



ATTORNEY GENERAL OF WASHINGTON

Public Counsel

800 Fifth Ave • Suite 2000 • MS TB-14 • Seattle, WA 98104-3188 • (206) 464-7744

January 28, 2022

SENT VIA WUTC WEB PORTAL

Amanda Maxwell
Executive Director and Secretary
Washington Utilities and Transportation Commission
621 Woodland Square Loop SE
Lacey, WA 98503

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COMMISSION

Re: *Avista's 2021 Clean Energy Implementation Plan (CEIP) pursuant to WAC 480-100-640, Docket UE-210628, Second Comments of Public Counsel*

Dear Director Maxwell:

The Public Counsel Unit of the Washington State Attorney General's Office ("Public Counsel") submits these comments in advance of the January 28, 2022, final filing date. These comments are in response to Avista's Final Clean Energy Implementation Plan (CEIP) filed on October 1, 2021. The CEIP provides an overview of Avista's plan for progressing towards the 2030 and 2045 clean energy requirements of WAC 480-100-610 (2) and (3), and the Clean Energy Transformation Act (CETA).

Public Counsel's Recommendation:

Public Counsel recommends that the Utilities and Transportation Commission ("Commission") approve Avista's CEIP with the following conditions as detailed in Attachment A to these comments:

- to state the percentage of retail sales supplied by nonemitting and renewable resources in 2020,
- to propose targets for all active demand response programs and to report results from those programs during the 2022–2025 period,
- to formally present the Joint Advocate proposed customer benefit indicators (CBI) to its equity advisory group (EAG) and gather feedback,
- to consult with its EAG, provide regular updates and engagement, and develop a formal metric related to indoor air quality,
- to address how each specific action addresses each of Avista's CBIs,
- to conduct quarterly meetings with advisory groups that discuss its resource acquisition plans, and
- to refine its EAG process, content, membership and accessibility.

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According to WAC 480-100-655(1)(a), the utility must involve all advisory groups, including the EAG, in developing its CEIP and its biennial CEIP update. Public Counsel representatives serve on Avista's Integrated Resource Planning (IRP), Energy Efficiency, and Energy Assistance advisory groups. Additionally, we attend Avista's EAG meetings. As such, Public Counsel has participated in the entire external advisory process leading to this filing. We provided initial feedback to the Company and the Commission regarding Avista's Draft CEIP,¹ and respectfully submit this feedback regarding the final.

Interim and Specific Targets

WAC 480-100-640 requires that each utility CEIP propose interim and specific targets to demonstrate how the utility will make reasonable progress toward meeting the 2030 and 2045 standards identified in WAC 480-100-610 (2) and (3) and provide specific targets for energy efficiency, demand response, and renewable energy.²

In this CEIP, Avista plans to retire the renewable attributes associated with its clean energy on a progressive scale between 2022 and 2030³ and states that this gradual increase in Renewable Energy Credit (REC) retirement satisfies the requirement to show progress in its targets.⁴ Bundled RECs may be used for CETA compliance beginning in 2030, and it appears that Avista has a substantial amount of existing qualifying resources. It appears that Avista plans to allocate increasing amounts of energy from qualifying resources to Washington load between 2022 and 2029, and they intend to show this through increasing REC retirements. Avista should better detail how it plans to incrementally build its portfolio to meet the 2030 and 2045 standards, including identifying the types of resources for which Avista plans to retire RECs. Further, Avista's CEIP identifies additional resource needs before 2031,⁵ so Avista should increase transparency regarding its resource and capacity acquisition plans. Public Counsel elaborates on this in our comments regarding specific actions.

WAC 480-100-640(2)(b) requires that the utility specify the percentage of electric *retail sales* supplied by nonemitting and renewable sources in 2020 in this first CEIP. Avista does not provide this information. On page 2-1 of the Final CEIP, in the Chapter Highlights, Avista states the percentage of renewable energy production, but does not provide the percentage of load that was actually served by that renewable energy, as the statute requires. Avista stated they will modify this as needed based on the final determination under the Commission's rulemaking regarding markets and compliance requirements in Docket UE-210183.

¹ Initial Comments of Public Counsel (filed Sept. 7, 2021).

² WAC 480-100-640(2)–(3).

³ Final CEIP at 2-5 (Figure 2.1) (filed Oct. 1, 2021).

⁴ WAC 480-100-640 (6)(a).

⁵ Final CEIP at 2-4.

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Public Counsel appreciates Avista's response to stakeholder comments on its draft CEIP regarding demand response targets. In the draft, Avista did not propose a specific target for demand response, which Public Counsel and other stakeholders criticized as a violation of CEIP requirements. The proposed target in the Final CEIP is 30 MW, which reflects the negotiated Special Contract with Inland Empire Paper, approved in Order 08/05 in Dockets UE-200900 and UG-200901 (*consolidated*). As noted by Public Counsel in our initial comments, however, Avista has other demand response programs in development and operation during this CEIP period.⁶ This includes, but is not limited to, Time of Use and Peak Time Rebate pilots for electric residential and generation service customers, a connected communities project, an active energy management pilot program, and a micro-grid design project for Spokane Tribe of Indians.⁷ From Public Counsel's perspective, Avista's proposed target represents a minimum level of commitment and does not show that Avista intends to maximize demand response program results. It is important that Avista be committed to maximizing demand response results because the success of demand response programs will play a key role in Avista's progress toward the 2030 and 2045 standards.

Avista stated in the CEIP that it is not including its demand response pilots as part of the demand response target because the programs may or may not continue throughout the four-year plan.⁸ This is concerning, as some of these pilots encompassed a large portion of the benefits discussed in Avista's business case of the Company's newly-implemented advanced metering infrastructure. In that business case, Avista detailed the amount of benefit they expect to see from time variant pricing, about \$18.9 million.⁹ It would make sense, then, to include a pro-rata share of the energy savings comprising that benefit as a target in the CEIP. Perhaps proposing targets and remaining accountable to those targets would incentivize Avista to make the necessary programmatic changes to secure the success of these pilots and capture the benefits they predicted. At the least, it would better allow stakeholders to properly evaluate the success of the programs and propose necessary mitigations for Avista to consider. Public Counsel would like to see targets from each of these programs, as well as formal reporting standards for all active demand response programs during the 2022–2025 period. Demand response programs take a considerable amount of time to ramp up, and Avista should be planning more intently for the future.

⁶ Initial Comments of Public Counsel at 8.

⁷ Final CEIP at 4-21 to 4-22.

⁸ Final CEIP at 2-9.

⁹ Joshua D. Diluciano, Exh. JDD-2r at 4, *Wash. Utils. & Transp. Comm'n. v. Avista Utils.* Dockets 200900 & 200901 (*consol.*) (filed Mar. 5, 2021).

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Customer Benefits

In accordance with WAC 480-100-610(4)(c), each CEIP must propose CBIs that ensure that all customers are benefiting from the transition to clean energy through the following:

- The equitable distribution of energy and non-energy benefits and reductions of burdens to Vulnerable Populations and Highly Impacted Communities;
- Long-term and short-term public health and environmental benefits and reduction of costs and risks; and
- Energy security and resiliency.

CBIs must be developed consistent with the advisory group process and public participation plan described in WAC 480-100-655, which requires regular engagement with an external EAG. Prior to Avista's draft CEIP filing, Public Counsel partnered with NW Energy Coalition, The Energy Project, and Front & Centered (collectively, "Joint Advocates") to propose and file in each utility CEIP and Public Participation Plan docket a comprehensive list of proposed CBIs. This document was filed in this Docket on August 20, 2021.

In our initial comments on Avista's draft CEIP, Public Counsel critiqued some of the CBIs and associated metrics chosen by Avista, and recommended Avista incorporate additional metrics to address the Joint Advocate recommendations.¹⁰ While the Final CEIP addressed some of our concerns, a few remain.

Table 1 reflects the final 13 CBIs selected by Avista with feedback from its EAG, the associated statutory elements from WAC 480-100-610(4)(c), and the metrics chosen to evaluate each CBI, as outlined by Avista.¹¹

Table 1: Customer Benefit Indicators

CBI	Statutory Element	Metrics
1. Participation in Company Programs	<ul style="list-style-type: none">• Reduction of Burden• Reduction in Cost• Non-Energy• Energy	<ul style="list-style-type: none">• Participation in Weatherization Programs and Energy Assistance Programs (all and Named Communities¹²)• Saturation of Energy Assistance Programs (all and Named Communities)

¹⁰ Initial Comments of Public Counsel at 4.

¹¹ Final CEIP at 3-3 (Table 3.1).

¹² "Named Communities" is a term used by Avista to refer to both Highly Impacted Communities and Vulnerable Populations, which are defined in WAC 480-100-605.

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2. Number of Households with a High Energy Burden (>6%)	<ul style="list-style-type: none"> • Reduction of Burden • Reduction of Cost 	<ul style="list-style-type: none"> • Number and Percent of Households • Average Excess Burden per Household
3. Availability of Methods/Modes of Outreach and Communication	<ul style="list-style-type: none"> • Non-energy 	<ul style="list-style-type: none"> • Number of Outreach Contacts • Number of Marketing Impressions
4. Transportation Electrification	<ul style="list-style-type: none"> • Non-energy • Environment 	<ul style="list-style-type: none"> • Number of Trips Provided By Community Based Organizations • Number of Public Charging Stations Located in Named Communities
5. Named Community Clean Energy	<ul style="list-style-type: none"> • Energy • Energy Resiliency • Reduction Of Burden • Risk Reduction 	<ul style="list-style-type: none"> • Percent Non-Emitting Energy Located in Named Communities (Energy Efficiency and Renewable Energy)
6. Investments in Named Communities	<ul style="list-style-type: none"> • Reduction of Burden • Energy Resiliency • Risk Reduction 	<ul style="list-style-type: none"> • Incremental Spending Each Year in Named Communities • Number of Customers and/or Community Based Organizations Served • Quantification of energy/Non-energy Benefits from investments (if applicable)
7. Energy Availability	<ul style="list-style-type: none"> • Reduction Of Risk • Energy • Energy Resiliency 	<ul style="list-style-type: none"> • Average Outage Duration • Planning Reserve Margin (Resource Adequacy)
8. Energy Generation Location	<ul style="list-style-type: none"> • Energy Security 	<ul style="list-style-type: none"> • Percent of Generation Located in Washington or Connected to Avista Transmission

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9. Outdoor Air Quality	<ul style="list-style-type: none"> Environmental 	<ul style="list-style-type: none"> Weighted Average Days Exceeding Healthy Levels Avista Plant Air Emissions
10. Greenhouse Gas Emissions	<ul style="list-style-type: none"> Environmental 	<ul style="list-style-type: none"> Regional GHG Emissions Avista GHG Emissions
11. Employee Diversity	<ul style="list-style-type: none"> Public Health 	<ul style="list-style-type: none"> Employee Diversity Equal to Communities Served by 2035
12. Supplier Diversity	<ul style="list-style-type: none"> Public Health Non-energy 	<ul style="list-style-type: none"> Supplier Diversity at 11% by 2035
13. Indoor Air Quality	<ul style="list-style-type: none"> Public Health Non-energy 	<ul style="list-style-type: none"> In Development

Changes to the CBIs from the draft CEIP include clarifying that high energy burden is measured at greater than six percent, expanding the previous "Outage Duration" CBI to Energy Availability, and adding transportation electrification. These changes are generally positive, and Public Counsel appreciates the Company's incorporation of some feedback in its Final CEIP.

Table 2 shows Avista's CBIs included in the Final CEIP compared to the CBIs proposed by Public Counsel and the Joint Advocates.

Table 2: Final CEIP CBIs Compared to Joint Advocate Proposed CBIs

Statutory Element	Joint Advocates' Customer Benefit Indicators*	Avista CBI **
<u>Energy Benefits</u>	<ul style="list-style-type: none"> Improved efficiency of housing stock in utility service territory, including low-income housing (increased funding, program participation, bill reductions, rental EE) Low income and vulnerable communities have access to an increasing number of renewable or non-emitting distributed generation resources (increased Low-income 	Participation in Company Programs Named Community Clean Energy Energy Availability

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	renewable projects, community-owned projects, increased percent of DG)	
<u>Non-Energy Benefits</u>	<ul style="list-style-type: none"> • Increase community employment opportunities (apprenticeships and training, living wage jobs, contractor representation) • Improved Health and Community wellbeing (work and school absences, weatherization, home comfort w/HVAC, heat pumps, EVs, include non-energy benefits in cost-effectiveness) 	Participation in Company Programs Supplier Diversity Availability of Methods/Modes of Outreach and Communication Transportation Electrification Indoor Air Quality (in development)
<u>Reduction of Burdens</u>	<ul style="list-style-type: none"> • Reduction in Number of Energy Burdened Households in target groups (highly impacted communities, vulnerable population, bill assistance, known low income) • Reduced barriers for program participation (increased participation, translation services, EV charging cost equity) 	Participation in Company Programs Number of Households with a High Energy Burden Named Community Clean Energy Investment in Named Communities
<u>Public Health</u>	<ul style="list-style-type: none"> • Improved Health Outcomes (hospital admissions, decreased wood burning, indoor and outdoor air quality, reduced health care costs) 	Indoor Air Quality (in development) Employee Diversity Supplier Diversity
<u>Environment</u>	<ul style="list-style-type: none"> • Reduction of Greenhouse Gas Emissions (increased electrification) • Reduced Pollution Burden and Pollution Exposure (metrics detailed) 	Greenhouse Gas Emissions Outdoor Air Quality

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		Transportation Electrification
<u>Reduction in Cost</u>	<ul style="list-style-type: none"> Expand Bill Assistance Programs (participation rates, penetration rates, program budgets) Reductions in Number and Amount of Arrearages (90+ days, zip code analysis) 	Participation in Company Programs Number of Households with a High Energy Burden (>6%)
<u>Reduction in Risk</u>	<ul style="list-style-type: none"> Fewer customers with low utility credit code scores & fewer customers sent to collections Increased Neighborhood Safety (frequency and duration of outages, increased local disaster response capacity) 	Investments in Named Communities Named Community Clean Energy Energy Availability
<u>Energy Security</u>	<ul style="list-style-type: none"> Reduced Residential Disconnections (demographic analysis by zip code, AMP and PIPP participation) Improved Access to Reliable Clean Energy (local storage/back up, increased local DG, improved distribution system planning) 	Energy Generation Location
<u>Resilience</u>	<ul style="list-style-type: none"> Reduction in Outage Frequency (SAIFI) and Duration (SAIDI) in Target Communities Reduction in Energy and Capacity Need (demand response participation, increased EE savings, water savings) 	Energy Availability Named Community Clean Energy Investment in Named Communities

* This Table provides a summary. The Joint Advocates' comments filed August 20, 2021, provide further detail regarding specific components of proposed CBIs.

** The associated statutory elements pertaining to each Avista CBI was outlined by Avista in the Final CEIP, Table 3.1.

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Avista states that they did not have adequate time from the receipt of the Joint Advocate filing to present the CBIs to their EAG, other advisory groups, or the CEIP workgroup.¹³ The Joint Advocates anticipated this, and filed the proposed CBIs in Avista's Public Participation Plan docket on July 30, 2021,¹⁴ as there was not yet a docket established for the draft CEIP. The Joint Advocates provided their proposed CBIs two weeks before Avista filed its draft CEIP, and two months prior to the Final CEIP. During this time, Avista met with its EAG multiple times, including in early August and September 2021.¹⁵ To Public Counsel's knowledge, Avista did not present the suggested CBIs to its stakeholder groups in the time between the draft and the final filing, nor any time since the final was filed.

Public Counsel reiterates from our previous comments that the Company should remain accountable to the stakeholders that participated in drafting the CBIs, including its EAG.¹⁶ While Public Counsel does not recommend removing any of Avista's proposed CBIs, we highlight areas where Avista's CBIs fall short in addressing areas of concern. Public Counsel also provides recommendations below to ensure Avista's success in capturing customer benefits in the future.

Increased community employment opportunities

A successful transition to clean energy that is equitable for all should, ideally, increase the number of local employment opportunities in the clean energy sector for the entire Avista community and Named Communities. This includes an increase in local apprenticeships and living-wage jobs. Avista states in their CEIP that it is already tracking diversity in apprenticeship and training programs.¹⁷ Additionally, the Company will continue to do so through the Employee Diversity CBI. However, Avista's proposed CBIs and metrics do not address the actual number of community positions created as a result of the transition to clean energy.

Reduced Barriers for Program Participation

The Joint Advocates recommended CBIs that would reduce barriers and increase program participation through increased translation services and electric vehicle cost equity. Public Counsel commends Avista for including CBIs related to program participation, and for including a new CBI that will track the number of public charging stations located in Named Communities. However, Avista's approach to language access needs strengthening.

¹³ Final CEIP, App.'x F at 41 (Appendix F is not consecutively paginated, so to avoid confusion we referenced the document page number instead of the labeled page number).

¹⁴ Joint Proposal Comments, *Avista Utils. 2021 CEIP Public Participation Plan*, Docket UE-210295 (filed July 30, 2021).

¹⁵ Final CEIP at 6-7.

¹⁶ Initial Comments of Public Counsel at 3.

¹⁷ Final CEIP at 3-30.

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In its Final CEIP, Avista noted that it translated into Spanish its CEIP webpage and documents such as newsletters, bill inserts, informational flyers, and the Final CEIP.¹⁸ While this is a step in the right direction, the EAG advised Avista that several other languages may need to be addressed to overcome language access barriers to participation. Public Counsel's initial comments requested Avista add additional language surrounding its plans to reduce language barriers.¹⁹ In response to this feedback, Avista outlined the current translation services they provide related to the CEIP, and noted they will work with the EAG to identify where their efforts would be most impactful and engage with translation services as needed.

Reduction in Number and Amount of Arrearages

Avista's proposed CBIs do not address customer arrearages. The Joint Advocates proposed including reductions in the number and amount of customer arrearages over 90 days, with breakout tracking for customers by census tract, rentals, Highly Impacted Communities, vulnerable populations, known low income, and BIPOC communities. This information is important to measure affordability.

Reduced Residential Disconnections

Avista's Final CEIP does not address reductions in residential customer disconnections. Reducing customer disconnections is critical to ensuring an equitable transition, and is key to emphasizing each utility's ability to protect customers.

To address the concerns outlined above, Public Counsel recommends Avista formally present the Joint Advocate's proposed CBIs to its EAG²⁰ and work with its members to gather feedback and incorporate CBIs in these areas, and any others deemed necessary, before the biennial CEIP update. While the statute does not require CBIs to be agreed to by the EAG, utilities are required to consult with all of their advisory groups, including the EAG. While it may be lawful for the Commission to require some or all of the Joint Advocate's proposed CBIs even though they were not discussed with each advisory group, Public Counsel believes our recommendation to be an appropriate measure for this CEIP. Our goal is for Avista to succeed in ensuring that customers benefit in the transition to clean energy. A key element to that success will be Avista's continued learning in how best to manage the time pressures related to gathering important feedback. We believe our recommendation to present the Joint Advocate's proposed CBIs to the EAG will help to ensure Avista's success in capturing appropriate customer benefits in its progression towards the 2030 and 2045 standards.

¹⁸ Final CEIP at 6-10.

¹⁹ Initial Comments of Public Counsel at 9.

²⁰ Public Counsel would be willing to help facilitate this conversation at a future EAG meeting, and hope to work collaboratively with Avista to provide the proposed CBI information to its EAG.

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Public Health

The metrics chosen to evaluate the CBIs, shown in the third column of Table 1 above, have evolved since the draft filing to address many of Public Counsel's concerns expressed in our initial comments.²¹ These modifications include the creation of a Named Communities Investment Fund ("Fund") to increase investments in Named Communities, instead of using the Avista Foundation as a means for that investment, which we discuss further below. Additionally, Avista added metrics in the CBIs that should increase their emissions accountability, such as Avista specific plant and greenhouse gas emissions. We appreciate the Company's efforts to incorporate our feedback as well as that of other stakeholders.

The metric to evaluate indoor air quality is still under development. Public Counsel understands that this is a complicated variable to measure, and has engaged in discussion with the Company about potential options. We appreciate the Company's efforts in reaching out to professional individuals and organizations to determine how to best measure this indicator. Some of the Joint Applicant proposed CBIs are related to indoor air quality, such as decreased wood burning, hospital admissions, and healthcare costs. Public Counsel recommends Avista consult with its EAG, provide regular updates and engagement on this process, and submit formal metrics for evaluation at least by the biennial CEIP update.

Avista categorized two metrics involving employee and supplier diversity under the public health statutory requirement. Public Counsel believes these metrics are important and we commend Avista for including them. Public Counsel believes that increased diversity within Avista and its suppliers will benefit customers. We do not opine regarding whether these CBIs should be categorized as public health or non-energy benefits, but rather support their inclusion in either category. In any event, development of metrics to measure indoor air quality, such as those mentioned above and proposed by the Joint Advocates, will help ensure Avista provides robust public health customer benefits.

Public Counsel sincerely appreciates's the work of Avista's EAG, other advisory group members, and Avista's CEIP team in developing the CBIs and the Final CEIP. Notably, stakeholders have engaged in this new process to constructively address an equitable transition to clean energy.

²¹ Initial Comments of Public Counsel at 6.

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Specific Actions

Table 4.3 in Avista's Final CEIP highlights which CBIs are impacted by the specific actions in the 2022–2025 period. Public Counsel appreciates this analysis, however, it is not clear *how* each CBI would be impacted by the specific actions. Additionally, Avista should not preemptively limit which CBIs will be analyzed with certain specific actions, as Table 4.3 suggests by only listing a few CBIs under each action. When analyzing the specific actions for their expected outcomes on the CBIs, Avista should analyze each specific action through each of the CBIs, and explain how they expect the action will affect each CBI. In the event a CBI may not be applicable, Avista should explain why.

Avista mentions they plan to acquire additional resources by 2026, to mitigate risk and prepare for the capacity need in 2031. Avista states that they plan to secure approximately 48 aMW for renewable resources with similar capacity attributes as the Montana Wind Proxy resource modeled in its 2021 IRP for this acquisition. The source of the acquisition could be from Avista's 2020 Renewable Acquisition Process or the upcoming 2022 All-Source RFP.²² Public Counsel share's Avista's concern about risk mitigation and ensuring resources are acquired with time for proper ramp-up. The RFP process takes time, and, depending on the bid selected, the additional capacity or load shifting may also take time to develop. Public Counsel recommends increased transparency during this CEIP period to both the Commission and other stakeholders through Avista's advisory groups regarding this resource acquisition.

As mentioned above, Avista's draft CEIP proposed using the Avista Foundation, a separate entity from Avista Utilities, to achieve the Named Community Investment CBI selected by the EAG. Public Counsel and other stakeholders criticized the use of the foundation as contrary to WAC 480-100-610(4), which specifies that the actions must be taken by each *utility*.²³ In response to feedback, the Final CEIP outlines Avista's plans to implement a Named Communities Investment Fund to invest in new programs, projects, initiatives and other support the Company has not traditionally undertaken.²⁴ Public Counsel recommended the development of this Fund in our initial comments. Public Counsel appreciates this change from the draft, and looks forward to working with Avista and other stakeholders to increase investments in Named Communities.

If the Commission approves the Fund concept, the Company will file a deferred accounting petition for the expenses made through the Fund.²⁵ While Public Counsel supports creation of the Fund, we reserve the right to formally review and respond to any requests for deferred accounting.

²² Final CEIP at 4-26.

²³ Initial Comments of Public Counsel at 7.

²⁴ Final CEIP at 4-34.

²⁵ Final CEIP at 4-35.

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Incremental Cost

Given Avista's current resource portfolio, the Company has remained under the two percent incremental cost cap as outlined by RCW 19.405.060(3). As a general matter, Public Counsel believes additional guidance is needed regarding incremental cost calculations for each of the utilities. It is critical that the incremental cost accurately capture costs that otherwise would not have been incurred, if not for CETA. Our concern is that specific actions that a utility would have taken regardless of CETA are attributed to CETA implementation. This possibility will become more critical as utilities get closer to the cost cap. We recommend the Commission commence further discussion regarding these calculations, and provide further guidance.

Public Participation

In accordance with WAC 480-100-655(1)(b), Avista formed an EAG to advise on equity issues. In Avista's CEIP, it lists these equity issues as the following²⁶:

- Designation of Vulnerable Populations;
- Designation of Highly Impacted Communities;
- Development of Customer Benefit Indicators;
- Recommendations for the equitable distribution of energy and non-energy benefits and reduction of burdens to Vulnerable Populations and Highly Impacted Communities; and
- Identification of barriers and solutions to public participation

WAC 480-100-655(1)(b) does not list Designation of Highly Impacted Communities as one of the roles of the EAG. According to WAC 480-100-605, a Highly Impacted Community is a community designated by the Department of Health based on the cumulative impact analysis required by RCW 19.405.140 or a community located in census tracts that are fully or partially "Indian country" as defined in 18 U.S.C. Sec. 1151. The designation of Highly Impacted Communities as a role of the EAG should be removed from the CEIP, and Avista's advisory groups should be facilitated such that this designation is not under consideration.

Avista also states in their Final CEIP that Appendix G includes a list of the 2021 EAG members along with their organizational or community affiliation and role.²⁷ Public Counsel has reviewed Appendix G, and cannot find this document. We were able to locate the document on Avista's website,²⁸ but request Avista provide an updated list of its EAG members and their organizational or community affiliations in this and future CEIPs.

²⁶ Final CEIP at 6-6.

²⁷ Final CEIP at 6-6.

²⁸ *Washington's Clean Energy Future, Equity Advisory Group*, AVISTA CORP. (2021), <https://www.myavista.com/-/media/myavista/content-documents/about-us/ceta/2021-eag-members.pdf> (last visited Jan. 25, 2022) (Equity Advisory Group Members as of Nov. 2021).

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In an effort to make EAG meetings more accessible to members, Avista hosts two duplicate EAG meetings, on the 2nd Wednesday and Friday of each month. One session is held on Wednesday evening and the other on Friday morning.²⁹ The intent of the session bifurcation was to improve the probability of member attendance. Public Counsel appreciates Avista's efforts to provide EAG members with multiple means of participation. However, in practice, we are concerned that it may lead to a decrease in EAG engagement due to smaller group sizes, depending on the week. For instance, we have noticed that attendance varies, with some sessions having only two or three EAG members, while the remaining members attend other sessions. Usually, the session with more attendees has more interaction and engagement.

Perhaps one option to mitigate this is to discuss with EAG members the day they would most likely be able to consistently attend on. EAG members themselves should be involved in creating a more inclusive process.

Avista identifies two formal review processes to its public participation in the CEIP. First, in March of 2022, the Company and the EAG facilitator will assess the success of the Equity Lens Session format and, if needed, will make adjustments to improve and schedule sessions for the upcoming six months.³⁰ First, Public Counsel recommends that Avista include the EAG themselves in this discussion, and allow feedback from them and other stakeholders in how to better run the sessions. There must also be transparency through this process. Avista should provide, in this Docket, a report on the changes discussed and made with the EAG, the facilitator, and the Company.

The second formal review process addresses reducing barriers to participation. The Company plans to collaborate with its EAG to reduce barriers such as language, cultural, and economic obstacles. This presumably began in October 2021, after the filing of the Final CEIP, and will continue through October 2022.³¹ Implementation of the plan will occur during the 2022–2025 CEIP timeframe.³² Public Counsel recommends the Company file with the Commission a progress report on what actions have been taken since October 2021 to reduce barriers, and what actions it plans to take before October 2022. Additionally, after the 12-month review period, the Company should file the plan it will implement during the 2022–2025 timeframe, and provide progress reports to this plan in the biennial CEIP update.

We appreciate Avista and its EAG for the work they have done so far to create an accessible environment for engagement. Public Counsel believes it is incredibly important to receive feedback directly from organizations such as environmental justice, public health, tribes, Highly Impacted Communities, Vulnerable Populations, and other groups in the work towards an

²⁹ Final CEIP at 6-7.

³⁰ Final CEIP at 6-8.

³¹ Final CEIP at 6-9.

³² Final CEIP at 6-9.

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equitable clean energy future. We hope the Company will continue to improve upon the engagement process throughout this and future CEIPs, and further utilize the valuable knowledge and perspective the EAG provides.

General Comments and Conclusion

This is the first round of CEIPs in the state of Washington. With that, comes unique challenges and uncertainties. We appreciate the efforts of all stakeholders in the process so far. Additional guidance from the Commission is needed to determine the best way to present these documents in the future, and the process going forward. We look forward to continued collaboration in the pending rulemakings, as well as any that may come up in the future regarding CEIPs and their compliance.

Given the uncertainties of this round, we would find it beneficial for the Commission to provide a response period during which stakeholders can respond to the comments filed. A number of stakeholders have participated in the creation of the CEIPs, and it would be especially useful for the Company and the stakeholders to have the opportunity to respond to one another. This could help clarify remaining questions, resolve some or all remaining disputes, and determine whether additional process is needed.

We also understand that a set of conditions, similar to those presented in the utility Biennial Conservation Plan (BCP) dockets may be presented in this process.³³ For ease of reference, Public Counsel has provided in Attachment A a preliminary list of conditions based on the recommendations made in these comments, with reference to where those conditions are discussed. We look forward to reviewing the proposals and feedback from Staff and other stakeholders, and may add to or modify these conditions as necessary.

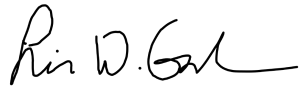
As additional engagement, information, and process occurs, Public Counsel reserves the right to amend and supplement these comments. Additionally, each CEIP may have different characteristics, so Public Counsel cautions against the assumption that each CEIP will be identical.

³³ Open Meeting Memo, Attach. A, *In re Avista Utils. 2020-2029 Ten-Year Achievable Electric Conservation Potential and 2022-2023 Biennial Conservation Target Under RCW 19.285.040 and WAC 480-109-010*, Docket UE-210826 (filed Jan. 18, 2022).

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We look forward to continued collaboration with Avista, members of Avista's advisory groups, The Energy Project, NW Energy Coalition, Front & Centered, and the members of the public that have participated in this process so far, and appreciate the opportunity to submit these comments. If you have any questions about this filing, please contact Shay Bauman at (206) 389-3040 or via e-mail at Shay.Bauman@ATG.WA.GOV.

Sincerely,

/s/ 

LISA W. GAFKEN, WSBA No. 31549
Assistant Attorney General
Public Counsel Unit Chief
Lisa.Gafken@ATG.WA.GOV
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-6595