

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

PACIFICORP d/b/a PACIFIC POWER
& LIGHT COMPANY,

For an Exemption from WAC 480-100-
650(4)(a)(i)

DOCKET UE-210829

ORDER 01

GRANTING EXEMPTION FROM
RULE

BACKGROUND

- 1 On June 9, 2023, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition (Petition) requesting an exemption from Washington Administrative Code (WAC) 480-100-650(4)(a)(i) to waive the requirement to provide hourly retail sales information in the Company’s inaugural 2023 Clean Energy Transformation Act (CETA) annual clean energy progress report (Annual Progress Report).
- 2 WAC 480-100-650(4)(a)(i) requires each utility to file its Annual Progress Report based on an analysis that identifies and considers the source and characteristics of the electricity a utility claims to meet compliance obligations under WAC 480-100-610, including electricity that is produced, purchased, sold, or exchanged. Unless otherwise ordered by the Commission, the analysis and supporting data provided in the filing must include data in an hourly format for total Washington retail sales.
- 3 The Company argues that the exemption is consistent with the public interest, citing that this requirement imposes an undue hardship on the Company that is different in degree or kind from similarly situated persons.^{1,2} According to the Company, close to 100 percent of PacifiCorp’s Washington customer base has automatic meter reading (AMR) systems.³ In comparison to Automatic Metering Infrastructure (AMI), these systems lack the ability to store and transmit hourly energy volumes. The Company is therefore technologically

¹ WAC 480-07-110(2)(c)
² WAC 480-100-008, 480-07-110(1)
³ PacifiCorp Petition for Exemption, p. 2 (June 9, 2023).

unable to provide the required data. PacifiCorp argues that it is not similarly situated to other Washington utilities and requests an exemption from the requirement to provide hourly retail sales information until it installs AMI or another similar system.

4 Commission staff (Staff) inquired about potential plans to install AMI and the corresponding timeline. PacifiCorp responded that the case for deploying AMI technology is reassessed each year, and that the 2023 business case was not favorable. The Company also mentioned that the present AMR bases have approximately 10 years of useful life remaining. Neither the Company nor Staff are aware of any other financially viable or reasonably accurate solution to obtain hourly data from Washington customers. Staff understands the Company's statements that requiring AMI to be installed would impose undue hardship, given the relatively long remaining life of the current AMR system.

5 Staff recommends the Commission grant the Petition.

DISCUSSION

6 We grant PacifiCorp's Petition for an exemption from the annual requirement to file the supporting data in an hourly format for total Washington retail sales in its Annual Progress Report. Under WAC 480-07-110, the Commission may grant a request for exemption if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes. Factors the Commission may consider in making this determination include whether the rule imposes an undue hardship on the requesting person of a degree or a kind different from hardships imposed on other similarly situated persons.⁴

7 In this instance, PacifiCorp has not yet transitioned to AMI technology. The Company is not required to make such a transition, and its existing AMR system has 10 years of remaining useful life. Moreover, neither the Company nor Staff are aware of any other financially viable or reasonably accurate solution to obtain hourly data from Washington customers. Accordingly, we agree with Staff that the Company's request is reasonable because requiring hourly data would impose an undue hardship. We thus conclude that granting the Company's request for an exemption is in the public interest and consistent with underlying the rule and statute.

⁴ WAC 480-07-110(2)(c).

FINDINGS AND CONCLUSIONS

- 8 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including electric companies.
- 9 (2) PacifiCorp is an electric company and a public service company subject to Commission jurisdiction.
- 10 (3) PacifiCorp is subject to WAC 480-100-650(4)(a)(i), which requires electric companies to file their annual clean energy progress report based on an analysis and supporting data in an hourly format for total Washington retail sales.
- 11 (4) Under WAC 480-07-110, the Commission may grant an exemption from the provisions of any of its rules if doing so is consistent with the public interest, the purposes underlying regulation, and applicable statutes.
- 12 (5) This matter was brought before the Commission at its regularly scheduled meeting on June 29, 2023.
- 13 (6) After reviewing PacifiCorp's Petition in Docket UE-210829 and giving due consideration to all relevant matters, the Commission finds that the Company's Petition is consistent with the public interest and should be granted.

ORDER

THE COMMISSION ORDERS:

- 14 (1) PacifiCorp's d/b/a Pacific Power & Light Company Request for Exemption from WAC 480-100-650(4)(a)(i), filed on June 9, 2023, is GRANTED.
- 15 (2) This Order shall not affect the Commission's authority over rates, services, accounts, valuations, estimates, or determination of costs, on any matters that may come before it. This Order shall not be construed as an agreement to any estimate or determination of costs, or any valuation of property claimed or asserted.

- 16 (3) The Commission retains jurisdiction over the subject matter and PacifiCorp d/b/a Pacific Power & Light Company to effectuate the provisions of this Order.
- 17 (4) The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective June 29, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

AMANDA MAXWELL
Executive Director and Secretary