

**BEFORE THE WASHINGTON  
UTILITIES & TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Complainant,

v.

PACIFICORP d/b/a PACIFIC POWER & LIGHT COMPANY,

Respondent.

---

DOCKET UE-210829

**RESPONSE TESTIMONY OF STEFAN DE VILLIERS  
ON BEHALF OF THE  
WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL  
PUBLIC COUNSEL UNIT**

---

**EXHIBIT SDV-1T**

August 21, 2024

**RESPONSE TESTIMONY OF STEFAN DE VILLIERS**

**DOCKET UE-210829**

**EXHIBIT SDV-1T**

**TABLE OF CONTENTS**

	<b><u>PAGE</u></b>
I. INTRODUCTION & SUMMARY.....	1
II. PACIFICORP’S CEIP DOES NOT DEMONSTRATE PROGRESS TOWARD 2030 CETA STANDARDS .....	3
III. THE COMMISSION SHOULD IMPOSE A PENALTY OF \$1,000 PER VIOLATION PER DAY ON PACIFICORP.....	8

**LIST OF TABLES**

Table 1: PacifiCorp’s Reductions to 2022-2025 Clean Energy Interim Targets

Table 2: PacifiCorp’s Reductions to 2026-2029 Clean Energy Interim Targets

**RESPONSE TESTIMONY OF STEFAN DE VILLIERS**

**DOCKET UE-210829**

**EXHIBIT SDV-1T**

**EXHIBITS LIST**

Exhibit SDV-2	PacifiCorp Response to WUTC Data Request No. 9.
Exhibit SDV-3	Berkshire Hathaway Energy Earnings.

1 **I. INTRODUCTION & SUMMARY**

2 **Q. Please state your name and business address.**

3 A. My name is Stefan de Villiers and my business address is 800 Fifth Avenue, Suite  
4 2000, Seattle, Washington 98104.

5 **Q. By whom are you employed and in what capacity?**

6 A. I am a Regulatory Analyst with the Public Counsel Unit of the Washington State  
7 Office of the Attorney General (Public Counsel).

8 **Q. On whose behalf are you testifying?**

9 A. I am testifying on behalf of Public Counsel.

10 **Q. Please describe your professional qualifications.**

11 A. I have a Bachelor of Science degree in Economics, with minors in Mathematics  
12 and Data Science, from the University of Washington in Seattle, Washington.

13 I joined Public Counsel in April 2024 and have since actively participated  
14 in a variety of utility and transportation matters. I serve or have served as Public  
15 Counsel's lead Regulatory Analyst in Washington Utilities and Transportation  
16 Commission cases including the PacifiCorp 2022 and 2023 Power Cost  
17 Adjustment Mechanism proceedings (Dockets UE-230482 and UE-240461),  
18 Cascade Natural Gas Company 2024 general rate case (Docket UG-240008),  
19 Clean Energy Transformation Act Markets and Compliance Requirements  
20 rulemaking (Docket UE-210183), Puget Sound Energy Petition for Planning  
21 Exemption proceeding (Dockets UG-240433 and UE-240434), Electric Vehicle  
22 Supply Equipment rulemaking (Docket UE-160799), Cascadia Water 2024  
23 general rate case (Docket UW-240151), Summit View Water Works 2024 general

1 rate case (UW-240589), Roche Harbor 2024 general rate case (Docket UW-  
2 240203), and Waste Management Staff Investigation (Docket TG-240189).

3 I participate on several advisory groups on behalf of Public Counsel,  
4 including the PacifiCorp Electric Integrated Resource Plan (IRP) advisory group,  
5 Equity Advisory Group (EAG), Demand Side Management (DSM) advisory  
6 group, and Low-Income Advisory Group (LIAG) and the Puget Sound Energy  
7 Resource Planning Advisory Group (RPAG). Additionally, I represent Public  
8 Counsel on the Washington Interagency Electric Vehicle Coordinating Council's  
9 Charging Policy Committee.

10 I completed the National Association of Regulatory Utility Commissioners  
11 (NARUC) Regulatory Training Initiative (RTI) Rate Case Basics course in May  
12 2024.

13 Prior to joining Public Counsel, I worked as a Legal-Economic Program  
14 Analyst for The Mentor Group, based in Boston, Massachusetts, where I  
15 researched developments in environmental litigation, as well as antitrust, data  
16 privacy, intellectual property, foreign policy, and national security. Before that, I  
17 was an Economic Research Analyst in the United States Department of the  
18 Treasury's Office of Europe and Eurasia, in Washington, D.C., where I worked to  
19 mitigate the economic effects of Russia's war against Ukraine, especially related  
20 to Russian exports of natural gas and oil.

21 **Q. What exhibits are you sponsoring in this proceeding?**

22 A. I am sponsoring the following exhibits:

23 Exhibit SDV-2 PacifiCorp Response to WUTC Data Request No. 9.

1                                    Exhibit SDV-3                    Berkshire Hathaway Energy Earnings.

2            **Q.     Please describe the purpose of your testimony.**

3            A.     My testimony discusses Public Counsel’s recommendation of a \$1,000 per  
4                                    violation per day penalty on PacifiCorp (the Company) for its persistent failure to  
5                                    maintain a Clean Energy Implementation Plan (CEIP) compliant with the Clean  
6                                    Energy Transformation Act (CETA). Each day PacifiCorp’s CEIP remains out of  
7                                    compliance should represent a separate and distinct violation. The penalty will run  
8                                    until PacifiCorp files—and the Washington Utilities and Transportation  
9                                    Commission (Commission) approves—a compliant CEIP and Integrated Resource  
10                                    Plan (IRP) that plan to protect Washington consumers and reasonably meet CETA  
11                                    requirements.

12                                    **II.     PACIFICORP’S CEIP DOES NOT DEMONSTRATE PROGRESS**  
13                                    **TOWARD 2030 CETA STANDARDS**

14            **Q.     Please provide an overview of PacifiCorp’s 2021 CEIP and Revised CEIP.**

15            A.     PacifiCorp filed their first CEIP in this Docket on December 30, 2021.<sup>1</sup> In that  
16                                    CEIP, PacifiCorp failed to properly incorporate the social cost of greenhouse gas  
17                                    emissions (SCGHG) into its preferred portfolio, as required by RCW  
18                                    19.280.030(3)(a) and WAC 480-100-605.<sup>2</sup> Prior to PacifiCorp filing its CEIP,  
19                                    Commission Staff (Staff) had alerted the Company about the SCGHG omission,

---

<sup>1</sup> PacifiCorp Final 2021 CEIP (filed Dec. 30, 2021).

<sup>2</sup> Staff Complaint, ¶ 14, *Wash. Utils. & Transp. Comm’n v. PacifiCorp*, Docket UE-220376 (filed June 6, 2022).

1 the Company had filed a petition for exemption from the statute requiring it, and  
2 the Commission had rejected that petition.<sup>3</sup>

3 In response to PacifiCorp’s failure to abide by law, Commission rule, and  
4 a Commission Order, Staff filed a Complaint in Docket UE-220376 on June 6,  
5 2022, requesting the Commission impose a penalty of \$730,000 on PacifiCorp.<sup>4</sup>  
6 Staff withdrew its Complaint upon reaching a settlement in that proceeding  
7 requiring PacifiCorp to refile its CEIP with a SCGHG adder.<sup>5</sup> PacifiCorp filed a  
8 Revised CEIP in this Docket, which was approved by the Commission on October  
9 25, 2023.<sup>6</sup>

10 **Q. Please provide an overview of PacifiCorp’s Biennial CEIP Update.**

11 A. On November 1, 2023, PacifiCorp filed a Biennial CEIP Update (BCEIP)  
12 modifying the interim targets set out in its Revised CEIP. Significantly,  
13 PacifiCorp’s BCEIP proposed a substantial departure from its 2022-2025 clean  
14 energy interim targets, representing the percent of forecasted retail sales of  
15 electricity supplied by nonemitting and renewable resources in each year. The  
16 extent of PacifiCorp’s proposed revisions is detailed in Table 1.

17 /

18 //

19 ///

20 ////

---

<sup>3</sup> Staff Complaint, ¶¶ 6 & 11, *Wash. Utils. & Transp. Comm’n v. PacifiCorp*, Docket UE-220376 (filed June 6, 2022).

<sup>4</sup> *Id.* ¶ 25.

<sup>5</sup> *Wash. Utils. & Transp. Comm’n v. PacifiCorp d/b/a Pacific Power & Light Co.*, Docket UE-220376, Order 06, ¶ 22 (Feb. 10, 2023).

<sup>6</sup> Comm’n Order 06 (Oct. 25, 2023).

1

**Table 1: PacifiCorp’s Reductions to 2022-2025 Clean Energy Interim Targets**

<i>Clean Energy Interim Targets</i>	2022	2023	2024	2025	<i>Average</i>
A. Revised CEIP <sup>7</sup>	31%	31%	40%	60%	41%
B. BCEIP <sup>8</sup>	31%	26%	25%	33%	29%
Change (A – B)	0%	5%	15%	27%	12%

2

PacifiCorp’s proposed revisions to its interim targets for the years 2026

3

through 2029 are alarming as well, as detailed in Table 2.

4

**Table 2: PacifiCorp’s Reductions to 2026-2029 Clean Energy Interim Targets**

5

<i>Clean Energy Interim Targets</i>	2026	2027	2028	2029	<i>Average</i>
A. Revised CEIP <sup>9</sup>	67%	67%	73%	73%	70%
B. BCEIP <sup>10</sup>	40%	39%	53%	62%	49%
Change (A – B)	27%	28%	20%	11%	21%

6

Where PacifiCorp’s Revised CEIP anticipated the Company would face

7

only a 20 percent gap from CETA 2030 standards by 2025, its BCEIP proposed

8

interim targets show a 47 percent gap. Where the Revised CEIP anticipated a 7

9

percent gap in 2028 and 2029, the BCEIP targets show a 27 and 18 percent gap,

10

respectively.

11

PacifiCorp proposes several rationalizations for these interim target

12

reductions. As Dr. Robert Earle explains in his testimony, none of its

13

rationalizations have merit. PacifiCorp’s sizeable reduction of its interim targets

<sup>7</sup> PacifiCorp Revised 2021 Final CEIP, at 11, Figure 1.1 (filed Mar. 13, 2023).

<sup>8</sup> PacifiCorp CEIP Biennial Report at 8, Figure 1.1 (filed Nov. 1, 2023).

<sup>9</sup> PacifiCorp Revised 2021 Final CEIP, at 11, Figure 1.1 (filed Mar. 13, 2023).

<sup>10</sup> PacifiCorp CEIP Biennial Report at 8, Figure 1.1 (filed Nov. 1, 2023).



1 raises material questions about its ability to meet its CETA obligations by 2030.  
2 PacifiCorp’s BCEIP does not answer these questions. The Company does not  
3 demonstrate progress toward CETA clean energy standards as required by RCW  
4 19.405.060(1). Accordingly, PacifiCorp’s CEIP is not compliant with CETA.

5 **Q. How does PacifiCorp’s CEIP fail to demonstrate progress toward CETA**  
6 **standards?**

7 A. Please refer to Dr. Robert Earle’s testimony for a discussion of PacifiCorp’s  
8 persistent failure to plan for Washington specifically and how that failure  
9 undermines its CEIP planning and any demonstration of progress.

10 Additionally, as the Commission observed in its Order setting this matter  
11 for adjudication, at the March 22, 2024, Recessed Open Meeting, PacifiCorp  
12 “declined to clearly say that it was on track to meet the 2030 or 2045 CETA  
13 standards.”<sup>11</sup> The Company’s failure to advocate for its own progress toward  
14 CETA standards should speak for itself.

15 Finally, PacifiCorp’s BCEIP relies on resource procurement actions that  
16 have been terminated, and the Company has not proposed any replacement  
17 actions that address this issue to confirm progress toward CETA standards.

18 **Q. Please describe the resource procurement actions that PacifiCorp’s BCEIP**  
19 **relies on and the current status of those actions.**

20 A. PacifiCorp states in its BCEIP that “compliance with CETA continues to be  
21 supported by the IRP with the addition of non-emitting system resource[s].”<sup>12</sup> The

---

<sup>11</sup> Comm’n Order 09, ¶ 23 (Mar. 25, 2024).

<sup>12</sup> PacifiCorp CEIP Biennial Report at 6 (filed Nov. 1, 2023).

1 Company's 2023 IRP, upon which the BCEIP analysis is based,<sup>13</sup> specifically  
2 anticipates new resource actions including the issuing of a 2024 all-source  
3 Request for Proposals (2024 AS RFP) and the completion of the 2022 all-source  
4 Request for Proposals (2022 AS RFP).<sup>14</sup>

5 However, according to PacifiCorp's 2023 IRP Update, filed on April 1,  
6 2024, the Company did not issue the 2024 AS RFP and terminated the already-  
7 issued 2022 AS RFP.<sup>15</sup> The 2022 AS RFP had not identified or short-listed any  
8 resources before it was terminated.<sup>16</sup> Additionally, PacifiCorp "does not have  
9 plans to issue an all-source Request for Proposals at this time".<sup>17</sup>

10 The 2022 AS RFP had already been suspended for several months before  
11 PacifiCorp filed its BCEIP. Planned initial action on the 2024 AS RFP would  
12 have been concurrent with the BCEIP filing.<sup>18</sup>

13 The Company has proposed no new RFPs to address the issue of resource  
14 procurement in the place of these terminated actions. At most, it has alluded to a  
15 potential resource procurement action in its 2025 CEIP.<sup>19</sup> This does not constitute  
16 demonstrating progress.

---

<sup>13</sup> Direct Test. of Matthew D. McVee, Exh. MDM-1T at 6:17–7:3.

<sup>14</sup> PacifiCorp Amd. 2023 IRP at 29–30, *in re PacifiCorp 2021 Integrated Resource Plan Compliance*, Docket UE-200420 (May 31, 2023).

<sup>15</sup> PacifiCorp Updated 2023 IRP at 118–120, *in re PacifiCorp 2021 Integrated Resource Plan Compliance* Docket UE-200420 (Apr. 1, 2024).

<sup>16</sup> Stefan de Villiers, Exh. SDV-2 (PacifiCorp Response to WUTC Data Request No. 9).

<sup>17</sup> PacifiCorp Updated 2023 IRP at 118, *in re PacifiCorp 2021 Integrated Resource Plan Compliance* Docket UE-200420 (Apr. 1, 2024).

<sup>18</sup> *Id.*, at 119.

<sup>19</sup> *Id.*

1           **III. THE COMMISSION SHOULD IMPOSE A PENALTY OF \$1,000 PER**  
2   **VIOLATION PER DAY ON PACIFICORP**

3           **Q. Please explain Public Counsel's recommendation to the Commission.**

4           A. Public Counsel recommends that the Commission impose a penalty of \$1,000 per  
5           violation per day on PacifiCorp for its violation of RCW 19.405.060(1) until the  
6           Company develops a CEIP that meets its legal obligations under CETA and such  
7           plan is approved by the Commission. Penalties would begin accumulating from  
8           the date of the Commission Order in this Docket authorizing them.

9           **Q. Does the Commission have the power to impose this penalty?**

10          A. Yes. Under WAC 480-100-665, the Commission may impose penalties of up to  
11          \$1,000 on a utility for every violation per day of Chapter 19.405 RCW. Each day  
12          that the utility is not in compliance with those rules constitutes a separate and  
13          distinct violation.

14          **Q. Has the Commission established criteria for enforcement actions and**  
15   **determining penalties?**

16          A. Yes. In its policy statement on enforcement policy, the Commission stated that it  
17          will consider the following factors in determining whether an enforcement action  
18          is appropriate and, if so, which action to take:

- 19                           (1) how serious or harmful the violation is to the public;
- 20                           (2) whether the violation is intentional;
- 21                           (3) whether the company self-reported the violation;
- 22                           (4) whether the company was cooperative and responsive;
- 23                           (5) whether the company promptly corrected the violations and remedied  
24                           the impacts;

- 1 (6) the number of violations;
- 2 (7) the number of customers affected;
- 3 (8) the likelihood of recurrence;
- 4 (9) the company's past performance regarding compliance, violations, and
- 5 penalties;
- 6 (10) the company's existing compliance program; and
- 7 (11) the size of the company.<sup>20</sup>

8 **Q. How does Public Counsel recommend applying the Commission's**  
9 **enforcement criteria in this case?**

10 A. Public Counsel believes that applying the Commission's enforcement criteria  
11 supports the imposition of the maximum penalty in this case. Our analysis of each  
12 of the criteria is as follows:

- 13 (1) *How serious or harmful the violation is to the public:* PacifiCorp's  
14 failure has profound consequences for the public by exposing it to the  
15 significant threats of climate change that CETA seeks to mitigate.  
16 PacifiCorp's failure to plan will likely lead to CETA noncompliance in  
17 2030. The fines PacifiCorp will pay as a result are a poor substitute for  
18 a thriving, healthful, and secure economy in Washington, harming not  
19 just PacifiCorp's customers, but the entire state. If, instead, PacifiCorp  
20 meets CETA standards by last-minute clean energy investments "at

---

<sup>20</sup> Enforcement Policy for the Wash. Utilis. & Transp. Comm'n, ¶ 15, *In re the Enforcement Policy of the Washington Utilities & Transportation Commission*, Docket A-120061 (filed Jan. 7, 2013) (hereinafter *Enforcement Policy*).

1 any cost”, its ratepayers will be significantly financially harmed by its  
2 failure to plan.

3 (2) *Whether the violation is intentional:* As Dr. Robert Earle explains in  
4 his testimony, PacifiCorp’s failure to plan comes from a years-long  
5 willful disregard for Washington customers specifically. PacifiCorp’s  
6 decisions on long-term planning have been repeatedly addressed by  
7 the Commission, with no real change from the Company.

8 (3) *Whether the company self-reported the violation:* This factor is not  
9 relevant to this planning docket. PacifiCorp has the ongoing burden to  
10 prove its planning documents comply with the relevant law, and they  
11 have failed to do so in this Docket.

12 (4) *Whether the company was cooperative and responsive:* As Dr. Robert  
13 Earle’s testimony explains, PacifiCorp has been unresponsive to  
14 Commission warnings about long-term planning going back a decade.  
15 With regards to the CEIP proceedings specifically, PacifiCorp ignored  
16 law, Commission rule, and a Commission Order when filing its 2021  
17 CEIP and only cooperated to produce a Revised CEIP after Staff filed  
18 a Complaint recommending penalties.<sup>21</sup> In this BCEIP proceeding, the  
19 Company has declined to clearly commit to statutory CETA  
20 requirements.<sup>22</sup> Finally, as Dr. Robert Earle notes, the Company has  
21 dragged its feet on finding solutions to long-term planning issues like

---

<sup>21</sup> Staff Complaint, ¶ 21, *Wash. Utils. & Transp. Comm’n v. PacifiCorp*, Docket UE-220376 (filed June 6, 2022).

<sup>22</sup> Comm’n Order 09, ¶ 23 (Mar. 25, 2024).

1 allocation methodology and it is no longer engaging in Framework  
2 Issues Working Group discussions.<sup>23</sup>

3 (5) *Whether the company promptly corrected the violations and remedied*  
4 *the impacts:* This factor is not relevant to this planning docket, as  
5 PacifiCorp's ongoing actions put its CEIP out of compliance with  
6 CETA. To the extent that PacifiCorp in this adjudication has  
7 acknowledged potential issues with its IRP or the effects of the  
8 terminated 2022 AS RFP, it has declined to update its planning  
9 documents until its 2025 CEIP and IRP.<sup>24</sup>

10 (6) *The number of violations:* PacifiCorp has committed a single violation  
11 of significant magnitude: a breach of its statutory obligations. The  
12 Commission has granted PacifiCorp significant leniency over years of  
13 PacifiCorp's failure to plan. Although PacifiCorp has committed a  
14 single violation, the import of that violation warrants a meaningful  
15 sanction.

16 (7) *The number of customers affected:* PacifiCorp's failure to plan affects  
17 not only its 140,000 Washington customers; it places all  
18 Washingtonians at risk.

19 (8) *The likelihood of recurrence:* PacifiCorp's violations are ongoing, and  
20 the Company has given no indication that it plans to correct them by  
21 revising its CEIP.

---

<sup>23</sup> Robert L. Earle, Exh. RLE-3 (PacifiCorp Response to Public Counsel Data Request No. 3).

<sup>24</sup> McVee, Exh. MDM-1T at 7:4-21.

1                   (9) *The company's past performance regarding compliance, violations,*  
2                                   *and penalties:* As already explained, Staff previously recommended  
3                                   penalties be imposed on PacifiCorp for the violations in its 2021 CEIP,  
4                                   though Parties ultimately reached a settlement allowing PacifiCorp to  
5                                   file a Revised CEIP, avoiding penalties. In that Docket, Staff also  
6                                   detailed the “significant leniency” that the Commission had afforded  
7                                   PacifiCorp in meeting IRP/CEIP deadlines, granting it several  
8                                   exemptions, even in the face of incomplete filings, before the flawed  
9                                   2021 CEIP was filed.<sup>25</sup>

10                                   Public Counsel also notes that Staff is recommending in  
11                                   another ongoing proceeding that the Commission penalize PacifiCorp  
12                                   for its failure to comply with other state energy requirements related to  
13                                   conservation.<sup>26</sup>

14                   (10) *The company's existing compliance program:* PacifiCorp's CEIP is the  
15                                   relevant compliance program. PacifiCorp's CEIP does not meet CETA  
16                                   standards and therefore, by definition, the company lacks a compliance  
17                                   program.

18                   (11) *The size of the company:* PacifiCorp is a large, multi-state utility with  
19                                   roughly 2 million total customers across six states. It is a subsidiary of  
20                                   Berkshire Hathaway Energy, which posted \$3.7 billion in adjusted

---

<sup>25</sup> Direct Testimony of Andrew Rector, Exh. ASR-1T at 29:4–30:9, *Wash. Utils. & Transp. Comm'n v. PacifiCorp d/b/a Pacific Power & Light Co.*, Docket UE-220376 (Oct. 21, 2022).

<sup>26</sup> Staff Open Meeting Memo, Recessed Open Meeting, *Wash. Utils. & Transp. Comm'n v. PacifiCorp d/b/a Pacific Power & Light Co.*, Docket UE-210830 (This memo is dated for Aug. 22, 2024).

1 earnings in 2023.<sup>27</sup> PacifiCorp has significant financial and operational  
2 resources to meet its CETA obligations.

3 **Q. Has the Commission established guidance on determining whether to**  
4 **mitigate or suspend a penalty?**

5 A. Yes. The Commission's Enforcement Policy lists the following factors the  
6 Commission will consider in determining whether penalty mitigation is  
7 appropriate:

8 (1) whether the company demonstrates that the facts considered by the  
9 commission underlying the assessment were incorrect or do not  
10 support the penalty assessed;

11 (2) whether the company demonstrates that mitigating information or  
12 factors exist that the Commission may not have considered in setting  
13 the assessed penalty amount; and

14 (3) whether the company explains other circumstances that convince the  
15 Commission that a lesser penalty will be equally or more effective in  
16 ensuring compliance by the company with applicable statutory and  
17 regulatory requirements.<sup>28</sup>

18 Additionally, the Commission's Enforcement Policy lists the following  
19 factors it will consider in determining whether to suspend a portion of a penalty:

20 (1) whether this is a first-time penalty for this or a similar violation;

---

<sup>27</sup> De Villiers, Exh. SDV-3 at 9 (Berkshire Hathaway Energy Earnings).

<sup>28</sup> *Enforcement Policy*, ¶ 19.



- 1 (2) whether the company has taken specific actions to remedy the  
2 violations and avoid the same or similar violations in the future.  
3 Examples include purchasing new technology, making system  
4 changes, or training company personnel;
- 5 (3) whether the company agrees to a specific compliance plan that will  
6 guarantee future compliance in exchange for suspended penalties;
- 7 (4) whether Staff and the company have agreed that Staff will conduct a  
8 follow-up investigation at the end of the suspension period and that if  
9 a repeat violation is found the suspended penalties are re-imposed;  
10 and
- 11 (5) whether the company can demonstrate other circumstances that  
12 convince the Commission to suspend the penalties.<sup>29</sup>

13 **Q. Has PacifiCorp provided anything in the record to support mitigation or**  
14 **suspension of penalties consistent with the Commission's guidance?**

15 A. No, it has not. PacifiCorp's persistent failure to consider Washington customers  
16 specifically in long-term planning, as detailed in Dr. Robert Earle's testimony,  
17 makes future noncompliance more likely. Additionally, as explained previously,  
18 PacifiCorp has persistently been uncooperative and unresponsive in CEIP  
19 proceedings.

20 **Q. Does this conclude your testimony?**

21 A. Yes, it does.

---

<sup>29</sup> *Enforcement Policy*, ¶ 20.