

**DOCKET UE-210223
ORDER 01**

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Concurring and Dissenting Opinion of Commissioner Balasbas

- 31 I agree with my colleagues' action to approve the Company's Petition and Motion to extend the deadline for filing its CEIP to January 1, 2022. However, I respectfully and strongly disagree with my colleagues' insertion of paragraph 18 that allows for retroactive penalties against the Company if it fails to comply with the new deadlines established in today's Order.
- 32 The threat of retroactive penalties is an unnecessary and unhelpful element added to an already challenging process. I share my colleagues' concerns and am also frustrated with the Company's continued need to extend filing deadlines for critical information related to its IRP and CEIP. That said, we do need to remain flexible and Staff's original recommendation and condition of filing a Modeling Workplan by August 15, 2021, creates a more than sufficient incentive to hold the Company accountable and ensure the CEIP filing is as complete as possible.
- 33 If my colleagues wanted to send a clear message to the Company, the "leverage" was to simply deny the petition and motion for extension. While that is not an ideal outcome and creates its own issues, by taking that action, imposing penalties for failure to file by the deadlines established in WAC 480-600-140(1) would be appropriate. However, by granting the petition and motion, the Commission has waived its own rules and changed the deadlines to the ones established in today's Order. This action forecloses the ability to impose retroactive penalties.
- 34 Given all the work this Commission has done and continues to do on Clean Energy Transformation Act implementation, we do not need to establish a precedent of threatening retroactive penalties for failure to comply with Commission actions.

JAY M. BALASBAS, Commissioner