

**Energy Independence Act Rulemaking
Docket UE-131723
Comment Summary – December 2013**

Renewable Portfolio Standard Issues

WAC 480-109 / Topic	Commenter	Comment
007 Definitions	Northwest Energy Coalition and Renewable Northwest Project (NWEC/RNP)	All definitions that repeat the statutory definitions should be deleted.
007 WREGIS	Avista, NWEC/RNP	NWEC/RNP suggest that WREGIS should be defined, using the same definition found in Commerce’s rule. Avista suggests that electrical companies should be required to submit WREGIS certificate numbers for all renewable generation claimed for compliance purposes. PacifiCorp suggests not requiring specific data for RPS verification, but is happy to provide any data requested by the Commission.
007(9), 007(18), 020 Qualified Biomass	Avista, PacifiCorp, NWEC/RNP	Avista and PacifiCorp suggest the Commission add “Qualified Biomass” to its definitions of eligible renewable resources and update subsequent sections to reflect the amended statute. Additionally, NWEC/RNP suggests adding reporting requirements to address legacy biomass.
007(9) Eligible renewable resources outside the Pacific Northwest	PacifiCorp	The rule should be updated to include the statutory language that allows a utility serving retail customers in Washington to claim eligible renewable resources from any other state where the utility also serves retail customers.
020 – Avista 007(9)(b) - PSE Use of third-party incremental hydro	Avista, PSE	The Commission should accept, without further review, a company’s claim for incremental hydro purchased from a qualifying utility as reported to the company by the seller, provided that the seller has received or is expected to receive approval from its regulator.

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New subsection Incremental hydro calculations	Avista, NWEC/RNP	The Commission adopted three methodologies for calculating incremental hydro production in its 2012 and 2013 RPS compliance orders. Avista and NWEC/RNP support the codification of the three methods in the rule. Avista accepts the requirement to revisit Method 3’s one-time estimate every 5 years and compare it to one of the other methods but believes that a company should not be subject to financial penalty based on the results of that comparison. NWEC/RNP suggests that the rule incorporate a clear preference for methods that require annual calculations and strict parameters over methods that do not.
New subsection Bifurcation of multiplier RECs	Avista, NWEC/RNP	The Commission should add the statutory language regarding multiplier RECs, and codify its decision in Docket UE-111663 that multiplier RECs from apprentice labor cannot be separated from their base RECs. NWEC/RNP also suggests extending the prohibition on bifurcation to include the multiplier RECs for distributed generation.
030 Coal transition power	NWEC/RNP	Rule should be updated to capture legislative change regarding coal transition power.
030, 040(1)(c) Alternative RPS compliance	NWEC/RNP	030 and 040(1)(c) should read, “Instead of <i>fully</i> meeting its annual renewable resource target” This would reduce confusion regarding the use of an alternative compliance method.
040(2) RPS compliance reporting	NWEC/RNP	This subsection should be moved to its own section for greater visibility, and the Commission should create an interested parties list for notice of new RPS filings, notices of opportunity to comment, and open meeting dates.
	NWEC/RNP	The rule should codify the two-step RPS compliance process adopted by the Commission in 2012 and 2013.
	NWEC/RNP	Enforce the term “current year” as it relates to the annual RPS reporting process or remove it.
Incremental cost calculations for renewables	Industrial Customers of Northwest Utilities (ICNU), NWEC/RNP	NWEC/RNP suggest that, if time and resources allow, the Commission should work with stakeholders to develop a uniform methodology for calculating incremental costs of RPS compliance (as 040(1)(b) directs). ICNU suggests that a uniform methodology include capacity, energy, and integration costs.

Energy Efficiency Resource Standard Issues

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010(1)(b)(ii) Conservation calculator	ICNU, Avista, PacifiCorp, NWEC/RNP, Public Counsel	NWEC/RNP, Public Counsel, and ICNU suggest removing the rule provision that allows the use of the Council’s Conservation Calculator. Avista and PacifiCorp mention but take no position on the issue.
010(2) Biennial target	Public Counsel	Stakeholders should discuss the elimination or modification of the requirement that the target be no lower than a pro rata share of the ten-year conservation potential in subsection (2)(b), and the use of a range as the target in subsection (2)(c).
010(3) Biennial plan	Public Counsel	The rule should provide more explicit standards for the contents of the biennial conservation plan.
040(1)(a) Annual report	Public Counsel	The rule should provide more explicit standards for reporting conservation achievement in the annual conservation report.
Conservation proposals	Avista	Any proposed new language for conservation-related rules should be presented in a CR-101 workshop prior to being formally proposed in a CR-102 document.
Production efficiency	NWEC/RNP	The Commission’s declaratory order in UE-121165 regarding production efficiency as conservation should be codified.
Conservation potential modifications	NWEC/RNP	The rule should incorporate certain provisions outlining PSE’s ability to make limited modifications to its conservation potential, as outlined in Order 04 of UE-100177.
Codes and standards	NWEC/RNP	A new provision should be added to the rule allowing utilities to claim conservation savings from advocacy for stricter codes and standards.
Behavioral change	NWEC/RNP, Public Counsel	NWEC/RNP suggest the rule provide explicit guidelines regarding how savings from behavioral programs can be measured, verified, and counted towards a utility’s biennial conservation target. Public Counsel suggests that due the variability in the way savings from behavioral programs are measured, it is not ripe for inclusion in the rule.
Unit energy savings	NWEC/RNP	NWEC/RNP suggest the rule should specify an electric utility’s options for claiming conservation savings when the RTF changes a unit energy savings value during the biennium.
Conservation target conditions lists	NWEC/RNP, Avista	NWEC/RNP suggests codifying the common conditions imposed by the Commission’s 2010 and 2012 conservation target orders. Avista does not see any additional customer value in codifying these agreements.
Split-system heat pump water heaters	Parker V. Holden	The Commission should use the rulemaking process to encourage greater consumer uptake of split-system heat pump water heaters.