



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

**Agency:** Washington Utilities and Transportation Commission

**Subject of possible rule making:** On November 7, 2006, Washington voters approved Initiative Measure No. I-937, also known as the Energy Independence Act, or EIA, now codified as RCW 19.285. This chapter requires qualifying utilities to obtain fifteen percent of their electricity from new renewable resources, such as solar and wind, by the year 2020 and to pursue all available conservation that is cost-effective, reliable and feasible. The Utilities and Transportation Commission (Commission) adopted rules to implement the EIA as WAC 480-109 in 2007. The subject of this inquiry is to consider whether the Commission should modify rules in chapter WAC 480-109 to implement the statutory changes and provisions of RCW 19.285. Docket UE-131723.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 80.01.040, RCW 80.04.160 and RCW 19.285.080(1) and (4).

**Reasons why rules on this subject may be needed and what they might accomplish:** Since the adoption of the rules, the legislature has enacted changes to various sections of the statute. The Legislature has adopted changes in statute over the last few years, including the following legislation in 2013: SB 5297 (ch. 158, laws of 2013), SSB 5400 (ch. 61, laws of 2013) and HB 1154 (ch. 99, laws of 2013). In addition, the Commission's experience with implementing the law has led to development of decisions, policy statements, and best practices which may need to be incorporated into rules. Given the statutory changes and the Commission's experience in implementation, the Commission believes it may be appropriate to revise WAC 480-109. RCW 19.285.080 provides that the Commission "may adopt rules to ensure the proper implementation and enforcement of this chapter as it applies to investor-owned utilities" and "may be revised as necessary to carry out the intent and purposes of this chapter." Given these developments since the initial adoption of the rules, the Commission is initiating this inquiry to examine whether the rules should be revised.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Public utilities not jurisdictional to the Commission are required by RCW 19.285 to acquire minimum amounts of conservation and renewable resources. RCW 19.285.080(2) requires the Department of Commerce (Commerce) to adopt certain rules that will apply to such public utilities. The Commission welcomes Commerce's participation in this inquiry as an interested person. Commission staff has attended a parallel rulemaking inquiry recently initiated by Commerce. If practical and convenient, the Commission may conduct joint workshops with Commerce on certain subjects pertinent to this inquiry.

**Process for developing new rule (check all that apply):**

Negotiated rule making

Pilot rule making

Agency study

Other (describe) The Commission will ask for initial written comments, and will provide the opportunity for participation in public workshops, as well as opportunities for additional comments.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:** (List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-7250; Telephone (360) 664-1174; Fax (360) 586-1150, email at [records@utc.wa.gov](mailto:records@utc.wa.gov), or through the Commission's Web Portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) by 5:00 p.m., **Monday, December 2, 2013.**

For specific information regarding opportunities for written comments and to ensure receipt of further information concerning this rulemaking, please see the attachment to this form.

**DATE**  
October 2, 2013

**NAME (TYPE OR PRINT)**  
Steven V. King

**SIGNATURE**

**TITLE**  
Executive Director and Secretary

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: October 02, 2013**  
**TIME: 8:35 AM**

**WSR 13-20-127**

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
**CR-101 - ATTACHMENT**  
**DOCKET UE-131723**

Interested persons may contact the Executive Director and Secretary, Washington Utilities and Transportation Commission, P. O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1174 (Fax: 360-586-1150).

**WRITTEN COMMENTS AND STAKEHOLDER WORKSHOP**

The Commission has scheduled a stakeholder workshop in this rulemaking for **Tuesday, November 12, 2013, beginning at 1:30 p.m.** in the Commission's Hearing Room, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. Written comments may be submitted to the Commission at the address given above and should be filed with the Commission no later than **5:00 p.m. on Monday, December 2, 2013.**

Electronic copies. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the Commission's Web portal at [www.utc.wa.gov/e-filing](http://www.utc.wa.gov/e-filing) or by electronic mail to the Commission's Records Center at [records@utc.wa.gov](mailto:records@utc.wa.gov). Please include:

- The docket number of this proceeding (UE-131723)
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later, a flash drive, or CD including the filed document(s). Include all of the information requested above. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/131723>. If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site as it becomes available. If you wish to receive further information on this rulemaking you may (1) call the Commission's Records Center at 360-664-1234, (2) e-mail the Commission at [records@utc.wa.gov](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of Steven V. King, Executive Director and Secretary. When contacting the Commission, please refer to Docket UE-131723 to ensure that you are placed on the appropriate service list. Questions may be addressed to David Nightingale (360) 664-1154 or e-mail at [dnightin@utc.wa.gov](mailto:dnightin@utc.wa.gov).

## NOTICE

**TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING** -- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UE-131723, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket UE-131723, and the words "Please keep me on the mailing list" to <[records@utc.wa.gov](mailto:records@utc.wa.gov)>. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <<http://www.utc.wa.gov/131723>>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**