

*Passed*

Amendments to House Bill No. 389  
1st Reading Copy

For the House Federal Relations, Energy, and Telecommunications  
Committee

Prepared by Todd Everts  
February 9, 2005 (2:49pm)

1. Page 2, line 28.  
**Following:** "(i)"  
**Insert:** "the revenue requirement for a plant or equipment owned or leased by a default supplier and used for the production of electricity, including"  
**Strike:** "leased" on line 28 through "electricity" on line 29
  
2. Page 9, line 5.  
**Following:** "(1)"  
**Insert:** "(a)"
  
3. Page 9, line 7.  
**Following:** "electricity."  
**Insert:** "The application must specify:  
    (i) the revenue requirement of electrical energy, capacity, and other services to be supplied by the plant or equipment;  
    (ii) the quantity of energy, capacity, and other services to be supplied by the plant or equipment; and  
    (iii) the term to which customers would be committed to the energy, capacity, and other services to be supplied by the plant or equipment.  
    (b) If an application for advanced approval under this section is based on an investment in or acquisition or lease of a plant or equipment with a nameplate capacity larger than 10 megawatts, the default supplier shall evaluate the specific revenue requirement of the electrical energy, capacity, and other services against other alternatives available in the wholesale market as established by the results of a request for proposals that is consistent with commission rules. "
  
4. Page 9, line 14.  
**Following:** the first "69-8-419"  
**Insert:** ", "  
**Strike:** "and"  
**Following:** the second "69-8-419"

**Insert:** ", and the commission's minimum filing requirements"

5. Page 9, line 15 through line 17.

**Strike:** subsection (c) in its entirety

6. Page 9, line 18.

**Following:** "deny"

**Strike:** ", in whole or in part,"

7. Page 9, line 19.

**Strike:** the first "of" through "electricity"

8. Page 9, line 20.

**Strike:** "may"

**Insert:** "shall"

**Following:** "information"

**Insert:** "that is"

**Strike:** "up to"

**Insert:** "and included in the administrative record at"

9. Page 9, line 21.

**Strike:** the second "of" on line 21 through "electricity" on line  
22

10. Page 9, line 23 through line 24.

**Strike:** the first "of" on line 23 through "electricity" on line  
24

**Insert:** "pursuant to this section"

11. Page 9, line 25 through line 26.

**Strike:** "investment" on line 25 through "electricity" on line 26

**Insert:** "specific revenue requirements for electrical energy,  
capacity, and other services, the term of those revenue  
requirements, and the quantity of each service to be  
supplied by the plant or equipment specified in the  
application for advanced approval"

12. Page 9, line 27.

**Strike:** "investment or acquisition"

**Insert:** "application"

13. Page 9, line 29 through line 30.

**Strike:** the first "the" on line 29 through "service" on line 30

**Insert:** "the specific revenue requirements for electrical energy, capacity, and other services, the term of those revenue requirements, and the quantity of each service to be supplied by the plant or equipment specified in the application for advanced approval are reasonable"

14. Page 10, line 5 through line 6.

**Strike:** "costs" on line 5 through "findings" on line 6

**Insert:** "the specific revenue requirements for electrical energy, capacity, and other services determined to be reasonable in the commissions's order"

15. Page 10, line 7 through line 12.

**Strike:** subsection (5) in its entirety

**Renumber:** subsequent subsections

- END -

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Requested by Representative Alan Olson

For the House Federal Relations, Energy, and Telecommunications  
Committee

Prepared by Todd Everts  
February 16, 2005 (2:40pm)

1. Page 8, line 8.

**Following:** "(2)"

**Insert:** "(a)"

2. Page 8.

**Following:** line 9

**Insert:** "(b) The commission may not penalize the default supplier financially if the default supplier chooses not to invest in, acquire, or lease a plant or equipment used for the production of electricity in the default supplier's default supply portfolio."

3. Page 8, line 11.

**Strike:** "subsections"

**Insert:** "subsection"

**Strike:** "and (2)"

4. Page 8, line 15.

**Following:** "supplier"

**Insert:** "only if the default supplier elects to pursue the option in subsection (2)(a)"

- END -

EXHIBIT 22  
DATE 2-18-05  
HB HB389

Amendments to House Bill No. 389  
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Requested by Representative Mark Noennig

For the House Federal Relations, Energy, and Telecommunications  
Committee

Prepared by Todd Everts  
February 16, 2005 (2:42pm)

1. Page 10.

**Following:** line 25

**Insert:** "(8) (a) In adopting rules pursuant to 69-8-419, the commission shall ensure that the default supplier does not unfairly favor its own generation or lease proposals over alternative supply sources.

(b) The commission shall review default supply procurement bids in order to ensure that the default supplier does not unfairly favor its own generation or lease proposals. The commission may protect cost information that a bidder to supply electricity for the default supply considers confidential if the commission determines protection would be in the public interest.

(c) The commission may, as necessary, require the default supplier to demonstrate that the revenue requirement included in an application for advanced approval reflects a reasonable return on the estimated costs of an investment in or the lease of a plant or equipment used for the production of electricity.

(d) The commission may protect cost information in an application for advanced approval that the default supplier considers confidential if the commission determines protection would be in the public interest."

- END -