



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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June 5, 2020

**NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
ON PROPOSED RULES
(By July 6, 2020)**

and

**NOTICE OF PROPOSED RULE VIRTUAL ADOPTION HEARING
(Set for July 28, 2020, at 9:30 a.m.)**

Re: Rulemaking to amend the Energy Independence Act (EIA) WAC 480-109,
Docket UE-190652

TO ALL INTERESTED PERSONS:

This notice is to inform interested persons of the progress made in this rulemaking docket concerning possible adoption of proposed revisions to the rules governing implementation of the Energy Independence Act (EIA). This also provides notice of an opportunity to file written comments on the proposed rule amendments and notice of the formal rule adoption hearing scheduled for July 28, 2020, at 9:30 a.m.

On October 4, 2019, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider whether the Commission's rules related to the EIA, codified at Chapter 19.285 RCW, require revision to comply with new statutory requirements. The Commission filed the CR-101 under Docket UE-190652. The Commission conducted a workshop on January 28, 2020, and solicited comments on draft rules. The Commission also issued a Small Business Economic Impact Statement Questionnaire on January 16, 2020, to obtain information regarding the impact of the draft rules on the companies. The draft rules, comments, and SBEIS questionnaire are available in this docket on the Commission's website: <http://www.utc.wa.gov/190652>.

On March 27, 2020, the Commission filed a Notice of Proposed Rulemaking (CR-102) with the Office of the Code Reviser, along with a Notice of Opportunity to File Written Comments on Proposed Rules and a Notice of Proposed Rule Adoption Hearing.

In response to these notices, the Commission received comments from stakeholders, some of whom requested a modification to the definition of “low-income” to include the second available metric of area median income set at the statutory maximum of 80 percent. The Commission proposes to incorporate this metric in its definition of “low-income,” in addition to other minor changes to the proposed rules filed with the Office of the Code Reviser on March 27, 2020. Those additional changes include:

- Clarifying language pertaining to low-income conservation;
- Updating two subsection titles to more accurately reflect their content, and
- Referencing the Clean Energy Transformation Act in WAC 480-109-300(2).

The modification to the definition of “low-income” is intended to denote thresholds of eligibility only. Guidance related to assistance program design, prioritization of benefits, and benefit calculations will come later and be informed by RCW 19.405.120. Specifically, RCW 19.405.120(2) requires utilities to prioritize low-income households with a higher energy burden, to the extent practicable.

On June 4, 2020, the Commission filed a revised Notice of Proposed Rulemaking (CR-102) with the Office of the Code Reviser. The proposed rules amend sections of chapter 480-109 WAC. The Commission has reviewed the comments received from stakeholders to date in this docket and has prepared proposed rules for review and comment by interested persons. The proposed rules are available for inspection on the Commission’s web page at <http://www.utc.wa.gov/190652>. The CR-102 filing initiates the final part of the rulemaking process, which includes a written comment period, a public adoption hearing, and a decision by the Commission.

WRITTEN COMMENTS

The Commission gives notice of your opportunity to submit written comments on the proposed rules. Written comments must be filed with the Commission no later than **5 p.m., July 6, 2020**. Pursuant to WAC 480-07-250(3), written comments must be submitted in electronic form, specifically in searchable .pdf format (Adobe Acrobat or comparable software). As provided in WAC 480-07-140(5), those comments must be submitted via the Commission’s web portal at www.utc.wa.gov/e-filing. If you are unable to submit documents via the portal, you may submit your comments by email to the Commission’s Records Center at records@utc.wa.gov or by mailing or delivering an electronic copy to the Commission’s Records Center on a flash drive, DVD, or compact disc that includes the filed document(s). Comment submissions should include:

- The docket numbers of this proceeding (Docket UE-190652);
- The commenting party's name, and

- The title and date of the comment or comments.

The Commission will post all comments on its web site. The web site is located at <http://www.utc.wa.gov/190652>.

ADOPTION HEARING

The Commission gives further notice of your opportunity to attend the public hearing and make oral comments about the proposal for the adoption of the proposed rules beginning at **9:30 a.m., July 28, 2020**. Due to the ongoing COVID-19 public health crisis, the Commission will be holding the adoption hearing virtually. Commission headquarters will not be open to the public for in-person participation. Interested persons may comment on the proposed rules at the hearing or may listen to the hearing via Skype by calling (360) 407-3810 and using conference ID 28778362. To participate via the Skype for Business application, use the following link: <https://lync.wa.gov/utc.wa.gov/meet/aldcalendar/SCBP2T4B>.

The Commission is committed to providing reasonable accommodations to participants with disabilities at its facilities. If you need a reasonable accommodation for this hearing, please contact the Commission at least one business day prior to the hearing by calling 1-360-664-1132 or by sending an email to human_resources@utc.wa.gov. For TTY service, please call the Washington Relay Service at 7-1-1 or 1-800-833-6384.

OPPORTUNITY TO PARTICIPATE IN THE FUTURE

Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's website as it becomes available. If you wish to receive further information on this rulemaking you may:

- (1) Call the Commission's Records Center at (360) 664-1234, or
- (2) Email the Commission at records@utc.wa.gov.

When contacting the Commission, please refer to Docket UE-190652 to ensure that you are placed on the appropriate service list.

Questions? If you have questions regarding this rulemaking, you may contact staff lead Andrew Rector at (360) 664-1315, or by email at andrew.rector@utc.wa.gov.

MARK L. JOHNSON
Executive Director and Secretary

NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in one of the ways described above and ask to be included on the mailing list for Docket UE-190652. If you do not do this, you might not receive further information about this rulemaking.