



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503

P.O. Box 47250 • Olympia, Washington 98504-7250

(360) 664-1160 • TTY 1-800-833-6384 or 711

September 1, 2020

**NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
ON PROPOSED RULES
(By October 1, 2020)**

and

**NOTICE OF PROPOSED RULE VIRTUAL ADOPTION HEARING
(Set for November 6, 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). The commission 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 November 6, 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 substantive edit to the rules. As a result, the Commission withdrew the CR-102 on May 27, 2020, to make edits to the proposed rules.

On June 4, 2020, the Commission filed a revised Notice of Proposed Rulemaking (CR-102) with the Office of the Code Reviser. On July 28, 2020, the Commission held an adoption hearing in this rulemaking. After the adoption hearing, the Commission determined to make an additional substantive edit to the proposed rules. As a result, the Commission withdrew the CR-102 on August 31, 2020, to make this edit to the proposed rules.

The proposed change involves deleting WAC 480-109-200(2)(a). This proposed deletion does not alter the requirement that electric utilities have adequate eligible renewable resources or equivalent renewable energy credits (RECs) under contract to meet their annual targets by January 1 of the target year, as required by RCW 19.285.040(2). Rather, the proposed deletion clarifies existing practice that allows utilities to buy RECs after January 1 if they find they have additional need, or if cheaper options become available to use in place of those acquired by January 1. The Commission believes the proposed edit eliminates confusion and provides more clarity for all stakeholders.

On August 31, 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., October 1, 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., November 6, 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 (253) 372-2181 and using conference ID 174 926 009#. To participate via the Microsoft Teams application, use the following link:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGFkOTUxNmYtNTIyNi00YTE4LThjZjctMmRiYjQ3ZTRjMjBk%40thre ad.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22e087eca4-4cd8-416f-8fc0-53ed60dbc833%22%7d

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.