



State of Wisconsin  
1997 - 1998 LEGISLATURE

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**ASSEMBLY AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 940**

March 24, 1998 – Offered by COMMITTEE ON UTILITIES OVERSIGHT.

- 1           At the locations indicated, amend the bill as follows:
- 2           **1.** Page 12, line 17: delete “reduce” and substitute “provide for appropriate  
3 adjustments, if any, to”.
- 4           **2.** Page 12, line 18: after “costs” insert “, if any,”.
- 5           **3.** Page 14, line 4: delete “the area served by the reliability council” and  
6 substitute “this state”.
- 7           **4.** Page 14, line 12: delete “issued a request for proposals” and substitute  
8 “received a proposal”.
- 9           **5.** Page 15, line 1: on lines 1 and 3, delete “under sub. (1)”.
- 10          **6.** Page 15, line 8: delete lines 8 to 11 and substitute:  
11          “196.39 **(2)** An interested party may request the reopening of a case under s.  
12 227.49.”.

1           **7.** Page 16, line 17: delete lines 17 and 18 and substitute:

2           “1. The person does not own electric generation facilities or does not sell electric  
3 generation capacity or energy in a market”.

4           **8.** Page 16, line 23: delete “or 2.”.

5           **9.** Page 17, line 19: delete “or” and substitute “and”.

6           **10.** Page 18, line 18: after “prompt” insert “transition period for the”.

7           **11.** Page 18, line 21: after “shall” insert “, except as provided in par. (bm),”.

8           **12.** Page 18, line 24: after that line insert:

9           “(bm) The commission may issue an order under par. (b) after June 30, 2000,  
10 if the commission determines that a later date is necessary due to circumstances  
11 beyond the control of a transmission utility, including regulatory delays at the  
12 commission or applicable federal agency.”.

13           **13.** Page 23, line 14: delete “within 18” and substitute “18”.

14           **14.** Page 23, line 15: delete “months” and substitute “~~months~~”.

15           **15.** Page 23, line 16: after “~~minimized;~~” insert “within 3 years”.

16           **16.** Page 32, line 5: after that line insert:

17           “**SECTION 72m.** 196.491 (3) (dm) of the statutes is created to read:

18           196.491 (3) (dm) In making a determination required under par. (d), the  
19 commission may not consider a factual conclusion in a strategic energy assessment  
20 unless the conclusion is independently corroborated in the hearing under par. (b).”.

21           **17.** Page 34, line 19: after that line insert:

22           “am. Establish screening tests and safe harbors for proposed wholesale  
23 merchant plant projects, including projects in which an affiliated interest is a passive

1 investor and over which the affiliated interest is not able to exercise control or  
2 influence and projects in which an affiliated interest’s ownership interest is less than  
3 5%.”.

4 **18.** Page 37, line 14: delete “that are owned by electric utilities” and substitute  
5 “in this state that are owned by public utilities”.

6 **19.** Page 37, line 15: delete “electric utilities” and substitute “public utilities”.

7 **20.** Page 37, line 16: delete “that are owned by electric” and substitute “in this  
8 state that are owned by public”.

9 **21.** Page 37, line 20: delete “that are owned by electric utilities” and substitute  
10 “in this state that are owned by public utilities”.

11 **22.** Page 37, line 21: delete “electric utilities” and substitute “public utilities”.

12 **23.** Page 37, line 22: delete “that are owned by electric” and substitute “in this  
13 state that are owned by public”.

14 **24.** Page 39, line 5: delete the material beginning with “Notwithstanding” and  
15 ending with “orders.” on line 7.

16 **25.** Page 39, line 10: delete “(2)” and substitute “(3)”.

17 **26.** Page 40, line 3: delete “within the state”.

18 **27.** Page 40, line 8: delete lines 8 to 13 and substitute:

19 “c. “Wholesale merchant plant” means electric generating equipment and  
20 associated facilities that are located in the reliability council area and that do not  
21 provide retail service to customers in this state, but does not include any equipment  
22 or facilities that were subject to regulation as public utility assets under the laws of  
23 this or another state on December 31, 1997.”.

