



Synapse
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Legislative Intervention in Electric Utility Matters

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Ind. Code § 8-1-39-9 (a) ... a public utility ... may file ... a TDSIC [transmission, distribution, and storage system improvement charge] that will allow the periodic automatic adjustment of the public utility's basic rates and charges to provide for timely recovery of 80% of approved capital expenditures and TDSIC costs.

M.G.L. ch. 169 §83: Each distribution company ... shall be required twice in that 5 year period to solicit proposals from renewable energy developers and ... enter into cost-effective long-term contracts to facilitate the financing of renewable energy generation within the ... commonwealth, including ... waters.

RSA 125-O:11: ... The requirements of this subdivision will prevent, at a minimum, 80 percent of the aggregated mercury content of the coal burned at these plants from being emitted into the air by no later than the year 2013. To accomplish this objective, the best known commercially available technology [wet flue gas desulphurization system] shall be installed at Merrimack Station no later than July 1, 2013.

Fla. Stat. § 366.93 (2) ... the commission shall establish, by rule, alternative cost recovery mechanisms for the recovery of costs incurred in the siting, design, licensing, and construction of a nuclear power plant. Such mechanisms ... shall include, but are not limited to:

- (a) Recovery through the capacity cost recovery clause of any preconstruction costs.
- (b) Recovery through an incremental increase in the utility's capacity cost recovery clause rates of the carrying costs on the utility's projected construction cost balance associated with the nuclear power plant.

220 ILCS 5/16-108.5(b) ... “participating utility” ... means a ... utility serving more than 1,000,000 customers ... that voluntarily elects and commits to undertake the infrastructure investment program ...

(b)(1)(A) over a 5-year period, invest an estimated \$1,100,000,000 in electric system upgrades, ...

(b)(1)(A)(i) distribution infrastructure improvements totaling an estimated \$1,000,000,000, ...

(b)(1)(A)(ii) training facility construction or upgrade projects totaling an estimated \$10,000,000...

(b)(2)(A) over a 10-year period, invest an estimated \$265,000,000...

C.R.S. § 40-3.2-204.(1) ... utilities that own or operate coal-fired electric generating units in Colorado shall submit ... an emissions reduction plan for emissions from those units.

(2)(a) The plan filed ... shall cover a minimum of 900 MW or 50% of the utility's coal-fired electric generating units in Colorado, whichever is smaller.

40-3.2-206.(1)(a) The general assembly finds that ... it is in the public interest for utilities to give primary consideration to replacing or repowering their coal generation with natural gas generation...

N.D.C.C. § 49-02-23. Consideration of environmental externality values prohibited.

The commission may not use, require the use of, or allow electric utilities to use environmental externality values in the planning, selection, or acquisition of electric resources or the setting of rates for providing electric service. Environmental externality values are numerical costs or quantified values that are assigned to represent either:

1. Environmental costs that are not internalized in the cost of production or the market price of electricity from a particular electric resource; or
2. The alleged costs of complying with future environmental laws or regulations that have not yet been enacted.

Feb 2010	VT Sen votes 26-4 to block operation of VY after 2012
Nov 2010	Peter Schumlin, prominent VY opponent, is elected governor; Entergy tries to sell VY two days later
Jan 2012	US District Court rules legislature can not force VY to close
July 2012	VY to pay \$0.0025/kWh instead of property tax
Aug 14, 2013	US Court of Appeals upholds Jan 2012 ruling
Aug 27, 2013	Entergy announces VY to close by end of 2014