

**DOCKET UE-210829
ORDER 01**

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DISSENTING OPINION OF COMMISSIONER BALASBAS

- 1 While I recognize that the rules as adopted by the Commission in Dockets UE-191023 and UE-190698 are valid, I write separately to reiterate my position regarding the statutory interpretation and definition of “alternative lowest reasonable cost and reasonably available portfolio” (Alternative LRCP).⁶ While my colleagues read the statute to require inclusion of the social cost of greenhouse gases (SCGHG) in the Alternative LRCP, I disagreed with that interpretation.

- 2 I believe that it was within the Commission’s authority to interpret this ambiguous aspect of the statute. However, my opinion remains that CETA does not require inclusion of the SCGHG in the Alternative LRCP. Under my interpretation of the statute, it is within the Commission’s authority to consider and grant the Company’s petition for an exemption from the current rule if doing so meets the public interest standard. For the policy reasons I discussed in my adoption order dissent last year,⁷ I believe that this petition does meet that standard, and therefore should be granted.

JAY M. BALASBAS, Commissioner

⁶ *In re Adopting Rules Relating to Clean Energy Implementation Plans and Compliance with the Clean Energy Transformation Act*, Dockets UE-191023 and UE-190698 (Consolidated) General Order R-601, p. 68 ¶ 2 – 69 ¶ 6 (Commissioner Balasbas dissenting from the majority’s conclusion.) (Dec. 28, 2020) (Adoption Order).

⁷ *Id.* at 69 ¶ 5-6.