Docket No. UE-190652 - Vol. II

Rulemaking to amend the Energy Independence Act (EIA) WAC 480-109

November 6, 2020



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	BEFORE THE WASHINGTON	1 LACEY, WASHINGTON; NOVEMBER 6, 2020	
	UTILITIES AND TRANSPORTATION COMMISSION	2 9:30 a.m.	
		3 -000-	
	RULEMAKING TO AMEND	4 CHAIR DANNER: Let's begin. Good morning,	
	THE ENERGY INDEPENDENCE ACT	5 everyone. And thank you for being here today. Today is	
		 Friday, November 6, 2020. And this is a meeting of the Washington Utilities and Transportation Commission to 	
	DOCKET NO. UE-190652	 7 Washington Utilities and Transportation Commission to 8 consider adoption of rules in Docket UE-190652. And 	
		 9 today we're going to be considering rule changes that 	
	VIDEOCONFERENCE ADOPTION HEARING, VOLUME II	10 require changes to the Energy Independence Act that was	
		11 enacted in 2006 and that are required because of changes	
	Pages 30-42	12 brought about by the Clean Energy Transformation Act in	
		13 2019 .	
	November 6, 2020	14 I'd like to say first, let me say I'm	
	9:30 a.m.	 joined by colleagues, Commissioner Ann Rendahl and Commissioner Jay Balasbas who are also on the line. 	
	Lacey, Washington 98503	16Commissioner Jay Balasbas who are also on the line.17So unless my colleagues have any opening	
		18 statements, I would like to turn it over to Andrew	
		19 Rector.	
		20 Any any comments from my colleagues?	
		21 COMMISSIONER RENDAHL: I have no comments.	
		22 No.	
		23 COMMISSIONER BALASBAS: No comments from m	ne
		24 either. 25 CHAIR DANNER: So let me turn it over to	
	REPORTED BY: CRYSTAL R. McAULIFFE, RPR, CCR, #2121		
	Page 31	Page 3	3
1	APPEARANCES	1 Andrew Rector on the UTC regulatory staff who has been	า
2	COMMISSIONERS:	2 working with the team in developing these rules.	
3	DAVE DANNER, Chair ANN E. RENDAHL, Commissioner	3 Andrew, go ahead and give us a summary of	
4	JAY BALASBAS, Commissioner	4 the process so far. 5 MR, RECTOR: Sure, No problem.	
5		 MR. RECTOR: Sure. No problem. Thanks Chairman. Thanks Commissioners. 	
6	COMMENTS OFFERED BY:	7 And just as an FYI, I have begun recording	
7	ANDREW RECTOR, Regulatory Services ANN PAISNER, Public Counsel	8 this adoption hearing.	
8	JONI BOSH, NWEC	9 So I am an Andrew Rector. I'm with	
9		10 Regulatory Services. I've been heading up the EIA	
10		11 rulemaking for the last year and change.	
11 12	* * * * *	12A little bit of housekeeping for everyone13before we continue. Please make sure to mute yourself	
13		14 if you're not talking. You can do so if you're using	
14		15 the mute button on Teams. If you are calling in by	
15		16 phone, please just use the star-six function on your	
16 17		17 phones to mute and unmute yourself. If someone's phon	ie
18		18 is not on mute and we hear noise coming through the	
19		19 line, we will put you on mute from our end and you won't	
20		20be able to speak unless you call back in.21So before I go any further, I just want to	
21		 21 So before I go any further, I just want to 22 once again thank all of the superb rulemaking team that 	
22 23		 23 I've been working with throughout this process and 	
24		24 without whom these proposed rules would not exist. And	ł
25		25 they include Andrew O'Connell, Deborah Reynolds, Jeff	

1 (Pages 30 to 33)

	Page 34		Page 36
1	Roberson, Jennifer Snyder, Jim Woodward, Kate Griffith,	1	hearing. Thanks.
2	Kendra White, and Nikita Benkoti.	2	CHAIR DANNER: All right. Thank you very
3	And then I would also like to thank all of	3	much, Andrew.
4	the stakeholders who have stuck through it stuck with	4	Are there any questions for Andrew or for
5	us throughout this rulemaking and provided a lot of	5	the rulemaking team from the Commissioners?
6	great comments for us to chew on.	6	Okay. Let me then turn and get the public
7	So to review the process. The rulemaking	7	comments. Let me start by asking, Public Counsel, are
8	came about after the passage of the Clean Energy	8	you on the line? Do you wish to make any comments
9	Transformation Act or "CETA," in the last in the 2019	9	today?
10	legislative session. CETA included a number of changes	10	MS. PAISNER: Yes. This is Ann Paisner
11	to the chapter of the Revised Code of Washington that	11	here. I'm an Assistant Attorney General with the Public
12	contains the EIA which is Chapter 19.285. And staff	12	Counsel unit of the Washington State Office of the
13	undertook the rulemaking to incorporate those edits into	13	Attorney General. And on the line with me today is
14	Washington Administrative Code Chapter 480-109, which	14	Corey Dahl, who's a regulatory analyst at Public
15	houses the EIA and also to make a few other updates to	15	Counsel.
16	the WAC.	16	We would like to, again, express
17	We kicked off the rulemaking with a CR 101	17	appreciation for this process, and thank the Commission
18	and draft rules about a year ago, October 2019. The	18	for the opportunity to provide comments today.
19	draft rules elicited 19 sets of comments from	19	And also on the record regarding the
20	stakeholders. And then after a January technical	20	September 1st notice proposing to delete
21	workshop to consider how to incorporate a number of	21	480-109-200(2)(a).
22	definitions from CETA, the UTC released a CR 102 form	22	We would just like to express our
23	and proposed rules in late March of 2020.	23	appreciation and also express our support for this
24	The CR 102 received comments from seven	24	proposed deletion. In particular, we believe this
25	stakeholders; including Avista Corporation, PacifiCorp,	25	proposed deletion will promote clarity in the rules and
	,		F F
	Page 35		Page 37
1	Puget Sound Energy, Public Counsel, The Energy Project,	1	also clarify the ability that utilities can minimize
2	the Northwest Energy Coalition, and Front and Centered.		
		2	costs that would be passed on to the customers for
3	From that set of CR 102 comments, the	3	costs that would be passed on to the customers for satisfying the EIA RPS requirements for our target year.
3 4	From that set of CR 102 comments, the Commission made several non-substantive edits and one	1	costs that would be passed on to the customers for satisfying the EIA RPS requirements for our target year. But also in that September 1st notice
	Commission made several non-substantive edits and one	3	satisfying the EIA RPS requirements for our target year. But also in that September 1st notice
4	Commission made several non-substantive edits and one substantive edit to the proposed rules. Those rules	3 4	satisfying the EIA RPS requirements for our target year. But also in that September 1st notice proposing this deletion, it did not propose any other
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2 (Pages 34 to 37)

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1		1	
1	And I will assume my colleagues will speak	1	with that approach?
2	up if they have any questions for you.	2	COMMISSIONER RENDAHL: This is Commissioner
3	Let me see, Joni Bosh from Northwest Energy	3	Rendahl, and yes, I'm I support that approach.
4	Collision, are you here?	4	I want to thank everyone for their sticking
5	MS. BOSH: Yes, Commissioner, I'm hear.	5	to it with this rulemaking and the several several
6 7	Can you hear me? CHAIR DANNER: Yes, I can. Thank you.	6	versions at the end here. But, yes, I think we need to
			delay issuing any any order until we make sure all of
8 9	MS. BOSH: Yes. We just wanted to thank staff for reaching out to us about this question when it	8	the definitions can be synced up, so I support that. COMMISSIONER BALASBAS: Yes, This is
10	was raised. It is the only change from the last	9	
11	version. And we appreciate the time they took to work	10	Commissioner Balasbas. I also support that approach.
12	out to ensure that it really doesn't change existing	11	And I think that makes sense to make sure that we've got
13	practice. That the utilities have to meet their targets	12	all of any references and other things, technical
14	by January, but they can change those recs as time goes	13 14	things as well of the rule to get those, get those
14	on. We really appreciate the time that staff took to	14	synced up before issuing the order.
16	help us work that out.	16	CHAIR DANNER: Okay. Then that is what we
17	CHAIR DANNER: All right. Thank you very		will do.
18	much.	17 18	I want to thank everybody who participated in this; especially the UTC rulemaking team. Really, a
19	Are there any questions for Joni Bosh?	18	
20	Okay. I don't have a sign-in sheet in front	20	very, very good job. And also the stakeholders who have
20	of me. What I'm going to do is I'm going to ask anybody	20	been involved throughout the process.
22	whose last name begins with A through E. Is there	21	At this point, we are going to take it under
23	anybody on the line whose last name begins A through E	22	advisement. Although, I will just signal that I'm very
24	who wishes to comment on these rules, proposed rules?	23	comfortable with these proposed rules. And we will issue an order in due course.
25	All right. Anybody with the last name		
20	Air right. Anybody with the last name	25	Again, we need to be we need to consider
	Page 39		Page 41
1	starting F through L?	1	that we have some other rulemakings going on and we
2	All right. Last name starting M through P?	2	don't want to step on those or have those interfere with
3	Anybody whose last name starts with Q	3	this one, so we need to sync those up. So that will
4	through T?	4	inform the timing of the release of our order.
5	All right. And then U through Z?	5	Mr. Rector, is there anything else we need
6	All right. This is my last APB then.	6	to consider this morning?
7	Is there anybody anybody who I have not	7	MR. RECTOR: I don't believe that there is,
8	called on so far who wishes to comment on these proposed	8	Chairman. I think that's everything.
9	rules?	9	CHAIR DANNER: All right. Then without
10	All right. That brings us then to the end	10	further adieu, we can adjourn this meeting. And I want
11	of the public comments. And at this point, what I would	11	to thank everyone again. So we are adjourned.
12	propose to my colleagues, is we have proposed rules. I	12	MR. RECTOR: All right. Thanks everyone.
13	think they are in very good shape and I'm in favor of	13	Have a great weekend.
14	their adoption.	14	CHAIR DANNER: Thank you. You too.
15	What I would like to do, though, is take	15	
16	this under advisement so that we could prepare an order.	16	(Hearing concluded at 9:44 a.m.)
17	And I also want to make sure that we time the release of	17	,
18	the order in such a way that it's that we have	18	
19	some some definitions that are affected here and in	19	
20	another rulemaking. And I want to make sure that we do	20	-000-
21	this in a consistent way so that we don't have to go	21	
22	back and do any kind of adoption by rule or any	22	
23	unnecessary administrative procedure as we go forward on	23	
24	that.	24	
25	So colleagues, let me ask if you're okay	25	

3 (Pages 38 to 41)

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1	CERTIFICATE	
2		
3		
4	STATE OF WASHINGTON)	
-		
5 6	COUNTY OF KITSAP)	
7	I, CRYSTAL R. McAULIFFE, a Certified Court	
8	Reporter in and for the State of Washington, do hereby	
9	certify that the foregoing transcript of the	
10	Videoconference Adoption Hearing on NOVEMBER 6, 2020, is	
11	true and accurate to the best of my knowledge, skill and	
12	ability.	
13 14	IN WITNESS WHEREOF, I have hereunto set my hand and seal this 18th day of November, 2020.	
14		
16		
17	Carpstall, MMAUR/JOL Constant	
18	CRYSTAL R. McAULIFFE, RPR, CCR #2121	
19		
20 21		
21 22		
23		
24		
25		

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