



STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

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June 7, 2021

**NOTICE CANCELING WORKSHOP ON JUNE 9, 2021; AND
NOTICE OF REVISIONS TO NOTICE OF OPPORTUNITY TO FILE WRITTEN
COMMENTS ISSUED ON MAY 17, 2021**

Re: Relating to Electricity Markets and Compliance with the Clean Energy Transformation Act, Docket UE-210183

TO ALL INTERESTED PERSONS:

On April 5, 2021, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to promulgate new rules to implement certain sections of the Clean Energy Transformation Act (CETA)¹ centered on the implementation of Chapter 19.405 RCW. The Commission filed the CR-101 under Docket UE-210183.

On May 3, 2021, the Commission issued a Notice of Opportunity to file written comments on the treatment of energy storage and published the CR-101 for this rulemaking with responses due on Wednesday, June 2, 2021.²

On May 17, 2021, the Commission and the Washington State Department of Commerce (Commerce) issued a Notice of Opportunity to file written comments on certain additional topics as part of the agencies' rulemaking to implement the Clean Energy Transformation Act.

On May 27, 2021, the Commission and Commerce issued a Notice of Joint Workshops set for June 9, 2021, and June 22, 2021, to discuss the topics identified in the May 17, 2021, Notice.

On June 4, 2021, the Commission and Commerce received requests from multiple stakeholders in this rulemaking asking that the agencies provide additional time for informal discussions and collaboration on the interpretation of the electricity "use" provision in RCW 19.405.040(1)(a).

¹ E2SSB 5116, Laws of 2019, ch. 288.

² On May 13, the Commission issued a Notice changing the response date from May 31 to June 2.

These stakeholders included Climate Solutions, NW Energy Coalition, Vashon Climate Action Group, Renewable Northwest, Avista, Public Generating Pool, Puget Sound Energy, PacifiCorp, and Washington Public Utility Districts Association.

While the June 4, 2021, stakeholder requests for additional time all included the specific request that the Commission and Commerce postpone their June 9, 2021, Joint Workshop, the non-utility entities also requested that the agencies postpone the June 14, 2021, deadline for responding to the Notice of Opportunity to file written comments.

Commerce and the Commission have encouraged collaboration among stakeholders in the rulemaking process and would welcome the opportunity to consider a consensus proposal on the interpretation of RCW 19.405.040(1)(a). It is reasonable to postpone the June 9, 2021, Joint Workshop to allow for additional time for these discussions. We encourage the inclusion of as many stakeholders as possible in the process of these discussion.

It also is reasonable to postpone the deadline for providing written comment, but only for those questions that are specific to the interpretation of RCW 19.405.040(1)(a); these are questions 1-4 in the May 17, 2021, Notice.

While some stakeholders have requested postponing the responses to all topics covered in the May 17, 2021, Notice, the Commission and Commerce believe that the agencies need to maintain an overall schedule for timely conclusion of the rulemaking. Given that stakeholder discussions at issue in the request for postponement of the workshop and comments are focused on the interpretation of RCW 19.405.040(1)(a), the Commission and Commerce will continue to invite comments on all other topics, which are covered in questions 5-10 of the May 17, 2021, Notice. Unlike the interpretation of RCW 19.405.040(1)(a), most stakeholders have not had the opportunity to provide comments on these topics.

The Commission and Commerce therefore revise the May 17 and May 27 notices as follows:

1. The June 9 workshop is cancelled. In order to provide stakeholders to pursue a collaborative solution and maintain the rulemaking schedule, the agencies intend by July 1, 2021, to establish dates for a workshop and written comments on the interpretation of RCW 19.405.040(1)(a). The nature of that workshop and comment opportunity will be determined after review of any collaborative solution received by June 25, 2021. The Commission and Commerce will continue to host a Joint Workshop on June 22 to discuss the treatment of energy storage for compliance with RCW 19.405.030 – 19.405.050.
2. The request for written comments on questions 1 through 4 of the May 17 notice is withdrawn.
3. There is no change to the request for written comments on questions 5 through 10. Comments are requested by 5 p.m., Monday, June 14, 2021, as provided in the May 17 notice.

The Commission and Commerce encourage stakeholders pursue their discussions during the additional time provided by this revised schedule and look forward to reviewing the results of those discussions.

If you have questions regarding the workshop or this rulemaking, you may contact Commission Senior Policy Advisor Steve Johnson by email at steven.johnson@utc.wa.gov or by phone at (360) 481-1573 or Commerce Energy Policy Manager Glenn Blackmon by email at glenn.blackmon@commerce.wa.gov or by phone at (360) 339-5619.

MARK L. JOHNSON
Executive Director and Secretary