

November 12, 2021

VIA ELECTRONIC FILING

Amanda Maxwell
 Executive Director and Secretary
 Washington Utilities and Transportation Commission
 621 Woodland Square Loop SE
 Lacey, WA 98503

Received
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 State Of WASH.
 UTIL. AND TRANSP.
 COMMISSION

Re: WUTC Docket UE-210183, Draft Rules on “Use” for the Clean Energy Transformation Act

Dear Ms. Maxwell:

The Washington Public Utility Districts Association (WPUDA) appreciates the opportunity to comment on the first draft rules released by the Washington Utilities and Transportation Commission’s (Commission) that would interpret the “use” of electricity provisions of the Clean Energy Transformation Act (CETA). While recognizing that these rules will not apply to our 23-member Public Utility Districts who offer electric utility services, the Commission’s release of these first draft rules provides an opportunity to contemplate on how similar rules might apply to consumer-owned utilities. We intend that the information provided herein helps to inform the approach of the Commission going forward and the Washington Department of Commerce should it elect to pursue rulemaking on this topic.

Our focus here is on the extraordinarily important partnership that WPUDA association members have with the Bonneville Power Administration (BPA). Twenty of our member utilities take power marketed by BPA. Eight are full requirements customers of BPA meaning that that federal entity provides all transmission, energy, capacity and balancing services. And BPA supplies the majority of the power that most remaining 12 member PUDs deliver to their retail customers. CETA recognizes the importance of BPA to Washington’s electric system infrastructure and supply by stating unequivocally that all utilities (both Investor-Owned and Consumer-Owned) retain the right to use electricity from BPA to serve retail customers notwithstanding other requirements of the statute.¹

WPUDA’s comment is that the administrative rules promulgated to implement CETA must preserve this BPA – utility relationship. It is of particular importance that the rules account for and align with BPA’s electricity products², processes and information disclosures. We worry, for

¹ RCW 19.405.040(g) Nothing in this section prohibits an electric utility from purchasing or exchanging power from the Bonneville power administration.

² For example, CETA implementing rules must accommodate the fact that a portion of power BPA delivers to Washington utilities comes from market purchases made in response to varying river flows and contracted service

example, about the potential for dis-alignment between the Commission’s proposal to require the reporting of hourly data. The purported purpose is “to increase visibility into a utility’s operations and augment the data available to review a utility’s performance in compliance with the standards”³ and information disclosures by BPA. However, for power supplied by BPA hourly data would be either meaningless because utilities would simply and inaccurately scale down BPA’s annual report to an hourly timeframe, or impossible to comply with because BPA does not provide generation mix data on an hourly basis.⁴ WPUDA asks whether public policy is best served by an administratively burdensome reporting mandate that provides no real value.

Thank you for the opportunity to comment. Please contact Nicolas Garcia (ngarcia@wpuda.org, 360-951-0981) us if you have any questions or desire further clarification.

Thank you,

George M. Caan

George Caan, Executive Director
Washington Public Utility Districts Association

obligations. Historically, that portion ranges from 3 to 12% annually, and even more on a monthly basis. WPUDA understands that these market acquisitions are necessary for BPA to maintain system balance over the short- and long-term. Presently, utilities have no way of knowing or affecting the mix of resources within BPA’s portfolio either at the time they enter into a purchase contract with BPA or even when BPA actually delivers the power.

³ NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS ON DRAFT RULES, State of Washington Utilities and Transportation Commission, October 12, 2021, page 4.

⁴ BPA provides utility customers with an annual fuel mix report that identifies the total amount of generation by type and market resources (and associated environmental attributes) that BPA provided to utilities over the entire year.