

Chapter 480-107 WAC

WAC 480-107-001 Purpose and scope. (1) The rules in this chapter require utilities to solicit bids, rank project proposals, and identify any bidders that meet the minimum selection criteria. The rules in this chapter do not establish the sole procedures utilities must use to acquire new resources. Utilities may construct electric resources, operate conservation and efficiency resource programs, purchase power through negotiated contracts, or take other action to satisfy their public service obligations.

(2) The commission will consider the information obtained through these bidding procedures and actions the utility has taken or failed to take to find resources that might not otherwise bid into its request for proposals when it evaluates the performance of the utility in rate and other proceedings.

~~(3) The rules in this chapter are consistent with the provisions of the Public Utility Regulatory Policies Act of 1978 (PURPA), Title II, sections 201 and 210, and related regulations promulgated by the Federal Energy Regulatory Commission (FERC) in 18 C.F.R. Part 292. To the extent~~

~~of any conflict between these rules and PURPA, or the related rules promulgated by FERC in 18 C.F.R. Part 292, PURPA and those related rules control. Purchase of electric power under these rules satisfies a utility's obligation to purchase power from qualifying facilities under section 210 of PURPA.~~

WAC 480-107-002 Application of rules. (1) The rules in this chapter apply to any utility that is subject to the commission's jurisdiction under RCW 80.04.010 and chapter 80.28 RCW.

(2) Any affected person may ask the commission to review the interpretation or application of these rules by a utility or customer by making an informal complaint under WAC 480-07-910, Informal complaints, or by filing a formal complaint under WAC 480-07-370, Pleading—General.

(3) ~~No exception~~The commission may grant an exemption from the provisions of any rule in this chapter ~~is permitted without prior written authorization by the commission. Such exceptions may be granted only if~~in the same manner and consistent with the ~~public interest, standards~~and according to the ~~purposes underlying regulation, and applicable~~

~~statutes. Any deviation~~procedures set forth in WAC 480-07-110 Exemptions
~~from the provisions of any rule in this chapter without prior~~and
~~modifications to~~ commission ~~authorization will be subject to penalties~~
~~as provided~~rules; conflicts with other rules. Any exemption granted by
the commission does not remove or reassign the exclusive cost and risk
borne by lawthe utility.

WAC 480-107-004 Additional requirements. (1) These rules do not relieve any utility from any of its duties and obligations under the laws of the state of Washington.

(2) The commission retains its authority to impose additional or different requirements on any utility in appropriate circumstances, consistent with the requirements of law.

WAC 480-107-006 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

WAC 480-107-007 Definitions. "Affiliate" means a person or corporation that meets the definition of an "affiliated interest" in RCW 80.16.010.

~~"Avoided costs" means the incremental costs to a utility of electric energy, electric capacity, or both, that the utility would generate itself or purchase from another source, but for purchases to be made under these rules. A utility's avoided costs are the prices, terms and conditions, including the period of time and the power supply attributes, of the least cost final contract entered into as a result of the competitive bidding process described in these rules. If no final contract is entered into in response to a request for proposal (RFP) issued by a utility under these rules, the utility's avoided costs are the lesser of:~~

~~(1) The price, terms and conditions set forth in the least cost project proposal that meets the criteria specified in the RFP; or~~

~~(2) Current projected market prices for power with comparable terms and conditions.~~

~~"Back-up power" means electric energy or capacity supplied by a utility to replace energy ordinarily supplied by utility-owned~~

~~generation or purchased through contracts that is unavailable due to an unscheduled outage.~~

"Commission" means the Washington utilities and transportation commission.

~~**"Conservation"** means any reduction in electric power consumption that results from increases in the efficiency of energy use, production or distribution, or from demand response, load management or efficiency measures that reduce peak capacity demand.~~

"Conservation and efficiency resources" has the same meaning as defined by WAC 480-100-238(2).

"Conservation supplier" means a third-party supplier or utility affiliate that provides equipment or services that ~~save capacity or energy.~~

~~**"Economic dispatch"** means modifying reduce the scheduling of power purchases from a generating facility within contractually specified limits to minimize the costs of delivering electricity need for capacity or energy.~~

"Generating facilities" means plant and other equipment used to ~~generate~~produce electricity purchased through contracts entered into under these rules.

~~"Independent power producers"~~ "evaluator" means a thirdparty, not affiliated with the utility, that provides an evaluation of the utility's request for proposal process, evaluation, selection criteria, and related analyses of all project bids and project proposals discussed in this chapter.

"Independent power producer" means a non-utility entity that develops or owns generating facilities or portions thereof that are not ~~included in a utility's rate base and that are not~~ qualifying facilities as defined in ~~this section~~WAC 480-106-007.

"Integrated resource plan" or **"IRP"** means the filing made every two years by a utility in accordance with WAC 480-100-238 Integrated resource planning.

~~"Interruptible power"~~ means ~~electric energy or capacity supplied to a utility by a generating facility, the availability of which may be interrupted under certain conditions.~~

~~"Maintenance power"~~ means ~~electric energy or capacity supplied by a utility during scheduled outages of a generating facility.~~

"Project developer" or "bidder" means an individual, association, corporation, or other legal entity that can enter into a ~~power or conservation~~ contract with the utility to supply a resource need.

"Project proposal" or "bid" means a project developer's document containing a description of a project and other information ~~responsive in response~~ to the requirements set forth in a request for proposal, ~~also known as a bid.~~

"Qualifying facilities" means generating facilities that meet the criteria specified by the FERC in 18 C.F.R. Part 292 Subpart B as described in WAC 480-106-007.

"Request for proposals" or "~~RFPs~~RFP" means the documents describing a utility's solicitation of bids for generating or delivering ~~electric capacity, energy, or capacity and energy, or conservation~~ a resource need.

"Resource ~~block~~need" has the same meaning as defined by WAC 480-100-238(2).

"Resource supplier" means ~~the deficit of capacity and associated energy~~ third-party supplier, utility, or utility affiliate that provides equipment or services that serve a resource need.

"Short-term market purchases" means purchases of energy or capacity on the IRP showspot or forward market contracted for the neara term less than four years.

"Subsidiary" means any company in which the utility owns directly or indirectly five percent or more of the voting securities, and that may enter a power or conservation contract with that electric utility. A company is not a subsidiary if the utility can demonstrate that it does not control that company.

~~"Supplementary power" means electric energy or capacity supplied by a utility that is regularly used by a generating facility in addition to that which the facility generates itself.~~

"Utility" means an electrical company as defined by RCW 80.04.010.

WAC 480-107-015 The solicitation process. (1) ~~Any owner of a generating facility, developer of a potential generating facility, marketing entity, or provider of energy savings may participate~~Except as set forth in Section (4) below, the RFPutility must solicit bids for its resource needs identified during the IRP process. ~~Bidders may propose~~It must accept bids that are identified in the solicitation process for a variety of energy resources which may have the potential

to fill the identified needs including: ~~Electrical~~, but not limited to:
electrical savings associated with conservation and efficiency
resources; demand response; energy storage; electricity from qualifying
facilities; electricity from independent power producers; and, at the
utility's election, electricity from the utility, utility subsidiaries,
and other electric utilities, whether or not such electricity includes
ownership of property. ~~Qualifying facility producers with a generation~~
~~capacity of one megawatt or less may choose to participate in the~~
~~utilities' standard tariffs without filing a bid.~~

(2) A utility may participate in the bidding process as a
power resource supplier, or may allow a subsidiary or affiliate to
participate in the bidding process as a power resource supplier,
~~on~~pursuant to conditions described in WAC 480-107-135 Conditions for
purchase of ~~electrical power or savings~~resources from a utility's
subsidiary or affiliate. ~~The utility's RFP submittal must declare the~~
~~utility's or affiliate's participation and must demonstrate how the~~
~~utility will satisfy the requirements of~~ WAC 480-107-135. AAA Independent
Evaluator for Significant Resource Needs or Utility or Affiliate Bid.

(3) ~~Timing of the~~The solicitation process.

~~(a) The rules in this section do not apply when~~ is required whenever a utility's most recently acknowledged integrated resource plan, prepared pursuant to WAC 480-100-238, demonstrates that the utility does not have a resource need additional capacity within three years.

~~(b)(4) Utilities may choose not to issue an RFP without requesting a petition for exemption from the requirements in this section under the following circumstances. Commission grant of an exemption from an issuance of an RFP under this section or pursuant to WAC 480-07-110 does not expressly or implicitly determine the prudence of the utility's actions under the exemption or its choice to seek an exemption:~~

(a) The utility's identified resource need for capacity is less than 80 megawatts;

(b) The utility's identified resource need is for delivery system resources;

(c) The utility has previously issued an RFP for the same precisely defined resource need in accordance with WAC 480-107-065, or has previously issued an RFP for the same precisely defined resource need within the last 12 months; or

(d) The utility plans to satisfy its identified resource need for capacity with short-term market purchases, so long as:

(i) The utility, in its IRP, considered all available information on sufficient regional adequacy and expressly modeled and considered the risk of high market prices that can result from changes in existing capacity available in the markets from which the utility expects to purchase capacity to meet its capacity needs; and

(ii) Sufficient regional adequacy to support these forecasted market purchases has been identified by the Northwest Power and Conservation Council in their latest published power supply adequacy assessment over the entire period of the utility's resource need or the next five years, whichever period is shorter.

(5) A utility must submit to the commission a proposed ~~request for proposals~~RFP and accompanying documentation no later than one hundred thirty-five days after the utility's integrated resource plan is ~~due~~submitted to ~~be filed with~~ the commission. Interested persons will have sixty days from the RFP's filing date ~~with the commission~~ to submit written comments to the commission on the RFP. The commission will approve, approve with conditions, or suspend the RFP within thirty days after the close of the comment period.

~~(e)~~(6) Utilities are encouraged to consult with commission staff and other interested stakeholders during the development of the RFP.

Utilities may submit draft RFPs for staff and stakeholder review prior to formally submitting a proposed RFP to the commission.

(7) A utility must solicit bids for ~~electric power and electrical savings resource needs~~ within thirty days of a commission order approving the RFP.

~~(d) All, with or without conditions, as applicable. To solicit bids will, a utility must post a copy of the RFP on the utility's public web site. The utility must maintain a list of potential vendors and industry trade associations and agencies and communicate to those vendors, associations and agencies when an RFP is issued.~~

(8) The utility must ensure that all bids remain sealed until the expiration of the solicitation period specified in the RFP.

~~(4) In addition to the solicitation process required by these rules, a utility may, at its own discretion, issue an RFP that limits project proposals to resources with specific characteristics. In addition, a utility, at its own discretion, may issue~~ (9) A utility may issue RFPs more frequently than required by this rule.

~~(5) Persons~~ (10) Any person interested in receiving commission notice of ~~a specific utility's~~ utility proposed RFP filings ~~can request the commission to~~ may place their ~~names on a mailing list for~~

~~notification of future RFP filings by that utilityname on the IRP listserv on the commission's website.~~

WAC 480-107-025 Contents of the solicitation. (1) The RFP must ~~identify~~precisely define the resource ~~block, consisting of the overall amount and duration of power~~need, including any specific attributes or characteristics the utility is soliciting, ~~the initial estimate of avoided cost schedule as calculated in WAC 480-107-055 Avoided cost schedules~~such as the amount and duration of power, any time and locational attributes, operational attributes, the type of technology necessary to meet a compliance requirement, and any additional information necessary for potential bidders to make a complete bid, including the avoided cost identified in the integrated resource plan.

(2) The RFP must ~~document~~indicate that the size and operational attributes of the resource ~~block is~~need solicited are consistent with ~~the range of estimated new~~a resource ~~needs~~need identified in the utility's integrated resource plan.

~~(3) The RFP must explain general evaluation and~~ (3) The RFP must allow any resources that meet a portion of the amount or a subset of the characteristics or attributes of the resource need to bid, such as

unbundled renewable energy credits for a renewable resource need, or conservation and efficiency resources for a capacity need.

(4) The RFP must clearly explain the specific ranking procedures and assumptions that the utility will use in accordance with WAC 480-107-035 Project ranking procedure. The RFP must include a sample evaluation rubric that either quantifies the weight each criterion will be given during the project ranking procedure or provides a detailed explanation of the aspects of each criterion specifically identified that would result in the bid receiving higher priority. The RFP must also specify any minimum criteria and qualifications that bidders must satisfy to be eligible for consideration in the ranking procedure. Non-price score criteria that seek to identify minimum thresholds for a successful bid and that may be converted into minimum bidder requirements must be converted into minimum bidder requirements.

~~(4) The~~ (5) The utility's RFP submittal must declare whether the utility or an affiliate is allowed to bid into the RFP. The utility must require the affiliate to include with its bid a list of all its employees during the last three years. The utility must identify any employees of the affiliate that worked for the utility in the utility's final report

to the commission required by WAC 480-107-145 Filings-Investigations
(2).

(6) The RFP must specify ~~the timing of a~~ detailed timeline for each
stage of the RFP process including the solicitation period, the ranking
period, and the expected selection period.

(57) The RFP must identify all financial security requirements and
the rationale for ~~them~~such requirements.

~~(6) Utilities~~(8) The RFP must identify utility-owned transmission
assets that are ~~encouraged~~ made available by the utility to ~~consult~~ be
used by bidders to assist in meeting the resource need, and allow the
use of such assets to be included in bids.

WAC 480-107-AAA Independent Evaluator for Significant Resource
Needs or Utility or Affiliate Bid. (1) When required to solicit bids
under WAC 480-107-015(3), a utility must engage the services of an
independent evaluator to evaluate and report on the solicitation process
if:

(a) The resource need is greater than 80 megawatts;

(b) The utility, its subsidiary, or an affiliate is allowed to submit a bid; or

(c) The RFP accepts bids with ownership structures under which ownership of the project will be transferred to the utility, its subsidiary, or an affiliate upon project completion.

(2) The utility, after consulting with commission staff during the development of the RFP. Utilities, at their own discretion and the appropriate stakeholders, may submit draft RFPs for staff review prior to formally submitting an RFP to issue an RFP for an independent evaluator and must recommend an independent evaluator for approval by the commission.

(3) The independent evaluator will contract with and be paid by the utility. The utility will also manage the contract terms with the independent evaluator.

(4) The utility must give the independent evaluator full access to examine and test the utility's production cost and risk models and any other model or data that is necessary for the independent evaluator to complete its work.

(5) The independent evaluator will, at a minimum:

(a) Ensure that the RFP process is conducted fairly and properly;

(b) Participate in the design of the solicitation;

(c) Be available and responsive to the commission throughout the process, and, upon request, must provide the commission with the independent evaluator's notes of all conversations and the full text of written communications between the independent evaluator and the utility and any third-party that are related to the independent evaluator's execution of its duties;

(d) Verify that the utility's inputs and assumptions, including capacity factors and capital costs, are reasonable;

(e) Evaluate the unique risks of each bid; and

(f) Assess whether the utility's scoring of the bids and selection of the initial and final shortlists are reasonable.

(6) The independent evaluator will prepare an initial report to the commission at the conclusion of the bid evaluation process, before reconciling project rankings with the utility, and a final report after reconciling rankings with the utility in accordance with WAC 480-107-035 (4) Project ranking procedure. ~~(1) The~~ The initial report may be filed with the commission simultaneously with the final report. The final

report must include an evaluation of the competitive bidding process in selecting the lowest reasonable cost acquisition or action to satisfy the identified resource need, including the adequacy of communication with stakeholders and bidders. The commission may request that additional analysis be included in the final report.

(a) No stakeholder, including the utility or staff, shall have any editorial control over the independent evaluator's initial report, other than routine processes, such as administrative corrections or to remove bids that do not comply with the minimum criteria identified in the RFP.

(b) The final report should not differ significantly from the initial report and must explain ranking differences and why the independent evaluator and the utility were, or were not, able to reconcile the differences.

(c) The utility, staff, and stakeholders may submit responses to the final report with the commission.

WAC 480-107-035 Project ranking procedure. (1) The commission must approve the procedures and criteria the utility will use in its RFP to evaluate and rank project proposals—~~are subject to commission approval.~~

Evaluation criteria should be standardized and applied equally to all bids and bidders.

(2) At a minimum, the ranking criteria must ~~recognize~~consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, credit and financial risks to the utility, the risks imposed on ratepayers, public policies regarding resource preference adopted by Washington state or the federal government~~and,~~ environmental effects including those associated with resources that emit carbon dioxide,resiliency attributes, and reliability costs and benefits. The ranking criteria must recognize differences in relative amounts of risk inherent among different technologies, fuel sources, financing arrangements, ~~and~~ contract provisions.~~The ranking process must complement power acquisition goals identified,~~ and be consistent with the analytical methods developed in the ~~utility's~~utility's most recently acknowledged integrated resource plan.

~~(3) After the~~(3) The utility must evaluate project bids that meet only a portion of the resource need in conjunction with other proposals in developing the lowest reasonable cost portfolio. The utility must

consider the value of all costs and benefits that are not directly related to the specific need solicited.

(4) The utility and, when applicable as determined in the contract, the independent evaluator will separately score and produce a ranking of the qualifying bids following the RFP ranking criteria and methodology. If, as a result of unexpected contents in the bids, the utility deems it necessary to modify the ranking criteria, notification must be sent to all bidders describing the change and an opportunity must be granted to bidders that choose to subsequently modify submitted bids.

(5) Within thirty days after the sealed project proposals have been opened for ranking, the utility must make available for public inspection at on the utility's ~~designated place of business~~ website a summary of each project proposal and a final ranking of all proposed projects.

(46) The utility may reject any project proposal that does not ~~specify~~ comply with the minimum requirements within the RFP and, as part of the ~~price~~ bid, does not identify and specify the costs of complying with environmental laws, rules, and regulations in effect at the time of the bid or otherwise does not adequately serve ratepayers' interests.

~~(57) The utility may reject all project proposals if it finds that no proposal adequately serves ratepayers' interests. The commission will review, as appropriate, such a finding together with evidence filed in support of any acquisition in the utility's next general rate case or other cost recovery proceeding.~~

~~(6) When the utility, the utility's subsidiary or an affiliate submits a bid in response to an RFP, one or more competing bidders may request the commission to appoint an independent third party to assist commission staff in its review of the bid. Should the commission grant such a request, the fees charged by the independent third party will be paid by the party or parties requesting the independent review.~~

(8) After the ranking process is concluded, the utility will provide access to each bidder to its own confidential scoring information.

(9) Within five days after executing an agreement for acquisition of a resource or determining that all proposals or bids will be rejected, the utility must make available for public inspection on the utility's website a final detailed ranking of results for all proposals and the details of the winning bid pricing and scores.

(10) The commission may review any acquisitions resulting from the RFP process in the utility's relevant general rate case or other cost recovery proceeding.

(11) The commission will review, as appropriate, a utility's finding that no proposal adequately serves ratepayers' interests together with evidence filed in support of any acquisition in the utility's relevant general rate case or other cost recovery proceeding.

WAC 480-107-045 Pricing and contracting procedures. (1) Once project proposals ~~have been~~are ranked in accordance with WAC 480-107-035 Project ranking procedure, the utility must identify the bidders that best meet the selection criteria and that are expected to produce the ~~energy, capacity, and electrical savings~~relevant attributes as defined by that portion of the resource ~~block~~need to which the project proposal is directed.

(2) The project proposal's price, pricing structure, and terms are subject to negotiation subject to thresholds defined in the RFP.

WAC 480-107-065 ~~Eligibility for long-run~~Acquisition of conservation ~~purchase rates and efficiency resources.~~ (1) AnyA conservation and efficiency resource supplier may participate in the bidding process ~~for~~

any resource need. A utility ~~may allow,~~ a utility subsidiary ~~to, or~~ affiliate may participate as a conservation supplier, on conditions described in WAC 480-107-135 Conditions for purchase of ~~electrical power~~ or savings resources from a utility's subsidiary or affiliate. ~~A decision to allow a utility subsidiary to participate must be explained in the utility's RFP submittal.~~

(2) All conservation and efficiency measures included in a project proposal must:

~~(a) Produce electrical savings over a time period greater than five years, or a longer period if specified in the utility's RFP. A measure with an expected life that is shorter than the contract term must include replacements through the contract term;~~

~~(b) Be consistent with the utility's integrated resource plan; and~~

~~(c) Produce~~ produce savings that can be reliably measured or estimated with accepted engineering, statistical, or meter-based methods.

(3) A utility must acquire conservation and efficiency resources through a competitive procurement process as described in this rule unless implementing a competitive procurement framework for conservation and efficiency resources as approved by the commission.

(a) A utility may develop, and update each biennium, a competitive procurement framework for conservation and efficiency resources in consultation with its conservation advisory group, as described in WAC 480-109-110 Conservation advisory group.

(b) The first competitive procurement framework for conservation and efficiency resources may be filed with the 2020-2021 biennial conservation plan.

(c) The competitive procurement framework for conservation and efficiency resources must:

(i) Define the specific criteria that will be used to determine to the frequency of competitively bidding a conservation and efficiency resource program or parts of a program;

(ii) Address appropriate public participation and communication of evaluation and selection criteria;

(iii) Enhance or, at minimum, not interfere with the adaptive management of programs;

(iv) Include documentation of support by the advisory group;

(v) Be filed as an appendix to each biennial conservation plan, as described in WAC 480-109-120 Conservation planning and reporting; and

(d) The competitive procurement framework for conservation and efficiency resources may:

(i) Exempt particular programs from competitive procurement, such as low-income, market transformation, or self-directed programs; and

(ii) Consider if and when to use an independent evaluator.

WAC 480-107-075 Contract finalization. (1) Unless otherwise prohibited by law, a utility ~~has discretion to~~may decide whether to enter into a final contract with any project bidder that meets the selection criteria of the RFP. Any ~~such~~ bidder may petition the commission to review a utility's decision not to enter into a final contract.

(2) Any project bidder and utility may negotiate changes to the selected project proposal, subject to any limitation established in the RFP, for the purpose of finalizing a particular contract consistent with the provisions of this chapter.

(3) The utility may sign contracts for any appropriate time period specified in a selected project proposal for up to a twenty-year term. The utility may sign longer-term contracts if such provisions are specified in the utility's RFP.

(4) If material changes are made to the project proposal after project ranking, including material price changes, the utility must suspend contract finalization with that party and rerank, and have the independent evaluator rerank when applicable, projects according to the revised project proposal. If the material changes cause the revised project proposal to rank lower than projects not originally selected, the utility ~~must~~may instead pursue contract finalization with the next ranked project, or close the RFP with no bids selected if all other bids have been rejected.

~~(5) A project developer must provide evidence that the developer has obtained or will obtain a generation site (e.g., letter of intent) before signing a contract with the purchasing utility.~~

~~**480-107-115 System emergencies.** (1) A generating facility entering into a power contract under these rules is required to provide energy or capacity to a utility during a system emergency only to the extent:~~

~~(a) Provided by agreement between such generating facility and utility; or~~

~~(b) Ordered under section 202(c) of the Federal Power Act.~~

~~(2) During any system emergency, a utility may discontinue or curtail:~~

~~(a) Purchases from a generating facility if such purchases would contribute to such emergency; and~~

~~(b) Sales to a generating facility, if such discontinuance or curtailment:~~

~~(i) Does not discriminate against a generating facility; and~~

~~(ii) Takes into account the degree to which purchases from the generating facility would offset the need to discontinue or curtail sales to the generating facility.~~

~~(3) System emergencies resulting in utility action under this chapter are subject to verification by the commission upon request by either party to the power contract.~~

~~**480-107-125 Interconnection costs.** (1) Any costs of interconnection are the responsibility of the owner or operator of the generating facility entering into a power contract under this chapter. The utility must assess all reasonable interconnection and necessary system or~~

~~network upgrade costs the utility incurs against a generating facility on a nondiscriminatory basis.~~

~~(2) The owner or operator of the generating facility must reimburse the utility for any reasonable interconnection costs the utility may incur. Such reimbursement shall be made, at the utility's election:~~

~~(a) At the time the utility invoices the owner or operator of the generating facility for interconnection costs incurred by the utility;~~
~~or~~

~~(b) Over an agreed period of time not greater than the length of any contract between the utility and the generating facility.~~

WAC 480-107-135 Conditions for purchase of ~~electrical power or savings~~resources from a utility, a utility's subsidiary or affiliate.

(1) The utility, its subsidiary, or affiliate may participate in the utility's bidding process. In these circumstances, the solicitation and bidding process ~~will~~may be subject to the additional scrutiny ~~by of an independent evaluator, pursuant to WAC 480-107-AAA Independent evaluator for Significant Resource Needs or Utility or Affiliate Bid, and~~ the commission to ensure that no unfair advantage is given to the ~~utility's~~utility, its subsidiary ~~or, its~~ affiliate. ~~Commission scrutiny~~

~~will ensure that ratepayer interests are protected.~~, or any bid that might result in the utility owning the resource.

~~(2) As part of its RFP, a utility must include specific notice if it intends to submit a bid or intends to allow~~(2) A utility, its subsidiaries and/or affiliates to participate may not submit a bid or accept bids that will result in its bidding process. the utility owning the resource at

some point during its operation unless the utility provides notice this may occur in the RFP. The utility must indicate in its RFP how it will ensure that the utility-owned resource, or the resource of its subsidiary or affiliate, through association with the utility, will not gain an unfair advantage over potential nonaffiliated competitors. bids for a resource that will be owned and operated by an independent power producer during its operation.

(3) A utility's disclosure of utility must not disclose the contents or results of an RFP or competing project proposals to its own personnel involved in developing the utility's bid, or to its any subsidiary or affiliate prior to such information being made public will be construed. The utility must include in the RFP and notice the methods used to constitute an unfair advantage assure that inappropriate information is

tightly controlled and not communicated internally or with affiliates or subsidiaries.

~~(3) The commission may not allow a utility to recover in its rates all or part of the costs associated with the utility's project, or a subsidiary's or affiliate's project(s), if any unfair advantage was given to any bidder.~~

WAC 480-107-145 Filings—Investigations. (1) The commission retains the right to examine project proposals as originally submitted by potential developers. The utility must keep all documents supplied by project bidders or on their behalf, and all documents created by the utility relating to each bid, for at least seven years from the close of the bidding process, or the conclusion of the utility's ~~next general rate case~~general rate case, including any time period allowed for reconsideration or appeal, in which the fully-developed project was reviewed for prudence, whichever is later.

(2) The utility must file with the commission ~~and maintain on file for inspection at its place~~within 90 days of ~~business,~~ the ~~current rates,~~

prices, conclusion of any resource RFP process a summary report of responses including, at a minimum:

(a) Specific reasons for any project rejected under WAC 480-107-035(6) Project ranking procedure.

(b) Number of bids received, categorized by technology type;

(c) Size of bids received, categorized by technology type;

(d) Number of projects received, categorized by technology type;

(e) Size of projects received, categorized by technology type; and

(f) Median and charges established in accordance with this chapter average bid price categorized by technology type. Categorization should be broad enough to limit the need for confidential designation whenever practical.

WAC 480-107-999 Adoption by reference. In this chapter, the commission adopts by reference all or portions of regulations and standards identified in subsections subsection (1) ~~and (2)~~ of this section. The publication, effective date, reference within this chapter, and availability of the resources are as follows:

~~(1) Public Utilities Regulatory Policies Act of 1978 (PURPA), Title II, Sections 201 and 210, cited as 16 U.S.C. Sec. 796 and 824a-3, including all amendments is published by the United States Government Printing Office.~~

(1) Pacific Northwest Power Supply Adequacy Assessment as published by the Northwest Power and Conservation Council.

~~(a) The commission adopts the version in effect on August 8, 2005.~~

~~(b) This publication is reference in WAC 480-107-001 (Purpose and scope).~~

~~(c) Copies of U.S. Code are available from the U.S. Government Printing Office in Washington, D.C. or online at <http://www.gpo.gov/>.~~

~~(2) Title 18 Code of Federal Regulations Part 292, cited as 18 C.F.R. Sec. 292, including all appendices and amendments is Pacific Northwest Power Supply Adequacy Assessment for 2023 published by the United States Government Printing Office in 2018.~~

~~(a) The commission adopts the version in effect on April 1, 2015.~~

~~(b) This publication is referenced in WAC 480-107-001 (Purpose and scope).015.~~

(c) Copies of ~~Title 18 Code of Federal Regulations~~Pacific Northwest Power Supply Adequacy Assessment for 2023 are available from the ~~U.S. Government Printing Office in Washington D.C. or online~~Northwest Power and Conservation Council at ~~http~~https://www.gpo.gov/ and from various ~~third-party vendors. It is also available for inspection at the commission branch of the state library.~~

[nwCouncil.org/energy/energy-topics/resource-adequacy/pacific-northwest-power-supplyadequacy-assessment-for-2023.](https://www.gpo.gov/)