

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending Rules in
Chapter 480-109 WAC

Relating to

The Energy Independence Act and the
Clean Energy Transformation Act

DOCKET UE-190652

GENERAL ORDER R-603

ORDER AMENDING AND
ADOPTING RULES PERMANENTLY

- 1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR #20-18-075, filed with the Code Reviser on September 1, 2020. The Commission has authority to take this action pursuant to RCW 80.01.040, RCW 80.04.160, RCW 19.285.080, and RCW 19.405.100.
- 2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).
- 3 **DATE OF ADOPTION:** The Commission adopts these rules on the date this Order is entered.
- 4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about adopted rules. The statement must identify the Commission's reasons for adopting the rules, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the Commission's responses to the comments reflecting the Commission's consideration of them.

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 28, 2020

TIME: 1:15 PM

WSR 21-02-024

5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order, including appendices, as its concise explanatory statement. This Order provides a complete but concise explanation of the agency's actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This Order amends the following sections of the Washington Administrative Code:

Amend WAC 480-109-060 Definitions.
Amend WAC 480-109-100 Energy efficiency resource standard.
Amend WAC 480-109-200 Renewable portfolio standard.
Amend WAC 480-109-210 Renewable portfolio standard reporting.
Amend WAC 480-109-300 Greenhouse gas content calculation and energy and emissions intensity metrics.

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS THEREUNDER:**

The Commission filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) on October 4, 2019, at WSR # 19-21-016, and filed the CR-101 in Docket UE-190652. The statement advised interested persons that the Commission was initiating a rulemaking to address changes to chapter 480-109 WAC as well as to clarify, streamline, and incorporate changes to the Energy Independence Act (EIA) found in the Laws of 2019, Chapter 288, passed as Engrossed Second Substitute Senate Bill 5116 (E2SSB 5116), portions of which are now codified in the Clean Energy Transformation Act (CETA) chapter 19.405 RCW, and also incorporate changes found in the Laws of 2017, Chapter 315, passed as Engrossed Senate Bill 5128 (ESB 5128). The amendments adopted by this Order improve the processes in administering the EIA and address provisions and legislative intent not explicitly addressed by the Commission's prior rules. The Commission has coordinated the rules amended by this Order with the Washington Department of Commerce.

8 On October 4, 2019, the Commission issued a Notice of Opportunity to File Written Comments, informing persons of this inquiry by providing notice of the subject and the CR-101 to everyone on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3), and by sending notice to all registered electric companies. Pursuant to the notice, the Commission received comments between November 3 and December 6, 2019. The Commission received written comments from Brian Henning, Klickitat Public Utility District and Renewable Hydrogen Alliance, Avista Corporation, d/b/a Avista Utilities (Avista), Vashon Climate Action Group, Northwest Renewables, Erica Dellwo, Sierra Club, PacifiCorp, d/b/a Pacific Power &

Light Co. (PacifiCorp), NW Energy Coalition (NVEC), Puget Sound Energy (PSE), Solar Installers of Washington, Washington Environmental Council, the Public Counsel Unit of the Washington Attorney General's Office (Public Counsel), Front and Centered, Trenton Miller, Robert Briggs, The Energy Project, and Cascade Natural Gas Corporation.

9 On January 8, 2020, the Commission jointly with the Washington Department of Commerce (Commerce) issued a Notice of Joint Workshop and Discussion in this Docket and Docket UE-190698,¹ and pursuant to that notice held a workshop on January 28, 2020, to discuss and further inform potential rules and guidelines concerning the definitions of low-income, energy assistance, energy assistance need, and energy burden.

10 **SMALL BUSINESS ECONOMIC IMPACT ANALYSIS:** On January 16, 2020, the Commission issued a Small Business Economic Impact Statement (SBEIS) Questionnaire to all interested persons. The Commission received no responses to this questionnaire. Thus, the Commission has no evidence that any business will incur more than minor costs to comply with the proposed rules. Accordingly, no small business economic impact statement is required.²

11 **WITHDRAWN NOTICES OF PROPOSED RULEMAKING:** The Commission filed a Notice of Proposed Rulemaking on March 27, 2020, at WSR # 20-08-081. The Commission scheduled this matter for oral comment and adoption under Notice WSR # 20-08-081 at 1:30 p.m. on June 2, 2020, in the Commission's Richard Hemstad Hearing Room, located at 621 Woodland Square Loop S.E., Lacey, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission by May 1, 2020.

12 On May 18, 2020, the Commission issued a Notice of Telephonic Adoption Hearing, modifying the June 2, 2020, hearing to permit only virtual participation due to the ongoing COVID-19 public health crisis.

13 The Commission received written comments from Avista, Front and Centered, PSE, NVEC, The Energy Project, Public Counsel, and PacifiCorp. Some of the commenters requested that the Commission modify the definition of "low-income" to include both

¹ On January 9, 2020, the Commission issued an Addendum to the Notices of Joint Workshops and Discussions, which clarified that the January 28, 2020, workshop would be held at the Commission's headquarters in Lacey, Washington.

² See RCW 19.85.020(2)-(3); RCW 19.85.025(4); and RCW 19.85.030(1)(a).

statutory metrics: the higher of 200 percent of the federal poverty level, or 80 percent of area median income, adjusted for household size.³

14 On May 27, 2020, the Commission issued a Notice Canceling Adoption Hearing, informing all interested stakeholders that the Commission would withdraw its Notice WSR # 20-08-081 due to the Commission’s determination that additional revisions to the rules were necessary.

15 The Commission made substantive modifications to the rules contemplated in Notice WSR #20-08-081, including a modification to the definition of “low-income,” to include the second available metric set at the statutory maximum of 80 percent of area median income, and the following additional changes:

- Clarifying language pertaining to low-income conservation;
- Updating two subsection titles to reflect their content more accurately, and
- Referencing the Clean Energy Transformation Act in WAC 480-109-300(2).

16 The modification to the definition of “low-income” is intended to denote thresholds of eligibility only. The Commission will provide guidance at a later time related to assistance program design, prioritization of benefits, and benefit calculations, all of which will be informed by RCW 19.405.120. Specifically, RCW 19.405.120(2) requires utilities to prioritize low-income households with a higher energy burden to the extent practicable.

17 On June 5, 2020, the Commission filed a new Notice of Proposed Rulemaking at WSR # 20-13-014 with the identified modifications. The Commission scheduled this matter for oral comment and adoption under Notice WSR # 20-13-014 at 9:30 a.m. on July 28, 2020.⁴ The Notice provided interested persons the opportunity to submit written comments to the Commission by July 6, 2020.

18 The Commission received written comments from NWECA, PSE, The Energy Project, Climate Solutions, and the Department of Commerce.

19 On July 28, 2020, the Commission held a virtual adoption hearing in this matter. The Commission heard oral comments from Staff representatives Andrew Rector and

³ The March 27, 2020, proposed rules included only 200 percent of the federal poverty level in the definition of “low-income”.

⁴ The Commission conducted this rulemaking hearing virtually, with telephonic or online participation, to conform to social distancing requirements related to the COVID-19 pandemic.

Deborah Reynolds, Avista, PacifiCorp, PSE, Public Counsel, The Energy Project, and NWEC also provided comments during the virtual adoption hearing.

20 During the July 28, 2020, hearing, PacifiCorp supported Avista's recommendation that the Commission modify WAC 480-109-200(2)(a). Avista explained that the subsection was confusing and could pose difficulty for the utilities to comply with the EIA under circumstances noticed by Avista in 2020.

21 After consideration of the comments provided at hearing regarding WAC 480-109-200(2)(a), along with relevant written comments submitted, we determined that substantively modifying the rules as proposed at WSR # 20-13-014 to address PacifiCorp and Avista's recommendation was justified. We found that removing WAC 480-109-200(2)(a) eliminates confusion and provides greater clarity for all stakeholders. This deletion will 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, this deletion will clarify the Commission's existing practice to allow utilities to buy RECs after January 1 if there is any additional need, or if cheaper options become available to replace the RECs already acquired by January 1. Accordingly, the Commission determined that WAC 480-109-200(2)(a) should be removed and that, therefore, a new Notice of Proposed Rulemaking should be filed.

22 **NOTICE OF PROPOSED RULEMAKING:** The Commission made a substantive modification to the rules contemplated in the Notice at WSR # 20-13-014 and subsequently filed a new Notice of Proposed Rulemaking (CR-102) on September 1, 2020, at WSR # 20-18-075. The Commission scheduled this matter for oral comment and adoption under Notice WSR # 20-18-075 at 9:30 a.m. on November 6, 2020.⁵ The Notice provided interested persons the opportunity to submit written comments to the Commission by October 1, 2020. The CR-102 proposed clarifying and streamlining amendments to chapter 480-109 WAC to incorporate changes to the EIA found in CETA, portions of which are now codified in chapter 19.405 RCW, and also to incorporate changes found in ESB 5128.

23 **WRITTEN COMMENTS:** Initially, the Commission received written comments to the first withdrawn Notice of Proposed Rulemaking at WSR # 20-08-081 from Avista, Front and Centered, PSE, NWEC, The Energy Project, Public Counsel, and PacifiCorp. The

⁵ The Commission conducted this rulemaking hearing virtually, with telephonic or online participation, to conform to social distancing requirements related to the COVID-19 pandemic.

Commission later received written comments in response to the second withdrawn Notice of Proposed Rulemaking at WSR # 20-13-014 from NVEC, PSE, The Energy Project, Climate Solutions, and the Department of Commerce. Subsequently, the Commission received written comments to the CR-102 at WSR # 20-18-075 from Avista and Public Counsel. Staff's responses to the written comments submitted in this proceeding, which the Commission adopts by this Order, are contained in Appendix A.

- 24 **RULEMAKING HEARING:** On September 1, 2020, the Commission issued a Notice of Opportunity to File Written Comments on Proposed Rules and Notice of Proposed Rule Virtual Adoption Hearing, finding good cause to conduct the rulemaking hearing virtually due to social distancing requirements related to the COVID-19 pandemic. The Commission considered the proposed rules for adoption at a rulemaking hearing on Friday, November 6, 2020, before Chair David W. Danner, Commissioner Ann E. Rendahl, and Commissioner Jay M. Balasbas. The Commission heard oral comments from Staff representative Andrew Rector. Representatives from PSE and NVEC also provided comments.
- 25 **SUGGESTIONS FOR CHANGES:** Stakeholder comments suggested changes to the proposed rules. A summary of the suggested changes to the proposed rules submitted to this docket and Staff's proposed reasons for rejecting or accepting the suggestions are included in Appendix A. The Commission adopts as its own the reasons proposed by Staff for rejecting or accepting stakeholders' suggested changes to the rules as proposed in the CR-102 at WSR # 20-18-075, subject to any modifications we make to the proposed rules and the rationale for those modifications explained in this Order. Several of the stakeholders' comments with suggested changes warrant further discussion, below.⁶
- 26 **Commission Authority.** In Avista's written comments, it recommends removing: (1) the proposed definitions of energy assistance, energy assistance need, energy burden, and low-income from WAC 480-109-060; (2) proposed language in WAC 480-109-100(1)(a)(ii) that would require a utility's conservation portfolio to include programs and mechanisms identified in CETA pertaining to energy assistance; and (3) proposed language in WAC 480-109-100(10)(b) requiring a utility's biennial conservation plan to include conservation programs and mechanisms identified in CETA pertaining to energy assistance and requiring the utility to prioritize energy assistance to low-income households with a higher energy burden. Avista argues that the Commission lacks

⁶ In the event of any discrepancy between the rationale presented in this Order and the responses contained in Appendix A, this Order will control.

authority to amend its rules regulating utility conservation programs, including low-income conservation programs, with language consistent with or in light of CETA. We disagree.

27 In CETA, the Washington Legislature stated:

It is the policy of the state to eliminate coal-fired electricity, transition the state’s electricity supply to one hundred percent carbon-neutral by 2030, and one hundred percent carbon-free by 2045. In implementing this chapter, the state must prioritize the maximization of family wage job creation, seek to ensure that all customers are benefiting from the transition to a clean energy economy, and provide safeguards to ensure that the achievement of this policy does not impair the reliability of the electricity system or impose unreasonable costs on utility customers.⁷

CETA authorizes the Commission to adopt rules to ensure CETA’s proper implementation and enforcement, and also requires the Commission to adopt rules to streamline its implementation with the EIA in order to simplify compliance and avoid duplicative processes.⁸ CETA’s policy goals, among others, include lowering household energy burden and making energy assistance funds available to low-income households.⁹

28 The Commission has authority to regulate utilities’ conservation programs and determine whether they are cost-effective based on the Commission’s policies and practice.¹⁰ Since the EIA was approved, the Commission has given special consideration for low-income conservation because of the higher barriers to such programs. For example, in General Order R-578, the Commission found that, because low-income conservation programs have significant non-energy benefits, it was appropriate that utilities “maintain robust low-income conservation offerings” despite the high barriers to cost-effectiveness, even

⁷ RCW 19.405.010(2).

⁸ RCW 19.405.100(1); RCW 19.405.100(2). CETA authorizes the Commission to, among other things, use its broad regulatory authority over utility ratemaking and its regulatory tools and incentives to empower utilities to achieve the goals of CETA’s policy. *See* RCW 19.405.010(5); *see also* RCW 19.405.050; RCW 19.405.060; RCW 19.405.090 RCW 19.405.120.

⁹ RCW 19.405.020; RCW 19.405.120.

¹⁰ RCW 19.285.040(1); *see* RCW 80.01.040; RCW 80.04.160; RCW 19.285.080.

allowing utilities to exclude low-income conservation from portfolio-level cost-effectiveness screens.¹¹

29 Considering the directives in CETA and the EIA, the Commission finds it appropriate in this Order to update its policies and procedures for cost-effective low-income conservation programs and to amend chapter 480-109 WAC accordingly. We determine that the Commission’s broad grant of regulatory authority includes authority to amend its rules in chapter 480-109 WAC to address the cost-effectiveness of low-income conservation programs in light of CETA and in consideration of low-income energy assistance and household energy burden.¹²

30 **Definition and Calculation of Energy Burden.** Several stakeholders, including PacifiCorp and Public Counsel, submitted comments recommending language limiting or expanding the meaning of “energy burden” and what types of fuel sources and income are included in the calculation of a household’s energy burden. PacifiCorp recommends that the Commission limit the meaning of energy burden only to those services delivered by the utility – in PacifiCorp’s case, electricity. Public Counsel recommends that the Commission clarify that the meaning includes a customer’s total energy expense, without an apparent limitation. To address these comments, we observe that the Commission has made no change or supplement to the definition of “energy burden” found in CETA. We do, however, find it necessary to specify how energy burden should be calculated and what types of fuels and the types of income should, therefore, be included.

31 We understand the term “energy burden” as relating only to expenses incurred for residential or domestic purposes. This includes more than PacifiCorp’s recommended definition, but less than Public Counsel’s. Energy burden therefore includes expenses of any fuel source for residential or domestic energy, such as electricity, natural gas, propane, heating oil, and wood. It excludes non-energy utilities and transportation-related energy expenses. To the extent feasible, it would distinguish and exclude electricity expenses for electric vehicle charging, home businesses or shops, and agricultural or

¹¹ *In re Amending, Adopting, and Repealing Rules in WAC 480-109 Relating to the EIA*, Docket UE-131723, General Order R-578, 14, ¶ 41 (Mar. 15, 2015); *Id.* at 13-14, ¶¶ 39-41; WAC 480-109-100(10)(b).

¹² RCW 80.01.040; RCW 80.04.160; RCW 19.285.040; RCW 19.285.080; RCW 19.405.010; RCW 19.405.020; RCW 19.405.120.

irrigation purposes. Thus, for purposes of RCW 19.405.120, we determine that energy burden can be calculated using the following formula.

$$\text{energy burden} = \frac{\text{annual home energy expenses}}{\text{annual household income}}$$

Annual household income used in the calculation above should be based on gross income for all household members, consistent with the method identified by the Department of Commerce for the Low-Income Home and Energy Assistance Program (LIHEAP) in Washington.¹³ Use of this method, or one consistent with it, will align with existing processes, thereby reducing administrative burden and duplicative processes.

32 This understanding of energy burden is also pertinent to energy assistance and energy assistance need. The Commission opened Docket UE-200269 to investigate, among other topics, the relationship between the definition of “low-income” in the rules amended and adopted by this Order and CETA’s goals to provide energy assistance to low-income households.¹⁴ We encourage stakeholders interested in this topic to follow Docket UE-200269, wherein the Commission intends to provide further guidance on these goals.

33 **Fully-funding Low-Income Conservation.** Several comments from stakeholders addressed the proposed amended language in WAC 480-109-100(10)(a) related to a utility’s obligation to fully fund low-income conservation measures. The intent of this subsection is to require utilities to fully fund cost-effective low-income conservation measures without limiting the source of funding to utilities. Instead, the amended language of this section should allow a utility and non-utility entities to leverage other funds, when available, in combination with utility funds. Neither the Commission nor utilities have the discretion to determine dispersion of outside funds. We therefore expect that a utility will collaborate with community action agencies and any other interested outside entities when contributing to the most cost-effective funding to implement low-income conservation projects.

34 As it regards subsection (b) of that same section, PSE provided comments in this rulemaking expressing concern with the requirement that a utility must prioritize energy assistance to low-income households with a higher energy burden. We understand PSE’s

¹³ Wash. Dep’t of Commerce, *2020 LIHEAP State Plan*, “Determination of Eligibility – Countable Income” at 9 (Jun. 2019) available at <http://www.commerce.wa.gov/wp-content/uploads/2019/06/ceo-liheap-state-plan-2020.pdf>.

¹⁴ See RCW 19.405.120(2).

concern with regard to what is practicable for a utility and to what extent a utility should be directly involved in the intake and prioritization of low-income customers. The language PSE recommends modifying is directly from CETA and we do not attempt in this rulemaking to modify the language or intent of the Washington Legislature.¹⁵ We are able, however, to provide some guidance for utilities. A utility should seek review and advice from its low-income advisory group when developing a plan to prioritize energy assistance to households with a higher energy burden. It should then coordinate with community action agencies and other interested outside entities to meet this requirement. We expect that with the advice of its low-income advisory group and collaboration with community action agencies, a utility will develop, manage, and improve its program in compliance with this statutory requirement.

35 **CETA Compliance as EIA Compliance Alternative.** We next address WAC 480-109-200(10), concerning alternative compliance with the renewable portfolio standard, and explain how “average annual retail electric load” as provided in RCW 19.285.040(2)(m) should be interpreted for purposes of determining compliance with the EIA starting in 2030. Consistent with statute, this subsection will allow utilities to use compliance with CETA as an alternative compliance mechanism for the EIA. While the EIA uses a one-year compliance period based on the average annual load of the previous two years, CETA uses a four-year compliance period, with all calculations of compliance based on the four years within the compliance period.¹⁶ To comply with the EIA, a utility must use eligible renewable resources or acquire equivalent RECs to meet at least 15 percent of its load by January 1.¹⁷ Starting in 2030, a utility can comply with the EIA by using electricity equaling 100 percent of the utility’s average annual retail electric load from any combination of renewable resources and associated RECs as defined in the EIA, and nonemitting electric generation as defined in CETA.¹⁸ However, no statute defines how the utility’s average annual retail electric load is determined.

36 We find that the proper interpretation should be consistent with the calculation of a utility’s EIA target, found in RCW 19.285.040. A utility’s EIA target, also referred to as its “annual load,” is calculated based on the average of the utility’s load for the previous

¹⁵ RCW 19.405.120(2).

¹⁶ See RCW 19.285.040(2)(a); RCW 19.405.040(1).

¹⁷ RCW 19.285.040(2)(a).

¹⁸ WAC 480-109-200(10); RCW 19.285.030; RCW 19.285.040(2)(m); RCW 19.405.020.

two years.¹⁹ While compliance with CETA is prescribed as an alternative for EIA compliance, basing our interpretation on the EIA's calculation will maintain consistency for the Commission's implementation of the EIA and avoid incompatible duplicative processes between the EIA and CETA. Accordingly, we determine that for purposes of RCW 19.285.040(2)(m) and WAC 480-109-200(10), a utility's average annual retail electric load should be calculated as the average of the utility's load for the previous two years.

37 **Emissions Rate for Unspecified Electricity.** Several interested stakeholders commented upon the Commission's proposed language updating WAC 480-109-300. Although many recommendations for striking or modifying this subsection were subsequently withdrawn, we provide additional guidance or clarity regarding the use of the emissions rate of 0.437 metric tons of carbon dioxide per megawatt-hour of electricity for unspecified electricity. This rate comes directly from legislative direction in CETA at RCW 19.405.070(2). The Commission's understanding is that the rate stems from calculations contained in the California Air Resources Board's rules. It is used in CETA, and here, as a back-stop figure until the Department of Ecology adopts an emissions rate for unspecified electricity. CETA requires the Department of Ecology to update its adopted emissions rate periodically, but it has not yet made any adoption. The rule we adopt by this Order is designed to require utilities to apply the Department of Ecology's adopted emissions rate for unspecified electricity or, if the Department of Ecology has not adopted a rate, to apply the emissions rate of 0.437 metric tons of carbon dioxide per megawatt-hour of electricity identified in CETA.

38 **CHANGE FROM PROPOSAL:** The Commission adopts the proposal with the following modification from the text noticed at WSR # 20-18-075. The ministerial modification described below was made in consideration of and in coordination with amendments to and the adoption of other Commission rules relevant to those under consideration in this rulemaking proceeding.

39 The Commission makes a ministerial modification to the definition of integrated resource plan (IRP) in WAC 480-109-060 as follows:

“Integrated resource plan” or “IRP” ~~means the filing made every two years by an electric utility in accordance with WAC 480-100-~~

¹⁹ RCW 19.285.040(2)(c).

238, integrated resource planning has the same meaning as in WAC 480-100-605.²⁰

40 WAC 480-100-238 is affected by the Commission's rulemaking in Docket UE-190698 relating to integrated resource planning. The Commission has not substantially revised its IRP rules since 2006, and those rules need to be updated to reflect statutory amendments made after 2009.²¹ When the Washington Legislature passed E2SSB 5116 in May 2019, it made changes to chapter 19.280 RCW pertaining to IRPs, and required the Commission, by January 1, 2021, to incorporate those changes in its rules. We must therefore remove the reference to WAC 480-100-238 in the IRP definition in WAC 480-109-060 to correctly identify the applicable rule.

41 The Commission also is undertaking a separate rulemaking in Docket UE-191023 relating to Clean Energy Implementation Plans (CEIP) and compliance with CETA as directed by the Washington legislature. That rulemaking adopts a definition of IRP in WAC 480-100-605. Therefore, and in summary, we find it appropriate to amend the definition of IRP in WAC 480-109-060 to align with the meaning in WAC 480-100-605.

42 Accordingly, the Commission determines that the definition of IRP in WAC 480-109-060 should be amended to read as reflected in Paragraph 39, above.

43 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend the rules as proposed in the CR-102 at WSR # 20-18-075 with the change described in Paragraphs 38-42, above.

44 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that it should amend WAC 480-109-060, WAC 480-109-100, WAC 480-109-200, WAC 480-109-210, and WAC 480-109-300 to read as set forth in Appendix B, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

²⁰ Currently, the definition of IRP is identified in subsection (15) of WAC 480-109-060. With the amendments to the chapter adopted by Commission in this Order, the definition will now be identified in subsection (20).

²¹ *In re Amending, Adopting, and Repealing WAC 480-100-238, Relating to Integrated Resource Planning*, Docket UE-190698, CR-101 at WSR 19-23-005 (Nov. 6, 2019).

ORDER

THE COMMISSION ORDERS:

- 45 (1) The Commission amends WAC 480-109-060, WAC 480-109-100,
WAC 480-109-200, WAC 480-109-210, and WAC 480-109-300 to read as set
forth in Appendix B, as rules of the Washington Utilities and Transportation
Commission, to take effect on the thirty-first day after the date of filing with the
Code Reviser pursuant to RCW 34.05.380(2).
- 46 (2) This Order and the rules set forth in Appendix B, after being recorded in the
register of the Washington Utilities and Transportation Commission, shall be
forwarded to the Code Reviser for filing pursuant to chapter 80.01 RCW and
chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Lacey, Washington, and effective December 28, 2020.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



DAVID W. DANNER, Chairman



ANN E. RENDAHL, Commissioner



JAY M. BALASBAS, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0,
amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or
Recently Enacted State Statutes: New 0, amended 5, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 5, repealed 0.

Appendix A

Comment Summary Matrix

Appendix B

Amended Rules