



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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January 17, 2025

NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By February 20, 2025)

Re: Rulemaking required to implement ESHB 1589,
Docket U-240281

TO ALL INTERESTED PERSONS:

On May 10, 2024, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to engage in a Commission rulemaking required to implement ESHB 1589 (Chapter 351, Laws of 2024). The Commission filed the CR-101 under Docket U-240281.

ESHB 1589 was codified in RCW 80.86 and directs the Commission to adopt rules by July 1, 2025, to implement consolidated planning requirements for large combination utilities that allow for integrated system plans (ISPs) that may satisfy requirements for existing statutorily required plans.

On December 13, 2024, the Commission issued a notice to inform parties that the rulemaking timeline will be extended 90 days with a new required completion date of September 27, 2025. The 90-day extension corresponds with a 90-day extension for the due date of the Company's first ISP. The first ISP due date has been moved from January 1, 2027, to April 1, 2027.

On September 20, 2024, the Commission issued the first set of draft ISP rules for public input. With the draft the Commission also issued a Notice of Opportunity to File Written Comments by October 21, 2024, and Notice of Workshop on October 25, 2024.

The Commission carefully considered public comments and discussion from the October 25, 2024, workshop to develop a second draft of ISP rules. The Commission is now seeking written comments by 5:00 PM, February 20, 2024, for feedback on the rule language developed so far.

The final opportunity to comment on draft rules will be early in the second quarter of 2025.

QUESTIONS FOR CONSIDERATION

The Commission is seeking comments on this second version of draft rule language.

1. **Reorganization.** While much of the language has not changed since the last draft, Staff has reorganized the draft rules in order to help streamline them. Do you believe the reorganization is a net positive change to the draft rules? Do you have any suggestions for alternative organizations (major or minor)?
2. **Purpose.** In this draft of the ISP rules, Staff proposed removing the explicit purposes in each section in favor of a single purpose section for the ISP as a whole. Do you believe there is a reason to have purposes (plural) for different sections of the ISP rules, or is it more appropriate to describe one overarching purpose of the ISP? In either case, please describe why.
3. **Definitions.** Staff proposes three new definitions in this draft of the ISP rules.
 - a. Commercially feasible. Do you believe the definition proposed in these draft ISP rules for “commercially feasible” is appropriate given the places in statute¹ and these draft rules² where that term appears? Please explain why.
 - b. Commercially available. Do you believe it is important to define this previously undefined term? If so, do you believe Staff’s proposed definition is appropriate? Why or why not?
 - c. Nonwires solution. Do you believe it is important to define this previously undefined term? If so, do you believe Staff’s proposed definition is appropriate? Why or why not?
4. **Cross-cutting assessment and planning requirements.** Staff attempted to consolidate any overarching requirements that apply to all sections of the ISP into draft WAC 480-95-030.
 - a. Are there any requirements within this section that you do not believe should apply to all parts of the ISP? Are there any requirements missing from this section?
 - b. Are there other sections of the draft ISP rules that contain these requirements that no longer need to include them given they are now covered by this overarching requirements section?
5. **Energy assistance potential.** Language in draft WAC 480-95-040(1)(ii) comes from existing WAC 480-100-620(3)(b)(iii). Is there a more appropriate place for this language in the draft ISP rules than its current location? If so, where would you recommend putting it?
6. **Data disclosure.** Planning analysis requires the use of large amounts of data and sometimes opaque and expensive modeling processes and software. Staff has taken commenters’ feedback into account and attempted to update draft WAC 480-95-080(3) to strike a balance, understanding software access and the sensitive data at issue are in

¹ RCW 80.86.020(4)(e) and (g)

² Draft WAC 480-95-030(4), (5), and –050(5)(c) and (d)

tension with the need for transparency. Do you have any suggestions for changes to this language? If so, please explain your reasoning.

7. **ISP midway update.** Staff proposes in these draft ISP rules certain conditions which, if met, would require a large combination utility to file a midway update approximately half-way through the four-year implementation period.
 - a. Do you believe a midway update is important, or is an ISP filing only every four years adequate?
 - b. Please comment on the conditions described in draft WAC 480-95-080(7)(a)(i)-(iii)? Are there any you would add, remove, or change? If so, why?

WRITTEN COMMENTS

Written comments on the draft rules, Pursuant to WAC 480-07-250(3), written comments must be submitted in electronic form, specifically in searchable .pdf format (Adobe Acrobat or comparable software). As provided in WAC 480-07-140(5), those comments must be submitted via the Commission's web portal at www.utc.wa.gov/e-filing. If you are unable to submit documents via the portal, you may submit your comments by email to the Commission's Records Center at records@utc.wa.gov or by mailing or delivering an electronic copy to the Commission's Records Center on a flash drive, DVD, or compact disc that includes the filed document(s). Comment submissions should include:

- The docket number of this proceeding (Docket U-240281).
- The commenting party's name.
- The title and date of the comment or comments.

The Commission will post on its web site all comments that are provided in electronic format. The web site is located at <https://www.utc.wa.gov/casedocket/2024/240281/docsets>.

If you are unable to file your comments electronically the Commission will accept a paper document. If you have questions regarding this rulemaking, you may contact staff lead Payton Swinford at (360) 489-4044, or by email at Payton.Swinford@utc.wa.gov

NOTICE

If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in one of the ways described above and ask to be included on the mailing list for Docket U-240281. If you do not do this, you might not receive further information about this rulemaking.

JEFF KILLIP
Executive Director and Secretary