

**Docket No. UE-190652 - Vol. I**

**Rulemaking to amend the Energy Independence Act  
(EIA)**

**July 28, 2020**



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BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

RULEMAKING TO AMEND  
THE ENERGY INDEPENDENCE ACT  
DOCKET NO. UE-190652

TELEPHONIC ADOPTION HEARING, VOLUME I  
Pages 1-29

July 28, 2020  
9:30 a.m.

Washington Utilities and Transportation Commission  
621 Woodland Square Loop Southeast  
Lacey, Washington 98503

REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358

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1 LACEY, WASHINGTON; JULY 28, 2020  
2 9:30 A.M.  
3 --oOo--  
4 P R O C E E D I N G S  
5

6 CHAIR DANNER: Good morning, everyone.  
7 Today is Tuesday, July 28th, 2020, and this is a  
8 rulemaking adoption hearing in Docket UE-190652, and  
9 that's the Energy Independence Act rulemaking to ensure  
10 that we incorporate changes that resulted from the  
11 passage of CETA, or the Clean Energy Transformation Act,  
12 in 2019.

13 I'm Dave Danner. I'm Chair of the  
14 Commission. I'm joined by my colleagues, Commissioner  
15 Ann Rendahl and Commissioner Jay Balasbas.

16 This meeting is being recorded. We also  
17 have a court reporter here, and so I would ask all  
18 participants this morning to please identify themselves,  
19 spell their names, and speak slowly and clearly.

20 So with out further ado, Andrew Rector, I'm  
21 going to turn it over to you for a presentation and then  
22 we will get into the conversation. So off to you.  
23 Thanks.

24 MR. RECTOR: Great, thanks, Chair Danner. I  
25 appreciate it.

1 A P P E A R A N C E S  
2 COMMISSIONERS:  
3 DAVE DANNER, Chair  
4 ANN E. RENDAHL, Commissioner  
5 JAY BALASBAS, Commissioner

6 COMMENTS OFFERED BY:

7 ANN PAISNER, Public Counsel  
8 JONI BOSH, NVEC  
9 SHAWN BONFIELD, Avista  
10 JESSICA ZAHNOW, PacifiCorp  
11 DEBORAH REYNOLDS, Staff  
12 KARA DURBIN, Puget Sound Energy  
13 SHAWN COLLINS, Energy Project

14 \* \* \* \* \*

1 For the record, my name is Andrew Rector  
2 with regulatory services. Spelling is A-n-d-r-e-w,  
3 R-e-c-t-o-r.

4 So I have been heading up the EIA rulemaking  
5 since late last year. Just a little bit of housekeeping  
6 for all attendees before we continue, I'd like to ask  
7 you to please make sure that you mute yourself if you're  
8 not talking. You can do so using the mute button if  
9 you're calling in on Skype, or just calling in by phone,  
10 please use star 6 on your phone to mute and unmute  
11 yourself. If someone's phone is not on mute and there's  
12 noise coming through the -- coming through the line, we  
13 will put you on mute and you won't be able to speak  
14 unless you call back in.

15 So with that out of the way, before I go any  
16 further, I'd just like to thank the excellent rulemaking  
17 team that I worked on this -- this rulemaking with,  
18 without whom none of this could have gotten done, and  
19 those folks are Andrew O'Connell, Deborah Reynolds, Jeff  
20 Roberson, Jennifer Snyder, Jim Woodward, Kate Griffith,  
21 Kendra White, and Nikita Bankoti. And I'd also like to  
22 thank all of the stakeholders who have stuck with us  
23 throughout the rulemaking and provided a lot of great  
24 comments for us to chew on.

25 So as the Chairman said, this rulemaking

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<p>1 came about after the passage of the Clean Energy 2 Transformation Act, or CETA, in the 2019 legislative 3 session. CETA included several changes to Chapter 4 19.285 of the Revised Code of Washington, and Staff 5 undertook this rulemaking to incorporate those edits to 6 the Washington Administrative Code in Chapter 480.109, 7 which houses the EIA, and also to make a few other 8 updates to that same chapter. 9 So we kick off the rulemaking with a CR-101 10 and draft rules in October of 2019. The draft rules 11 elicited 19 sets of comments from stakeholders. After a 12 January technical workshop to consider how to 13 incorporate a number of definitions from CETA into the 14 rules, the UTC released a CR-102 with proposed rules in 15 late March of 2020. 16 The CR-102 received comments from seven 17 stakeholders including Avista Corporation, PacifiCorp, 18 Puget Sound Energy, Public Counsel, The Energy Project, 19 the Northwest Energy Coalition, and Front and Centered. 20 From that set of comments, the Commission made several 21 nonsubstantive edits as well as one substantive edit to 22 the proposed rules. These edits were incorporated into 23 a second CR-102, which we filed in early June of 2020, 24 and that round led to three sets of comments from Puget 25 Sound Energy, The Energy Project, and the Northwest</p>	<p>1 And for the court reporter, Shawn Bonfield, 2 S-h-a-w-n, last name B-o-n-f-i-e-l-d. 3 So thanks for the opportunity to provide 4 additional comments on the proposed draft rules. Avista 5 appreciates the work that has went into the draft rules, 6 but we would like to address just a couple items today. 7 First, we remained concerned with the change 8 from may to must as it relates to fully funding low 9 income contribution in the first sentence of WAC 10 480-109-100(10)(a). I won't restate our written 11 comments that we filed back in November and April, but I 12 would like to draw attention to those. 13 EI -- EIA statute directs a qualified 14 utility to identify its cost effective potential based 15 on the power council's methodology or the utility's own 16 phasures [sic], values and assumptions. The proposed 17 ruling, which appears to depart from the statute and the 18 intent from CETA, was not to -- not additional or 19 expanded conservation achievement verification 20 requirements for qualifying utilities. It should be 21 noted utilities are meeting their conservation 22 requirements under the EIA and should be sufficient to 23 demonstrate compliance with CETA as well. 24 The second item I'd like to address is WAC 25 480-109-200, related to the renewable portfolio</p>
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<p>1 Energy Coalition. 2 So in conclusion, Staff recommends that the 3 Commission adopts the proposed changes to WAC 480-109 4 including the following minor edit that was suggested by 5 stakeholders in the June proposed rules. 6 In WAC 480-109-100, Subsection 10(a), Staff 7 recommends replacing the words "may include" in the 8 second sentence with "does not prohibit." And this 9 minor edit was noted in the adoption hearing memo posted 10 to the docket on July 21st. 11 So that concludes my comments. I am 12 available for questions now and throughout the hearing. 13 Thank you. 14 CHAIR DANNER: All right. Thank you. 15 Commissioners, are there any questions for 16 Mr. Rector? 17 Okay. Hearing none, why don't we then turn 18 to those who would like to comment on our proposed rules 19 today. I believe that Shawn Bonfield from Avista is 20 wishing to comment. 21 Are you on the line, sir? 22 MR. BONFIELD: Good morning, Chair Danner 23 and Commissioners Balasbas and Rendahl. I am on the 24 line and would like to address just a couple items if I 25 could.</p>	<p>1 standard. Section 2, credit eligibility, requires that 2 all RECs used comply with the target year to be acquired 3 by January 1st, even for RECs that are generated in the 4 year following the target year, which are eligible for 5 compliance. 6 We recognize this requirement has been 7 included in the rules to date and is not new. It hasn't 8 been an issue in the past for Avista. We've had surplus 9 RECs to comply with our targets in the years when hydro 10 may have not met expectations or number of RECs were 11 lower than anticipated. However, in 2020, we did have 12 to pull Palouse Wind RECs from 2021 for purposes of 13 compliance, so it does raise a question for 14 consideration. 15 Glenn Blackmon from the Department of 16 Commerce also asked Commission Staff about this in an 17 email that was posted to the docket on July 20th. And 18 as Glenn pointed out, the provision requiring that all 19 RECs be acquired by the start of the target year is not 20 one applied to the consumer-owned utilities nor is it 21 required by statute. 22 So because it's not required by statute and 23 not applicable to the consumer-owned utilities, I would 24 like to raise it as a question today. The requirement 25 of having to acquire all RECs to comply with the target</p>

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1 by January 1st may require utilities to have a surplus  
 2 of RECs in hand on January 1st or count RECs from the  
 3 following year in the event of bad hydro conditions or  
 4 renewable resource generation stations.  
 5 An example of where this may have impacted  
 6 us if it wasn't required that we acquire that all  
 7 resources are REC'd by January 1 as with our Boulder  
 8 solar community -- or excuse me, rephrase that, our  
 9 Boulder solar resource that served our community solar  
 10 program. That program ended June 30th of this year, and  
 11 we weren't sure what the plan was for that resource.  
 12 It's a very small solar resource that was paid for by  
 13 that participant of the program, and in the first -- end  
 14 of the first quarter of this year, we decided that we  
 15 would just be returning that resource back to our  
 16 general power supply mix for all customers.  
 17 So because that resource technically wasn't  
 18 acquired by January 21st, we cannot use the RECs from  
 19 the small facility to comply with 2020. So we think  
 20 there's a -- there's a question to be considered as it  
 21 doesn't -- this provision doesn't apply to consumer  
 22 utilities, it's not in the statute, and it prevents  
 23 utilities from using RECs that it may have acquired  
 24 during the target year to comply, especially in the  
 25 event of bad hydro or changing conditions. If we have

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1 the ability to acquire RECs in the following year from  
 2 the target year and use those in place of generation  
 3 that we had available to comply, it may also provide  
 4 additional value to our customers.  
 5 So I'll leave it with that, and I'm  
 6 available for questions if there are any. Thank you.  
 7 CHAIR DANNER: All right. Thank you.  
 8 Are there questions for Mr. Bonfield?  
 9 COMMISSIONER RENDAHL: This is Commissioner  
 10 Rendahl, can you hear me?  
 11 CHAIR DANNER: Yes, I can. Go ahead.  
 12 COMMISSIONER RENDAHL: Great, finally.  
 13 So, Mr. Bonfield, thank you for your  
 14 comments. So you said you raised this issue of the RPS  
 15 date earlier in this rulemaking?  
 16 MR. BONFIELD: No, we did not. No, it  
 17 hasn't been one that has impacted us until we recently  
 18 filed our 2020 RPS compliance report that it's posed a  
 19 question for consideration. So it has not been an issue  
 20 that we recognized previously.  
 21 COMMISSIONER RENDAHL: So this is the first  
 22 time you've identified this issue for Staff and for --  
 23 for the Commission?  
 24 MR. BONFIELD: It is.  
 25 COMMISSIONER RENDAHL: Okay. Well, I

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1 appreciate you raising it. I think it is something  
 2 we'll -- we'll think about, but coming at such a late  
 3 date in the process, this may be something that -- can  
 4 be something that a request for a waiver if necessary  
 5 going forward, but I appreciate you bringing it to our  
 6 attention.  
 7 MR. BONFIELD: Thank you, and we understand.  
 8 And I --  
 9 (Simultaneous talking.)  
 10 MR. BONFIELD: I was going to say we  
 11 understand --  
 12 (Simultaneous talking.)  
 13 CHAIR DANNER: Go ahead, Mr. Bonfield.  
 14 MR. BONFIELD: Yeah, thank you. Thanks --  
 15 thanks for the feedback, Commissioner Rendahl, and we --  
 16 we understand in -- in reality going forward as we  
 17 acquire additional renewable energy resources, it -- EIA  
 18 may not be the RPS an issue even for consideration for  
 19 that matter, as Avista has a new wind resource coming  
 20 online potentially the end of this year. The amount of  
 21 renewable energy generation or RECs available to comply  
 22 with the 50 percent requirement should, I would assume,  
 23 hopefully not require us to ever have to worry about  
 24 pulling RECs from a future year. It was just a nuance  
 25 that we recognized given our recent filing and based on

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1 the comments provided from Glenn Blackmon at Commerce.  
 2 So thank you for the feedback.  
 3 CHAIR DANNER: So yeah, I -- I would echo  
 4 what Commissioner Rendahl said, is that it does sound  
 5 like this is -- is unlikely to be a major sore spot  
 6 anytime soon, but if it does arise, it is something we  
 7 certainly could entertain a petition waiver if -- if  
 8 that is necessary at that time. But we'll -- we'll take  
 9 this under advisement.  
 10 All right. I heard someone else's voice  
 11 wishing to speak up on this matter, is that -- is there  
 12 someone who was trying to interject there?  
 13 MS. ZAHNOW: Yes -- yes, thank you, Chair  
 14 Danner. This is Jessica -- this is Jessica Zahnow with  
 15 PacifiCorp. Can you guys hear me all right?  
 16 CHAIR DANNER: Yes, go ahead.  
 17 MS. ZAHNOW: Thank you. Yeah, I just wanted  
 18 to thank Shawn for his comments and -- and say that we  
 19 definitely support --  
 20 (Simultaneous talking.)  
 21 MS. ZAHNOW: I'm sorry?  
 22 CHAIR DANNER: Can you -- can you spell your  
 23 name for the court reporter, please?  
 24 MS. ZAHNOW: Oh, I'm sorry. Yeah, it's  
 25 Jessica, J-e-s-s-i-c-a, last name is Zahnow, Z, as in

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<p>1 zebra, a-h, as in Henry, n-o-w.                  2 CHAIR DANNER: All right. Go ahead.                  3 MS. ZAHNOW: Yeah, so I -- again, I just                  4 wanted to thank Shawn for his comments, and, you know,                  5 this has been an issue for PacifiCorp as well with last                  6 year's -- or two years ago actually, RPS filing with an                  7 accounting project.                  8 So kind of on the tail of Shawn's comments,                  9 which we -- which we support, I also want to ask a                  10 clarifying question about the acquired language. So                  11 something that came up for us was that the acquired                  12 language referred only to the purchase of unbundled RECs                  13 or purchase of RECs versus RECs generated from                  14 facilities that the utility owns or operates. So I just                  15 want to be really clear on the record that this acquired                  16 language by January 1st, is it applied to all resources                  17 generating RECs included -- including those owned by the                  18 utility or is it just RECs purchased in the market?                  19 CHAIR DANNER: Mr. Rector, do you want to                  20 take that question?                  21 MR. RECTOR: Sorry, I apologize. I'm                  22 looking for the correct section where the -- the date                  23 is -- is spelled out. Was -- that's in -- is it 200,                  24 Sub 1?                  25 MS. ZAHNOW: Shawn, do you have the cite</p>	<p>1 It is not a requirement that you have purchased RECs                  2 that specific. So when you get to the end of the                  3 compliance period, right, you retire the RECs, you don't                  4 have to know that you got the RECs for Tuesday,                  5 January 4th, 2017, on January 1st of 2017; does that                  6 make sense? It's not the explicit REC, it's the                  7 contract for the RECs.                  8 MS. ZAHNOW: Yeah, it does, and, you know,                  9 actually I'm -- I'm sorry, go ahead.                  10 (Simultaneous talking.)                  11 MS. REYNOLDS: Secondly, if you need to                  12 acquire additional RECs for compliance during that                  13 compliance period, that's what we're looking at. So                  14 when we're reviewing your initial report, we are looking                  15 at what you have acquired, so what you have contracts in                  16 place for as of January 1st, and we do this in June                  17 because that's when the statute says you will tell us                  18 what you acquired January -- what you have under                  19 acquisition January 1st.                  20 But then our -- the way our program works,                  21 we do this secondary review a year and a half later or                  22 nearly two years later where you actually tell us the                  23 explicit resources that you used.                  24 CHAIR DANNER: All right. Mr. Bonfield, did                  25 you --</p>
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<p>1 handy?                  2 MR. BONFIELD: 200, Sub 2, I believe,                  3 under -- yeah, 200, Sub 2 under credit eligibility I                  4 believe.                  5 MR. RECTOR: Thank you. I see it.                  6 MS. REYNOLDS: This is Deborah Reynolds.                  7 CHAIR DANNER: Go ahead -- go ahead while                  8 Andrew --                  9 MS. REYNOLDS: If I --                  10 CHAIR DANNER: Yeah, go -- go ahead.                  11 MS. REYNOLDS: Yeah, if I understand the                  12 question correctly, Jessica, it is does -- does Staff                  13 believe that acquire applies to RECs or to resources or                  14 to both; is that your question?                  15 MS. ZAHNOW: Yeah, that's correct, yeah.                  16 MS. REYNOLDS: Okay. So as Staff has                  17 understood this in the past, that acquisition                  18 requirement is that you have a contract in place or                  19 something, whether it is a contract with the resource or                  20 a contract for unbundled RECs is -- is immaterial, and                  21 we recognize that the number of RECs actually delivered                  22 in that contract is likely to vary. It, in fact, will                  23 vary.                  24 And so the acquisition requirement is merely                  25 to have a contract instrument in place at the beginning.</p>	<p>1 (Simultaneous talking.)                  2 CHAIR DANNER: Mr. Bonfield, did you have                  3 something else --                  4 MR. BONFIELD: Yeah, I did, thank you. That                  5 makes sense to me in terms of how you're looking at it,                  6 and I agree in terms of the process, and I did see that                  7 come out in the language in terms of the acquisition.                  8 And so my thinking was okay, so we -- Avista, for                  9 example, had enough hydro and wind resources and biomass                  10 available to meet our 2020 compliance by January 1st                  11 with phone generation and contracts for resources. So                  12 during that year, maybe 2020's a really poor hydro year,                  13 maybe the wind doesn't blow as much as we think and we                  14 end up short.                  15 And so what are our options if we're short                  16 at the end of 2020? We know that we have to do                  17 something in 2021 to then still comply with that 2020                  18 target. And either we pull resources forward from 2021                  19 into 2020 with that we -- we propose in this year's                  20 report or potentially we can acquire additional RECs in                  21 2021 that may be cheaper than the resources we had                  22 available on January 1 of the target year.                  23 And so if you can acquire something at a                  24 lower price to help comply with your 2020 target because                  25 you're replacing what maybe you thought you had used</p>

1 with something different, then that's additional value  
2 to our customers that we can derive. And I didn't -- to  
3 me, I don't read that as coming out in the rules as  
4 possible when it says we must acquire all generation and  
5 RECs to comply with the target year by January 1 of that  
6 target year versus having flexibility in the following  
7 year if needed.

8 MS. REYNOLDS: Right, and so I think  
9 you're -- the area you're discussing is down in the  
10 section of the rule that refers to what you do with  
11 the -- with the I believe it's called the compliance  
12 report, and that's where it describes how you will --  
13 how you will respond to what actually happened. Staff  
14 does recognize that what you have under contract on  
15 January 1st, that the actual number of RECs is going to  
16 vary.

17 CHAIR DANNER: Ms. Zahnow, did you have  
18 anything you wanted to add?

19 MS. ZAHNOW: Yeah, I don't want to belabor  
20 it, but -- but I would just ask that, you know -- I -- I  
21 continue to agree with Shawn, and I think it will  
22 continue to be a timing issue and that we just ask  
23 that -- that you consider both the statute and the regs  
24 and -- and kind of really thoughtfully look at the --  
25 the timing issue. But thank you very much for -- for

1 review and comment over the past several months. We  
2 appreciate that.

3 Really just have a couple of brief comments  
4 to make. I'll note we're generally comfortable with the  
5 rule language as it stands today. I will certainly take  
6 back the REC discussion that we -- that Avista in past  
7 has raised and -- and run that by some of our folks too  
8 to think that through a bit more. But for today, I'll  
9 just make a couple brief comments that are also  
10 reflected in our written comments filed in May and  
11 subsequently in July.

12 First, we -- we appreciate the Commission  
13 reissuing the CR-102 in this proceeding to make that  
14 substantive change that Andrew mentioned, modifying the  
15 definition of low income. We think that's important and  
16 that defining low income broadly and flexibly at this  
17 point including both 200 percent of federal poverty  
18 level as well as up to 80 percent area of median income,  
19 or AMI, whichever's greatest, we think this allows  
20 utilities the flexibility to customize the eligibility  
21 of their program in a way that best fits the needs of  
22 their customers. And we think in some cases that may  
23 mean eligibility that's a bit higher than 200 percent of  
24 federal poverty level. So in some areas where that  
25 makes sense, and so we just appreciate the Commission

1 taking our comments.

2 CHAIR DANNER: All right. Thank you for --  
3 for participating this morning, and we will take those  
4 under advisement.

5 Commissioners, is there questions on this  
6 issue for Ms. Reynolds or Mr. Bonfield or Mr. Rector?

7 COMMISSIONER RENDAHL: No, just that maybe  
8 there needs to be some conversation after this workshop  
9 to make sure everyone fully understands what's -- what's  
10 in the rules.

11 CHAIR DANNER: Yeah, agreed.

12 All right. Thank you.

13 Kara Durbin, are you on the line?

14 MS. DURBIN: I am. Can you hear me?

15 CHAIR DANNER: Yes, thank you.

16 MS. DURBIN: Thank you, Chair Danner. Good  
17 morning and good morning, Commissioners Rendahl and  
18 Balasbas. For the record, my name is Kara Durbin,  
19 spelled K-a-r-a, D-u-r-b-i-n, on behalf of Puget Sound  
20 Energy. Thank you for the opportunity to speak this  
21 morning. I will be brief.

22 We certainly appreciate all the workshop  
23 dialogue, some of which as -- as Andrew noted, happened  
24 in person at the earlier part of this year in January,  
25 and all the opportunities this year for stakeholder

1 making that change and -- and giving utilities that --  
2 that flexibility.

3 On a related note with respect to  
4 prioritizing customers who have a higher energy burden,  
5 I would just note that we still maintain there may be  
6 some implement challenges with our energy assistance  
7 program, at least as they're currently structured and  
8 administered today. You know, that said, we recognize  
9 this is an important focus area of CETA, and we look  
10 forward to further guidance from the Commission and, you  
11 know, acknowledge that how our assistance programs are  
12 implemented today may change over time as we look at  
13 ways to place more programmatic emphasis on the energy  
14 burden and those customers that do have a higher energy  
15 burden. So we look forward to more discussion with the  
16 Commission stakeholders and our partnering agencies on  
17 how to do that.

18 The second point I just want to make is with  
19 respect to the low income conservation language in the  
20 rule, and we certainly appreciate the changes that were  
21 made in the CR-102 clarifying that that obligation to  
22 fully fund low income conservation does include the  
23 ability for our -- our agencies to leverage other  
24 funding sources in combination with the utility funds.

25 As Andrew noted, there was one minor edit

<p style="text-align: right;">Page 21</p> <p>1 made in the current rule language. I mean, I would say                  2 that we preferred the language that was incorporated                  3 previous in the CR-102, and we don't necessarily think                  4 that those clarifying edits are really necessary, but                  5 we -- we can certainly live with this language.                  6 We're -- we're fine with it. So thank you very much for                  7 your time this morning.                  8 CHAIR DANNER: All right. Thank you. And I                  9 want to repeat the comments I made in another rulemaking                  10 workshop that we had not too long ago, and that is just,                  11 you know, as we're working through all of these CETA                  12 rules, I think what we're on is an evolutionary path.                  13 There's some things that we're doing for the first time,                  14 we're going to figure them out, and if we have to make                  15 course corrections along the way, we will do so as we                  16 learn more.                  17 But, you know, this is not necessarily one                  18 and done, although I ask everyone to comply with                  19 whatever rules are in effect at the time, but -- but                  20 certainly, you know, we -- we do recognize that we're                  21 all on a learning curve here and we're just going to                  22 comply with the statutes and -- and try to make the best                  23 choices as we go forward and we'll make adjustments if                  24 necessary.                  25 Are there any questions for Ms. Durbin,</p>	<p style="text-align: right;">Page 23</p> <p>1 support for the revision that defines low income to                  2 reflect the maximum limit in CETA and defined as the                  3 higher of either 80 percent area median income or 200                  4 percent of the federal poverty level adjusted for                  5 household size.                  6 And second, we would like to highlight WAC                  7 480-109-060(14) for the definition of energy assistance                  8 need, a threshold for energy burden at 6 percent of                  9 annual household income used to pay annual home energy                  10 bills. After discussion with the UTC Staff and other                  11 stakeholders, Public Counsel accepts this language.                  12 And third, Public Counsel supports the                  13 revised language regarding low income weatherization in                  14 WAC 480-109-100(10)(a). We view this as permitting                  15 utilities to leverage all available funding streams for                  16 that low income weatherization.                  17 So thank you for the opportunity for -- to                  18 participate today in the adoption hearing, and Mr. Dahl                  19 and I are available to answer any questions that the                  20 Commission may have for us.                  21 CHAIR DANNER: All right. Thank you very                  22 much.                  23 Commissioners, are there any questions for                  24 Public Counsel?                  25 Okay. Hearing none, thanks for your</p>
<p style="text-align: right;">Page 22</p> <p>1 Commissioners?                  2 All right. Hearing none, thank you very                  3 much.                  4 Let me ask if there's others on the line who                  5 wish to make comments this morning?                  6 MS. PAISNER: Hi, this is Ann Paisner with                  7 Public Counsel. We would like to just --                  8 CHAIR DANNER: Yes, -- yes, go ahead, and,                  9 again, will you spell your name for the court reporter?                  10 MS. PAISNER: Yes, first name's Ann, A-n-n,                  11 and last name is Paisner, P-a-i-s-n-e-r. I'm an                  12 assistant attorney general in the Public Counsel Unit of                  13 the Washington State Office of the Attorney General, and                  14 with me on the phone today is Corey Dahl, who is a                  15 regulatory analyst with Public Counsel.                  16 We just would like to express our                  17 appreciation for this process and thank the Commission                  18 for the opportunity to provide comments, both written                  19 and on the record today. We appreciate the thought and                  20 effort that went into the rulemaking process. We also                  21 would like to express our support for the draft rules as                  22 a whole and would like to highlight three areas in                  23 particular.                  24 So the first -- first item in the definition                  25 of WAC 480-109-060(22), we would like to express our</p>	<p style="text-align: right;">Page 24</p> <p>1 participation this morning.                  2 Are there others who wish to comment this                  3 morning?                  4 MR. COLLINS: Good morning, Chairman. This                  5 is Shawn Collins with The Energy Project. Can you hear                  6 me?                  7 CHAIR DANNER: Yes, good morning.                  8 MR. COLLINS: Good morning. For the record,                  9 my name is Shawn Collins, S-h-a-w-n, C-o-l-l-i-n-s, and                  10 I'm the director of The Energy Project. I just wanted                  11 to thank Commission, companies, and stakeholders for the                  12 robust process and briefly mention two areas of -- of                  13 the rulemaking here.                  14 One is echoing the definition of low income                  15 under 480-109-060. Energy Project is in support of the                  16 definition including 200 percent of federal poverty                  17 level and 80 percent of AMI, whichever is greater.                  18 Additionally, I want to voice support for                  19 480-109-110, Sub A with respect to the most recent edit                  20 there, which includes the do not prohibit language. We                  21 feel like that will allow agencies to be able to                  22 leverage federal, state, and other funds to get this                  23 work completed and to clarify for -- for utilities and                  24 agencies the role for utilities providing us funding                  25 sources.</p>

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1 So with those comments, that is -- concludes  
 2 my...  
 3 CHAIR DANNER: All right. Thank you very  
 4 much.  
 5 Are there questions for Mr. Collins?  
 6 All right. Hearing none, thank you very  
 7 much for your participation this morning.  
 8 Are there others on the call who wish to  
 9 participate?  
 10 MS. BOSH: This is Joni Bosh with Northwest  
 11 Energy Coalition.  
 12 CHAIR DANNER: Good morning. Go ahead.  
 13 MS. BOSH: Okay. I wasn't sure you could  
 14 hear me. I punched [sic] before. This is -- my name is  
 15 Joni, J-o-n-i, Bosh, B-o-s-h, with the Northwest Energy  
 16 Coalition. I will echo the same comments that Shawn  
 17 Collins just made. We're pleased to see the edit that  
 18 was made to 110(a) on the programs and the definition  
 19 correction that's in low income.  
 20 I think some of the other suggestions we had  
 21 maybe in the future we'll look at again, but we're  
 22 supportive of the rules as they are. And thank you very  
 23 much for having this opportunity to participate.  
 24 CHAIR DANNER: Thank you very much.  
 25 Any questions for Joni Bosh?

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1 All right. Hearing none, thank you.  
 2 Is there anyone else on the call who wishes  
 3 to make comments before the Commission?  
 4 Going once --  
 5 MR. BONFIELD: Chairman Danner, Shawn  
 6 Bonfield for Avista Utilities, and I would like to make  
 7 one quick clarification. I -- I did -- I misspoke  
 8 earlier on Avista not bringing up the acquisition  
 9 discussion we had. We did address that in our comments  
 10 filed in April. I have them in front of me, but in --  
 11 in the moment, I overlooked that, and so I just wanted  
 12 to clarify that we did raise that issue back in April.  
 13 Thank you.  
 14 CHAIR DANNER: All right. Thank you for  
 15 that correction. Very good.  
 16 So all right. We will take all the comments  
 17 this morning under advisement. Let me make one more  
 18 call for comments if there's anyone who wishes to  
 19 participate this morning? All right. Hearing nothing,  
 20 I will, with my colleagues, go back, we will take this  
 21 matter under advisement, we will get these rules out in  
 22 due course.  
 23 I too want to do a shout-out to the  
 24 rulemaking team, all of the -- the names that Andrew  
 25 mentioned this morning. I think the team has done a

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1 great job. Andrew Rector, Nikita Bankoti, Kate  
 2 Griffith, Andrew O'Connell, Deb Reynolds, Jeff Roberson,  
 3 Jennifer Snyder, Kendra White, and Jim Woodward, thank  
 4 you all very much for your hard work on this.  
 5 And so with that, let me turn to my  
 6 Commissioners. Do you have any closing comments before  
 7 we adjourn?  
 8 COMMISSIONER RENDAHL: This is Commissioner  
 9 Rendahl. I just want to thank the Staff and all the  
 10 participants in working on all of the detailed issues.  
 11 As Chair Danner said, this is really an iterative  
 12 process, and we're trying to make sure that we all  
 13 understand the requirements of CETA. And there may be  
 14 some time as we go forward that we need to adjust, but I  
 15 appreciate everyone's effort in getting -- getting these  
 16 rules to where they are right now.  
 17 CHAIR DANNER: All right. Thank you.  
 18 Commissioner Balasbas, any -- anything to  
 19 add?  
 20 COMMISSIONER BALASBAS: No, I -- no, I will  
 21 just echo those comments and thank everyone for their  
 22 comments at this stage in today's hearing.  
 23 CHAIR DANNER: All right. Thank you.  
 24 Mr. Rector, is there anything to -- anything  
 25 more to come before us this morning?

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1 MR. RECTOR: I would just say I appreciate  
 2 the Commissioners' recognition of the -- the rulemaking  
 3 team efforts on this. And then I wanted to make one  
 4 quick note as Ms. Durbin brought up additional guidance  
 5 in regards to CETA Section 12, which is in RCW  
 6 19.405.120. I'd invite all stakeholders to follow  
 7 Docket UE-200629 as we'll be addressing some of those  
 8 questions there. There is nothing in that docket at  
 9 this point, but the stakeholders are invited to -- to  
 10 follow that docket and it will be getting updates soon.  
 11 CHAIR DANNER: All right.  
 12 MR. RECTOR: That's all I had.  
 13 CHAIR DANNER: All right. Thank you,  
 14 Mr. Rector. Mr. Rector, your connection was just a  
 15 little bit garbled, but the -- the message to -- to  
 16 stakeholders to keep an eye out for Docket 200629, so  
 17 the issues that we've discussed today will be returning.  
 18 So with -- with nothing more to come before  
 19 us, we are adjourned. Thank you, everyone.  
 20 (Adjourned at 10:08 a.m.)  
 21  
 22  
 23  
 24  
 25



CERTIFICATE

STATE OF WASHINGTON  
COUNTY OF THURSTON

I, Tayler Garlinghouse, a Certified Shorthand Reporter in and for the State of Washington, do hereby certify that the foregoing transcript is true and accurate to the best of my knowledge, skill and ability.

  
Tayler Garlinghouse, CCR 3358



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