

1 nameplate rating of 10 megawatts or less;
 2 (10) fuel cells using hydrogen produced by one of the above-named
 3 renewable energy resources; and
 4 (11) energy storage that is connected to any renewable generation by
 5 means of energy storage equipment including, but not limited to, batteries,
 6 fly wheels, compressed air storage and pumped hydro; and
 7 (12) other sources of energy, not including nuclear power, that
 8 become available after the effective date of this section, and that are
 9 certified as renewable by rules and regulations established by the
 10 commission pursuant to K.S.A. 2011 Supp. 66-1262, and amendments
 11 thereto.

12 ~~Sec. 2. K.S.A. 2011 Supp. 66-1258 is hereby amended to read as~~
 13 ~~follows: 66-1258. (a) The commission shall establish by rules and~~
 14 ~~regulations a portfolio requirement for all affected utilities to generate~~
 15 ~~or purchase electricity generated from renewable energy resources or~~
 16 ~~purchase renewable energy credits. For the purposes of calculating the~~
 17 ~~capacity from renewable energy credit purchases, the affected utility~~
 18 ~~shall use its actual capacity factor from its owned renewable~~
 19 ~~generation from the immediately previous calendar year. Renewable~~
 20 ~~energy credits may only be used to meet a portion of portfolio~~
 21 ~~requirements for the years 2011, 2016 and 2020, unless otherwise~~
 22 ~~allowed by the commission. Such portfolio requirement shall provide~~
 23 ~~net renewable generation capacity that shall constitute the following~~
 24 ~~portion of each affected utility's peak demand:~~

25 (1) Not less than 10% of the affected utility's peak demand for
 26 calendar years 2011 through 2015, based on the average demand of
 27 the prior three years of each year's requirement;

28 (2) ~~except as provided in subsection (b), not less than 15% of the~~
 29 ~~affected utility's peak demand for calendar years 2016 through 2019,~~
 30 ~~based on the average demand of the prior three years of each year's~~
 31 ~~requirements; and~~

32 (3) ~~except as provided in subsection (b), not less than 20% of the~~
 33 ~~affected utility's peak demand for each calendar year beginning in~~
 34 ~~2020, based on the average demand of the prior three years of each~~
 35 ~~year's requirement.~~

36 (b) ~~if on January 1, 2016, construction of the facility authorized by~~
 37 ~~the issuance of a permit pursuant to K.S.A. 2011 Supp. 65-3029, and~~
 38 ~~amendments thereto, has not begun, then the portfolio requirement~~
 39 ~~described in subsection (a) shall be not less than 10% of the affected~~
 40 ~~utility's peak demand based on the average demand of the prior three~~
 41 ~~years of each year's requirement.~~

42 (b) ~~(c) The portfolio requirements described in subsection (a)~~
 43 ~~shall apply to all power sold to Kansas retail consumers whether such~~

1 power is self-generated or purchased from another source in or
2 outside of the state. The capacity of all net metering systems
3 interconnected with the affected utilities under the net metering and
4 easy connection act in K.S.A. 2011 Supp. 66-1263 *et seq.*, and
5 amendments thereto, shall count toward compliance.

6 (e) Each megawatt of eligible capacity in Kansas installed after
7 January 1, 2000, shall count as 1.10 megawatts for purposes of
8 compliance.

9 (d) The commission shall establish rules and regulations required
10 in this section within 12 months of the effective date of this act.

11 ~~Sec. 2, {3}, K.S.A. 2011 Supp. 66-1257 is {and 66-1258 are} hereby~~
12 ~~repealed.~~

13 Sec. 3, {4} This act shall take effect and be in force from and after its
14 publication in the statute book.
15

See attachment

66-1260

K.S.A. 2011 Supp. 66-1260 is hereby amended to read as follows: 66-1260. (a) For each affected utility, the commission shall determine whether ~~investment in renewable energy resources required to meet the renewable portfolio requirement, as required by K.S.A. 2011 Supp. 66-1258, and amendments thereto,~~ causes the affected utility's total revenue requirement to would increase one percent or greater due to:

(1) Investment in renewable energy resources required to meet the renewable portfolio requirement, as required by K.S.A. 2011 Supp. 66-1258, and amendments thereto;

(2) retrofits of generation facilities required for compliance with federal laws or regulations;

(3) any new generation added or approved by the commission for addition;

(4) any purchase power contracts from renewable and nonrenewable generation sources; or

(5) any other major cost items as identified by the commission.

~~The retail rate impact shall be determined net of new nonrenewable alternative sources of electricity supply reasonably available at the time of the determination.~~

(b) Beginning in 2013, on or before March 1 of each year, the commission shall submit a report of the impact on the total revenue requirements of affected utilities for the previous year to the governor, the house committee on energy and utilities and the senate committee on utilities.