

73 What is apparent is that RCW 80.28.068 operates in a context other than this docket. For example, under that section, the context is a request by a party in a “general rate case hearing,”⁹⁰ for PSE to offer services and/or physical facilities to low income customers “at a discount,” and where PSE collects the expenses and lost revenues related to the discount through the cost of service.

74 That is not the context here. This docket is not a “general rate case hearing;” there is no “discount”⁹¹ from the price of other PSE services or facilities PSE provides; and the inclusion of expenses and lost revenues in PSE’s cost of service has not been addressed, let alone accomplished.

75 Therefore, if approved, the low income proposal would constitute an undue preference in violation of RCW 80.28.090. The “safe harbor” of RCW 80.28.068 does not apply. However, should the Commission decide not to reach this legal issue, we next offer several other reasons why the Commission should reject the exclusive low income programs proposed in this case.

⁹⁰ The Legislature made a deliberate choice to limit low income discount requests to general rate case hearings. As originally enacted, RCW 80.28.068 authorized only the utility to request a low income discount. Laws of 1999, ch. 62, § 1 (“Upon request of an electrical or gas company ...”). The Legislature amended that section in 2009. The original bill would have also authorized a low income discount request by “a party.” S.B. 5290, § 1, 61st Leg., Reg. Sess. (Wash. 2009). However, that bill was amended to change “a party” to “a party *in a general rate case hearing*.” S.S.B. 5290, § 1, 61st Leg., Reg. Sess. (Wash. 2009) (emphasis added). This is the version that was enacted. Laws of 2009, ch. 32, § 1.

⁹¹ Given the context of RCW 80.28.068, the obvious meaning of “discount” is its plain meaning: a “reduction from the gross amount of value of anything ... as ... a reduction from the price made to a specific customer or class of customers.” Webster’s Third New Int’l Dictionary (1968) at 646. Therefore, even if this docket were a general rate case hearing, RCW 80.28.068 would not apply because PSE and the low income advocates have proposed no discounts from anything.