statutes from 1977-1992 are unavailable; however, what is legislated today for AEA will change in response to what is needed. Although with the addition of an independent board and eminent domain, the proposed legislation is close to the original statutes, APA was also guided by specific economic criteria that required the use of standard analysis for each project.

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REPRESENTATIVE TUCK referred to proposed legislation that would establish an independent board of directors for AIDEA, and allow it to have and own subsidiaries. Under these circumstances, he asked about the idea of establishing AEA as a subsidiary of AIDEA.

MR. YOULD opined that members of the AIDEA board of directors were chosen for their expertise in the banking industry, and not for their experience in energy, construction, procurement, or project development; in fact, it is backwards for AEA to be a subsidiary of AIDEA, which has a board without a specific interest in energy development.

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MARILYN LELAND, Executive Director, Alaska Power Association (Association), informed the committee that members of the Association are electric utilities around the state that provide power to over 600,000 Alaskans. She advised that Association members believe that large hydro is not the only answer to Alaska's energy problems. In addition, members believe that a strong partnership between the electric utilities and the state is needed. Referring to the state goal of 50 percent renewable sources of electric energy by 2025, she noted that the only way to meet this goal is by the construction of a major hydropower project for the Railbelt, and other large generation projects. The cost of these projects is beyond the financial capability of any of the individual electric utilities, thus the state should be a partner in the funding and construction of any such project. Furthermore, although AEA is the logical entity to build these projects, it is presently limited by its statutory authority. Ms. Leland acknowledged that the proposed legislation is focused on the Watana dam on the Susitna River; however, the bill will empower AEA to oversee and develop projects all over the state including interties, hydro, wind, and geothermal. She urged attention to the Susitna project, pointing out it is the long-term solution to the approaching shortage of natural gas. The Association supports expansion of statutory powers that would allow AEA to acquire, construct, or own any interest in an electric project, or any right to capacity of an electric project, or to perform feasibility studies, design and engineering with respect to power. Ms. Leland assured the committee the utilities and their consumers want to be active members of the legislative process. She concluded, saying the Association strongly urges the expansion of authority for AEA, as AEA is in the best position to facilitate working to solutions.

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RICH WILSON, Spokesperson, Alaska Ratepayers, Inc., said Alaska Ratepayers is an independent, non-partisan group of experienced, long-time residents that was formed three years ago from concern

about the rising cost of electric rates. The group meets weekly to study its research and to consider views from every perspective, and he reported its finding: HB 103 will fall short of meeting the goal of ratepayers which is affordable, predictable, electricity for the cost of 6 cents per kilowatt hour. Furthermore, Alaska Ratepayers recognizes that smaller projects statewide are also needed, and a separate Susitna power entity is required to accomplish the goal of the Susitna project. He outlined a separate bill offered by Alaska Ratepayers that supports the 50 percent renewable goal and contains the following: authority to build a major statewide project that would have a board with fixed terms and project-appropriate qualifications, staff, and project development and financing powers; the authority would have the ability to pay competitive compensation for its team; the authority would have the ability to efficiently procure the appropriate resources. Mr. Wilson stated Alaska Ratepayers' research concludes that this further proposed legislative authority is necessary for the board of the "Susitna Power Authority" to accomplish the following: focus effort and avoid distractions; narrow the mission of delivering electricity in an affordable and timely manner; clarify and simplify management, financial, and bonding responsibilities; enable timely completion by avoiding unnecessary delays; deliver affordable energy to ratepayers; comply with large hydro industry best practices standards. Mr. Wilson urged the committee to visit other large hydro projects and consult with experts such as BC Hydro, British Columbia, Canada, and the New York Power Authority (NYPA), White Plains, New York.

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MR. WILSON continued, saying Alaska Ratepayers is also concerned with the aspect of transmission. The Susitna project properly includes power generation and the transmission necessary to link the dam with the intertie. However, separate from the new project, improvements to the transmission system are needed in the near-term. Members of Alaska Ratepayers have long-term experience in Alaska in public policy issues, energy, engineering, law, and project development, and they gather research in order to present the ratepayers' perspective in an intelligent and thorough manner. Mr. Wilson offered the group's assistance to the committee.

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FRANK MIELKE, Vice President, Alaska Ratepayers, added that the single-project-entity approach has been used historically by organizations involved with projects costing over \$1 billion, such as the Trans-Alaska Pipeline System (TAPS), the National Aeronautics and Space Administration (NASA), and the Manhattan Project. After construction of the project, another entity may take over operations.

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REPRESENTATIVE TUCK asked Mr. Mielke whether the single-project-entity group he is referring to is AEA.

MR. MIELKE explained his organization is referring to the Susitna project. In the future, other large projects may not be big enough to support their own office, but could benefit from the "subsidiary approach." When a project is bigger than the agency itself, a single-purpose agency needs to be created.

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CO-CHAIR FOSTER asked Mr. Mielke to address how to maintain accountability over a separate entity.

MR. MIELKE advised that with this approach there is one board with technical expertise responsible for making decisions, unlike an agency that must go through certain other levels of government to get things done.

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JERRY MCCUTCHEON informed the committee he proposed the Susitna project many years ago and after that project was shelved, he suggested the Bradley Lake Hydro project. Mr. McCutcheon said Susitna is a worthy project that can stand on its own, but not with the current proposal. He opined Bradley Lake Hydro was not built as it should have been thus cannot produce 40 percent of its installed capacity, and has faulty power lines. He advised this project is costly and will suffer delays. In order to avoid reengineering from scratch, the project should be returned to USACE.

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BOB PICKETT, Commissioner/Chair, Regulatory Commission of Alaska (RCA), offered to answer questions.

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REPRESENTATIVE TUCK recalled testimony that a project owned by AEA would need to be exempt from RCA regulations. He asked for RCA's position on whether the public and consumers' interests will be taken care of in that circumstance.

MR. PICKETT said RCA has not taken a formal position, which would only happen at a public meeting. He reminded the committee that last year, during discussion of the Greater Railbelt Energy and Transmission Corporation (GRETC) issue, there was a series of public meetings and RCA had strong reservations about the creation of a privately-owned entity, instead of a state-owned entity. Mr. Pickett advised that the purpose of regulation is to ensure balance in the absence of competition. He opined the Bradley Lake Hydro model has worked well; in fact, its electricity is the least expensive for the utilities in the Railbelt area.

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REPRESENTATIVE TUCK noted that HB 103 would apply to other projects in the state, some of which may be developed by limited liability companies of which AEA has partial ownership. He asked whether RCA would have authority over projects of which AEA owns just a fraction, and which are mostly owned by private interests.

MR. PICKETT deferred to RCA's legal counsel as this issue has also arisen in relation to AEA's Renewable Energy Fund.

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REPRESENTATIVE PETERSEN surmised that if a project like the Watana dam goes forward, power sales agreements with the utilities would fall under RCA jurisdiction.

MR. PICKETT said that is correct in the case of economically regulated utilities. He clarified that of 125 electric utilities in the state, 37 are economically regulated.

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CO-CHAIR FOSTER stated public testimony on HB 103 remains open.

[HB 103 was heard and held.]

4:30:19 PM

**ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Energy meeting was adjourned at 4:30 p.m.