



June 2, 2020

Mark L. Johnson  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
621 Woodland Square Loop SE  
Lacey, WA 98503

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UTIL. AND TRANSP.  
COMMISSION

Re: Relating to Clean Energy Implementation Plans and Compliance with the Clean Energy Transformation Act, Docket UE-191023

Dear Mr. Johnson,

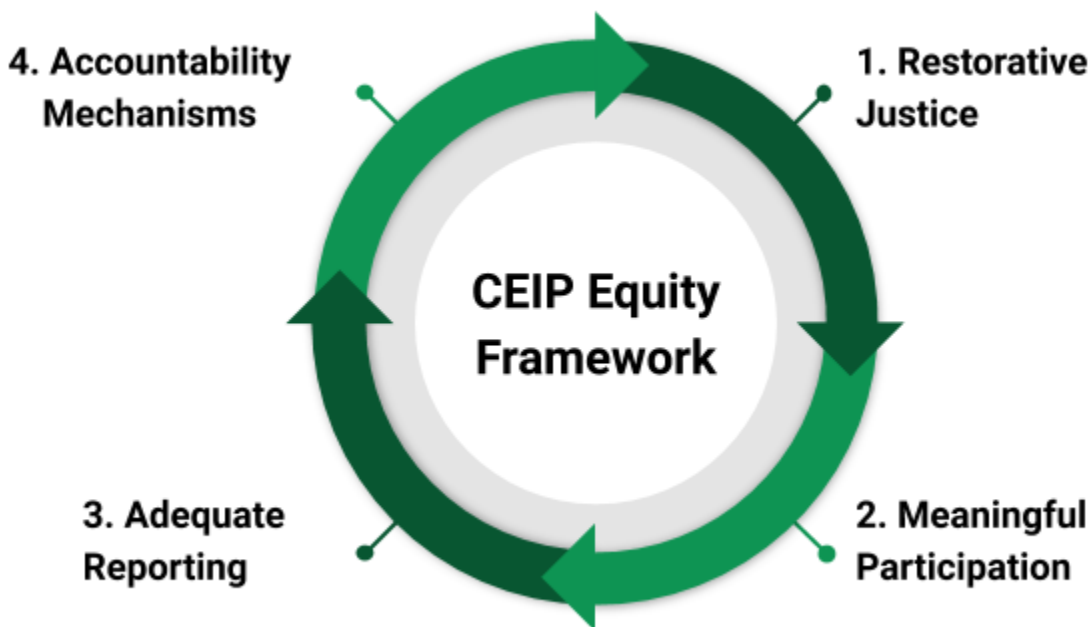
Thank you for the opportunity to submit comments and answer questions on the direction of the rulemaking for the Clean Energy Implementation Plans, Docket UE-191023.

Front and Centered is a statewide coalition of organizations across the state that are rooted in communities of color and with lower incomes. Together we are committed to equity and ensuring climate and environmental justice. Communities of color and people with lower incomes are hit first and worse by extraction, pollution, and climate change, which exacerbates existing health and economic disparities. These frontline communities are often left out of, or are the last to be included in, the transition to a healthy, resilient, and sustainable future.

We appreciate the opportunity to submit comments on this docket and UTC's work to ensure robust and full consideration of the Clean Energy Transformation Act's (CETA) equity mandate in RCW 19.405.040(8) and the intent of the legislature in RCW 19.405.010 (6). Because communities of color and lower income communities are disproportionately impacted by pollution, CETA would ensure clean, healthy and thriving neighborhoods, as well as broadly shared economic benefits of a clean energy transition.

The Clean Energy Implementation Plan (CEIP) sets the course of action to ensure compliance, progress, and enforcement, with the active and intentional involvement of those very communities adversely impacted by pollution. We are pleased with the integration of the equity mandate throughout the draft rules, including but not limited to; utilities creating and engaging equity advisory groups to provide input and guidance, robust public participation and utilities submitting public participation plans for review, progress reports on benefits for "named communities", and assessing fines for non-compliance on equity.

Our comments address rulemaking for CEIPs overall while focusing specifically on ensuring equity and justice in the implementation of the CEIP process. To that end, our feedback is grounded in a framework that includes four categories (see below) that feed into each other and rely upon one another to ensure the equitable distribution of benefits and reduction of burdens throughout the CEIP process.



In addition to providing descriptions of each of the categories and applying this framework to the draft rules, we lift up four fundamental additions we hope the rules will include below.

1. **Restorative Justice:** A holistic understanding of equity that recognizes past and current energy injustices should guide the CEIPs to advance energy justice and confer benefits to communities most burdened by these injustices. Restorative justice should underlie all aspects of the CEIP process, and in particular help frame, ground and clarify the definitions and parameters of the process overall.
2. **Meaningful Participation:** The development, evaluation, iteration, and enforcement of CEIPs is a cyclical process. This sequence must begin with robust, equitable, inclusive, and accessible public participation in the development of periodic CEIPs, with special attention given to the barriers that prevent certain communities and populations from being able to engage in this process.

*We recommend utilities be required to contract with community-based organization(s) that possess the language capacity, cultural competency and trust needed to ensure the participation necessary to meet the equity mandates. Also, as equity is statutorily mandated, requiring the need for new expertise in the form of equity advisory groups,*

*members of these groups should be adequately compensated by the utility just as any other expert engaged by utilities. Furthermore, we recommend including funding for equity advisory groups and compensation for participation of stakeholders with financial need in the CEIP process.*

3. **Adequate Reporting:** Once a CEIP has been finalized, regulators and the public will only be able to meaningfully evaluate and respond to actions undertaken during the CEIP period if there is sufficient and appropriately detailed reporting.

*We recommend including requiring at least a minimum list of equity indicators (consistent statewide) and data broken down by indicator, location, and population.*

4. **Accountability Mechanisms:** Structures must be put into place to properly hold the utility accountable to the goals and actions outlined in its CEIP. This final stage of the cycle leads to the process restarting once again by reaffirming a commitment to restorative justice, and actively engaging public participation to respond to progress made as well as inequities that remain to be addressed in the development of the next CEIP.

*We recommend that the UTC and Commerce convene a statewide equity advisory committee to work directly with the commissioners and utility-created groups to provide context, insights and guidance, as well as ensure consistency across utilities on the equity mandate and metrics. This committee would be in addition to utility equity advisory groups and may include shared membership. In addition, the utility equity advisory groups should have the ability to communicate with commissioners directly and utilities must provide advisory board comments/feedback to plans and reports, further ensuring transparency on whether their feedback was included.*

*We recommend requiring utilities to create and set clear equity milestone targets equivalent to the GHG requirements milestones in 2030 and 2045 to enable the UTC to make accurate determination of compliance and set the indicators relative to goals. The UTC should approve these milestone equity targets and in advance provide clear policy guidance on what those milestone metrics must cover and achieve aligned with the statute references to economic, environmental, health, resilience, and energy security.*

## **REDLINES TO THE DRAFT RULES**

With the framework as a guide, we offer the following proposed amendments to the draft rules as redlines and when needed, additional rationale for the recommended changes. Proposed additions are shown in bold and italics, while proposed deletions are shown in bold and strikethrough.

### **Restorative Justice:**

#### **WAC 480-100-6XX Definitions**

“Equitable distribution” means a fair ***and just***, but not necessarily equal, allocation based on ***historic and*** current conditions, which are informed by the assessment described in RCW 19.280.030(1)(k) from the most recent integrated resource plan, ***for the purpose of eliminating***

***disparities in benefits and burdens by prioritizing vulnerable populations and highly impacted communities who experience the greatest inequities, disproportionate impacts, and have the most unmet needs.***

*Rationale:*

- *Addition of “just”*—The term “fair” is similar to the term “equitable,” but it is not a complete synonym. Equitable indicates concepts of equity as opposed to equality, as well as concepts of justice. The contrast to equality is already appropriately included in the definition, however the addition of “just” would provide clarity and practical guidance given that there is ample literature elaborating concepts of justice. In particular, a field of study referred to as “energy justice” or “energy equity” (commonly used interchangeably) has emerged in recent years, providing detailed analysis of justice and equity regarding the distribution of benefits and burdens from the energy sector.<sup>1</sup>
- *Addition of “historic”*—The definition appropriately frames “equitable distribution” or “fair reallocation” as based on certain *conditions* that inform what is “equitable” or “fair”. However, it is necessary to add the term “historic” in addition to “current” given that CETA and relevant literature on the subject demonstrate that these conditions include both *past and present* conditions. For example, RCW 19.405.140 requires the Department of Health to “develop a cumulative impact analysis to designate the communities highly impacted by fossil fuel pollution and climate change in Washington”. Such an analysis requires attention not solely to current impacts but the cumulative impact of past burdens, which over time exacerbate the harm of additional burdens.

Moreover, the term “equitable distribution” appears four times in CETA, each time referring to “vulnerable populations and highly impacted communities.”<sup>2</sup> In addition to the relevance of both historic conditions and current conditions in the context of highly impacted communities, historic conditions are also relevant to the factors that define vulnerable populations. The socioeconomic factors and sensitivity factors that lead certain populations to face a “disproportionate cumulative risk from environmental burdens” are both past and present.<sup>3</sup> It would be incoherent, for example, to solely look at these factors (such as access to food or low birth weight) at only one point in time in the present; these factors must be evaluated over time with attention to historic trends.

Furthermore, relevant literature on the subject of energy equity and justice also highlights the necessity to refer to *historic* as well as *current* conditions. A key component of energy justice is “restorative justice” which “aims to repair the harm done to people (and/or society/nature)” and “can assist in pinpointing where prevention needs to occur”. In the energy policy context, this concept requires energy decisionmakers to consider “any injustice caused by energy activity [that] would have to be rectified.”<sup>4</sup> Thus, given

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<sup>1</sup> See, e.g., Shalanda Baker, Subin DeVar, and Shiva Prakash, The Energy Justice Workbook, Initiative for Energy Justice (Dec. 2019) <https://iejusa.org/wp-content/uploads/2019/12/The-Energy-Justice-Workbook-2019-web.pdf>.

<sup>2</sup> RCW 19.405.010(6); RCW 19.405.040(8); RCW 19.405.060(1)(c)(iii); RCW 19.405.060(2)(b)(iii).

<sup>3</sup> See RCW 19.405.020(40).

<sup>4</sup> Raphael J. Heffron & Darren McCauley, The Concept of Energy Justice Across the Disciplines, 105 Energy Pol. 658, 660 (2017)

that CETA refers to “equitable distribution” in the context of requiring the “reduction of burdens,”<sup>5</sup> historic burdens must be identified so that they can be reduced.

- *Addition of “purpose of eliminating disparities in benefits and burdens by prioritizing vulnerable populations and highly impacted communities”*—The definition of equitable distribution is clearer with additional language that provides context for this term’s purpose. As mentioned above, each of the four times this term appears in CETA, it is referring to the equitable distribution of benefits and “reduction of burdens” to vulnerable populations and highly impacted communities.<sup>6</sup> These populations and communities are designated by the disparities in burdens they face, as well as the disparities in benefits they have seen from the energy system. Therefore, it should be clear that the guiding Northstar of an equitable distribution is ultimately the elimination of these disparities. Such clarity requires highlighting this purpose, naming the target communities, and identifying the inequity they face.

#### **WAC 480-100-6XX Definitions**

"Lowest reasonable cost" means the lowest cost mix of resources determined through a detailed and consistent analysis of a wide range of commercially available resources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, *the social cost of greenhouse gas emissions, compliance with 19.405.040(8)*, the risks imposed on the utility and its customers, public policies regarding resource preference adopted by Washington or the federal government, and the cost of risks associated with environmental effects, including emissions of carbon dioxide.

Rationale:

- First, as already included in proposed rule WAC 480-100-675, for a more accurate comparison of different resources and their overall cost, the social cost of greenhouse gas emissions must be included. Second, resources should be compared with costs that include compliance with 19.405.040(8), given that such compliance is necessary, and resources that do not comply with these provisions may artificially appear to be lower in cost, when in fact they entail undisclosed costs born by highly impacted communities and/or a lack of required benefits for such communities and vulnerable populations.

#### **WAC 480-100-6XX Definitions**

"Vulnerable populations" means communities that experience a disproportionate cumulative risk from environmental burdens due to: (a) Adverse socioeconomic factors, including *low household wealth*, unemployment, high housing and transportation costs relative to income, access to food and health care, and linguistic isolation; and (b) Sensitivity factors, such as low birth weight, *disability, dependence on electricity for medical needs*, and higher rates of hospitalization.

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<sup>5</sup> RCW 19.405.010(6); RCW 19.405.040(8); RCW 19.405.060(1)(c)(iii); RCW 19.405.060(2)(b)(iii).

<sup>6</sup> *Id.*

Rationale:

- While the designation of highly impacted communities looks at cumulative impacts based on fossil fuel pollution and climate change and is therefore more about external pressures burdening a community,<sup>7</sup> the vulnerable population designation is about factors that make certain individuals and groups more at risk for the potential harms of the energy system and more at need for potential benefits from the energy system. Therefore, while neither the definition in CETA nor in these draft rules should be seen as an exhaustive list,<sup>8</sup> it supports effective implementation to add other noteworthy factors such as low household wealth, disability, and dependence on electricity for medical needs, all of which have a significant intersection with disparities in burdens and benefits from the energy system.

#### **WAC 480-100-6XX Definitions**

**“Energy Security” means the uninterrupted availability of energy sources at an affordable price**

Rationale:

- Energy security should be defined to provide clarity. Energy security in the context of ensuring all customers are benefiting from the transition to clean energy means customer energy security, ensuring the security of households to have sufficient energy as a basic need. Definition from EIA: <https://www.iea.org/topics/energy-security>

#### **WAC 480-100-6XX Definitions**

**“Resiliency” means the ability to meet customer and community defined needs throughout changes in policy, the environment, and economy.**

- Resiliency should be defined to provide clarity. Resiliency in the context of ensuring all customers are benefiting from the transition to clean energy refers to customer resiliency, specifically customers and their communities’ abilities to cope with and adapt to changes and disruptions and still satisfy basic needs defined by the customer in community.

#### **WAC 480-100-655 Clean Energy Implementation Plan or “CEIP”**

655(5)(a) the location, if applicable, timing, and cost of each specific action or remaining resource need, including whether the resource will be located in highly impacted communities or ***will be governed by, serve, or otherwise benefit highly impacted communities or*** vulnerable populations in part or in whole;

Rationale:

- The purpose of requiring specificity regarding plan actions and resources regarding community governance and community benefits is to indicate if any of these actions will do more than be located in highly impacted communities or “serve” vulnerable populations. An action or resource being located in a highly impacted community is typically beneficial, but it could also be burdensome if the siting causes harm to the community as opposed to benefits. For example, a renewable energy system could be sited on prime agricultural land in a highly impacted community that does not serve or benefit that community, but serves investors, employees, and customers who all reside

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<sup>7</sup> See RCW 19.405.140.

<sup>8</sup> Both CETA and the draft rules include the qualifications “including” and “such as” to signify that the list is simply illustrative and is not exhaustive. RCW 19.405.020(40); Draft WAC 480-100-6XX Definitions.

outside of the community. The use of the term “governed” is meant to require presentation of information regarding whether the utility actions are promoting community leadership, decision making, control, and/or ownership. The use of the word “benefit” aims to ensure the presentation of information regarding broader energy and non energy benefits beyond simply serving communities as electric customers.

### **Meaningful Participation:**

#### **WAC 480-100-660 Process for Review of CEIP and Updates**

(2)(c) After completing its review of a utility’s clean energy compliance report, *and consultation with the statewide equity advisory committee and utility equity advisory groups*, the commission will determine whether a utility met its proposed targets and interim targets, and whether the utility made sufficient progress toward meeting the clean energy standards.

Rationale:

- Procedural equity requires consultation with vulnerable populations, particularly vulnerable populations in highly impacted communities, in determination of the communities’ view of compliance with the equitable distribution of benefits. To achieve this the Commission should consult directly with the communities most impacted as well as ensure consistency with best practices in achieving equitable distribution provided by a statewide equity advisory group.

#### **WAC 480-100-670 Public participation in a CEIP**

(2)(c) *A utility must provide adequate funding for its equity advisory group, including but not limited to compensation for time served by any organizations or individuals demonstrating financial need, meals or refreshments, childcare if necessary, and resources to obtain data or the support of outside experts and analysts, particularly to support the group’s informed and meaningful advice regarding vulnerable population designation, equity indicator development, accounting of benefits and burdens, and new technologies and models.*

Rationale:

- By definition vulnerable populations face greater barriers and risks. Meaningful participation cannot be achieved unless these barriers are addressed and the advisory group cannot be effective without resources to have comparable information and analysis as the utilities possess.

(2)(d) *Selected representatives from each utility’s equity advisory group may participate in a statewide equity advisory committee convened by the commission and Department of Commerce.*

Rationale:

- The statewide advisory group can provide consistency in compliance, and will be most effective if it includes members of utility specific equity advisory groups.

(4) Draft CEIP for review. The utility must provide a draft of its CEIP to its advisory groups for comment two (2) months before it files the plan with the commission. At a minimum, the draft

CEIP must include all the elements required under WAC 480-100-655 and to the extent practicable all appendices and attachments. *The utility must provide a summary of comments from advisory groups received in reply to its draft CEIP and the utility's responses, including whether issues raised in comments were addressed and incorporated into the plan filed with the commission, and documenting the reasons for rejecting advisory group input. The utility must also include the summary as part of the final plan, and may include it as an appendix.*

Rationale:

- This provision adds clarity to the process for advisory group commenting and ensures that the utility must be responsive to advisory group input.

(5) *The utility must identify barriers to public participation, including but not limited to barriers related to language, cultural, economic, or other factors.* The utility must include the following in its participation plan:

Rationale:

- Mirrors department of Commerce CEIP language draft rule and ensures meaningful participation by all customers.

(5)(a) Timing, methods, *funding*, and language considerations for seeking and considering input from:

Rationale:

- By definition vulnerable populations face greater barriers and risks. Meaningful participation cannot be achieved without funding to have comparable capacity, information and analysis as the utilities possess.

### **Adequate Reporting:**

#### **WAC 480-100-650 Clean Energy Standards**

(2) Adaptively manage portfolio of activities. Each utility must continuously review and update as appropriate its planning and investment activities to adapt to changing market conditions and developing technologies *and models*. Each utility must research emerging technologies *and models* and assess the potential of such technologies *and models* for implementation in its service territory, including assessment and development of new and pilot programs

Rationale:

- The inclusion of the word “models” adds clarity that utilities must review and update its activities based not just on “hard” technologies, but also new innovative business models, approaches, evidence, and research. Progress toward equity in the clean tech industry often appears not as a “technology” but an advancement in the methods of doing business.



### **WAC 480-100-655 Clean Energy Implementation Plan or “CEIP”**

(3)(a)(i) The energy efficiency target must be consistent with the utility’s biennial conservation plan required in Chapter 480-109 WAC ***and must include forecasted distribution of benefits and impacts.***

Rationale:

- This forecasting is already required for the demand response target and renewable energy target and should likewise be required for the energy efficiency target.
- Furthermore, this forecasting should both be clear that “impacts” includes benefits, in addition to costs/harms. This should apply for all three targets.

(3)(a)(ii) The utility must provide appropriate program details, program budgets, measurement and verification protocols, target calculations, and forecasted distribution of energy and non-energy ***benefits and*** impacts for its demand response target.

(3)(a)(iii) The utility must propose the renewable energy target as the percent of retail sales of electricity supplied by renewable resources and must provide details of any relevant renewable energy project or program, program budgets as applicable, and forecasted distribution of energy and non-energy ***benefits and*** impacts. The utility may include storage resources in the renewable energy target when those resources will be charged using renewable resources.

### **Accountability Mechanisms:**

### **WAC 480-100-655 Clean Energy Implementation Plan or “CEIP”**

(3)(b) The utility must provide a description of the technologies, data collection, processes, procedures, and assumptions the utility used to develop the targets in this subsection, ***including how the forecasted distribution of benefits for each target represents adequate progress toward milestone equity targets developed under 655(6)(e).***

Rationale:

- The addition of this language refers to measurable equity targets for 2030 and 2045 so that all the reporting on the distribution of benefits in interim years can be more solidly grounded on, and held accountable to, some ultimate measurement.

***(3)(c) The utility must provide a breakdown of the forecasted distribution of benefits and impacts for each of the three targets in this subsection at a minimum:***

***(i) by all census tracts, indicating which census tracts are designated as highly impacted communities;***

***(ii) by categories of residential customers designated as vulnerable populations; and***

***(iii) by indicator values, including, but not limited to, health and safety, economic, resiliency, energy security, environment, and participation.***

Rationale:

- Data must be provided for all census tracts, including an indication of which ones are highly impacted communities, so that benefits and impacts can be compared between highly impacted communities and other census tracts.

- Data must be provided for all customer categories, including an indication of which ones are vulnerable populations, so that benefits and impacts can be compared between vulnerable populations and other populations.
- Indicator categories should be explicitly cited and followed up with more detailed guidance to satisfy the statutory intent to ensure the equitable distribution of benefits. Without clarity and consistency across utilities on at least a bare minimum list of indicators, implementation is likely to be ineffectual.

(6)(c) include an accounting of benefits and burdens, by location *and* population, **as applicable**, of the specific actions in the CEIP; ***the accounting must indicate if the location is a highly impacted community or not and indicate if the population is a vulnerable population or not;***

Rationale:

- The statute is specific that utilities must address equitable distribution of energy and non energy benefits and the reduction of burdens to vulnerable populations and highly impacted communities. The highest and best pursuit is reducing disparities for vulnerable populations within highly impacted communities. However, vulnerable populations should be considered wherever they reside.

(6)(d) describe how the utility intends to **mitigate prevent** risks to highly impacted communities and vulnerable populations;**;** *and*

Rationale:

- The recommended changes reflect the intent of CETA. RCW 19.405.10 (6) states: “It is the intent of the legislature that in achieving this policy for Washington, there should not be an increase in environmental health impacts to highly impacted communities.”

***(6)(e) propose milestone equity targets related to the requirements in WAC 480-100-650(1)(d) through (f) by January 1, 2030 and by January 1, 2045.***

Rationale:

- This additional subsection provides clarity that utilities must declare, and the commission must approve, milestones equity targets or goals to assist the commission in determinations of compliance. It is infeasible to ensure the equitable distribution of benefits without any concrete measure of what actually was an “equitable distribution” or a "fair allocation" so some type of end goal is necessary to work back from.

### **WAC 480-100-680 Enforcement**

g) Violations of Chapter 19.405 RCW not directly related to emissions. If the commission finds a utility is in violation of a portion of Chapter 19.405 RCW that is not subject to the administrative penalty under RCW 19.405.090(1), the commission may presume that the violation is ongoing until the utility either: (a) performs specific actions outlined by commission order to remedy the violation; or (b) based on evidence presented by the utility, the commission concludes that the utility has taken other actions to remedy the violation. ***Consistent with RCW 19.405.040(7), any violation of section RCW 19.405.040, including subsections RCW 19.405.040(2) through RCW 19.405.040(11), is subject to the administrative penalty in RCW 19.405.090(1).*** A violation of

RCW 19.405.040(8) is an example of a violation that is **not** subject to the administrative penalty in RCW 19.405.090(1).

Rationale:

- While RCW 19.405.090(1) refers to the payment of “an administrative penalty” for failure “to meet the standards under RCW 19.405.030(1) and 19.405.040(1)” it is clear from the code’s plain language that a failure of any part of 19.405.040 constitutes a failure of the standard in 19.405.040(1), as subsections 19.405.040(2) through (11) define how the utility is required to meet the standards in 19.405.040(1). This is the only reasonable interpretation of what is explicitly stated in 19.405.040(7): “An electric utility that fails to meet the requirements of *this section* must pay the administrative penalty established under RCW 19.405.090(1), except as otherwise provided in this chapter.” (Emphasis added.) The term “this section” refers to the whole of 19.405.040, as that is the section 19.405.040(7) exists within. RCW 19.405.040(8) exists within section 19.405.040. Therefore, a violation of 19.405.040(8) is a violation of 19.405.040, and a utility “that fails to meet the requirements of this section must pay the administrative penalty established under RCW 19.405.090(1).” Furthermore, there is no exception provided in chapter RCW 19.405 that would negate the inclusion of RCW 19.405.040(8) as subject to the administrative penalty in RCW 19.405.090(1).

## **QUESTIONS FOR CONSIDERATION**

Below are our responses to questions specific to our interests and expertise:

2. The purpose of CETA is to transition the electric industry to 100 percent clean energy by 2045. To achieve this policy, each utility must fundamentally transform its investments and operations. In draft WAC 480-100-650, Clean energy standard, the discussion draft states that “planning and investment activities undertaken by the utility must be consistent with the clean energy standards [Chapter 19.405 RCW].” While RCW 19.405 refers to the percentage of retail sales served by non-emitting and renewable resources as the “standard,” the draft rule describes a clean energy standard that incorporates the additional requirements found in the statute. Is this term useful in clarifying the rule? If not, please recommend an approach for including the additional requirements from the statute.

*Yes, the new language makes it clear that the “clean energy standards” referenced are a holistic reference to the standard, including all the requirements, including the equity requirements which are a mandate in the law.*

3. The proposed rules make a distinction between determining whether the planning and investment activities undertaken by the utility are in compliance with the clean energy standards of CETA and approving the specific actions the utility undertakes to comply with the clean energy standards. In draft WAC 480-100-650, the discussion draft requires that all planning and investment activities undertaken by the utility must be consistent with the clean energy standards.

- a) Should the commission determine whether all the activities, rather than the planning and investment activities, undertaken by the utility are consistent with the clean energy standards?

*Yes, CETA does not limit compliance to solely planning and investment activities. In order to implement CETA's vision and achieve targets, activities beyond planning and investment will be necessary, and these activities should be subject to the same requirements. Ensuring the equitable distribution of benefits will require analyzing impacts and outcomes of the utility's activities.*

5. RCW 19.405.060(1)(b)(iii) refers to "demonstrating progress toward" meeting the clean energy standards and interim targets.

- a) Is it clear from the draft rules that such a demonstration within a four-year compliance period would encompass compliance with the various components of the statute?

*The draft rules should be revised to make it clear that 19.405.040(8) would be evaluated relative to BOTH the four-year compliance period AND relative to 2030 or 2045. Right now, the draft rules convey the former in the section on targets, by just requiring the forecasted distribution of benefits for that period. However, that alone would not ensure "demonstrating progress toward" the clean energy standards because in some cases, progress can only be evaluated relative to 2030 or 2045. Thus, our recommendation is to add milestone equity targets for 2030 and 2045 so that it is clear how measures related to 19.405.040(8) either demonstrate or fail to demonstrate progress.*

6. Interim targets

- a) Draft WAC 480-100-655(2)(b) requires utilities to propose interim targets for meeting the 2045 standard under RCW 19.405.050. Noting that RCW 19.405.060(1)(a)(ii) requires utilities to propose interim targets for meeting the standard under RCW 19.405.040 but not .050, is it appropriate for the Commission to establish interim targets for making progress toward meeting the standard in .050?

*Yes, interim targets are necessary for the Commission to ensure the .050 standard.*

- b) Draft WAC 480-100-665(1)(b) requires utilities to meet their interim targets. However, RCW 19.405.090 does not establish penalties for interim targets. Is it appropriate for the commission to enforce compliance with the interim targets through its own authority?

*Yes, penalties are necessary to ensure compliance and accountability.*

7. Chapter 19.405 RCW requires the utility to demonstrate its compliance with RCW 19.405.040(1) and 050(1) using a combination of non emitting and renewable resources. Because there are additional requirements in the statute, draft WAC 480-100-665 requires the utility to report more than just its non emitting and renewable resources. Is the reporting under draft WAC 480-100-665 necessary and appropriate?

*Yes, this reporting requirement will ensure that the general purpose and specific requirements of CETA are implemented, including equitable distribution of benefits.*

Thank you again for the opportunity for us to submit our recommended changes and to provide you with our answers to your questions for consideration. If you have any further questions, need further clarification or additional information, please do not hesitate to reach out to me at [deric@frontandcentered.org](mailto:deric@frontandcentered.org) and via phone at (206) 422-2597.

Sincerely,

A handwritten signature in black ink that reads "Deric J. Gruen". The signature is written in a cursive style with a large, stylized initial "D".

Deric J. Gruen  
Co-Executive Director  
Programs and Policy