



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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DATE: May 03, 2021

TIME: 1:36 PM

WSR 21-10-088

**Agency:** Washington Utilities and Transportation Commission

**Subject of possible rule making:** In Commission Docket UE-210183, the Commission has initiated this rulemaking to amend WAC 480-100-600 through 665 to implement Chapter 19.405 RCW, with focus on sections RCW 19.405.030, 040, 050, 130, and other portions of RCW 19.405 that may affect or be affected by these subsections as enacted in Engrossed Second Substitute Senate Bill 5116, the Clean Energy Transformation Act (CETA).

**Statutes authorizing the agency to adopt rules on this subject:** RCW 80.01.040, RCW 80.04.160, and Chapter RCW 19.405,]

**Reasons why rules on this subject may be needed and what they might accomplish:** RCW 19.405.130(3) requires the Commission to adopt rules by June 30, 2022, defining the requirements for meeting the obligations under RCW 19.405.030 – 050 with markets purchases from the Energy Imbalance Market and other centralized markets and to address the prohibition on double counting of nonpower attributes under RCW 19.405.040 that could occur under other programs. The rulemaking will also consider other issues related to RCW 19.405 and the enactment of the CETA that were not fully addressed in the previous rulemaking, Dockets UE-190698 and UE-191023. Topics include the interpretation of RCW 19.405.040(1)(a), the treatment of energy storage for compliance with RCW 19.405.030 through RCW 19.405.050, and other portions of RCW 19.405 that may affect or be affected by these portions of CETA.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Department of Commerce is also required by RCW 19.405.130(3) to promulgate rules, and the two agencies will be working together to coordinate the respective rules.


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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The UTC uses a collaborative rulemaking process that includes stakeholder workshops, formal comments, and draft rules

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

	(If necessary)
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Additional comments:

<b>Date:</b> May 3, 2021	<b>Signature:</b> 
<b>Name:</b> Mark L. Johnson	
<b>Title:</b> Executive Director and Secretary	