

Multiple Agency Fiscal Note Summary

Bill Number: 2131 S HB	Title: Thermal energy networks
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Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	No fiscal impact					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Joint Legislative Audit and Review Committee	.0	0	0	2,400	1.5	0	0	529,800	.1	0	0	38,100
Department of Commerce	Fiscal note not available											
Utilities and Transportation Commission	.2	0	0	62,448	.3	0	0	90,401	.4	0	0	114,422
Total \$	0.2	0	0	64,848	1.8	0	0	620,201	0.5	0	0	152,522

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	No fiscal impact								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Joint Legislative Audit and Review Committee	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	Fiscal note not available								
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	No fiscal impact								
Local Gov. Total									

Estimated Capital Budget Breakout

NONE

Prepared by: Val Terre, OFM	Phone: (360) 280-3973	Date Published: Preliminary 1/29/2024
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Individual State Agency Fiscal Note

Bill Number: 2131 S HB	Title: Thermal energy networks	Agency: 014-Joint Legislative Audit and Review Committee
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	1.5	0.1
Account					
Performance Audits of Government Account-State 553-1	2,400	0	2,400	529,800	38,100
Total \$	2,400	0	2,400	529,800	38,100

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Megan McPhaden	Phone: 360-786-7114	Date: 01/23/2024
Agency Preparation: Aaron Cavin	Phone: 360-786-5194	Date: 01/25/2024
Agency Approval: Eric Thomas	Phone: 360 786-5182	Date: 01/25/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/25/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The substitute bill authorizes gas and electrical companies to deploy a Thermal Energy Network (TEN) within their service territories.

- Sec. 3 creates a thermal energy network pilot project program.
 - Department of Commerce (Commerce) may award grants for pilot projects.
 - Utilities and Transportation Commission (UTC) must approve proposed pilot projects.
- Sec. 4 states that Commerce shall award grants to gas companies for TEN pilot projects and outlines award criteria.
- Sec. 8 creates a JLARC study in RCW 44.28, with a report due no later than three years after the effective date. (The effective date is not identified in this bill. JLARC staff assume an effective date of June 5, 2024.) JLARC's report must include an evaluation of how all pilot projects, including those in the process of deployment, address the considerations outlined in Sections 3 and 4.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The substitute bill directs JLARC to conduct an evaluation of how all pilot projects, including those in process of deployment and those that have been deployed, address considerations in Sec. 3 (pilot program) and Sec. 4 (grant funding to gas companies).

JLARC staff will work with staff at the Utilities and Transportation Commission (UTC) and Department of Commerce (Commerce) immediately after passage of the bill to ensure project contacts are established and any necessary data for JLARC staff's future evaluation needs are identified and collected. JLARC staff will check in with agency staff in July 2025 to discuss development and implementation of the pilot and grant programs.

JLARC is directed to issue a report no later than three years after the effective date section 8. JLARC staff assume an effective date of June 5, 2024, since no effective date is provided in the bill. Under this assumption, JLARC staff will begin the evaluation in March 2026. To conduct the review, JLARC staff will review statutory and agency defined criteria, application processes and outcomes, interview agency staff, project personnel, and other stakeholders, and conduct site visits. JLARC staff will issue a report in May 2027.

This audit will require an estimated 24 audit months.

JLARC ASSUMES THAT THE ASSIGNMENT IN THIS PROPOSED BILL MAY REQUIRE ADDITIONAL RESOURCES. JLARC WILL ASSESS ALL OF THE ASSIGNMENTS MANDATED IN THE 2024 LEGISLATIVE SESSION. BASED ON ALL LEGISLATION THAT IS PASSED, JLARC MAY SUBSEQUENTLY DETERMINE THAT IT CAN ABSORB THE COSTS FOR THIS PROPOSED BILL IN ITS BASE BUDGET, IF THE WORKLOAD OF OTHER ENACTED LEGISLATION DOES NOT EXCEED CURRENT STAFFING LEVELS.

JLARC Audit Months: JLARC calculates its staff resources in "Audit Months" to estimate the time and effort to undertake and complete its studies. An "Audit Month" reflects a JLARC analyst's time for a month, together with related administrative, support, and goods/services costs. JLARC's anticipated 2023-25 costs are calculated at approximately

\$23,900 per audit month.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
553-1	Performance Audits of Government Account	State	2,400	0	2,400	529,800	38,100
Total \$			2,400	0	2,400	529,800	38,100

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years				1.5	0.1
A-Salaries and Wages	1,600		1,600	344,100	24,800
B-Employee Benefits	500		500	108,800	7,800
C-Professional Service Contracts					
E-Goods and Other Services	300		300	69,900	5,000
G-Travel				7,000	500
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	2,400	0	2,400	529,800	38,100

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Research Analyst	131,064				1.0	0.1
Support staff	110,856				0.5	0.1
Total FTEs					1.5	0.1

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2131 S HB	Title: Thermal energy networks	Agency: 215-Utilities and Transportation Commission
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.4	0.2	0.3	0.4
Account					
Public Service Revolving Account-State 111-1	0	62,448	62,448	90,401	114,422
Total \$	0	62,448	62,448	90,401	114,422

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Megan McPhaden	Phone: 360-786-7114	Date: 01/23/2024
Agency Preparation: Kim Anderson	Phone: 360-664-1153	Date: 01/26/2024
Agency Approval: Kim Anderson	Phone: 360-664-1153	Date: 01/26/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/29/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1: allows an electrical company or gas company to own a thermal energy network; adds or modifies definitions related to thermal energy networks, including removing references to “nonemitting” from reference of thermal energy network (TEN), and specifies TENs may not rely on combustion to create thermal energy, except for emergency backups. The UTC assumes no material fiscal impact.

Section 2: requires the Commission to validate cost assessments of TENs thermal energy network projects and company proposal to recover costs in a rate filing before the UTC, clarifying this validation does not constitute a prudency finding or that the resource is used and useful for rate making. The UTC assumes costs related to ongoing technical assistance beginning January 2025, with review of cost assessments, assumed requests for validation of four projects, beginning June 30, 2027, and one project every other year thereafter, and proposal to recover costs in a rate case filing before the UTC. The UTC assumes related fiscal impact.

Section 3: establishes TEN pilot project program and changes two criteria the UTC must consider: removes the inclusion of specific customer protection plans from the list and adds whether the thermal energy network uses ambient temperature fluid and high- efficiency heat pump equipment in each building to the list. The UTC assumes fiscal impact through technical assistance and review of thermal energy network projects, including review of specific metrics the company proposes to use to evaluate the pilot project.

Section 4: Sets forth grant award criteria for the Department of Commerce for thermal energy network pilot projects, clarifying that Commerce may determine whether to award a grant and how much to provide; specifying that Commerce must consider any finding or conclusions of the UTC regarding the pilot project; and allowing Commerce to prioritize award funds to projects based on their cost- effectiveness and geographic diversity. Requires the Commission to coordinate with grant awardees, the department of Commerce, and consultants to ensure diversity of projects. The UTC assumes additional coordination work required to implement this section will begin in January 2025 and occur annually thereafter.

Section 5: before the gas company deploys a TEN pilot project, changes the requirement for investor-owned gas companies to seek TEN pilot projects in their requests for proposals; in addition, gas companies must compare the cost of a proposed TEN pilot project to the cost of current business practices and share data with the UTC, with an option to petition the UTC to use an alternative process to estimate the cost difference. UTC assumes fiscal impact related to data review and assumes one petition to use an alternative process.

Section 6: Allows a gas company to meet its obligation to serve through a thermal energy network. UTC assumes a simple rulemaking modifying WAC 480-90-148 to reflect the change beginning January 2025. The UTC assumes fiscal impact.

Section 7: Allows a company to propose, and the Commission to approve, the merger of regulated gas operations with its thermal energy network. Requires the Commission to avoid rate class subsidization. Requires separate accounting for benefits received from federal, state, or other incentives to mitigate rate impacts to customers. Requires Commission direction to use credits for other purposes. UTC assumes incremental fiscal impact for evaluation of merger of rate bases in a multi-year rate plan, beginning in June 2027 and recurring every year for the next five years. The UTC assumes four petitions for accounting orders to separate accounting for benefits received from incentives to mitigate rate impact to customers beginning in FY 2027 through FY 2029.

Note: The substitute bill removes a new section explicitly granting municipal electric utilities the authority to deploy TENs.

Sections 8 and 9 do not apply to the Commission. UTC assumes no fiscal impact.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Sections 2 & 3: Validation of cost assessments; proposal for rate filing; project review

UTC assumes work related to approval of four projects by the commission, beginning June 30, 2025, and one project every other year thereafter. The UTC assumes technical assistance beginning January 2025, and continuing every year thereafter.

FY2025: \$22,604

FY2026: \$22,604

(Administrative Law Judge, 0.48 FTE; Director | Regulatory Services, 0.16 FTE; Deputy Director | Regulatory Services, 0.16 FTE; Policy Advisor, 0.32 FTE; Deputy Asst. Director | Regulatory Services, 0.21 FTE; Regulatory Analyst 2, 0.37 FTE; Regulatory Analyst 3, 0.51 FTE; Asst. Director, Policy, 0.16 FTE; Commissioner, 0.09 FTE)

Section 6: Simple rulemaking clarifying how a gas company can meet its obligation to serve through a thermal energy network.

UTC assumes a proceeding beginning January 2025 and wrapping up by December 2025.

FY2025 - \$24,730

FY2026 - \$14,838

(Administrative Law Judge, 0.06 FTE; Commissioner, 0.04 FTE; Deputy Director | Regulatory Services, 0.02 FTE; Director, Administrative Law & Policy, 0.02 FTE; Policy Advisor, 0.02 FTE; Deputy Asst. Director | Regulatory Services, 0.02 FTE; Regulatory Analyst 2, 0.03; Regulatory Analyst 3, 0.04 FTE; Asst. Director, Policy, 0.02 FTE)

Section 7: Multiyear rate plan evaluation of merger of rate bases

UTC assumes incremental fiscal impact for evaluation of merger of rate bases in a multi-year rate plan, beginning in June 2027 and recurring every year for the next five years.

FY 2027 – FY 2029: \$22,731 (cost per year)

(Deputy Asst. Director | Regulatory Services, 0.01 FTE; Regulatory Analyst 3

Asst. Director, Policy, 0.11 FTE; Policy Advisor, 0.01 FTE; Regulatory Analyst 2, 0.06 FTE; Deputy Director | Regulatory Services, 0.01 FTE)

Sections 5 & 7: Petitions for alternative process and separate accounting for benefits received from incentives to mitigate rate impact to customers.

UTC assumes four petitions for accounting orders to separate accounting for benefits received from incentives to mitigate rate impact to customers beginning January 2028.

FY 2028: \$19,366

FY 2029: \$19,366

(Commissioner, 0.02 FTE; Deputy Asst. Director | Regulatory Services, 0.03 FTE; Deputy Director | Regulatory Services, 0.01 FTE; Director, Regulatory Services
 Director, Administrative Law & Policy, 0.01 FTE; Regulatory Analyst 3, 0.08 FTE; Regulatory Analyst 2, 0.04 FTE; Policy Advisor, 0.04 FTE)

Section 4: Coordination with grant awardees, the department of Commerce, and consultants to ensure diversity of projects. Section 4 requires the commission to coordinate with the department, grant awardees, and consultants to ensure diversity of projects. UTC assumes that the work required to implement this section will begin in January 2025 and occur regularly.

FY2025 – FY2029: \$15,114 (cost per year)

(Commissioner, 0.01 FTE; Deputy Asst. Director | Regulatory Services, 0.02 FTE; Asst. Director, Policy, 0.02 FT; Policy Advisor, 0.07 FTE; Regulatory Analyst 3, 0.07 FTE)

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
111-1	Public Service Revolving Account	State	0	62,448	62,448	90,401	114,422
Total \$			0	62,448	62,448	90,401	114,422

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.4	0.2	0.3	0.4
A-Salaries and Wages		40,425	40,425	59,584	77,840
B-Employee Benefits		14,148	14,148	20,854	27,244
C-Professional Service Contracts		2,500	2,500	2,500	
E-Goods and Other Services		5,375	5,375	7,463	9,338
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	62,448	62,448	90,401	114,422

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Law Judge	119,604		0.1	0.0	0.0	
Asst. Director, Policy	119,808		0.0	0.0	0.0	0.0
Commissioner	174,732		0.0	0.0	0.0	0.0
Deputy Asst. Director Regulatory Services	115,440		0.0	0.0	0.0	0.0
Deputy Director Regulatory Services	122,724		0.0	0.0	0.0	0.0
Director, Administrative Law & Policy	134,772		0.0	0.0	0.0	0.0
Director, Regulatory Services	139,908		0.0	0.0	0.0	0.0
Policy Advisor	104,004		0.1	0.0	0.1	0.1
Regulatory Analyst 2	86,208		0.0	0.0	0.0	0.1
Regulatory Analyst 3	97,596		0.1	0.0	0.1	0.1
Total FTEs			0.4	0.2	0.3	0.4

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Simple rulemaking clarifying how a gas company can meet its obligation to serve through a thermal energy network. UTC assumes a proceeding beginning January 2025, concluding by December 2025.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2131 S HB

Title: Thermal energy networks

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties:
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option: Public utility districts and cities that operate an electric utility have the option to own, operate, or manage a nonemitting thermal energy network, as defined.
- Key variables cannot be estimated with certainty at this time: The number of public utility districts or cities that will choose to own, operate or manage a nonemitting thermal energy network.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

None

Part III: Preparation and Approval

Fiscal Note Analyst: Kristine Williams	Phone: (564) 669-3002	Date: 01/26/2024
Leg. Committee Contact: Megan McPhaden	Phone: 360-786-7114	Date: 01/23/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/26/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/26/2024

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

This note is on 2131 S HB and compares it to 2131 HB.

CHANGES BETWEEN THIS VERSION AND THE PREVIOUS BILL VERSION:

This version of the bill makes technical changes which remove the “nonemitting” requirement from thermal energy networks and adds new requirements for the thermal energy network pilot grant program. These changes include:

Sec. 2 is amended to require utilities to validate cost assessments.

Sec. 3 is amended to add new requirements for the thermal energy network pilot project program including whether the network is a distributed system that uses ambient temperature fluid and high-efficiency heat pump equipment in each building. Utilities must also provide specific metrics to evaluate the pilot project.

These changes do not affect the fiscal impacts discussed below.

SUMMARY OF CURRENT BILL:

This legislation would allow public utility districts and municipal electric utilities to own, operate or manage a thermal energy network. The bill would also establish the thermal energy network pilot (grant) program to be administered by the department of commerce.

This legislation would take effect 90 days after adjournment of the session in which the bill is passed.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

This bill would not impact local government expenditures due to the local option.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

This bill would not impact local government revenues due to the local option.

SOURCES

Association of Washington Cities (AWC)

Washington Public Utility District Association (WPUDA)