

## HOUSE BILL No. 2100

By Committee on Energy and Environment

1-24

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1 AN ACT concerning utilities; relating to renewable energy, purchasing and  
2 contracting.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. Sections 2 through 6 shall be referred to and may be cited  
6 as the renewable energy procurement act.

7 Sec. 2. As used in this act:

8 (a) "Commission" means the state corporation commission.

9 (b) "Contract customer" means a person who executes or will execute  
10 a renewable energy contract with a qualified utility.

11 (c) "Qualified utility" means an electric public utility, as defined in  
12 K.S.A. 66-101a, and amendments thereto, that serves more than 200,000  
13 retail customers in the state.

14 (d) "Renewable energy contract" means a contract under this section  
15 for the delivery of electricity from one or more renewable energy facilities  
16 to a contract customer requiring the use of a qualified utility's transmission  
17 or distribution system to deliver the electricity from a renewable energy  
18 facility to the contract customer.

19 (e) "Renewable energy facility" means a facility that generates a  
20 renewable energy source as defined in K.S.A. 66-1257, and amendments  
21 thereto, but does not include an electric generating facility whose costs  
22 have been included in a qualified utility's rates as a facility providing  
23 electric service to the qualified utility's system.

24 Sec. 3. (a) Within a reasonable time after receiving a request from a  
25 contract customer and subject to reasonable credit requirements, a  
26 qualified utility shall enter into a renewable energy contract with the  
27 requesting contract customer to supply some or all of the contract  
28 customer's electric service from one or more renewable energy facilities  
29 selected by the contract customer.

30 (b) Subject to a contract customer agreeing to pay the qualified utility  
31 for all incremental costs associated with metering facilities,  
32 communication facilities and administration, a renewable energy contract  
33 may provide for electricity to be delivered to a contract customer from: (1)  
34 A single renewable energy facility to a contract customer's single metered  
35 delivery location;

36 (2) multiple renewable energy facilities to a contract customer's

1 single metered delivery location; or

2 (3) one or more renewable energy facilities to a single contract  
3 customer's multiple metered delivery locations.

4 (c) (1) A single contract customer may aggregate multiple, separately  
5 metered delivery locations to satisfy the minimum megawatt limit under  
6 subsection (d).

7 (2) Multiple contract customers may not aggregate their separate  
8 metered delivery locations to satisfy the minimum megawatt limit under  
9 subsection (d).

10 (d) The amount of electricity provided to a contract customer under a  
11 renewable energy contract may not be less than one megawatt.

12 (e) The amount of electricity provided in any hour to a contract  
13 customer under a renewable energy contract may not exceed the contract  
14 customer's metered kilowatt-hour load in that hour at the metered delivery  
15 locations under the contract.

16 (f) A renewable energy contract that meets the requirements of  
17 subsection (d) may provide for one or more increases in the amount of  
18 electricity to be provided under the contract even though the amount of  
19 electricity to be provided by the increase is less than the minimum amount  
20 required under subsection (d).

21 (g) Electricity generated by a renewable energy facility and delivered  
22 to a contract customer under a renewable energy contract shall not be  
23 included in determining the total rated generating capacity pursuant to  
24 K.S.A. 66-1265, and amendments thereto.

25 Sec. 4. (a) A renewable energy facility may be owned by a: (1) Person  
26 who will be a contract customer receiving electricity from the renewable  
27 energy facility;

28 (2) qualified utility;

29 (3) person other than a contract customer or qualified utility; or

30 (4) combination of subsections (a)(1), (2) and (3), whether in equal  
31 shares or otherwise.

32 (b) A qualified utility may be a joint owner of a renewable energy  
33 facility only if the qualified utility consents to being a joint owner.

34 (c) Within 180 days of the effective date of this act, the commission  
35 shall establish tariff rates for the generation, transmission and distribution  
36 services of each qualified utility to be applied to contract customers. Any  
37 renewable energy facility costs incurred by a qualified utility for service to  
38 contract customers shall not be recovered in rates from the other customers  
39 of the qualified utility.

40 (d) To the extent that any electricity from a renewable energy facility  
41 to be delivered to a contract customer is owned by a person other than the  
42 contract customer, the qualified utility shall: (1) Contract with the owner  
43 of the electricity to be sold from the renewable energy facility to purchase

1 electricity for resale to one or more contract customers;

2 (2) sell such electricity to the contract customer or customers under  
3 renewable energy contracts with the same duration and pricing as the  
4 contract between the qualified utility and the owner of the electricity to be  
5 sold from the renewable energy facility; and

6 (3) contract with the owner of the electricity to be sold from the  
7 renewable energy facility that the qualified utility's obligation to purchase  
8 electricity under that contract ceases if the contract customer defaults in its  
9 obligation to purchase and pay for the electricity under the contract with  
10 the qualified utility.

11 (e) The right to any environmental attribute associated with a  
12 renewable energy facility shall remain the property of the renewable  
13 energy facility's owner, except to the extent that a contract to which the  
14 owner is a party provides otherwise.

15 Sec. 5. (a) A qualified utility is not required to comply with K.S.A.  
16 66-131, and amendments thereto, with respect to a renewable energy  
17 facility that is the subject of a renewable energy contract if:

18 (1) Each contract necessary for the commission to determine  
19 compliance with this act is filed with the commission; and

20 (2) the commission determines that each contract relating to the  
21 renewable energy facility complies with this act.

22 (b) In making its determination under subsection (a)(2), the  
23 commission may consider together multiple renewable energy contracts  
24 between the same contract customer and the qualified utility providing for  
25 the delivery of electricity from a renewable energy facility to the contract  
26 customer's multiple metered delivery locations.

27 Sec. 6. This act shall take effect and be in force from and after its  
28 publication in the Kansas register.