

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

Rulemaking to consider adoption of rules to
implement chapter 19.405 RCW and revisions
to chapter 80.28 RCW

DOCKET UE-191023

**PUBLIC COUNSEL RESPONSE TO JUNE 12TH
NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS**

June 29, 2020

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I. INTRODUCTION

1. Pursuant to the Washington Utilities and Transportation Commission's ("Commission") Notice of Opportunity to File Written Comments ("Notice") of June 12, 2020, Public Counsel submits the following comments in response to the questions posed in the Commission's Notice.

II. COMMENTS AND ANSWERS TO NOTICE QUESTIONS

A. Answers to Notice Questions

1. **Do you agree with Staff's preliminary interpretation? Please explain why or why not and how the term "use" should be interpreted.**

2. Public Counsel agrees the interpretation of "use" is in compliance with RCW 19.405.040(1)(a). It is reasonable to interpret "use" to mean delivery of bundled energy resources to comply with the 80 percent renewable and nonemitting mandate. If Staff's proposed definition is not incorporated into the draft rules, the pathways for utilities to fully comply with RCW 19.405.040 would become unclear as it relates to the remaining 20 percent of their power mix. As Staff correctly points out, unbundled renewable energy credits (RECs) are permitted as an alternative compliance option (so long as they are not double counted), which would assume that any renewable or nonemitting resource acquired to comply with the 80 percent mandate in RCW 19.405.040(1)(a) would be assumed to be a bundled resource delivered to customers.

2. **If Staff's preliminary interpretation were memorialized in rule, how should the Commission require a utility to demonstrate that it delivered "bundled electricity" to its customers and ensure that the nonpower attributes are not double counted either within Washington programs or in other jurisdictions, as required by RCW 19.405.040(1)(b)(ii)?**

3. Utilities that use RECs to comply with any part of RCW 19.405.040 must provide full reporting on the certificates as they are spent to comply with CETA. Providing data from the REC certificates, whether bundled (to comply with RCW 19.405.040(1)(a) or unbundled (to

comply with RCW 19.405.040(1)(b)), will contain the information needed to verify that RECs are not being double-counted for compliance purposes.

Please explain your position on each of the compliance options provided below:

a. The source and amount of all power injected into the bulk electric system is known and documented at the time retail load is being served. In setting the requirements for demonstrating compliance with RCW 19.405.040(1)(a), should that information and supporting documentation be required? If not, why not?

4. This is a reasonable option to support a utility's compliance with CETA's 2030 mandate in RCW 19.405.040. Providing full documentation of the source of all power injected into the grid to serve Washington customers will provide clear data necessary to verify compliance.

b. Is it possible to use the utility's fuel mix disclosure, as required by RCW 19.29A.060, to demonstrate compliance with Staff's preliminary interpretation of RCW 19.405.040(1)(a)? How would the Commission ensure that the nonpower attributes are not double counted?

5. This could be considered if a utility does not rely on RECs for compliance.

c. If the Commission relied on utility attestation for compliance with RCW 19.405.040(1)(a), what underlying documents would the utility rely on to make that attestation?

6. Attestation can be part of compliance, but the UTC would need sufficient documentation to support that attestation, such as proposed in option A, presented above, to ensure that the Company is in compliance. Without that underlying documentation described above, the Commission would have no means or insufficient means to verify compliance.

d. Do you propose another alternative? If so, please describe it and how it complies with the letter and the spirit of the Act.

7. Public Counsel suggests that utilities could retain the services of an independent entity to ensure that RECs are counted appropriately, in line with RCW 19.405.040. For example, the

Center for Resource Solutions provides services with their Green-e Energy program to track and verify RECs.¹ A number of organizations and companies use this program to manage their renewable energy programs. Public Counsel does not specifically endorse Green-e services; rather, we are providing it as an example of an independent entity that could help manage compliance.

8. Public Counsel does not have additional proposals at this time, but looks forward to continued work with Staff and stakeholders.

III. CONCLUSION

9. Public Counsel appreciates the opportunity to provide comments on these Notice questions. We look forward to reviewing other parties' comments and participating in further discussions on these topics. If there are any questions regarding these comments, please contact Nina Suetake at nina.suetake@atg.wa.gov, Corey Dahl at corey.dahl@atg.wa.gov, or Stephanie Chase at stephanie.chase@atg.wa.gov.

Dated this 29th day of June, 2020.

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/s/ 

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¹ Center for Resource Solutions, *Green-e Energy*, available at <https://www.green-e.org/programs/energy> (Last Visited June 25, 2020).