



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Washington Utilities and Transportation Commission

**Subject of possible rule making:** In 2015, the Legislature enacted RCW 80.28.360, which authorizes the Utilities and Transportation Commission (Commission) to allow an incentive rate of return on electric utility investment in electric vehicle supply equipment (EVSE) that is deployed for the benefit of ratepayers. The law also allows the Commission to adopt other policies to improve access to EVSE and allow a competitive market for charging services to develop. RCW 80.28.360 raises many policy and implementation questions that can be addressed through a rulemaking inquiry.

The Commission's inquiry will evaluate:

1. Whether a rule or policy statement is necessary to implement RCW 80.28.360;
2. How the Commission will consider whether an investment is eligible for the incentive rate of return;
3. How other relevant statutes and Commission rules and standards apply to utility investment in EVSE; and
4. Whether the Commission should consider or adopt other policies to improve access to electric vehicle supply equipment and allow a competitive market for charging services to develop.

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

**Reasons why rules on this subject may be needed and what they might accomplish:** After considering comments from several stakeholders, the Commission approved an EVSE pilot program for one regulated utility on April 28, 2016, subject to conditions. In its order, the Commission noted that RCW 80.28.360 raises many policy and implementation questions that remain unresolved. On June 24, 2016, the Commission issued a Notice of Opportunity to File Written Comments and Notice of Open Meeting to address policy and implementation questions raised in that docket, and held a workshop on this topic on September 13, 2016. In written comments and at the workshop, stakeholders – including regulated electric utilities, EVSE vendors, and ratepayer advocates – recommended that the Commission provide policy guidance regarding the incentive rate of return, the role of electric utilities in market transformation, and the interaction of RCW 80.28.360 with other statutes. Such guidance, whether in the form of rules or a policy statement, will provide more certainty about the scale and scope of investor-owned utility participation in the electric vehicle charging market.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
None

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The UTC employs a collaborative rulemaking process that consists of stakeholder workshops, formal comments, and draft rule reviews.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

Interested parties may file comments on this CR-101. This rulemaking will incorporate comments submitted in docket UE-160799, Staff investigation regarding policy issues related to the implementation of RCW 80.28.360, electric vehicle supply equipment.

**DATE**  
October 31, 2016

**NAME (TYPE OR PRINT)**  
Steven V. King

**SIGNATURE**

**TITLE**  
Executive Director and Secretary

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FILED

**DATE: October 31, 2016**

**TIME: 9:23 AM**

**WSR 16-22-054**