

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of  
  
PUGET SOUND ENERGY  
  
Petitioner,  
  
For an Order Approving Proposed  
Request for Proposals

DOCKETS UE-200413 and UE-200414  
  
ORDER 03  
  
GRANTING PETITION FOR  
EXEMPTION

**BACKGROUND**

- 1 On May 4, 2020, Puget Sound Energy (PSE or Company) filed with the Washington Utilities and Transportation Commission (Commission) a draft Request for Proposal (RFP) Regarding All Resources in Docket UE-200414, and a draft RFP Regarding Demand Response Programs in Docket UE-200413.
- 2 On May 11, 2020, the Commission issued a Notice of Opportunity to Provide Written Comments and Notice of Open Meeting (Notice). The Notice required interested persons to file written comments by July 6, 2020, and afforded stakeholders an opportunity to provide oral comments at the July 17, 2020, recessed open meeting.
- 3 On June 30, 2020, the Commission issued a Notice of Change to Scheduled Open Meeting, indicating that the recessed open meeting set for July 17, 2020, was rescheduled for July 30, 2020. The deadline for filing written comments remained unchanged.
- 4 The Commission received a total of 14 written comments in Dockets UE-200413 and UE-200414. Based on those comments and discussions with Commission staff (Staff), PSE submitted revised draft RFPs on July 22, 2020.
- 5 On July 23, 2020, PSE filed a Petition for Waiver from Certain Request for Proposals Requirement, seeking additional time for the Commission to approve its RFPs in both dockets.
- 6 On July 31, 2020, the Commission issued Order 01 in Dockets UE-200413 and UE-200414, granting PSE's July 23, 2020, Petition. In Order 01, the Commission indicated that it would consider the Draft All-Source and Demand Response RFPs at its August 13, 2020, open meeting.

- 7 On August 5, 2020, PSE filed a Petition for Waiver of Certain Requirements Related to Requests for Proposals Contained in WAC 480-107 and Order 01. PSE submits that it has recently developed an updated load forecast that reflects the effects of the COVID-19 pandemic. This forecast indicates a significantly lower peak capacity need than did the forecast in the Draft All-Source RFP and the Draft Demand Response RFP. PSE requested more time to consider this issue.
- 8 On August 26, 2020, PSE filed an Informational Filing Seeking Comments from Interested Parties on the Potential Withdrawal of its Draft Demand Response and All-Source RFPs. PSE explained that its updated load forecast projects no material capacity need for more than five years and that it may be in the public interest for PSE to withdraw its Draft RFPs.
- 9 On September 3, 2020, PSE filed a Third Petition for Waiver of Certain Requirements Related to Requests for Proposals Contained in WAC 480-107 and Orders 01 and 02 (Petition). PSE indicated that it intends to consider comments on its potential request to withdraw its Draft All-Source and Demand Response RFPs. PSE submits that while it intends to decide on a request to withdraw the RFPs by September 8, 2020, it recognizes that this does not leave the Commission adequate time to review the filing in advance of the September 10, 2020 open meeting. PSE therefore requests a two-week extension for the Commission to consider the Company's draft RFPs.
- 10 On September 8, 2020, PSE filed its Motion for Withdrawal of Draft Requests for Proposals and Petition for Waiver of Certain Requirements Related to Requests for Proposals Contained in WAC 480-107 (Motion for Withdrawal). PSE requests permission to withdraw its Draft All-Source and Demand Response RFPs. PSE accordingly requests an exemption from WAC 480-107-015(3)(b) with respect to the issuance of a request for proposals for supply-side resources.
- 11 Commission staff (Staff) supports the Company's Petition for exemption. Staff recommends, however, that the Commission grant a longer extension of time. Staff submits that the Commission should consider PSE's Draft All-Source and Demand Response RFPs and PSE's related Motion for Withdrawal at its October 15, 2020, open meeting. Staff does not yet have a recommendation as to the Motion for Withdrawal given the limited time to review this filing in advance of the September 10, 2020, open meeting.

## DISCUSSION

- 12 We grant PSE's Petition for exemption, but we agree with Staff's recommendation related to the date this issue should be considered. The Commission will consider PSE's draft RFPs and PSE's related Motion for Withdrawal at its October 15, 2020, open meeting.
- 13 WAC 480-07-110 provides that the Commission "may grant an exemption from, or modify the application of, any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes." WAC 480-107-002 similarly provides that no exception from the provisions of WAC 480-107 is permitted without prior written authorization from the Commission.
- 14 The Petition here concerns the Commission's deadline for approving or suspending a utility's RFP. Pursuant to WAC 480-107-015(3)(b), interested persons have 60 days from the RFP filing date to submit comments. The Commission will then approve or suspend a utility's RFP within 30 days after the close of the comment period. In Order 01 in Dockets UE-200413 and Docket UE-200414, the Commission granted PSE an exemption from this requirement and held that the Commission would consider PSEs Draft All-Source and Demand Response RFPs at the August 13, 2020, open meeting. In Order 02, the Commission granted PSE a second exemption from these requirements and held that the Commission would consider PSE's Draft RFPs at the September 10, 2020, open meeting.
- 15 PSE again requests an exemption from both WAC 480-107-015(3)(b), Order 01, and Order 02. This is due to the results of an updated load forecast reflecting the effects of the COVID-19 pandemic and showing significantly lower peak demand than that indicated in the Draft RFPs. PSE submits this does not leave adequate time in advance of the September 10, 2020, open meeting for Commission consideration of the issue. We agree that granting the requested exemption under these circumstances is appropriate. The Commission supports the parties' efforts to resolve their differences without the need for a contested hearing. In addition, the Company's request seeks a relatively brief extension of time that neither prejudices any party nor impedes the Commission's regulatory function. Accordingly, we find that the requested exemption is consistent with the public interest, the purposes underlying regulation, and applicable statutes, and conclude that it should be granted. The Commission will consider PSE's Draft RFPs and PSE's Motion for Withdrawal of its Draft RFPs at the October 15, 2020, open meeting.

### FINDINGS AND CONCLUSIONS

- 16 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including electric companies.
- 17 (2) PSE is an electric company and a public service company subject to Commission jurisdiction.
- 18 (3) WAC 480-107-015 requires companies to file proposed RFPs for capacity resource needs identified in their integrated resource plans.
- 19 (4) WAC 480-107-015(3)(b) states that the Commission will approve or suspend a utility's RFP within 30 day after the close of the comment period.
- 20 (5) Under WAC 480-07-110(1), the Commission may grant an exemption from the provisions of any rule in Chapter 480-70 WAC if doing so consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 21 (6) On July 31, 2020, the Commission issued Order 01 and granted PSE an exemption from this requirement and held that the Commission would consider PSEs Draft All-Source and Demand Response RFPs at the August 13, 2020, open meeting
- 22 (7) On August 13, 2020, the Commission issued Order 02 and again granted PSE an exemption from WAC 480-107-015(3)(b), holding that the Commission would consider PSE's Draft All-Source and Demand Response RFPs at the September 10, 2020, open meeting.
- 23 (8) On September 3, 2020, PSE filed a third petition for exemption from WAC 480-107-015(3)(b) to allow more time for the Company to consider withdrawing its Draft RFPs in light of an updated load forecast and to allow more time for Commission consideration.
- 24 (9) On September 8, 2020, PSE filed its Motion for Withdrawal, requesting permission to withdraw its Draft All-Source and Demand Response RFPs.
- 25 (10) This matter came before the Commission at its regularly scheduled meeting on September 10, 2020.

- 26 (11) After reviewing PSE's Petition and giving due consideration to all relevant matters and for good cause shown, the Commission finds that PSE's requested exemption is in the public interest, consistent with the purposes underlying the regulation and applicable statutes, and that it should be granted.

**ORDER**

**THE COMMISSION ORDERS:**

- 27 (1) Puget Sound Energy's Petition for exemption in Dockets UE- 200413 and UE- 200414 is granted.
- 28 (2) The Commission retains jurisdiction over the subject matter and Puget Sound Energy to effectuate the provisions of this Order.

Dated at Lacey, Washington, and effective September 10, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER, Chair

ANN E. RENDAHL, Commissioner