

House Engrossed

corporation commission; electric generation resources

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2248

AN ACT

AMENDING TITLE 40, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 40-213; RELATING TO PUBLIC SERVICE CORPORATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 40, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 40-213, to read:

4 40-213. Regulation of critical electric generation resources;
5 renewable energy resources; definitions

6 A. IT IS THE PUBLIC POLICY OF THIS STATE THAT PUBLIC SERVICE
7 CORPORATIONS SHOULD PURSUE THE USE OF CLEAN ENERGY RESOURCES AND THE
8 REDUCTION OF CARBON EMISSIONS RESULTING FROM THE GENERATION OF ENERGY FOR
9 RETAIL ELECTRIC SALES, PROVIDED THE MIX OF CRITICAL ELECTRIC GENERATION
10 RESOURCES USED BY EACH PUBLIC SERVICE CORPORATION TO MEET ITS CUSTOMERS'
11 NEEDS IS THE LOWEST COST METHOD OF PROVIDING SAFE AND RELIABLE ELECTRICITY
12 SERVICES WHILE TAKING INTO CONSIDERATION THE SYSTEM-WIDE COSTS ASSOCIATED
13 WITH MEETING CUSTOMER DEMAND FOR SERVICES AT ALL TIMES OF EACH DAY AND
14 THROUGHOUT ALL SEASONS OF THE YEAR.

15 B. THE CLEAN ENERGY AND CARBON EMISSIONS REDUCTION POLICY OF THIS
16 STATE REQUIRES PUBLIC SERVICE CORPORATIONS TO DERIVE AT LEAST THE
17 FOLLOWING PERCENTAGE OF RETAIL KILOWATT SALES FROM RENEWABLE ENERGY
18 RESOURCES BY THE FOLLOWING DATES:

- 19 1. TWELVE PERCENT BY DECEMBER 31, 2022.
- 20 2. THIRTEEN PERCENT BY DECEMBER 31, 2023.
- 21 3. FOURTEEN PERCENT BY DECEMBER 31, 2024.
- 22 4. FIFTEEN PERCENT BY DECEMBER 31, 2025 AND FOR EACH YEAR
23 THEREAFTER.

24 C. THIS SECTION DOES NOT APPLY TO ANY POLICY, DECISION OR RULES
25 ADOPTED BEFORE JUNE 30, 2020.

26 D. THIS SECTION DOES NOT PROHIBIT THE CORPORATION COMMISSION FROM
27 EXERCISING ITS RATEMAKING OR STATUTORY AUTHORITY OVER PUBLIC SERVICE
28 CORPORATIONS.

29 E. THE COMMISSION MAY ADOPT RULES TO ENSURE PUBLIC SERVICE
30 CORPORATIONS COMPLY WITH THIS SECTION. THE COMMISSION MAY NOT ADOPT OR
31 ENFORCE ANY POLICY, DECISION OR RULE THAT INCREASES OR DECREASES THE
32 PERCENTAGES PRESCRIBED IN SUBSECTION B OF THIS SECTION OR OTHERWISE
33 CONFLICTS WITH THE REQUIREMENTS PRESCRIBED IN SUBSECTION B OF THIS SECTION
34 OR THAT DIRECTLY OR INDIRECTLY REGULATES A PUBLIC SERVICE CORPORATION'S
35 CARBON EMISSIONS.

36 F. FOR THE PURPOSES OF THIS SECTION:

- 37 1. "CARBON EMISSIONS" MEANS CARBON EMISSIONS RESULTING FROM THE
38 COMBUSTION OF FOSSIL FUELS, SUCH AS COAL, PETROLEUM, NATURAL GAS, OIL,
39 SHALE OR BITUMEN.
- 40 2. "CLEAN ENERGY RESOURCES" INCLUDES SOLAR, WIND, BIOMASS,
41 GEOTHERMAL, NUCLEAR AND HYDROELECTRIC TECHNOLOGIES THAT GENERATE
42 ELECTRICITY.
- 43 3. "CRITICAL ELECTRIC GENERATION RESOURCES" INCLUDES ANY GENERATION
44 RESOURCE USED OR ACQUIRED BY A PUBLIC SERVICE CORPORATION, INCLUDING

1 SOLAR, WIND, BIOMASS, GEOTHERMAL, NUCLEAR, HYDROELECTRIC, FUEL-CELL
2 TECHNOLOGY, NATURAL GAS OR COAL OR ANY OTHER PETROLEUM FUEL SOURCE.

3 4. "LOWEST COST METHOD" MEANS THE METHOD OF MEETING CUSTOMERS'
4 ENERGY NEEDS THAT RESULTS IN THE LOWEST AMOUNT OF EXPENSES AND RATE BASE
5 THAT THE COMMISSION'S ESTABLISHED RATEMAKING PRACTICES ALLOWS A PUBLIC
6 SERVICE CORPORATION TO RECOVER FROM RATEPAYERS.

7 5. "RENEWABLE ENERGY RESOURCES" INCLUDES SOLAR, WIND, BIOMASS,
8 GEOTHERMAL AND HYDROELECTRIC TECHNOLOGIES THAT GENERATE ELECTRICITY.

9 Sec. 2. Legislative findings

10 The legislature finds that:

11 1. Energy development, production and generation is an issue of
12 statewide concern necessary to ensure the public's health and safety.

13 2. Policies that restrict or ban critical fuel and energy resources
14 beyond the requirements prescribed in section 40-213, subsection B,
15 Arizona Revised Statutes, as added by this act, will result in higher
16 electricity prices, harm economic growth, reduce grid reliability and
17 damage Arizona's energy independence.

18 3. Any policy, decision or rule that regulates critical electric
19 generation resources should prioritize affordability and reliability.

20 4. The regulation of carbon emissions from the generation of energy
21 for retail electric sales is an issue of statewide concern necessary to
22 protect the public health, safety and welfare.

23 Sec. 3. Retroactivity

24 Section 40-213, Arizona Revised Statutes, as added by this act,
25 applies retroactively to from and after June 29, 2020.