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AVISTA GRC 2009
Docket Nos. UE-090134 and UG-090135, UG-060518

NW Energy Coalition Response to Bench Request No. 12

Bench Request No. 12: Does RCW 80.80 and WAC 480-100-405 & 415 apply to the Lancaster Power Purchase Agreement (PPA)? Why or why not?

Bench Request No. 12 - NW Energy Coalition Response: Yes, RCW 80.80 applies to the Lancaster PPA.

RCW 80.80.060: (1) No electrical company may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under RCW [80.80.040](#).

RCW 80.80.010: (15) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

NW Energy Coalition: The term of the Lancaster PPA is 16 years, which invokes the provisions of RCW 80.80.010(15)(b). The PPA is a contract for baseload electric generation under the same statute.

RCW 80.80.060: (2) In order to enforce the requirements of this chapter, the commission shall review in a general rate case or as provided in subsection (5) of this section any long-term financial commitment entered into by an electrical company after June 30, 2008, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under RCW [80.80.040](#).

NW Energy Coalition: The Lancaster PPA is under consideration as part of the Avista General Rate Case and therefore should be reviewed by the Commission. The review should be conducted under WAC 480-100-405 rather than under WAC 480-100-415 (which applies to resources seeking compliance with the greenhouse gas performance standard outside of a general rate case).