

1 hour of electric energy conserved under a project at an eligible facility if all of the
2 requirements of par. (c) are satisfied. The rules shall include requirements and
3 procedures for calculating the megawatt hours of electric energy that is conserved
4 under a project and for determining that the requirements of par. (c) are satisfied.

5 (bm) 1. A person who creates a conservation certificate under the rules
6 promulgated under par. (b) may assign ownership of the certificate to another person
7 by contract.

8 2. A person that purchases a conservation certificate may sell, trade, transfer,
9 assign, bank for future use, or permanently retire the certificate, or, if the person is
10 an electric provider, elect to include the certificate in the electric provider's
11 renewable energy percentage as specified in sub. (2) (b) 1g.

12 3. A conservation certificate is eligible to be included in a renewable energy
13 percentage until an electric provider uses the certificate in the electric provider's
14 renewable energy percentage or the owner of the certificate retires the certificate.

15 (c) A conservation certificate based on a project at an eligible facility may be
16 created only if all of the following are satisfied:

17 1. The project is installed under a utility-administered program, a
18 supplemental utility program, or a commitment to community program.

19 2. The project is implemented or placed into service on or after the effective date
20 of this subdivision [LRB inserts date].

21 3. If the project is installed under a utility-administered program or
22 supplemental utility program, the person installing the project complies with labor
23 standards for the work force involved in the project specified by rule by the
24 commission. The rules shall specify minimum wages that must be paid to a specified
25 percentage of the work force, minimum health care benefits that the must be

1 provided to the work force, and apprenticeship and training requirements for the
2 work force. The rules shall also allow the commission to waive application of any
3 requirement under the rules under conditions specified in the rules. To the extent
4 practicable, the rules shall minimize the regulatory burden of complying with the
5 rules.

6 **SECTION 220.** 196.378 (4) of the statutes, as affected by 2009 Wisconsin Act 40,
7 is repealed.

8 **SECTION 221.** 196.378 (4m) (a) of the statutes is amended to read:

9 196.378 (4m) (a) The commission may not impose on an electric provider any
10 requirement that increases the electric provider's renewable energy percentage or
11 in-state percentage beyond that required under ~~sub. (2) (a) 2. the renewable portfolio~~
12 standard. If an electric provider is in compliance with the requirements of ~~sub. (2)~~
13 ~~(a) 2. renewable portfolio standard~~, the commission may not require the electric
14 provider to undertake, administer, or fund any other renewable energy program.
15 This paragraph does not limit the authority of the commission to enforce an electric
16 provider's obligations under s. 196.374.

17 **SECTION 222.** 196.378 (4m) (b) of the statutes is amended to read:

18 196.378 (4m) (b) An electric utility may, with commission approval, administer
19 or fund a program that increases the electric utility's renewable energy percentage
20 or in-state percentage beyond that required under ~~sub. (2) (a) 2. the renewable~~
21 portfolio standard. The commission may not order an electric utility to administer
22 or fund a program under this paragraph.

23 **SECTION 223.** 196.378 (5) (intro.) of the statutes is amended to read:

24 196.378 (5) PENALTY. (intro.) Any person who violates sub. (2) or ~~any renewable~~
25 ~~energy supplier who~~ provides an electric provider with ~~a~~ false or misleading