

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

PUGET SOUND ENERGY

**Clean Energy Implementation Plan
Pursuant to WAC 480-100-640**

DOCKET UE-210795

**PUGET SOUND ENERGY'S
PETITION FOR EXEMPTION**

I. INTRODUCTION

1. Pursuant to WAC 480-07-110 and WAC 480-100-008, Puget Sound Energy ("PSE" or "the Company") hereby requests that the Commission grant an exemption from WAC 480-100-650 (4)(a)(i),(ii), and (iv), which require PSE to provide hourly retail sales information in its 2023 Clean Energy Transformation Act ("CETA") clean energy progress report ("2023 Progress Report"). As discussed below, an exemption is necessary because PSE is technologically unable to report hourly Washington retail sales due to a lack of data available in an hourly format.

II. AUTHORITY

2. Under WAC 480-100-650(4), PSE is obligated to submit its 2023 Progress Report identifying the source and characteristics of the electricity that meets PSE's compliance obligations under WAC 480-100-610, Washington's Clean Energy Transformation Standards. Unless otherwise ordered by the Commission, the analysis and supporting data

provided in the 2023 Progress Report must include data in an hourly format, including hourly data for:

- a. Total Washington retail sales;¹
- b. Retail sales for customers participating in a voluntary renewable energy purchase program in alignment with RCW 19.405.020(36)(b),² and
- c. Generation from qualifying facilities as described in RCW 19.405.020(36)(a).³

The Commission may exempt utilities from these reporting requirements if an exemption is consistent with the public interest, the purposes underlying the regulation, and applicable statutes.⁴ As explained below, the Commission should grant an exemption for PSE.

III. PSE'S EXEMPTION REQUEST

3. PSE requests an exemption from WAC 480-100-650(4)(a)(i),(ii), and (iv) because source and characteristics data is not available in an hourly format for retail sales or for generation from qualifying facilities, as required by the rules. PSE can provide source and characteristic information in a monthly format, but PSE is not able to provide such data in the required hourly format for this, its first annual progress report. As explained below, PSE's Petition for Exemption is in the public interest because providing analysis and supporting data in a monthly format, rather than an hourly format, is consistent with CETA and the purpose and intent behind the Commission's rules.

¹ WAC 480-100-650(4)(a)(i).

² WAC 480-100-650(4)(a)(ii).

³ WAC 480-100-650(4)(a)(iv).

⁴ WAC 480-07-110(1) and WAC 480-100-008.

A. An Exemption is in the Public Interest Because Data Based on an Hourly Format is Technologically Unavailable.

4. PSE’s Advanced Metering Infrastructure (“AMI”) is a foundational technology that is necessary for PSE to meet its CETA requirements.⁵ AMI is necessary for PSE to comply with CETA and the Commission’s reporting regulations because it provides granular, near real time data necessary required for compliance with WAC 480-100-650(4)(a)(i) and (ii).⁶ PSE began installing its AMI system in 2016, and a significant portion of PSE’s AMI system is installed, in-service, and benefiting customers now.⁷ PSE is on track to complete full deployment of its AMI system this year,⁸ but it will take approximately six more months to set up the systems for recording and reporting hourly data. Until then, PSE lacks the ability to collect, store, and transmit hourly datasets for its retail customers. Without such hourly datasets, PSE is technologically unable to comply with WAC 480-100-650(4)(a)(i) and (ii). It is not in the public interest to require PSE to comply with a rule when the data required to comply cannot be provided in the format requested due to technological limitations.

5. Similarly, to comply with WAC 480-100-650(4)(a)(iv), PSE needs certain third-party information that is not yet available. WAC 480-100-650(4)(a)(iv) requires generation data from qualifying facilities as described in RCW 19.405.020(36)(a), but the meters related to these qualifying facilities are one-way, single channel meters. They were installed solely for power delivery to the customer, and they do not provide hourly generation data to

⁵ See *Wash. Utils. and Transp. Comm’n v. Puget Sound Energy*, Docket UE-220066 & UG-220067, Koch, Exh. CAK-7 at 35:6 (Jan. 31, 2022).

⁶ *Id.* at 37:3-4.

⁷ *Id.* at 3:27 and 8:12-15.

⁸ *Id.* at 13:2.

PSE. PSE is able to download and retain daily generation totals on a monthly basis, but solar production meters are needed to download and store hourly generation data, and the current meters for qualifying facilities do not have such capabilities.

6. PSE notified the Commission of such practical limitations when it submitted Joint Utility Comments on April 22, 2022 in Docket UE-210183.⁹ In its Joint Utility Comments, PSE expressed concerns over the availability of data requested in WAC 480-100-650. “Hourly data for some of the elements in the draft rules proposed by the Commission simply cannot be provided at this time and it is unclear as to what the process is for obtaining an order from the Commission allowing a utility to not provide hourly data for certain elements required.”¹⁰ As explained in the comments, utilities (including PSE) are missing hourly data for both retail sales and generation for qualifying facilities.

B. It is in the Public Interest to Grant PSE’s Petition because an Exemption is Consistent with the Purpose of the Underlying Regulation and Applicable Statutes

7. “Pursuant to WAC 480-07-110, the Commission may, in response to a request or on its own motion, grant an exemption from its own rules when consistent with the public interest, the purposes underlying regulation, and applicable statutes.”¹¹ The purpose of the Commission’s rules adopted for the planning and implementation of CETA, including WAC 480-100-650, is to ensure that a utility meets the clean energy transformation standards outlined in WAC 480-100-610 in a timely manner and at the lowest reasonable

⁹ *In the Matter of Amending Rules in Chapter 480-100 WAC Relating to Markets Purchases and Double Counting Issues Addressed Under the Clean Energy Transformation Act*, Docket UE-210183, Joint Utility Comments at p.6-7 (April 22, 2022).

¹⁰ *Id.* at p. 7.

¹¹ *In the Matter of the Petition of Puget Sound Energy Seeking Exemption from the Provisions of WAC 480-90-178(5)(a) Relating to Billing Corrections*, Docket UG-210931, Order 01 Granting Exemption at ¶ 6 (Jan. 27, 2022).

cost.¹² The Commission uses a utility’s annual clean energy progress report to track that utility’s progress towards meeting its clean energy targets.¹³ The first intent behind CETA is to address the impacts of climate change by leading the transition to clean energy economy.¹⁴ “One way in which Washington must lead this transition is by transforming its energy supply, modernizing its electricity system, and ensuring that the benefits of this transition are broadly shared throughout the state.”¹⁵

1. Data using a monthly format is consistent with the purpose behind the Commissions reporting rules because it will provide sufficient information for the Commission’s annual review.

8. As stated above, the purpose of PSE’s 2023 Progress Report is to enable the Commission to track PSE’s progress towards meeting its clean energy targets. The clean energy progress report is filed on an annual basis. Specifically, a clean energy progress report is meant to show a utility’s “progress in meeting its targets during the preceding year.”¹⁶ Until PSE can provide source and characteristic information on an hourly basis, it intends to provide such information in a monthly format. PSE’s 2023 Progress Report will still be based on an analysis that identifies and considers the source and characteristics of the electricity PSE claims to meet compliance obligations under WAC 480-100-610, including electricity that is produced, purchased, sold, or exchanged, as provided in Chapter 480-100 WAC. Such information will simply be in a monthly format until hourly data is available. Data submitted in a monthly format will provide sufficient information for the Commission to compare PSE’s annual progress year over year, especially because this is the first year

¹² WAC 480-100-600.

¹³ See WAC 480-100-425(3).

¹⁴ RCW 19.405.010(1).

¹⁵ *Id.*

¹⁶ WAC 480-100-650(3).

such targets are in place. Therefore, the Commission will be able to track PSE's annual advancement and determine whether PSE is complying with CETA's clean energy requirements.

2. An exemption is authorized and appropriate under the Commission's rules.

9. An exemption from the Commission's reporting rules is consistent with the intent and purpose behind both the Commission's rules and CETA because data based on a monthly format does not conflict with CETA. CETA does not require hourly reporting; in fact, there is no time-based requirement under CETA related to a utility's annual clean energy progress report. The legislature authorized the Commission to adopt rules to ensure the proper implementation of CETA, and the Commission adopted rules that allow for some measure of flexibility with the hourly format. Specifically, WAC 480-100-650(4)(a) contemplates that the Commission will issue orders exempting or changing the hourly format requirement.¹⁷ Further, the Commission has recognized that CETA is a novel and complex statute that establishes many new requirements for utilities, and fully implementing CETA will be an iterative process.¹⁸ Accordingly, an exemption is appropriate in this case, PSE's first clean energy progress report, for which the hourly data is simply not available.

IV. CONCLUSION


10. For the reasons set forth above, PSE respectfully requests that the Commission grant PSE's Petition for Exemption of WAC 480-100-650(4)(i), (ii), and (iv) for the 2023 annual

¹⁷ "Unless otherwise ordered by the commission, the analysis and supporting data provided in the filing must include data in an hourly format for...". WAC 480-100-650(4)(a) (emphasis added).

reporting cycle because PSE is not technologically capable of complying with the hourly format requirement under the rules. Requiring PSE to submit datasets in a manner that is technologically unfeasible is not in the public interest. On the other hand, an exemption is in the public interest because reporting source and characteristic data in a monthly format is consistent with CETA's reporting requirements and the intent behind the Commission's rules.

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¹⁸ *In the Matter of Adopting Rules Relating to Clean Energy Implementation Plans and Compliance with the Clean Energy Transformation Act*, Dockets UE-191023 and UE-190698, General Order R-601 at ¶ 19 (Dec. 28, 2020).