



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: October 14, 2020

TIME: 9:12 AM

WSR 20-21-053

**Agency:** Washington Utilities and Transportation Commission

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR** 20-17-120 ; or

**Expedited Rule Making--Proposed notice was filed as WSR** \_\_\_\_\_ ; or

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW** \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) WAC 480-100, Electric Companies. Revisions to sections of 480-100 to incorporate statutory changes including the Clean Energy Transformation Act (CETA) (RCW 19.405) and revisions to RCW 80.28 and RCW 19.280, and to consider policy and process changes to create more efficient rules that adapt to a changing energy landscape. The Commission is considering these changes under Commission Dockets UE-191023 and UE-190698.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
December 9, 2020	9:30 a.m.	Virtual Meeting To attend by phone, call (253) 372-2181 and enter the Conference ID: 918 823 796# . To participate via Microsoft Teams, use the following link: <a href="https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzY0ODE1MDktNTA0NC00MWM2LWFmY2YtNTJkZTViODk2MTJk%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22e087eca4-4cd8-416f-8fc0-53ed60dbc833%22%7d">https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzY0ODE1MDktNTA0NC00MWM2LWFmY2YtNTJkZTViODk2MTJk%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22e087eca4-4cd8-416f-8fc0-53ed60dbc833%22%7d</a>	Public hearing to consider adoption of the proposed rules.

**Date of intended adoption:** December 9, 2020 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Mark L. Johnson, Executive Director and Secretary

Address: P.O. Box 47250, Olympia, WA, 98504-7250

Email: records@utc.wa.gov

Fax:

Other:

By (date) November 12, 2020

**Assistance for persons with disabilities:**

Contact Susan Holman

Phone: (360) 664-1243

Fax:

TTY: (360) 586-8203

Email: susan.holman@utc.wa.gov

Other:

By (date) November 17, 2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rules implement legislative changes to the integrated resource plans in RCW 19.280 and WAC 480-100-238 and streamline implementation of RCW 19.405 and RCW 19.280. The proposed amendments modify or add definitions, establish a process for gaining approval of a Clean Energy Implementation Plan (CEIP), revise the process for gaining Commission acknowledgement of an Integrated Resource Plan (IRP), and create and enhance the public participation processes for the CEIP and IRP.

**Reasons supporting proposal:** The Washington Legislature in 2019 passed the Clean Energy Transformation Act (CETA), which required the Commission to promulgate new rules for investor-owned electric utilities to comply with CETA regarding requirements to prepare and submit IRPs and CEIPs.

**Statutory authority for adoption:** RCW 80.01.040, RCW 80.04.160, RCW 80.28, RCW 19.280, and RCW 19.405

**Statute being implemented:** RCW 19.405, RCW 80.28, and RCW 19.280.

**Is rule necessary because of a:**

Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Washington Utilities and Transportation Commission  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Bradley Cebulko	P.O. Box 47250, Olympia, WA 98504-7250	(360) 259-5315
Implementation:	Mark L. Johnson	P.O. Box 47250, Olympia, WA 98504-7250	(360) 664-1115
Enforcement:	Mark L. Johnson	P.O. Box 47250, Olympia, WA 98504-7250	(360) 664-1115

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:  
Name:  
Address:

Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: The Utilities and Transportation Commission is not an agency to which RCW 34.05.328 applies.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)  
(Internal government operations)

RCW 34.05.310 (4)(e)  
(Dictated by statute)

RCW 34.05.310 (4)(c)  
(Incorporation by reference)

RCW 34.05.310 (4)(f)  
(Set or adjust fees)

RCW 34.05.310 (4)(d)  
(Correct or clarify language)

RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The Commission issued a SBEIS questionnaire asking small and large businesses to comment on the potential costs of the rules. No small businesses responded. One large business, an investor-owned utility, responded with anticipated costs of implementation. The Commission also conducted its own analysis of the potential impact to small businesses. In that analysis, the Commission determined that the vast majority of the costs imposed by the rules are statutory requirements of large businesses (investor-owned utilities). The Commission's analysis shows that any cost incurred by small businesses in this rulemaking is either the result of implementing a statutory requirement or based on voluntary participation in a utility's IRP or CEIP public process, membership in a utility's advisory group, providing public comment on a utility plan to the Commission, or intervening in a Commission adjudicative proceeding.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: Bradley Cebulko  
Address: P.O. Box 47250, Olympia, WA 98504-7250  
Phone: (360) 259-5315  
Fax:  
TTY:  
Email: bradley.cebulko@utc.wa.gov  
Other:

<b>Date:</b> October 14, 2020
<b>Name:</b> Mark L. Johnson
<b>Title:</b> Executive Director and Secretary

<b>Signature:</b> 
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