## Docket No. UE-190652 - Vol. II

# Rulemaking to amend the Energy Independence Act (EIA) W AC 480-109 

## November 6, 2020



Roberson, Jennifer Snyder, Jim Woodward, Kate Griffith, Kendra White, and Nikita Benkoti.

And then I would also like to thank all of the stakeholders who have stuck through it -- stuck with us throughout this rulemaking and provided a lot of great comments for us to chew on.

So to review the process. The rulemaking came about after the passage of the Clean Energy Transformation Act or "CETA," in the last -- in the 2019 legislative session. CETA included a number of changes to the chapter of the Revised Code of Washington that contains the EIA which is Chapter 19.285. And staff undertook the rulemaking to incorporate those edits into Washington Administrative Code Chapter 480-109, which houses the EIA and also to make a few other updates to the WAC.

We kicked off the rulemaking with a CR 101 and draft rules about a year ago, October 2019. The draft rules elicited 19 sets of comments from stakeholders. And then after a January technical workshop to consider how to incorporate a number of definitions from CETA, the UTC released a CR 102 form and proposed rules in late March of 2020.

The CR 102 received comments from seven stakeholders; including Avista Corporation, PacifiCorp,

Page 35
Puget Sound Energy, Public Counsel, The Energy Project, the Northwest Energy Coalition, and Front and Centered.

From that set of CR 102 comments, the Commission made several non-substantive edits and one substantive edit to the proposed rules. Those rules were incorporated into a second CR 102 that was filed in early June of 2020. And that CR 102 led to three sets of comments. They came from Puget Sound Energy, The Energy Project, and the Northwest Energy Coalition.

The Commission then held an adoption hearing in this docket on July 28, 2020. At that adoption hearing, two stakeholders expressed concern with the proposed language in WAC 480-109-200(2).

After discussion with stakeholders, the Commission addressed these concerns by deleting the controversial rule language from the proposed subsection. This required a third CR 102 which was filed on September 1st of 2020.

Avista -- Avista and Public Counsel responded with comments but did not propose any additional amendments to the rules.

So in conclusion, staff recommends that the Commission adopts the proposed changes to WAC 480-109. And that ends my comments. I and the rulemaking team are available for questions now and throughout the
hearing. Thanks.
CHAIR DANNER: All right. Thank you very much, Andrew.

Are there any questions for Andrew or for the rulemaking team from the Commissioners?

Okay. Let me then turn and get the public comments. Let me start by asking, Public Counsel, are you on the line? Do you wish to make any comments today?

MS. PAISNER: Yes. This is Ann Paisner here. I'm an Assistant Attorney General with the Public Counsel unit of the Washington State Office of the Attorney General. And on the line with me today is Corey Dahl, who's a regulatory analyst at Public Counsel.

We would like to, again, express appreciation for this process, and thank the Commission for the opportunity to provide comments today.

And also on the record regarding the September 1st notice proposing to delete 480-109-200(2)(a).

We would just like to express our appreciation and also express our support for this proposed deletion. In particular, we believe this proposed deletion will promote clarity in the rules and

And I will assume my colleagues will speak up if they have any questions for you.

Let me see, Joni Bosh from Northwest Energy Collision, are you here?

MS. BOSH: Yes, Commissioner, I'm hear.
Can you hear me?
CHAIR DANNER: Yes, I can. Thank you.
MS. BOSH: Yes. We just wanted to thank staff for reaching out to us about this question when it was raised. It is the only change from the last version. And we appreciate the time they took to work out to ensure that it really doesn't change existing practice. That the utilities have to meet their targets by January, but they can change those recs as time goes on. We really appreciate the time that staff took to help us work that out.

CHAIR DANNER: All right. Thank you very much.

Are there any questions for Joni Bosh?
Okay. I don't have a sign-in sheet in front of me. What I'm going to do is I'm going to ask anybody whose last name begins with $A$ through $E$. Is there anybody on the line whose last name begins $A$ through $E$ who wishes to comment on these rules, proposed rules?

All right. Anybody with the last name

Page 39
starting $F$ through $L$ ?
All right. Last name starting M through $P$ ?
Anybody whose last name starts with $Q$ through T ?

All right. And then $U$ through $Z$ ?
All right. This is my last APB then.
Is there anybody -- anybody who I have not called on so far who wishes to comment on these proposed rules?

All right. That brings us then to the end of the public comments. And at this point, what I would propose to my colleagues, is we have proposed rules. I think they are in very good shape and I'm in favor of their adoption.

What I would like to do, though, is take this under advisement so that we could prepare an order. And I also want to make sure that we time the release of the order in such a way that it's -- that we have some -- some definitions that are affected here and in another rulemaking. And I want to make sure that we do this in a consistent way so that we don't have to go back and do any kind of adoption by rule or any unnecessary administrative procedure as we go forward on that.

So colleagues, let me ask if you're okay
with that approach?
COMMISSIONER RENDAHL: This is Commissioner
Rendahl, and yes, I'm -- I support that approach.
I want to thank everyone for their sticking to it with this rulemaking and the several -- several versions at the end here. But, yes, I think we need to delay issuing any -- any order until we make sure all of the definitions can be synced up, so I support that.

COMMISSIONER BALASBAS: Yes. This is Commissioner Balasbas. I also support that approach. And I think that makes sense to make sure that we've got all of -- any references and other things, technical things as well of the rule to get those, get those synced up before issuing the order.

CHAIR DANNER: Okay. Then that is what we will do.

I want to thank everybody who participated in this; especially the UTC rulemaking team. Really, a very, very good job. And also the stakeholders who have been involved throughout the process.

At this point, we are going to take it under advisement. Although, I will just signal that I'm very comfortable with these proposed rules. And we will issue an order in due course.

Again, we need to be -- we need to consider


BUELL REALTIME REPORTING, LLC

| A | 35:19 | colleagues 32:15,17 | CR 34:17,22,24 | 38:3 |
| :---: | :---: | :---: | :---: | :---: |
| a.m 30:13 32:2 | B | 32:20 38:1 39:12 | 35:3,6,7,17 | ensure 3 |
| 41:16 | back 33.20 39.22 | 9:25 | CRYSTAL 30:25 | especially 40:18 |
| ability $37: 142: 12$ | back 33:20 39:22 <br> Balasbas 31:4 | Collision 38:4 | 42:7,18 | everybody 40:17 |
| able 33:20 | Balasbas 31:4 | comfortable 40:23 | customers 37:2 | exist 33:24 |
| accurate 42:11 | begins 38:22,23 | coming 33:18 comment 38: | D | xisting 38:12 |
| Act 30:5 32:10,12 |  | omme | Dahl 36:14 37:1 | express 36:16, 36:23 |
| 34:9 | begun 33:7 believe 36:24 41:7 | 39:8 comments 31:6 | DANNER 31:3 | 36:23 <br> express |
| 37:7 | Benkoti 34:2 | 32:20,21,23 34:6 | 32:4,25 36:2 | expressing 37:11 |
| addressed 35:15 | best 42:11 | 34:19,24 35:3,8 | 37:12,17,25 38:7 |  |
| adieu 41:10 | bit 33:12 | 35:20,24 36:7,8 | 38:17 40:15 41 | F |
| adjourn 41:10 | Bosh 31:8 38:3,5,8 | 36:18 37:7,8,20 | 41:14 | $142: 1$ |
| adjourned 41:11 | 8:19 | 37:23 39:11 | DAVE 31:3 | 33:4 39:8 |
| administrative | brings 39:10 | Commission 30:2 | day 42:14 | or 39:13 |
| 34:14 39:23 | brought 32:12 | 32:7 35:4,10,15 | Deborah 33:25 | filed 35:6,18 37:8 |
| adoption 30:8 32:8 | button 33:15 | 35:23 36:17 | definitions 34:2 | first 32:14 |
| 33:8 35:10,11 | C | Commission | 39:19 40:8 | regoing 42:9 |
| 39:14,22 42:10 | C 31:1 42:1 | 31:3,4 32:15,16 | delete 36:20 | form 34:22 <br> forward 39:23 |
| adopts 35:23 | call 33:20 | $38: 5 \text { 40:2,2,9,10 }$ | deleting 35:15 | Friday 32:6 |
| $40: 22$ | called 39:8 | Commissioners | deletion 36:24,25 | front 35:2 38:20 |
| ago 34:18 | calling 33:1 | 31:2 33:6 36:5 | 37:5 | unction 33:16 |
| ahead 33:3 | CCR 30:25 42 | 37:13 | developing 33:2 | further 33:21 |
| AMEND 30:4 | tered | concern 35:12 | on 35:14 | 41:10 |
| amendments 35:21 | Certified 42:7 certify $42: 9$ | concerns 35:15 | $\begin{aligned} & \text { docket } 30: 6 ~ 32: 8 \\ & 35: 11 \end{aligned}$ | FYI 33:7 |
| analyst 36:14 | CETA 34:9,10,22 | concluded 41:16 | draft 34:18 | G |
| Andrew 31:7 32:18 | Chair 31:3 32:4,25 | consider 32:8 | $\text { due } 40: 24$ | General 36:11,13 |
| 33:1,3,9,25 36:3,4 nn 31:3,7 32:15 | 36:2 37:12,17,25 | 34:21 40:25 41:6 | Durbin 37:22,23 | generally 37:10 |
| $\begin{gathered} \text { Ann 31:3,7 } \\ 36: 10 \end{gathered}$ | $38: 7,17$ 40:15 $41: 9,14$ | considering 32:9 | [ E | give $33: 3$ <br> go 33:3,21 39:21,23 |
| $\begin{gathered} \text { anybody } 38: 21,23 \\ 38: 2539: 3,7,7 \end{gathered}$ | Chairman 33:6 | $\begin{aligned} & \text { consistent } 37: 8 \\ & 39: 21 \end{aligned}$ | E 31:1,1,3 38:22,23 | goes 38:14 |
| APB 39:6 | 37:22 41:8 | contains 34:12 | 42:1,1 | going 32:9 38:21,21 |
| appreciate 38:11 | change $33: 11$ | continue 33:13 | early 35:7 | 0:2 |
| 38:15 |  | 37:7 |  | od 32:4 37:22 |
| appreciation 36:17 |  | controversial 35:16 |  | 39:13 40:19 |
| 36:23 |  | Corey 36:14 | $\begin{gathered} \text { EIA } 33 \\ 37: 3 \end{gathered}$ | great 34:6 41: <br> Griffith 34:1 |
| approach 40:1,3,10 | chapter 34:11 $34: 14$ | Corporation 34:25 | either 32:24 37: | Griffith 34:1 |
| asking 36:7 | chew 34:6 | costs 37:2 |  | H |
| Assistant 36:11 | clarify $37: 1$ | Counsel 31:7 35:1 | enacted 32:11 | 42:13 |
| assume 38:1 | clarity 36:25 | 35:19 36:7,12,15 37:14 | ends 35:24 | Happy 37:24 |
| Attorney 36:11,13 | Clean 32:12 34:8 | 37:1 | Energy 30:5 32:10 | heading 33:10 |
| available 35:25 | Coalition 35:2,9 | course 40:24 | 32:12 34:8 35:1,1 | hear 33:18 38:5,6 |
| 37:24 Avista 34:25 35:19 | Code 34:11,14 | course 40:24 Court 42:7 | 35:2,8,9,9 37:19 | hearing 30:8 33:8 |


| 35:10,12 36:1 | L | O'Connell 33:25 | provide 36:18 | view 34:7 |
| :---: | :---: | :---: | :---: | :---: |
| 41:16 42:10 | L 3 | o00-32:3 41:20 | provided 34:5 | Revised 34:11 |
| held 35:10 | Lacey 30:14 32:1 | October 34:18 | providing 37:6 | Reynolds 33:25 |
| help 38:16 | language 35:13,16 | OFFERED 31:6 | public 31:7 35:1,19 | right 36:2 $37: 12,17$ |
| hereunto 42:13 | late 34:23 | Office 36:12 | 36:6,7,11,14 | 37:25 38:17,25 |
| housekeeping | led 35:7 | okay 36:6 38:20 | 37:14 39:11 | 39:2,5,6,10 41:9 |
| 33:12 | legislative 34:10 | 39:25 40:15 | Puget 35:1,8 37:19 | 41:12 |
| houses 34:15 | Let's 32:4 | on | put 33:19 | Roberson 34:1 |
| I | line 32:16 33:19 | opportunity $36: 18$ <br> order 39:16,18 <br> 40:7,14,24 41:4 | Q | 30:25 42:18 |
| II 30:8 | $\begin{aligned} & 36: 8,13 \text { 37:20 } \\ & 38: 23 \end{aligned}$ |  | question 38:9 | ule 32:9 35:16 |
| include 33:25 <br> included 34:10 | little 33:12 <br> lot 34:5 |  | questions 35:25 | 39:22 40:13 |
|  |  |  | 36:4 37:10, 13,24 | rulemaking 30:4 |
| including 34:25 |  | $\frac{\mathbf{P}}{\mathbf{P} 31: 1,139: 2}$ | 38:2,19 | 33:11,22 34:5,7 |
| incorporate 34:13 | M | P 31:1,1 39:2 | R | 34:13,17 35:24 |
| 34:21 | M 39:2 | PacifiCorp 34:25 | R | 36:5 39:20 40:5 |
| incorporated 35:6 | March 34:23 | Pages 30:9 | R 30:25 31:1 42:1,7 | 40:18 |
| Independence 30:5 | McAULIFFE <br> 30:25 42:7,18 <br> meet $38: 13$ <br> meeting 32:6 41:10 <br> minimize $37: 1$ <br> morning 32:4 <br> 37:22 41:6 <br> mute $33: 13,15,17$ <br> 33:18,19 | Paisner 31:7 36:10 36:10 37:14 |  | rulemakings 41:1 |
| 32:10 |  |  |  | rules 32:8 33:2,24 |
| inform 41:4 |  | participated 40:17 | raised 38:10 <br> reaching 38:9 | 34:18,19,23 35:5 |
| interfere 41:2 involved 40:20 |  |  | really $38: 12,15$ <br> 40:18 | 35:5,21 36:25 |
| involved 40:20 <br> issue 40:24 |  | particular 36:24 passage $34: 8$ | 40:18 | 37:6 38:24,24 |
|  |  |  | received 34:24 recommends $35: 22$ | 39:9,12 40:23 |
| issuing 40:7,14 |  | passed 37:2 | record 36:19 | S |
| J |  | phones 33:17 | recording 33:7 | S 31:1 |
| January 34:20 |  |  |  | satisfying 37:3 |
| 38:14 | N | 99:11 40:21 | Rector 31:7 32:1 | seal 42:14 |
| Jay 31:4 32:16 | N 31:1 | practice 38:13 | 33:1,5,9 41:5,7,12 | second 35:6 |
| Jeff 33:25 | name 38:22,23,25 | prepare 39:16 | references 40:12 | see 37:19 38:3 |
| Jennifer 34:1 | 39:2,3 | problem 33:5 | regarding 36:19 | sense 40:11 |
| Jim 34:1 | need 40:6,25,25 | procedure 39:23 | regulatory 31:7 | September 35:18 |
| job 40:19 | 41:3,5 | process 33:4,23 | 33:1,10 36:14 | 36:20 37:4 |
| joined 32:15 | Nikita 34 | 34:7 36:17 37:16 | release 39:17 41: | Services 31:7 33:10 |
| Joni 31:8 38:3,19 | noise 33:18 | 40:20 | released 34:22 | session 34:10 |
| July 35:11 37:9 | non-substantive | Project 35:1,9 | remainder 37:7 | set 35:3 42:13 |
| June 35:7 | 35:4 | promote 36:25 | Rendahl 31:3 | sets 34:19 35:7 |
| K | Northwest 35:2,9 | propose 35:20 37:5 | $32: 15,2137:$ $40 \cdot 23$ | en 34: |
| Kara 37:22 | notice 36:20 37:4 | proposed 33:24 | REPORTED 30:25 | sheet 38:20 |
| Kate 34:1 | November 30:12 | 34:23 35:5,13,16 | Reporter 42:8 | sign-in 38:20 |
| Kendra 34:2 | $32: 1,642: 10,14$ | 35:23 36:24,25 | require 32:10 | signal 40:22 |
| kicked 34:17 | number 34:10,21 | 38:24 39:8,12 | required 32:11 | skill 42:11 |
| kind 39:22 <br> KITSAP 42:5 <br> knowledge 42:11 | NWEC 31:8 | 40:23 | 35:17 | Snyder 34:1 |
|  | 0 | 37:5 | responded 35:20 | Sound 35:1,8 37:19 |


| speak 33:20 38:1 | think 39:13 40:6,11 | wanted 38:8 | 28 35:11 37:9 |
| :---: | :---: | :---: | :---: |
| ss 42:4 | 41:8 | Washington 30:1 |  |
| staff 33:1 34:12 | third 35:17 | 30:14 32:1,7 | 3 |
| 35:22 38:9,15 | three 35:7 | 34:11,14 36:12 | 30-42 30:9 |
| stakeholders 34:4 | time 37:23 38:11 | 42:4,8 | 4 |
| 34:20,25 35:12,14 | 38:14,15 39:17 | way $39: 18,21$ | 480-109 34.14 |
| 40:19 | timing 41:4 | we're 32:9 37:6,10 | 480-109 34: 14 |
| star-six 33:16 | today 32:5,5,9 36:9 | we've 40:11 | $\begin{aligned} & 35: 23 \\ & \mathbf{4 8 0 - 1 0 9 - 2 0 0 ( 2 )} \end{aligned}$ |
| start 36:7 | 36:13,18 37:21 transcript 42.9 | weekend 41:13 WHEREOF 42.13 | 480-109-200(2) |
| starting 39:1,2 starts 39:3 | transcript $42: 9$ Transformation | WHEREOF 42:13 <br> White 34:2 | 480-109-200(2)(a) |
| State 36:12 42:4,8 | 32:12 34:9 | wish 36:8 | 36:21 |
| statements 32:18 | Transportation | wishes 38:24 39:8 | 5 |
| step 41:2 | 30:2 32:7 | WITNESS 42:13 |  |
| sticking 40:4 | true 42:11 | Woodward 34:1 | 6 |
| stuck 34:4,4 | turn 32:18,25 36:6 | work 38:11,16 | $6 \text { 30:12 32:1,6 }$ |
| subsection 35:17 | two 35:12 | working 33:2,23 | $42: 10$ |
| substantive 35:5 <br> summary $33: 3$ | U | workshop 34:21 |  |
| sumerb 33:22 | U 39:5 | X | 7 |
| support 36:23 37:8 | UE-190652 30:6 |  | 8 |
| 37:11 40:3,8,10 | 32:8 | Y |  |
| sure 33:5,13 39:17 | undertook 34:13 | year 33:11 34:18 | 9 |
| 39:20 40:7,11 | unit 36:12 | 37:3 | 9:30 30:13 32:2 |
| sync 41:3 | unmute $33: 17$ | Z | 9:44 41:16 |
| synced 40:8,14 | updates 34:15 | Z 39:5 | 98503 30:14 |
| T | use 33:16 |  |  |
| T 39:4 42:1,1 | UTC 33:1 34:22 |  |  |
| take 39:15 40:21 | 40:18 | 1 |  |
| talking 33:14 | utilities 30:2 32:7 | $10134: 17$ |  |
| target 37:3 | 37:1 38:13 | $10234: 22,2435: 3,6$ |  |
| team 33:2,22 35:24 | V | 35:7,17 18th |  |
| 36:5 40:18 | version 38:11 | 18th 42:14 |  |
| Teams 33:15 | versions 40:6 | 19.285 34:12 |  |
| technical 34:20 | Videoconference | 1st 35:18 36:20 |  |
| 40:12 | 30:8 42:10 | $37: 4$ |  |
| thank 32:5 33:22 | VOLUME 30:8 |  |  |
| 34:3 36:2,17 | W | 2 |  |
| 37:11,12,15,17,25 |  | 2006 32:11 |  |
| 38:7,8,17 40:4,17 | WAC 34:16 35:13 35:23 | 2019 32:13 34:9,18 |  |
| 41:11,14 | $35: 23$ want 33.2137 .20 | 2020 30:12 32:1,6 |  |
| Thanks 33:6,6 36:1 | want $33: 2137: 20$ $39: 17,2040: 4,17$ | 34:23 35:7,11,18 |  |
| $\begin{array}{\|l\|} \hline 41: 12 \\ \text { things } 40: 12,13 \end{array}$ | 41:2,10 | $\begin{gathered} 37: 942: 10,14 \\ \mathbf{2 1 2 1} 30: 2542: 18 \end{gathered}$ |  |

