



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Revenue

- Preproposal Statement of Inquiry was filed as WSR 09-18-106 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: WAC 458-20-273 *Renewable Energy System Cost Recovery* – This rule explains the cost-recovery incentive program for renewable energy systems.

Hearing location(s):

Department of Revenue
Capitol Plaza Building
Fourth Floor Executive Conference Room
1025 Union Avenue SE
Olympia, Washington 98504

Submit written comments to:

Name: Mark E. Bohe
Address: Post Office Box 47453
Olympia, Washington 98504-7453
E-mail: markbohe@dor.wa.gov
By: May 11, 2010

Date: May 11, 2010 Time: 10:00 AM

Date of intended adoption: May 25, 2010
(Note: This is NOT the effective date)

Assistance for persons with disabilities: Contact Martha Thomas at (360) 725-7497 no later than 10 days before the hearing date. Deaf and hard of hearing individuals may call 1-800-451-7985 (TTY users).

Purpose of the proposal and its anticipated effects, including any changes in existing rules: ESSB 6170 (chapter 469, Laws of 2009) and ESSB 6658 (chapter 202, Laws of 2010) amended RCW 82.16.110, 82.16.120, and 82.16.130. The legislation: (1) increases the annual payment limitations to customers, (2) increases the limitations on incentive payments made by participating light and power businesses, (3) changes the formula used to determine payment amounts based on “economic development kilowatt-hours,” (4) extends the incentive program to community solar projects, (5) creates three different types of community solar projects, (6) sets limitations on total payments for community solar projects and (7) sets capacity generating restrictions on systems in community solar projects.

The Department is proposing to amend WAC 458-20-273 to recognize these statutory changes.

Copies of draft rules are available for viewing and printing on our website at:

<http://dor.wa.gov/content/FindALawOrRule/RuleMaking/default.aspx>

Reasons supporting proposal: To recognize statutory changes.

Statutory authority for adoption: RCW 82.32.300 and 82.01.060

Statute being implemented: RCW 82.16.110, 82.16.120, and 82.16.130

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

Date April 2, 2010

Name
Alan R. Lynn

Signature

Title
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 02, 2010
TIME: 11:51 AM

WSR 10-08-047

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: Department of Revenue

- Private
 Public
 Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|---------------------------------|---|----------------|
| Drafting..... Mark E. Bohe | 1025 Union Ave. SE. Ste #544, Olympia ,Wa | (360) 570-6133 |
| Implementation.... Alan R. Lynn | 1025 Union Ave. SE. Ste #544, Olympia ,Wa | (360) 570-6125 |
| Enforcement..... Gilbert Brewer | 1025 Union Ave. SE. Ste #544, Olympia ,Wa | (360) 570-6147 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone:

Fax:

E-mai:

No. Explain why no statement was prepared. **This rule does not impose any new performance requirement or administrative burden on any small business not required by statute.**

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

E-mail:

No: **Please explain: This is not a significant legislative rule as defined in RCW 34.05.328.**