



TO: David Danner, Chairman
Jeffrey Goltz, Commissioner
Philip B. Jones, Commissioner
Steven King, Executive Director

FROM: David Nightingale and Deborah Reynolds, Regulatory Services staff

DATE: November 3, 2014

SUBJECT: Adoption Hearing Briefing, November 5, 2014, Docket UE-131723
Rule revisions for the *Energy Independence Act (WAC 480-109)*

RECOMMENDATION:

The Energy Independence Act Rulemaking team recommends certain changes to the proposed rule based on comments received by October 6, 2014, as outlined in the attached comment summary matrix. A few issues must still be resolved with interested parties as described in the comment summary matrix and in response to additional late comments received on October 30, 2014. The proposed rule adoption hearing is scheduled for November 5, 2014, at 1:30 PM.

BACKGROUND:

The Commission filed with the Office of the Code Reviser a Preproposal Statement of Inquiry (CR-101) on October 2, 2013, regarding possible changes to the EIA rule, WAC 480-109. A public workshop to take comments was held on November 12, 2013, with written comments due on December 2, 2013.

On April 9, 2014, a draft revision of WAC 480-109 was posted and distributed for comment. Comments were due by May 9, 2014, and a workshop was held to discuss the draft revised rule on May 15, 2014.

On September 3, 2014, the Commission filed a Notice of Proposed Rulemaking (CR-102) with the Office of the Code Reviser. Comments on the CR-102 were due on October 6, 2014, and a hearing on the proposed rule and associated comments is scheduled for November 5, 2014 at 1:30 PM.

CR-102 Comments

Staff proposes its responses to the comments of stakeholders since the CR-102 was issued to improve the rule language and increase the understanding of the proposed rule revisions. A summary of the comments and suggested staff responses are shown in the attached comment summary matrix.