

David Danner  
Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 South Evergreen Park Drive S.W.  
P.O. Box 47250  
Olympia, Washington 98504-7250

July 26, 2010

RE: Docket No. UE-100865: Rulemaking to Implement Revisions to  
Greenhouse Gases Emissions Performance Statute – RCW 80.80.060

The NW Energy Coalition appreciates the opportunity to comment on the Commission's proposed revisions to its rules implementing the State's greenhouse gas emissions performance standard ("EPS"). As one of the primary advocates for passage of RCW 80.80 in 2007 and associated amendments in 2009, we have a particular interest in this rulemaking.

Generally, the proposed revisions to the EPS rule are straightforward and in keeping with the amendments approved by the Legislature via HB 2129 and SB 5989.

We propose one clarification regarding provisions in the law related to unspecified sources of electricity. HB 2129 Sec. 2(7) reads,

In no case shall a long-term financial commitment be determined to be in compliance with the greenhouse gas emissions performance standard if the commitment includes more than twelve percent of electricity from unspecified sources.

Proposed WAC 480-100-415 (1) reads,

An electrical company may apply for determination by the commission outside of a general rate case of whether an electric generation resource it proposes to acquire as a long-term financial commitment complies with the greenhouse gas emissions performance standard, including whether the resource is baseload electric generation. No such application may be made if the long-term financial commitment includes more than twelve percent of electricity from unspecified sources."

These two provisions are similar but not identical with regard to unspecified sources of electricity. In the first, the Legislature states unequivocally that a long-term financial commitment cannot be determined to be in compliance with the EPS if it includes greater than 12 percent electricity from unspecified sources. The Commission's proposed rule prohibits a utility from applying to the Commission for compliance determination *outside of a general rate case* (GRC) if its long-term financial commitment includes more than 12 percent electricity from unspecified sources. But no parallel provision in the rules restricts a utility from pursuing such a long-term financial commitment within the context of a GRC.

To ensure the rules are clear, the Commission could include the Legislature's restriction regarding unspecified sources in the definition of "long-term financial commitment" in WAC 480-100-405(2)(d) and delete the language regarding unspecified sources from WAC 480-100-415(1). Alternatively, the Commission could include an additional provision clarifying that no long-term financial commitment being considered within the context of a GRC will be approved if it includes more than 12 percent unspecified sources.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "Danielle Dixon". The signature is written in a cursive style with a large, looping initial "D".

Danielle Dixon  
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