

September 15, 2023

Chair David Danner
Commissioner Ann Rendahl
Commissioner Milt Doumit
Washington Utilities and Transportation Commission
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Subject: Concerns Regarding the "NOTICE OF CHANGE TO ELECTRIC INTEGRATED RESOURCE PLAN PROCESS" Issued by the Commission

Dear Commissioners, Environmental Orgs, and Policymakers,

I am writing on behalf of the Washington Clean Energy Coalition, a non-profit organization whose members have been actively involved in Puget Sound Energy's (PSE) Integrated Resource Plan (IRP) process for many years. We are troubled by the "NOTICE OF CHANGE TO ELECTRIC INTEGRATED RESOURCE PLAN PROCESS" circulated by the Commission on July 25, 2023. This alteration significantly impacts the public's participation in the IRP process, a critical need that is clearly recognized in Washington Administrative Code 480-90-238.5: "Consultations with commission staff and public participation are essential to the development of an effective plan."

We are concerned that the Commission's new policy will reduce public participation and diminish stakeholder input in the IRP process. Our specific concerns are as follows:

1. **Consistency between CEIP and IRP:** As the Notice acknowledges, the Clean Energy Transformation Act requires a utility's Clean Energy Implementation Plan (CEIP) to be "consistent with the utility's long-range integrated resource plan." While the details of this relationship may evolve as the legislature considers legislation similar to last session's HB 1589, it seems premature for the Commission to abandon the acknowledgement letter that stakeholders have relied on for many years. The Commission's response to a utility's IRP can inform stakeholders who participate in the adjudicated CEIP hearing.
2. **Lack of Accessibility to Legal Representation:** The Commission argues that a formal acknowledgment letter is redundant because of the adjudicated process required by the Clean Energy Implementation Plan (CEIP). However, participation in an adjudicated process requires legal counsel that may exclude individuals or organizations who can't afford the expense. While the Commission has previously allocated funds for legal representation in rate cases, we are unaware of any equivalent funding for the CEIP hearings.
3. **Funding as a Barrier to Participation:** Even if a participation fund is established, that does not assure fair representation. The case of the non-profit group CENSE is illustrative. In the most recent rate case, CENSE requested \$70,000 from the fund to pay for legal counsel. However, the group received only \$15,000, barely covering legal expenses incurred to apply for the grant. With nothing left to pay for an attorney during the actual hearing, CENSE's participation and effectiveness were severely diminished. This example highlights the barriers individuals or non-professional groups might face in any CEIP litigation.

4. **Acknowledgment Letter as a Crucial Public Record:** The Commission's acknowledgment letter is an essential public record that summarizes the achievements and the shortcomings of a year-long IRP process. It offers a transparent and definitive statement that can be referenced by public groups and policy makers. For example, on page 13 of the Commission's 2017 Electric and Gas IRP Acknowledgement Letter, Commissioners criticized PSE's carbon price assumptions that did not fully account for damages caused by climate change due to GHG emissions. This written record was helpful for environmental organizations and state legislators seeking to protect the well-being of future generations.

Conclusion

The IRP process requires participants to review lengthy documents and attend long monthly meetings over the course of a year. We feel the Washington Clean Energy Coalition's patient efforts in this regard are warranted because they help inform a tangible result – the Commission's acknowledgment letter. Without such a letter, the IRP appears to be a mostly theoretical exercise, lacking real impact or enforceability. Without such a letter, our organization might conclude that it is not worth the effort to review all the documents and attend the meetings. We might instead focus our efforts elsewhere, an outcome contrary to the IRP process as described in the Washington Administrative Code.

We earnestly request the Commission to reconsider this change, keeping in mind the democratic principles that underpin the IRP process. Please feel free to reach out if you wish to discuss our concerns further.

Respectfully,

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CC:

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Sierra Club
Northwest Energy Coalition
Climate Solutions
Vashon Climate Action Group
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