

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of Amending)	DOCKET UE-100865
)	
WAC 480-100-405, WAC 480-100-415, WAC 480-100-425 and WAC 480-100-435)	GENERAL ORDER R-561
)	
Relating to Rulemaking to Implement Revisions to Greenhouse Gases Emissions Performance Statute - RCW 80.80.060.)	ORDER AMENDING AND ADOPTING RULES PERMANENTLY
)	
.....)	

1 **STATUTORY OR OTHER AUTHORITY:** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR #10-18-092, filed with the Code Reviser on September 1, 2010. The Commission brings this proceeding pursuant to RCW 80.01.040, RCW 80.04.160, and RCW 80.08.060(8).

2 **STATEMENT OF COMPLIANCE:** This proceeding complies with the Administrative Procedure Act (RCW 34.05), the State Register Act (RCW 34.08), the State Environmental Policy Act of 1971 (RCW 43.21C), and the Regulatory Fairness Act (RCW 19.85).

3 **DATE OF ADOPTION:** The Commission adopts this rule on the date this Order is entered.

4 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE:** RCW 34.05.325(6) requires the Commission to prepare and publish a concise explanatory statement about an adopted rule. The statement must identify the Commission’s reasons for adopting the rule, describe the differences between the version of the proposed rules published in the register and the rules adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and state the Commission’s responses to the comments reflecting the Commission’s consideration of them.

<p>OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: November 09, 2010 TIME: 10:01 AM</p> <p>WSR 10-23-032</p>

5 To avoid unnecessary duplication in the record of this docket, the Commission designates the discussion in this Order, including appendices, as its concise explanatory statement. Together, these documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

6 **REFERENCE TO AFFECTED RULES:** This Order amends the following sections of the Washington Administrative Code:

Amend	WAC 480-100-405	Electrical company generation resource compliance with the greenhouse gas emissions performance standard.
Amend	WAC 480-100-415	Electrical company applications for commission determination outside of a general rate case of electric generation resource compliance with greenhouse gas emissions performance standard.
Amend	WAC 480-100-425	Electrical company applications for exemption from the greenhouse gas emissions performance standard.
Amend	WAC 480-100-435	Electrical company deferral of costs associated with long-term financial commitments – Notice and reporting.

7 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER: The Commission filed a Preproposal Statement of Inquiry (CR-101) on June 23, 2010, at WSR# 10-13-161. The statement advised interested persons that the Commission was considering development of proposed rules to implement statutory changes in RCW 80.80.010, RCW 80.80.040 and RCW 80.80.060 enacted in the state of Washington's 2009 regular legislative session. The Commission also informed persons of this inquiry by providing notice of the subject and the CR-101 to everyone on the Commission's list of persons requesting such information pursuant to RCW 34.05.320(3) and by sending notice to all regulated electric companies and the Commission's list of utility attorneys. The Commission posted the relevant rulemaking information on its Internet web site at <http://www.utc.wa.gov/100865>. The Notice included discussion draft rules prepared by Staff. The Notice solicited comments from stakeholders on the discussion draft

rules. Pursuant to the notice, the Commission received written comments from Puget Sound Energy, Inc., Avista Corporation, PacifiCorp, the Public Counsel Section of the Washington Office of the Attorney General, and the Northwest Energy Coalition.

- 8 **NOTICE OF PROPOSED RULEMAKING:** The Commission filed a notice of Proposed Rulemaking (CR-102) on September 1, 2010, at WSR #10-18-092. The Commission scheduled this matter for oral comment and adoption under Notice WSR #10-18-092 at 1:30 p.m., Wednesday, October 27, 2010, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission.
- 9 **WRITTEN COMMENTS:** The Commission received written comments on the notice of proposed rulemaking from PacifiCorp, in which the company stated it had no further comments on the proposal. Summaries of all written comments and Commission responses are contained in Appendix A, attached to, and made part of, this Order.
- 10 **RULEMAKING HEARING:** The Commission considered the proposed rules for adoption at a rulemaking hearing on Wednesday, October 27, 2010, before Chairman Jeffrey D. Goltz, Commissioner Patrick J. Oshie, and Commissioner Philip B. Jones. No interested person made oral comments.
- 11 **SUGGESTIONS FOR CHANGE THAT ARE REJECTED/ACCEPTED:** Written comments at the preproposal, or CR-101, stage suggested certain changes to the draft rules. The suggested changes and the Commission's reason for rejecting or accepting the suggested changes are included in Appendix A. No person suggested changes to the proposed rules published at WSR #10-18-092.
- 12 **COMMISSION ACTION:** After considering all of the information regarding this proposal, the Commission finds and concludes that it should amend and adopt the rules as proposed in the CR-102 at WSR # 10-18-092.
- 13 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE:** After reviewing the entire record, the Commission determines that WAC 480-100-405,

WAC 480-100-415, WAC 480-100-425 and WAC 480-100-435 should be amended to read as set forth in Appendix B, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

ORDER

14 **THE COMMISSION ORDERS:**

15 The Commission amends WAC 480-100-405, WAC 480-100-415, WAC 480-100-425 and WAC 480-100-435 to read as set forth in Appendix B, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

16 This Order and the rules set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to RCW 80.01, RCW 34.05 and WAC 1-21.

DATED at Olympia, Washington, November 9, 2010.

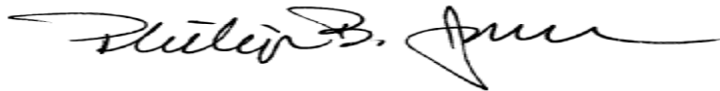
WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION



JEFFREY D. GOLTZ, Chairman



PATRICK J. OSHIE, Commissioner



PHILIP B. JONES, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 4, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 0, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.

Appendix A

(Comment Summary Matrix)

Appendix B

(Adopted Rules)