

## APPENDIX A

### PROPOSED RULE LANGUAGE

#### WAC 480-100-XXX / WAC 194-40-320 or 194-40-410

#### Use of Renewable Resources and Nonemitting Electric Generation

- (1) When demonstrating compliance with RCW 19.405.040(1)(a)(ii), the utility must:
  - a. Identify the renewable resources and nonemitting electric generation being used for compliance; and
  - b. Report the associated amounts of electricity acquired by the electric utility over the multiyear compliance period.
  
- (2) The electric utility's compliance with RCW 19.405.040(1)(a)(ii) must be supported by:
  - a. For renewable resources and nonemitting electric generation that generates renewable energy credits, a WREGIS retirement report of renewable energy credits generated by resources for which the utility also is able to show acquisition of the renewable resource electricity or nonemitting electric generation through ownership, control, or contract;
  
  - b. For nonemitting electric generation that does not generate renewable energy credits, FERC Form 1 annual generation data for non-emitting electric generation or Bonneville Power Administration's representation of the utility's nonemitting percentage of its electricity product fuel mix from the appropriate compliance period;
  
  - c. For all resources used for compliance with this section, a demonstration of the acquisition of the electricity through ownership, control, or contract that documents one of the following:
    - i. The resource is either located within the utility's service area or balancing authority area; or
    - ii. The point of delivery for each megawatt-hour of electricity associated with the renewable energy certificate is:
      1. The transmission or distribution system of an electric utility; or
      2. The transmission system of the Bonneville Power Administration; or
      3. The transmission system of any entity that is a participant in an organized market located in the Western Interconnection in which the electric utility is a participant; or
      4. Another point of delivery designated by an electric utility for the purpose of subsequent delivery to the electric utility; and
  
  - d. For all resources used for compliance with this section, any additional documentation specified by the Commission or Auditor.
  
- (3) To comply with RCW 19.405.040(1)(a)(ii), the electric utility must acquire both the

renewable resource or nonemitting generation and the renewable energy credit issued for such electricity through:

- a. Ownership or control of the generating resource that generated such electricity and renewable energy credit; or
- b. By acquisition of such electricity and renewable energy credit from the generating resource that generated such electricity pursuant to a contract.

(4) Nonpower attributes used to satisfy compliance with RCW 19.405.040(1)(a)(ii) may not be double counted. If a utility claiming a renewable resource or nonemitting generation as provided in subsection (1) sells or transfers ownership of the electricity in a transaction that contractually specifies the generation source, it may not use the nonpower attributes associated with that specified-source sale of electricity for compliance with RCW 19.405.040(1)(a)(ii).

(5) The Commission or Auditor may periodically conduct reviews of any documentation submitted under Subsections (2) or (3) of this rule for purposes of verifying compliance with RCW 19.405.040(1)(a)(ii).

(6) The Commission and Department shall commence a review of these rules no later than June 1, 2024 and, if determined to be necessary, recommend revisions to achieve the policy objectives set forth in chapter 19.405 RCW.