BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of Amending, Adopting, and Repealing WAC 480-100-238, Relating to Integrated Resource Planning	DOCKET UE-190698 INITIAL COMMENTS OF THE ENERGY PROJECT

I. INTRODUCTION

1 The Energy Project (TEP) files these comments in response to the Commission's Notice of Opportunity To File Written Comments, issued November 7, 2019. The Energy Project appreciates the Commission's focus in this docket on issues related to the equitable transition to clean energy. A recent National Consumer Law Center report, *Reversing Energy System Inequity*, observed:

> With the imperative to curb climate pollution everywhere we can, as quickly as we can, this time of transition should be viewed as the time to achieve another imperative simultaneously – building a more equitable energy landscape in America, hand in hand with a cleaner one.[1]

Washington's Clean Energy Transformation Act (CETA) has taken on this challenge and this and other rulemakings at the Commission and the Department of Commerce are now providing a forum for stakeholders to work together on the practical steps for implementation of this goal.

[1] *Reversing Energy System Inequity: Urgency and Opportunity During the Clean Energy Transition,* National Consumer Law Center, John Howat, John Colgan, Wendy Gerlitz, Melanie Santiago-Mosier and Karl Rabago, March 5, 2019, p. 10. .https://www.nclc.org/images/pdf/special_projects/climate_change/report-reversing-energy-system-inequity.pdf.

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2 The NCLC report identifies three foundational components that are key to success:

> DATA: Collection and distribution of comprehensive residential customer data, broken out for low- and moderate-income and vulnerable ratepayers.
>
> PROCESS: An inclusive regulatory process that formally links identification of equity impacts with consideration and adoption of measures to address them.
>
> EDUCATION: Broad familiarity with the full range of programs and best practice protections to address economic inequities for low-income customers.[2]

All of these elements will be important considerations in developing the Commission's rules on resource planning in this docket. The IRP process provides the opportunity for detailed data collection and analysis, for meaningful engagement of low-income and vulnerable customers, and for broad consideration of programs and practices in the context of resource planning.

II. INITIAL COMMENTS OF THE ENERGY PROJECT

A. Responses to Notice Questions Regarding Procedure. (Q. 1-6)

3 At this time, TEP does not have specific recommendations in response to the procedural issues raised in the first six questions and will be interested in hearing from other stakeholders regarding the proposals, for example, moving to a four-year cycle for IRPs. If the Commission does decide to move to a four-year cycle, requiring a two-year progress report would seem to be a necessary requirement in maintaining the integrity of the process. The Energy Project has some concern about holding a hearing only on the draft IRP and not on the final filing and generally favors more opportunities for stakeholder input.

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[2] *Id.*, pp. 1-2.

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B. Responses to Notice Questions Regarding Equitable Distribution of Benefits

1. Requirements for Assessments and Customer Benefit (Q. 7)

4 The Energy Project does not have a specific recommendation on this question in these initial comments. Under TEP's reading, both the "requirement for assessments" and the "requirement to ensure all customers benefit" are reflected in the draft rule, which is appropriate. The components are already connected in the sense that both are listed as required content of an IRP under WAC 480-100-610. The utility's preferred portfolio analysis and narrative regarding benefit will build, *inter alia*, on the assessment, in effect, integrating these components into the final IRP product. It is not clear that specific additional changes are required to connect or integrate these aspects of the rules. The Energy Project is open, however, to further consideration of this issue based on comments of other stakeholders as the docket advances.

2. Information to Document Benefits to Customers (Q. 8)

5 In this question, the Commission asks: "What types of information should a utility provide in its IRP to document that the utility is ensuring that all customers are benefitting from the transition to clean energy?" While the goal of ensuring benefit appears in a number of places in CETA, the focus in these comments is on integrated resource planning. The IRP process is designed to (1) evaluate all options from the supply and demand sides in a fair, consistent and comparable manner; (2) minimize total costs; and (3) create a flexible plan that can adjust to changed circumstances. The process is intended to further the goals of reliable service, economic efficiency, environmental protection and equity. An IRP considers all supply and demand options as potential contributors and selects an integrated set of least-cost resources to

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meet expected needs. The inclusion of demand-side options provides more opportunities for lower fuel consumption and for reducing negative environmental impact than would be possible if only supply-side options were considered.[3]

6 In an earlier era, the concept of equity involved balancing inter-class and intergenerational interests.[4] With the passage of CETA, the equity goals for resource planning have been significantly enhanced, as the Commission's Notice and draft rules recognize. As the draft rules state: "each electric utility has the responsibility to identify and meet its resource needs with the lowest reasonable cost mix of … resources… to ensure a utility provides energy to its customers that is clean, affordable, reliable, and *equitably distributed*."[5]

7 Given this context, the Notice question might alternatively be phrased: "How should the utility document that its planning process is designed to ensure that all customers are benefitting from a transition to clean energy?" A starting point for this answer is the framework provided in the draft rules themselves, which appropriately include several provisions related to equitable distribution of benefits. WAC 480-100-610 (Content of the Integrated Resource Plan) requires that an IRP must include, at a minimum:

- An assessment of distributed energy resource (DER) programs identified under RCW 19.405.120(4)(b)[6];

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[3] American Council for An Energy Efficient Economy (ACEEE), Utility Initiatives: Integrated Resource Planning, Marty Kushler, Dan York, p. 2, July 2, 2014 https://aceee.org/policy-brief/utility-initiatives-integrated-resource-planning.

[4] *Id.* p. 2.

[5] Draft WAC 480-100-605 (Emphasis added). Equitable distribution incorporates the concept of benefits shared by all customers.

[6] Draft WAC 480-100-610(3).

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- A comparative evaluation of all identified resources that considers the costs, risks and the benefits of the resource, including benefits that accrue to the utility, its customers, and program participants[7];
- An assessment of energy and non-energy benefits (NEBs) and reductions of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits, costs, and risks; and energy security risk, informed by the cumulative impact analysis performed by the Department of Health.[8]
- A portfolio analysis and a preferred portfolio, with a narrative explanation of how its long-range IRP solution ensures all customers are benefitting from the transition to clean energy and assesses the environmental health impacts in highly impacted communities.[9]
- A Clean Energy Action Plan (CEAP) which must demonstrate that all customers are benefitting from the transition to clean energy.[10]
- An avoided cost analysis which, for listed NEBs, should specify if they accrue to the utility, customers, participants, vulnerable populations, highly impacted communities, or the general public.[11]

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[7] Draft WAC 480-100-610(6).
[8] Draft WAC 480-100-610(9).
[9] Draft WAC 480-100-610(11)(e) and (f).
[10] Draft WAC 480-100-610(12).
[11] Draft WAC 480-100-610(13).

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8 The Energy Project supports inclusion of the language referenced above to ensure the IRP appropriately and sufficiently provides information and explanation to describe how the plan ensures that all customers benefit from the transition to clean energy.

9 The complete language of the relevant CETA provisions also provides guidance on the type of showing needed regarding benefits to customers. RCW 19.405.040(8) requires utilities to "ensure that all customers are benefitting from the transition to clean energy: *Through* the equitable distribution of energy and NEBs and reductions of burdens to vulnerable populations and highly impacted communities [.]"[12] The statute thus identifies categories of relevant information, explaining that benefit to all customers is demonstrated "through" equitable distribution of energy and NEBs, and "through" reduction of burdens to vulnerable populations and highly impacted communities. These categories are specifically discussed below in more detail. In addition, the statute identifies public health and environmental benefits, energy security and resiliency as categories of customer benefit.

a. Equitable distribution of energy and non-energy benefits

10 Energy efficiency is the most cost-effective method to reduce GHG emissions in the utility sector and also has significant positive effects for equity, for example in health benefits and in greater relative benefits for low-income customers.[13] Energy efficiency also has substantial energy security and environmental benefits.

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[12] RCW 19.405.040(8).

[13] *Empowering Energy Justice*, Mary Finley-Brook and Erica L. Holloman, International Journal of Environmental Research and Public Health, September 13, 2016, p. 13. https://www.ncbi.nlm.nih.gov/pubmed/27657101.

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11 The draft rules appropriately call for clear recognition of non-energy impacts and benefits, and require utilities to provide specific explanation of these impacts, as described above. Non-energy benefits and impacts might "accrue to the utility, customers, participants, vulnerable populations, highly impacted communities, or the general public," as observed in the draft rule regarding avoided cost.[14]

12 Prior to the passage of CETA, only a select few NEBs have been included in cost-effectiveness analyses for energy efficiency measures in the Conservation Potential Analysis (CPA) of IRPs. Those NEBs have been generally limited to those that are easily identifiable and quantifiable, and directly connected to specific efficiency measures. For example, PSE's 2017 IRP explained that the calculation of levelized cost of conserved energy included "quantifiable non-energy benefits," and provided as an example that water savings were included as a benefit for efficient low-flow showerheads.[15] A 2010 Skumatz Economic Research Associates (SERA) review of non-energy benefits found they were "used only sparingly."[16]

13 The 2010 SERA review also concluded, however, that: "non-energy benefits may reflect some of the most important effects from energy efficiency measures and programs, and may especially represent some of the most important outcomes for low-income strategies."[17] Indeed, a growing body of research and literature is documenting a wide array of NEBs associated with the transition to clean energy, particularly associated with low-income assistance and

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[14] Draft WAC 480-100-610(13).

[15] Dockets UE-160918 & UG-160919, PSE's 2017 Integrated Resource Plan, Appendix J, Conservation Potential Assessment, Developed for PSE by Navigant Consulting, at Section 2.1.8, p. 19.

[16] "Non-Energy Benefits: Status, Findings, Next Steps, and Implications for Low-Income Program Analyses in California," Skumatz Economic Research Associates (SERA), Prepared for Sempra Utilities, Revised Report May 11, 2010 , p. 2.

[17] *Id.*

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weatherization programs. Studies are finding compelling health benefits, for example, benefits associated with weatherization and home improvements.

14 A 2015 study by the U.S. Department of Energy's Oak Ridge National Laboratory, in partnership with the Opportunity Council, found a reduction in annual Medicaid-related asthma claims among homes in Washington that had received low-income weatherization measures (e.g. heating equipment installation and maintenance, insulation, air sealing), healthy home improvements (ventilation improvements, flooring replacement, dust mite mattress and pillow covers, education), or both. This study found: "a statistically significant decrease of $421 was observed in annualized asthma-related Medicaid costs for all study groups combined. The average number of claims paid by the Washington State Medicaid program also decreased significantly within the Weatherization Plus Health and WAP Only groups by 0.42 and 0.91 claims per month, respectively."[18] The strongest findings in the study were among homes that had received weatherization assistance as well as healthy home improvements. The study concluded, "Overall, the services delivered by the participating agencies in this study were associated with significantly reduced health care costs for Medicaid-insured children with asthma residing in Northwestern Washington State."[19]

15 PSE's 2016 study of its low-income weatherization program, conducted by Cadmus, concluded the program resulted in quantifiable NEBs, and recommended NEBs be included in cost-effectiveness scenarios. Cadmus determined that the low-income weatherization program

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[18] "Weatherization Works II – Summary of Findings From the ARRA Period Evaluation of the U.S. Department of Energy's Weatherization Assistance Program, Oak Ridge National Laboratory, Tonn, Bruce *et. al.,* July 2015, Executive Summary, p. xiii.

[19] *Id.*, p. xiv.

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resulted in per participant benefits of $100 in participant ancillary benefits (reduced drafts, more efficient equipment), $2,313 in regional economic impacts, $33.88 environmental impacts (avoided compliance costs), and about $42 related to environmental benefits of avoided greenhouse gas emissions.[20] These findings were generally consistent with studies of low-income weatherization program evaluations in Wisconsin and Massachusetts.[21]

16 A 2017 report by the Northeast Energy Efficiency Partnerships (NEEP) provides the following list of non-energy impacts (NEIs):

Utility NEI categories:

- Peak load reductions
- Transmission and/or distribution savings
- Reduced payments arrearages
- Reduced carrying costs
- Lower debt written off/ lower collection costs
- Fewer customer calls

Participant NEI categories:

- Operations and Maintenance (O&M) cost savings
- Participant heath impacts
- Comfort
- Employee productivity
- Property values
- Benefits to low-income customers

Societal NEI categories:

- Public health and welfare effects
- Air quality impacts
- Water quantity and quality impacts
- Coal ash ponds and coal combustion residuals
- Economic development and employment effects
- Employment impacts

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[20] Cadmus 2016 PSE Low-Income Weatherization Evaluation, Table 12, p. 15.
[21] *Id.*, p. 18.

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- Economic development constraints
- Other economic considerations:
  - Societal risk and energy security
  - Benefits unique to low-income energy efficiency programs[22]

17 Inclusion of NEBs and impacts is critical to pursuing equity in distribution of energy efficiency funds. Excluding NEBs may unfairly reduce cost-effectiveness of low-income programs, as described by Roger Colton in 2017 testimony in New Hampshire:

> [O]ne of the important public policy goals of ratepayer-funded low-income energy efficiency programs is to pursue equity in the distribution of energy efficiency funds. If low-income programs are limited due to a perceived lack of cost-effectiveness because low-income NEIs are not adequately incorporated into the TRC benefit-cost analysis, low-income ratepayers are left with paying for programs from which they are disproportionately excluded from participation. The public policy to be pursued involves the equitable distribution of energy efficiency dollars.[23]

18 Several states have developed policies to recognize NEBs associated with energy efficiency or distributed energy resources. Some states have adopted adders or multipliers, often incorporating enhanced recognition of the significant NEBs related to low-income programs. The NEEP review referenced above includes the following summary of states that have explicit recognition of NEBs pertaining to low-income programs:

- Colorado applies a 10 percent electric adder, 25 percent low-income program adder, and 5 percent gas adder. "The percentage is applied to the sum of the other quantifiable benefits and is used when calculating TRC Test values for specific DSM

[22] "Non-Energy Impacts Approaches and Values: an Examination of the Northeast and Mid-Atlantic," Northeast Energy Efficiency Partnerships (NEEP Report), June, 2017, p. 6. See: https://neep.org/non-energy-impacts-approaches-and-values-examination-northeast-mid-atlantic-and-beyond [last accessed December 19, 2019].

[23] *In re 2018-2020 Statewide Energy Efficiency Plan*, Public Utilities Commission of New Hampshire, Docket No. DE 17-136, Testimony of Roger Colton, November 21, 2017, p. 13 (footnotes omitted).

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programs and the overall portfolio. The Colorado PUC also allows for the option of including specific NEBs, on a program-by-program basis, when such benefits are clearly occurring and can be easily calculated. Furthermore, in applying the TRC Test to low-income DSM programs, the benefits included in the calculation are increased by 20 percent to reflect the higher level of NEBs that are likely to accrue from DSM services to low-income customers."[24]

- New Mexico includes a 15 percent adder, and low-income weatherization includes a 1.25 multiplier for benefits. Avoided carbon emissions are included in the TRC (environmental) for low-income. "Lifetime energy savings from programs targeted exclusively to low-income customers are valued at 1.25 times the actual KWh savings."[25]
- Vermont has adopted a 15 percent adder for NEBs, a 10 percent risk adder, and an additional 15 percent adder for low-income programs. "The Vermont Public Service Board requires that several Other Program Impacts (OPIs) be accounted for in [energy efficiency (EE)] screening: 1) the risk benefits of EE resources should be accounted for by applying a 10 percent discount to the EE costs; 2) the NEBs of EE resources should be accounted for by applying a 15 percent adder to the energy benefits (Vermont PSB, 2012); 3) water, O&M, and other fuel savings should be accounted for with quantified and monetized estimates of those benefits, and applied to those programs in which these savings are expected to occur; 4) the NEBS of low-

[24] NEEP Report, pp. 18-19.
[25] NEEP Report, p. 19.

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income programs should be accounted for by applying a 15 perecent adder to the energy benefits associated with those programs."[26] Thus a 30 percent adder is applied to low-income programs for non-energy benefits.

- The District of Columbia Sustainable Energy Utility (DCSEU) administers the DC system benefit charge. In 2011, it adopted a 30 percent adder that includes three components: 10 percent risk adder, 10 percent avoidance of environmental externalities, and 10 percent for NEBs including reduced illness, improved health and safety, increased productivity, and noise reduction, among others.[27]

19 For several decades there has been a recognition that NEBs from efficiency measures exist. As the previous discussion shows, states have been coming to grips with methods to quantify those benefits. The Clean Energy Transformation Act now is bringing this issue to the fore in Washington. The Commission and stakeholders will be considering as part of this proceeding how to move to more fully recognize and incorporate NEBs into resource planning analysis.[28]

20 In addition to NEBs, energy benefits, such as savings from energy efficiency neasures themselves translate into benefits to low-income customers, vulnerable populations and highly impacted communities. Utilities can show equitable sharing of these benefits by providing

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[26] NEEP Report, pp. 19-20. The Vermont PSB is now known as the Vermont Public Utility Commission.

[27] NEEP Report, p. 20. *See also*, "Research Strategy for Valuation of Comfort, Health, Noise Reduction, & Safety Non-Energy Benefits," Bonneville Power Administration, October 28, 2015, p. 8.

[28] While our discussion of NEBs in these comments focuses on research regarding energy efficiency, we acknowledge that NEBs are not limited to demand-side resources.

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documentation regarding how these savings are fairly distributed within the residential class and how barriers such as rental status or upfront costs of measures are addressed.

b. Reduction of burden

21 As NEBs are given consideration in the resource planning process, their inclusion is likely to broaden the portfolio of energy efficiency programs and measures. This in turn will produce more savings, which in turn reduces energy burden for disadvantaged customer groups. Utilities can address this area by providing information regarding reduction of burdens to vulnerable populations and highly impacted communities, including low-income customers. Information on this issue would include:

- identification of vulnerable populations and highly impacted communities within the utility service territory, and the analytical tools used to make the identification;
- the supply and demand-side programs that impact the communities;
- current and projected participation levels in energy efficiency and DER programs and accessibility;
- comparative participation levels (e.g all residential, compared with low-income and vulnerable populations);
- analysis of potential impacts of preferred portfolio on vulnerable populations and highly impacted communities and any mitigation of any negative effects; and
- proposed metrics.

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22 The draft rules would also require information through the inclusion by the utilities of cases, scenarios and sensitivities. The utility must define those which were modeled and examined, including those that were informed by the public participation process.[29]

3. Level of guidance (Q. 9)

23 The Energy Project recommends that the Commission provide guidance regarding the matters listed in Question 9 in the form of a rule. Incorporating the guidance in a rule gives it the force of law, rather than being advisory in nature. This will help to ensure that equitable distribution requirements receive appropriate emphasis along with other key aspects of CETA implementation. Recognizing, however, that this is a new area of focus for the IRP process, TEP suggests that initial rules can be more general in nature, supplemented by policy statements. As the Commission, utilities and stakeholders gain more experience with CETA, additional detail can be added to the rules as needed.

4. Compliance reporting (Q. 10)

24 The Energy Project does not have a particular concern with the compliance reporting issue. The IRP process addresses a broad range of important issues and the Commission acknowledgement process, though not "legal action," has provided a forum for detailed oversight and influence by the Commission and other stakeholders regarding resource planning requirements, particularly when the Commission, its Staff and stakeholders have devoted time and resources to the process. This should continue to have value and this rulemaking will be addressing how to make that process more robust.

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[29] Draft WAC 480-100-610(10).

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25 Additional compliance review is available under CETA, which is not subject to the "legal action" prohibition in RCW 19.280.030(9). RCW 19.405.090(9) provides that "[f]or an investor-owned utility, the commission must determine compliance with the requirements of this chapter."[30] Accordingly, CETA requirements such as for a Clean Energy Action Plan and for a Clean Energy Investment Plan, can, in TEP's view, be enforced by the Commission independently of the IRP acknowledgement process.

C. Responses to Questions Regarding Content of the IRP. (Q. 11-13)

26 The Energy Project does not have any recommendations at this time in response to the questions in this section.

D. Additional Comments Regarding the Draft Rules

1. Definitions

27 Echoing our comments in the Commission's EIA rulemaking, Docket UE-190652, TEP does not have major concerns with including statutory definitions from the CETA[31] in the Commission's IRP rules.[32] However, these are key definitions for CETA's Section 12[33] generally, and as such the terms have other broader applications beyond the IRP context. It will, therefore, be important to maintain consistency between the definitions in the IRP rules and the definitions of these key terms adopted elsewhere. Coordination with the Section 12-related proceedings at the Department of Commerce, and at the Commission, will be important. Ultimately, the definitions established here should be designed to further the broad statutory

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[30] RCW 19.405.090(9).
[31] Laws of 2019, Chapter 288, codified at RCW Chapter 19.405.
[32] Chapter 480-109 Washington Administrative Code (WAC).
[33] RCW 19.405.120.

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Section 12 and "public interest"[34] goals of CETA. The Energy Project hereby incorporates by reference its written comments in the EIA docket, UE-190652, regarding the CETA definitions, including the recommendations regarding energy burden. The Energy Project notes that the definition of "low-income" is not included in the draft rules. The Energy Project recommends inclusion of the definition, for consistency with the proposed EIA rules, and suggests this is an appropriate matter for further consideration in the rulemaking.

2. Public participation

28 Effective participation in decision making processes by affected stakeholders is essential to achieving an equitable transition to clean energy.[35] The existing rule states that "consultations with commission staff and public participation are essential to the development of an effective plan."[36] The current rule also requires that the timing and extent of public participation must be reported. The Energy Project notes that the draft rules contain a number of amendments to the public participation rule designed to enhance and facilitate public involvement. The Energy Project generally supports strengthening the rule and suggests that the rules may also need to more specifically provide for an effective role for representatives of vulnerable communities and highly impacted communities as well as low-income customers who have not traditionally taken

[34] RCW 19.405.010(6), 19.405.040(8).

[35] *Six Ways to Prioritize Equity In Energy Efficiency and Climate Policy*, Urban Institute, September 19, 2019, p. 3. https://www.urban.org/urban-wire/six-ways-prioritize-equity-energy-efficiency-and-climate-policy.

[36] WAC 480-100-238(5)

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part in resource planning. The Energy Project looks forward to input from other stakeholders on this issue.

III. CONCLUSION

29 The Energy Project respectfully requests consideration of these issues by the Commission in this rulemaking docket. The Energy Project may have additional recommendations or modifications to these proposals as the rules develop. The Energy Project looks forward to working with the Commission and other stakeholders as this docket moves forward.

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