

**BEFORE THE  
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of ) DOCKET A-230217  
 )  
Commission proceeding to develop a policy ) COMMENTS OF THE ALLIANCE OF  
statement to address the application of ) WESTERN ENERGY CONSUMERS  
equity and justice in Commission and )  
regulated company processes and decisions. )  
\_\_\_\_\_ )

1                    In accordance with the Washington Utilities and Transportation Commission’s (“WUTC” or “Commission”) September 29, 2023 Notice of Opportunity to File Written Comments, the deadline of which was extended by the Commission’ October 18, 2023 Notice, the Alliance of Western Energy Consumers (“AWEC”) hereby files its comments in the above-captioned proceeding. In its September 29, 2023 Notice, the Commission posed a number of questions seeking insight from those impacted by Commission decisions to help inform a policy statement and equity action plans that will impact its regulated utilities and Commission decisions. AWEC appreciates the opportunity to provide its perspective on the Commission’s questions related to procedural justice.

**What procedural justice considerations would you like to see discussed?**

2                    The Commission defines “procedural justice” as “focus[ing] on inclusive decision-making processes and seek[ing] to ensure that proceedings are fair, equitable, and inclusive for all participants, recognizing that marginalized and vulnerable populations have been

excluded from decision-making processes historically.”<sup>1</sup> In its Policy Expectation, the Commission indicated the following expectations: (1) ensuring that participants be given a place to speak and are empowered to speak, (2) participant funding, and (3) how voices are considered and included in decision-making.

3           AWEC finds that all of the Commission’s listed expectations are important and should be discussed within the framework of the Commission’s statutory authority as an economic regulator, subject to the bounds afforded to the Commission by the Legislature. All interested participants should be afforded an opportunity to speak and should be empowered to speak; however, the Commission should not abandon or create exceptions to the procedures that apply in certain circumstances. For example, all interested participants should have the opportunity to petition to intervene in adjudicative proceedings, but the procedural rules that apply to adjudicative proceedings should apply equally to all participants granted intervention.

4           In order to assist organizations representing organizations interested in Commission proceedings, including customer representation organizations as well as organizations representing marginalized and vulnerable populations, the legislature directed, and the Commission implemented, participant funding. Participant funding is a valuable tool in ensuring that all interested participants meeting the criteria for funding have the opportunity to obtain resources that facilitate participation.

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<sup>1</sup> September 29, 2023 Notice of Opportunity to Comment at 3.  
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**What element(s) of Procedural Justice is more important to you?**

5                   Procedural Justice is premised on the notion of fairness, equitability and inclusiveness, all of which are important to AWEC. The Commission should ensure that it utilizes clear, transparent and equally applicable procedures in the processes it uses to make decisions. These procedures should also remain unbiased.

6                   The Commission may also want to consider changes it could make to its processes applicable outside of adjudicative proceedings.<sup>2</sup> Doing so could facilitate notice to customers and interested participants of both new proceedings or filings and when activity subsequent to the initial filing has taken place, such as when an organization or individual files comments or when a non-adjudicative matter has been placed on an open meeting agenda. The Commission could facilitate initial notice by requiring utilities to serve Staff, Public Counsel and intervenors from its most recent general rate case proceeding with new filings including Advice Filings, petitions, etc. The Commission could also ensure that notice of subsequent activity is served on any party that indicates that it is an “interested participant” in the proceeding/filing by filing such a notice, which could be a simple e-mail to the Commission’s Records Center. This would ensure that those parties that are newer to Commission practice, or otherwise participate more infrequently than parties such as AWEC, TEP and NWEC, for example, have notice of both new filings and subsequent activity in those dockets in which they are interested.

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<sup>2</sup> Due to formal service requirements under WAC 480-07-360, AWEC finds that participants in contested case proceedings receive appropriate and helpful notice of each docket activity.

Dated this 28th day of November, 2023.

Respectfully submitted,

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/s/ Sommer J. Moser

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