

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of

PACIFICORP d/b/a
PACIFIC POWER & LIGHT
COMPANY'S

Clean Energy Implementation Plan

DOCKET UE-210829

ORDER 17

GRANTING IN PART AND
REJECTING IN PART PETITION
FOR FIVE-YEAR EXEMPTION OF
WAC 480-100-650(4)(a)(i)

BACKGROUND

- 1 On May 14, 2025, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed PacifiCorp's Petition for Five-Year Exemption of WAC 480-100-650(4)(a)(i) with the Washington Utilities and Transportation Commission (Commission) in Docket UE-210829 requesting a five-year exemption from the requirements to provide hourly retail sales information in the Company's 2025 Clean Energy Transformation Act (CETA) compliance reports (Petition).
- 2 On June 6, 2023, the Company filed PacifiCorp's Petition for Exemption of WAC 480-100-650(4)(a)(i) with the Commission seeking an exemption from the requirement to provide hourly retail sales information in the Company's inaugural 2023 CETA clean energy progress report because the Company had not installed Automatic Metering Infrastructure (AMI) and did not have the technological ability to report hourly Washington retail sales. The Company argued that it updated its legacy metering infrastructure in the 2010s, but the systems lacked the ability to store and transmit hourly energy volumes. Further, the Company argued that monthly retail sales reporting is

consistent with the goals of CETA.¹ On June 9, 2025, the Company filed a revised Petition to omit argument II(B) from the original petition.²

3 On June 29, 2023, the Commission issued Order 01 Granting Exemption From Rule (Order 01) granting the Company's requested exemption from the requirement to provide hourly retail sales information for the Company's 2023 CETA clean energy report because the Company's existing automatic meter reading (AMR) system had a remaining useful lifespan of 10 years. Further, the Commission based its decision on the fact that neither Commission staff (Staff) nor the Company were aware of a financially viable or reasonably accurate solution for the Company to obtain hourly data from Washington customers.³ The Commission found that requiring the Company to comply with hourly reporting requirements would cause an undue hardship and would not be consistent with the public interest.⁴

4 In the Petition, the Company has requested a five-year exemption from reporting hourly annual Washington retail sales information in future CETA Progress and Compliance reports. The Company raises concerns that Order 01 was ambiguous as to whether the exemption applied for only the 2023 CEIP Progress Report or until the Company updated its technology to allow for hourly reporting.⁵

DISCUSSION AND DECISION

5 The Company must, under Washington Administrative Code (WAC) 480-100-650(4)(a)(i), file supporting data in an hourly format for total Washington retail sales in its Annual Progress Report.⁶ Pursuant to WAC 480-07-110(1), the Commission:

¹ *In the Matter of PacifiCorp, d/b/a Pacific Power & Light Company's Clean Energy Implementation Plan*, Docket UE- 210820, PacifiCorp's Petition for Exemption of WAC 480-100-650(4)(a)(i) ¶ 3 (June 6, 2023).

² *In the Matter of PacifiCorp, d/b/a Pacific Power & Light Company's Clean Energy Implementation Plan*, Docket UE- 210820, PacifiCorp's Revised Petition for Exemption of WAC 480-100-650(4)(a)(i) ¶ 8-9 (June 9, 2023).

³ *In the Matter of PacifiCorp, d/b/a Pacific Power & Light Company's Clean Energy Implementation Plan*, Docket UE- 210820, Order 01 ¶ 4 (June 6, 2023).

⁴ *In the Matter of PacifiCorp, d/b/a Pacific Power & Light Company's Clean Energy Implementation Plan*, Docket UE- 210820, Order 01 ¶ (June 6, 2023).

⁵ *In the Matter of PacifiCorp, d/b/a Pacific Power & Light Company's Clean Energy Implementation Plan*, Docket UE- 210820, PacifiCorp's Revised Petition for Exemption of WAC 480-100-650(4)(a)(i) ¶ 11 (June 9, 2023).

⁶ WAC 480-100-650(4)(a)(i).

[I]n response to a request . . . may grant an exemption from . . . any of its rules in individual circumstances if the exemption or modification is consistent with the public interest, the purposes underlying regulation, and applicable statutes.⁷

The public interest standard is used to determine the following:

[W]hether to grant an exemption from, or modification to, a commission rule. Factors the commission may consider in making this determination include whether the rule imposes an undue hardship on the requesting person of a degree or a kind different from hardships imposed on other similarly situated persons, and whether the effect of applying the rule to the requesting person would be contrary to the underlying purposes of the rule and the public interest.⁸

6 In this case, the Company argued, as it had in its previous petitions for exemption, that it updated its legacy metering infrastructure in the early 2010s, and that the automatic reading systems lack the ability to store and transmit hourly energy volumes, that it is not similarly situated to other Washington utilities, and that monthly reporting is consistent with the goals of CETA.⁹ The Company stated that although its existing AMR systems lack the ability for two way reporting, it does not currently have plans to deploy AMI systems in Washington. Further, the Company argued that the removal of coal-fired resources will become effective in 2026, and the statute does not require hourly retail sales to verify compliance, so monthly reporting is still consistent with the Commission's regulations and statutes.¹⁰

7 We agree with the Company that it should not be required to report hourly retail sales information for Washington in its CETA compliance reports while the Company's currently in use AMR technology has several years of useful life and requiring it to do so would create an undue hardship on the Company and would create a hardship not imposed on other similarly situated companies operating in Washington. We also agree that exempting the Company from the requirement to report hourly retail sales for Washington in its CETA compliance reports is consistent with public interest and the underlying rules and statutes. However, we have concerns about exempting the company for a five-year term. While we recognize the situation that the Company is currently in,

⁷ WAC 480-07-110(1).

⁸ WAC 480-07-110(2)(c).

⁹ *In the Matter of PacifiCorp, d/b/a Pacific Power & Light Company's Clean Energy Implementation Plan*, Docket UE- 210820, PacifiCorp's Revised Petition for Exemption of WAC 480-100-650(4)(a)(i) ¶ 3 (June 9, 2023).

¹⁰ RCW 19.405.030-050.

we also realize that future market requirements at the State and Federal level may require hourly reporting within a five-year timeframe. Accordingly, we believe that exempting the Company from the reporting requirements of WAC 480-100-650(4)(a)(i) for a one-year term is in the public interest and consistent with the goals of CETA, and we require the Company to return next year when the Commission may have additional insight into whether other hourly reporting requirements may expedite the Company's adoption of technologies capable of providing such reporting.

FINDINGS AND CONCLUSIONS

- 8 (1) The Commission is an agency of the state of Washington vested by statute with the authority to regulate rates, regulations, and practices of public service companies, including electric companies.
- 9 (2) PacifiCorp is an electric company and a public service company subject to Commission jurisdiction.
- 10 (3) PacifiCorp is subject to WAC 480-100-650(4)(a)(i), which requires electric companies to file their annual clean energy progress report based on an analysis and supporting data in an hourly format for total Washington retail sales.
- 11 (4) Pursuant to WAC 480-07-110, the Commission may grant an exemption from the provisions of any of its rules if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 12 (5) After reviewing PacifiCorp's Petition in Docket UE-210829 and giving due consideration to all relevant matters, the Commission finds that the Company should be exempted from the requirement to report hourly retail sales information for Washington in its CETA compliance reports for one year.
- 13 (6) Other factors at the State and Federal level may be inconsistent with the Company's request for a five-year exemption from reporting hourly retail sales information for Washington in CETA compliance reports, and, therefore, we find that it would be in the public interest to deny the five-year exemption request.

ORDER

THE COMMISSION ORDERS:

- 14 (1) PacifiCorp d/b/a Pacific Power & Light Company's Request for Exemption from WAC 480-100-650(4)(a)(i), filed May 14, 2025, is GRANTED in part, allowing

for a one-year exemption from the hourly reporting requirements of WAC 480-100-650(4)(a)(i).

- 15 (2) This Order shall not affect the Commission's authority over rates, services, accounts, valuations, estimates, or determination of costs, on any matters that may come before it. This Order shall not be construed as an agreement to any estimate or determination of costs or any valuation of property claimed or asserted.
- 16 (3) The Commission retains jurisdiction over the subject matter and PacifiCorp d/b/a Pacific Power & Light Company to effectuate the provisions of this Order.

DATED at Lacey, Washington June 27, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Jessica Kruszewski
JESSICA KRUSZEWSKI
Administrative Law Judge

NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-610(7)(b). WAC 480-07-610(7)(c) states that any party may file a *Response* to a Petition for review within seven (7) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

Any Petition or Response must be electronically filed through the Commission's web portal as required by WAC 480-07-140(5). Any Petition or Response filed must also be electronically served on each party of record as required by WAC 480-07-140(1)(b).