

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of	DOCKET UE-210795
PUGET SOUND ENERGY	ORDER 09
Clean Energy Implementation Plan Pursuant to WAC 480-100-640	GRANTING EXEMPTION

BACKGROUND

- 1 On June 6, 2023, the Washington Utilities and Transportation Commission (Commission) entered Final Order 08, resolving all disputed issues pertinent to the Final Clean Energy Implementation Plan (CEIP) filed by Puget Sound Energy (PSE or Company) in Docket UE-210795.
- 2 On June 26, 2023, PSE filed a Petition for Exemption (Petition), requesting that the Commission grant an exemption from the requirements set forth in WAC 480-100-650 (4)(a)(i),(ii), and (iv) for hourly sales data in the Company's 2023 Clean Energy Transformation Act clean energy progress report (2023 Progress Report). PSE argues that it is technologically unable to comply with the rule's requirement. PSE notes that while it is able to provide data in a monthly format, it is not able to provide data in an hourly format for its first such progress report. PSE submits that while it began installation of its Advanced Metering Infrastructure (AMI) in 2016, the Company is on track to complete installation of its AMI system this year, and it will take approximately six more months to set up the AMI system for recording and reporting hourly data. PSE contends that it is in the public interest to grant an exemption from the rule when it is technologically unable to comply with its requirements.
- 3 On June 30, 2023, PSE filed the 2023 Progress Report with the Commission. In its 2023 Progress Report, PSE notes that it can provide hourly system loads but that it remains unable to provide hourly data regarding retail sales because many customers continue to

have automated meter reading (AMR) meters.¹ PSE also notes that there are instances where it is unable to provide hourly data for its purchases from qualifying facilities.²

- 4 On July 17, 2023, Public Counsel filed a Response to PSE’s Petition for Exemption. Public Counsel argues that PSE had notice of the rules requirements and that the Company fails to sufficiently explain why it is unable to comply with the requirement for hourly sales data. Public Counsel submits that PSE’s inability to provide hourly sales data in the 2023 Progress Report reflects a failure to manage its AMI installation project rather than a true technological limitation. Public Counsel argues further that PSE does not explain why it did not install equipment that would allow it to obtain hourly generation data from qualifying facilities. Public Counsel argues that the rule at issue does not impose any undue hardship on PSE that is different from that imposed on other investor-owned utilities, noting a comparison to the meters employed by PacifiCorp d/b/a Pacific Power & Light Company, and that granting an exemption would not be in the public interest. Public Counsel avers that, at a minimum, PSE should reflect the delayed implementation of its AMI meters in its AMI benefits progress report.
- 5 No other party to Docket UE-210795 responded to PSE’s Petition.

DISCUSSION

- 6 We grant PSE’s Petition and grant the Company an exemption from the requirements for hourly data contained in WAC 480-100-650(4)(i), (ii), and (iv) for its 2023 Progress Report.
- 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.”³
- 8 PSE credibly explains that it is not yet able to provide hourly retail sales data. The Company is continuing to install AMI meters and submits that it needs an additional six months to finish setting up the system to record hourly data. While Public Counsel takes issue with the sufficiency of the Company’s explanation and suggests that PSE may be failing to properly implement its AMI system, the Commission is not yet presented with evidence establishing that this is the case. And as PSE observes, WAC 480-100-650(4)(a) contains the language “[u]nless otherwise ordered by the Commission,” which

¹ 2023 Progress Report at 15-16.

² *Id.* at 17. *See also* 2023 Progress Report, App. F.

³ *Accord* WAC 480-100-008.

contemplates some flexibility in the application of this rule. Particularly given that this is the Company's first clean energy progress report, it is consistent with the public interest to grant PSE an exemption from the hourly sales data requirements in WAC 480-100-650(4)(i), (ii), and (iv).

- 9 We comment, however, on the lack of hourly data for generation data from qualifying facilities.⁴ PSE notes that this third-party information is “not yet available” and that “the meters related to these qualifying facilities are one-way, single channel meters.”⁵ The 2023 Progress Report itself notes that the meters for qualifying facilities erase data after a period of time and that the technology is sometimes unable to capture this hourly data on a consistent basis.⁶ This raises concerns that PSE may not be on a path to complying with the requirement for hourly data from qualifying facilities. Although we have granted PSE an exemption from the requirement for hourly data for purposes of its 2023 Progress Report, the Company should be aware that a similar exemption may not be granted in the future.

ORDER

10 THE COMMISSION ORDERS:

- 11 (1) Puget Sound Energy's Petition is GRANTED.
- 12 (2) Puget Sound Energy is granted an exemption from the requirements for data in an hourly format contained in WAC 480-100-650(4)(i), (ii), and (iv) for the purposes of Puget Sound Energy's 2023 Progress Report.

Dated at Lacey, Washington, and effective August 17, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael Howard
MICHAEL HOWARD
Administrative Law Judge

⁴ See WAC 480-100-650(4)(iv).

⁵ Petition ¶ 5.

⁶ 2023 Progress Report at 17.

**NOTICE TO PARTIES: This is an Interlocutory Order of the Commission.
Administrative review may be available through a petition for review, filed within
10 days of the service of this Order pursuant to WAC 480-07-810.**