

AMENDMENT # 3

OFFERED IN THE SENATE

BY SENATOR WIELECHOWSKI

TO: SCS CSHB 307(FIN)

1 Page 4, lines 6 - 7:

2 Delete ", other than a public utility or a joint action agency established under
3 AS 42.45.310."

4
5 Page 4, line 8, following "electricity":

6 Insert ", other than a facility generating electricity under net metering regulations
7 adopted by the commission; "independent power producer" does not include a public
8 utility or a joint action agency established under AS 42.45.310"

9
10 Page 4, following line 8:

11 Insert a new bill section to read:

12 "* **Sec. 10.** AS 42.05.431(b) is amended to read:

13 (b) A wholesale power agreement between public utilities, or between a
14 public utility and an independent power producer, is subject to advance approval
15 of the commission. A rate set in accordance with a wholesale power agreement
16 must disclose a state or local tax exemption provided to a utility or independent
17 power producer. After a wholesale power agreement is in effect, the commission
18 may not invalidate any purchase or sale obligation under the agreement. However, if
19 the commission finds that rates set in accordance with the agreement violate this
20 subsection or are not just and reasonable, the commission may order the parties to
21 negotiate an amendment to the agreement and if the parties fail to agree, to use the
22 dispute resolution procedures contained in the contract. In this subsection,
23 "independent power producer" means a legal entity that owns or operates a