



**STATE OF WASHINGTON**  
**UTILITIES AND TRANSPORTATION COMMISSION**  
*1300 S. Evergreen Park Dr. S.W., P.O. Box 47250 • Olympia, Washington 98504-7250*  
*(360) 664-1160 • www.utc.wa.gov*

October 19, 2017

**NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS**  
**(By November 20, 2017)**  
**and**  
**NOTICE OF WORKSHOP**  
**(Set for January 10, 2018, at 9:30 a.m.)**

Re: Rulemaking to implement rules regarding the Utilities and Transportation Commission's jurisdiction and regulation of community solar companies. Docket UE-171033.

TO ALL INTERESTED PERSONS:

On October 18, 2017, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to implement Engrossed Substitute Senate Bill (ESSB) 5939, which became effective July 7, 2017. The Commission filed the CR-101 under Docket UE-171033.

ESSB 5939 creates a framework for Commission regulatory oversight over community solar companies. A community solar company is defined as a person, firm, or corporation, other than an electric utility, that owns a community solar project and provides related services to project participants. ESSB 5939 requires that community solar companies must annually register with the commission before engaging in business in Washington State or applying for certification from the Washington State University extension energy program. The bill also authorizes the Commission to adopt rules for:

- suspending or revoking a community solar company's registration with the commission;
- establishing the community solar companies' responsibilities for complying with consumer protection rules;
- annual reporting requirements; and
- collection of an annual registration fee and regulatory fees.

The bill further requires the Commission to publish a list of entities other than utilities, including affiliates or subsidiaries of utilities, that organize and administer community solar projects; and community solar projects and related programs and services offered by investor-owned utilities.

The Commission's broad rulemaking authority allows it to adopt rules for the implementation of its responsibilities, which includes the collection of the required information.

The commission seeks comments on the following questions:

1. Consumer rules for electric companies are found in Washington Administrative Code (WAC) 480-100-103 through 480-100-199. Based on your understanding of community solar company business practices, are there any sections of WAC 480-100 that should not be applied to the new consumer protection rules and why? Are there additional consumer protection issues that we should address?
2. We examined WAC 480-14 as an example of rules for applications; reporting; fees; and suspension, cancellation, and reinstatement of permits. Specifically, we looked at WAC 480-14-140, 480-14-150, 480-14-180, 480-14-190, 480-14-220, 480-14-230, and 480-14-999. Based on your understanding of community solar company business practices, are there other rules that should be considered? In addition, which rules do you disagree with and why?
3. ESSB 5939 identifies community solar projects as no larger than 1000 kilowatts with at least 10 participants. If a project has fewer than 10 participants, does that project need to be included on the list published by the commission?
4. Based on your understanding of community solar company business practices, are there other rules that should be considered? Which rules do you disagree with and why?

The Commission invites initial written comments in response to these questions and will conduct a workshop to address the relevant issues.

The CR-101, as filed with the Code Reviser, is available for inspection on the Commission's website at <http://www.utc.wa.gov/171033>. If you are unable to access the Commission's website and would like an electronic copy of the CR-101 emailed to you, please contact the Records Center at (360) 664-1234.

## WRITTEN COMMENTS

Written comments on the CR-101 inquiry must be filed with the Commission no later than **5:00 p.m., on November 20, 2017**. 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. You may submit comments 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 (Docket UE-171033)
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments is mailing or delivering an electronic copy to the Commission's Records Center on a thumb drive, CD, or DVD in .pdf format (created using

Adobe Acrobat or comparable software) or in Microsoft Word. Include all of the information requested above. The Commission will post on its web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/171033>.

If you have questions regarding this rulemaking, you may email staff lead Bridgit Feeser at [bfeeser@utc.wa.gov](mailto:bfeeser@utc.wa.gov) or contact by phone at (360) 664-1111.

### STAKEHOLDER WORKSHOP

In addition to filing written comments, interested persons are invited to attend a stakeholder workshop on **January 10, 2018, beginning at 9:30 a.m., in Room 206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington**. At the workshop, Commission staff will review and discuss comments with the stakeholders.

Stakeholders will have further opportunity for comment. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's website as it becomes available. If you wish to receive further information on this rulemaking you may:

- Call the Commission's Records Center at (360) 664-1234
- Email the Commission at [records@utc.wa.gov](mailto:records@utc.wa.gov)
- Mail written comments to the address below

When contacting the Commission, please refer to Docket UE-171033 to ensure that you are placed on the appropriate service list. The Commission's mailing address is:

Executive Director and Secretary  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Drive SW  
P.O. Box 47250  
Olympia, WA 98504-7250

### NOTICE

**If you do not want to comment now, but do want to receive future information about this rulemaking, please notify the Executive Director and Secretary in one of the ways described above and ask to be included on the mailing list for Docket UE-171033. If you do not do this, you might not receive further information about this rulemaking.**

STEVEN V. KING  
Executive Director and Secretary