

UE-100865 GHG Rulemaking RCW 80.80
Comment Summary Matrix
August 19, 2010

	Section	Commenter	Comments	Staff Response
480-100-405 Electrical company generation resource compliance with the greenhouse gas emissions performance standard.				
	480-100-405	Pacific Power (PacifiCorp or Company)	PacifiCorp proposes to move the Staff proposed wording regarding long-term financial commitments with Bonneville power administration from WAC 480-100-405(2)(d), which are the definitions for the chapter, to WAC 480-100-405(1). The proposed relocation of the proposed wording includes changing the wording from “definition” to “chapter” and replaces “include” to apply to make it consist with its placement within the rule.	Staff agrees. Staff that there may be confusion of the term “long-term financial commitment” if there exists two definitions one in statute and one in the related WAC. Staff will adopt the proposed wording.
	480-100-405	PacifiCorp	PacifiCorp states that the proposed change in WAC 480-100-405(2)(g) raises a significant question as to the Commissions ability to regulate facilities located outside the state. The Company asks for the Commission to provide an opportunity in this proceeding for the parties to discuss how the Commission interprets its extraterritorial authority.	Staff disagrees. The commission is not regulating facilities outside Washington State. The commission is only regulating the power acquisition choices of the regulated company, whether the power comes from in-state or out-of-state. Plus, the rule only reflects the exact language of the statute. Staff believes the proposed meeting would not be productive.

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480-100-415 Electrical company applications for commission determination outside of a general rate case of electric generation resource compliance with greenhouse gas emissions performance standard			
480-100-415	PacifiCorp	PacifiCorp suggests that the wording in WAC 480-100-415(3)(a)(iii) and (3)(b)(iii) that requires applicants to provide “[s]uch other information as is available concerning...” be changed. The wording, they argue, is “...vague and potentially unachievable.” The Company says that it “...may not be aware of all available emissions characteristics”	Staff agrees. The company cannot provide information that it does not know about or that is unavailable to it. Staff proposes changing the language to "such other information as is available to or in the possession of the electrical company."
480-100-415(1)	NW Energy Coalition	The NW Energy Coalition believes that the proposed wording in WAC 480-100-415(1) confines the 12 percent from unspecified sources limitation to filings before the commission outside of a General Rate Case (GRC). They recommend either inclusion of the language in the definition of “long-term financial commitment” or by adding an additional provision clarifying that no long-term financial commitment would be considered within the context of a GRC if it includes more than 12 percent unspecified sources.	Staff disagrees. The examination of the rule by the NW Energy Coalition takes too broad of a perspective. The rule addresses filings of non-GRC applications. The proposed change merely adds the additional restriction provided in HB 2129. Staff believes the rule certainly could be broadened to include GRC applications but Staff believes (1) it would widen the scope of the rulemaking beyond its original intent and (2) it is not necessary to effectively implement the 12 percent rule in a GRC.

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480-100-425 Electrical company applications for exemption from the greenhouse gas emissions performance standard.				
	480-100-415	PSE	PSE recommended that the Commission provide some guidance to utilities regarding the criteria that will be considered in establishing “extraordinary cost impacts on utility ratepayers” as used in WAC 480-100-425. At several points in their comments, PSE suggested language which would set a definite number to the threshold “extraordinary cost impacts.” Specifically, PSE proposed adopting the following language into Commission regulations, “Extraordinary cost impacts on utility ratepayers means that the average bill of all utility customers will increase by 20% or more on average.”	Staff disagrees. The wording extraordinary cost impacts on utility ratepayers is from the legislative language in RCW 80.80.060(4). Without direct guidance from the legislature the commission must base its understanding of the term on the facts and circumstances of the case before it and cannot arbitrarily select a definition e.g., 20% of average bill.