

Comments by James Adcock on UE-191023 Supporting Staff's Position as Expressed in the First Draft

Docket number of this proceeding: UE-191023

Commenting party's name: James Adcock, Electrical Engineer

The title and date of the comment or comments:

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UTIL. AND TRANSP.
COMMISSION

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Re: Docket UE-191023 James Adcock Supporting Staff's Position as Expressed in the First Draft

Why I Support Staff's Position as Expressed in the First Draft

This response is an attempt to more-clearly articulate the position I expressed during the online workshop of 6/16/2020 -- which was that radical proposition: "I Support Staff's Position As Expressed in the First Draft" -- and expressed succinctly by Commissioner Danner as the "Too Big to Fail" problem.

Let me "queue up" by re-expressing the quaint notion -- in this time of "Utilities as Corporate Raiders" -- a notion that I'm sure Commissioners are well aware of -- namely that "Utilities are Infected by the Public Interest." This in turn means that they *actually* need to follow "The Law" -- and that regulators need in practice hold them to that standard -- that they actually have to follow The Law. Not that The Law has to have explicit penalties written everywhere -- because regulators have ample powers to enforce The Law in any case, including imposing monetary penalties, such as a reduction in profit margins.

What does The Law [CETA] actually say? Even before a Utilities gets to the 2% rule, The Law says that utilities must be greenhouse gas neutral by 1/1/2030 -- with 20% available by alternative compliance -- i.e. "80/20 by 2030."

Utilities are required to submit a couple formal plans before this time, "CEIPs" and those plans must target 80/20 by 1/1/2030 -- because The Law says so -- it points right at 19.405.040 line 1 - - which states "80/20 by 1/1/2030."

So Utilities must submit CEIP plans actually targeting 80/20 by 1/1/2030. If say a Utility were to submit a CEIP targeting 80/20 by 1/1/2032 would that be an acceptable plan? No, because the plain language of the law says that they must target 80/20 by 1/1/2030.

What if a utility were to submit a plan to UTC targeting 80/20 by 1/1/2030 but then secretly internally they were targeting 1/1/2032 -- would that be "Legal?" No, because the utility's action would be fraudulent, and if a utility engages in fraud against the state, that is actionable by the UTC, including monetary penalties.

So, even before the utility ever gets to the 2% rules, first they have a decade 2020 to 2030 where they must be submitting honest, truthful, and unbiased CEIPs -- and I know here that the notion that CEIPs -- and IRPs -- actually need to be "honest, truthful, and unbiased" -- is going to be a controversial position, in that utilities have been treating IRPs as mere "marketing exercises" -- in any case, again, "infected with the public interest" utilities must submit honest, truthful, and unbiased CEIPs -- and then they actually have to work honestly without bias -- including no bias in terms of "foot dragging" relative to the CEIPs they have submitted -- in order to actually get to "80/20 by 1/1/2030."

Does the UTC have a role in making sure utilities are actually honestly, truthfully, and without bias targeting 80/20 by 1/1/2030 -- and building or buying in a timely manner the resources necessary to get there? I'd say [contrary to utilities' position] "Of course!" That is the nature of regulation: to make sure utilities actually do that which they are legally required to do. And to make sure that utilities actually act in the public interest -- again, this quaint notion which we seem to have lost track of over the most recent decades.

What if a utility "does everything right?" What if they do submit "true, unbiased, etc." CEIPs and then they truthfully and unbiased and with no foot-dragging work to actually implement those submitted CEIPs correctly? Well, then and ONLY THEN, do they get to the 2% rule. The 2% rule says that *once you get there* "we" are actually going to *test* how well you the utilities have implemented "80/20 by 1/1/2030" in order to see if you have reasonably succeeded in your efforts -- including the confounding efforts of wind, rain, snow and ice, heat waves and forest fires, and how many electric tea-kettles ratepayers choose to turn on at the end of the Olympic Soccer matches -- and if those soccer matches ever get run again in this age of global pandemics. And if you meet your averages over a four year measurement test period "you're good to go" -- or else you pay "alternative compliance" "penalties."

But you don't even get there until you have submitted honest and unbiased and no-foot-dragging and not-fraudulent CEIPs targeting 80/20 1/1/2030. And you actually have to build and buy to faithfully implement those CEIPs. Which is why utilities *are not*, as they would claim, "free to do as they dang well please" before 1/1/2030, and why UTC has the role to enforce that they actually do build and buy, effectively, to "80/20 by 1/1/2030."

Thank you for your consideration,

James Adcock, Electrical Engineer