

IRP and CEIP Rulemaking Dockets UE-191023 and UE-190698 (Consolidated)
CR-102 Comment Matrix
December 4, 2020

Summary of Comments

- Avista
- Pacific Power and Light (PP&L)
- Puget Sound Energy (PSE)
- Public Counsel (PC)
- Adcock, James
- Alliance of Western Energy Consumers (AWEC)
- Bonneville Power Administration (BPA)
- Briggs, Roberts
- Climate Solutions (CS)
- Coalition of Eastside Neighbors for Sensible Energy (CENSE)
- Front and Centered (FC)
- Invenergy
- Lindley, Jane
- Lohr, Virginia
- Newcomb, Anne
- Northwest Energy Coalition (NVEC)
- Renewable Northwest (RN)
- Sierra Club (SC)
- The Energy Project (TEP)
- Vashon Climate Action Group (VCAG)
- Washington Environmental Council (WEC)
- Washington Environmental Council Members (WECM)
- Weinstein, Elyette
- Western Power Trading Forum (WPTF)

WAC 480-100-605 Definitions

Party	Draft Definition	Summary of Comment	Staff Response
Avista	Alternative lowest reasonable cost and reasonably available portfolio	Proposes a redline edit to delete the requirement to include the social cost of greenhouse gases (SCGHG) as part of the portfolio. CETA states that all costs used to determine the cost of compliance must be directly attributable to actions necessary to comply with RCW 19.405.040 and RCW 19.405.050, which do not include the SCGHG.	Staff disagrees. “Lowest reasonable cost” is a defined phrase in Chapter 19.280 RCW, and its use throughout Chapter 19.405 RCW is intended to be consistent with the definition in RCW 19.280.020(11), which includes: “the cost of risks associated with environmental effects including emissions of carbon dioxide.” In addition, although the phrase “social cost of greenhouse gas emissions” appears only in RCW 19.280.030, the calculation of cost for greenhouse gas emissions, including the effect of emissions, applies throughout CETA.
	Lowest reasonable cost	Proposes redline edits to clarify that the portfolio can include supply-side, demand-side, and energy storage resources in a portfolio.	Staff recommends rejecting the proposed edits. Although the resources Avista proposes to include are implied in the definition, the proposed definition is the statutory definition, which Staff does not recommend modifying.
PP&L	Resource need	Appreciates Staff’s clarification that a “deficit” can also stem from “changes in system resources.” It may be possible to improve this definition by moving away from the concept of “deficit” altogether.	Staff believes that the proposed definition is sufficiently flexible to meet the Company’s concerns.

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CS	Indicator	Continue to be unclear about the definition of indicator included in rule. Indicators should not be characteristics of a resource unless indicators are associated with avoiding a given harm.	RCW 19.405.040(8) requires that all customers benefit from the transition to clean energy. The transition to clean energy is embodied in the specific actions of utilities, including resource selection and related distribution system investments. Therefore indicators, clarified as “customer benefit indicators” in the proposed rule, are appropriately defined as attributes of the resources and related distribution system investments. Customer benefit indicators may be directly related to the impacts established in the -620(9) assessment or may be based on other benefits and burdens depending on the customer input required in WAC 480-100-655(2)(a).
		It is necessary to establish the status quo within the geographies served by utilities. The utility should then demonstrate with indicators how its selected investment portfolio will improve or impact these circumstances through indicators.	Staff believes that this is already covered by the assessment required under WAC 480-100-620(9), and therefore no edits here are necessary. Indicators are about the customer benefits and reduction of burdens associated with specific actions, not current conditions. However, customer benefit indicators must be viewed in context of the current conditions.
		Indicators for each resource should change based on location, ownership, and other relevant criteria and would be summed across the portfolio.	Staff agrees that the values for each customer benefit indicator will be specific to each resource, which is why WAC 480-100-640(5)(c) requires utilities to provide the customer benefit indicator value for each specific action included in the CEIP.

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Invenenergy	General	The definitions of least cost and cost-effectiveness should be expanded to go beyond direct monetary costs to electricity customers to also include quantifiable externality costs, such as the SCGHG.	The rules do not define least cost or cost-effectiveness. Staff believes that the Commission does not need to, and should not, include definitions of these terms at this time, as the statute explicitly outlines how the SCGHG should be considered.
Newcomb, Anne	Advisory group	Requests definition of advisory group.	Staff does not recommend a definition of advisory group at this time. Each utility administers advisory groups differently, and thus advisory groups have variable structures, and have been created in various other agreements and commission orders that are not within scope of this rulemaking. Staff recommends the Commission offer additional guidance on the interaction between the general public, advisory groups, and utilities in this rulemaking adoption order and in future policy statements as needed.
NWECC	Equitable distribution	Replaces “things” with “available information.” Believes that “things” is somewhat imprecise.	Staff does not see a need to make this edit as “things” maintains flexibility to consider other principles or analysis as well as other sources of available information.
	Indicator	Add “or burdens” after “customer benefits.”	Staff disagrees. RCW 19.405.040(8) requires that all customers benefit from the transition to clean energy. One of the specific customer benefits included in RCW 19.405.040(8) is a reduction of burdens. Therefore, burdens are sufficiently covered by the existing definition.

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	IRP	Provides redline edits that clarify that generating resources refers to demand- and supply-side resources.	Staff recommends rejecting the edits. Although NWEC’s edits are helpful, the proposed definition is the statutory definition. Staff does not recommend that the Commission modify the statutory definition. Staff agrees that the IRP must describe the mix of demand- and supply-side resources and believes that the existing statutory definition is sufficient to address these resources.
	Resource need	Provides redline clarifying edit. Proposes to exchange the word “their” with “resource.”	Staff appreciates NWEC’s suggestion but declines to recommend its adoption. Staff believes the definition is clear.
	Related definition comment in 620(8)	Provide clarification in either a <i>definition</i> or in the adoption order regarding resource adequacy. Provides related redlines in -620(8), “that (RA requirement and metrics) evaluates energy, capacity, and flexibility values of generation, demand-side and storage resources, both separately and in combinations, to meet system, not just peak, needs.”	Staff agrees that these components are part of best utility practice for resource adequacy analysis. However, Staff does not believe it is necessary to add every item that constitutes good utility practice to a Commission rule.
TEP	Equitable distribution	Add “or burdens” after “customer benefits.”	Staff disagrees. RCW 19.405.040(8) requires that all customers benefit from the transition to clean energy. One of the specific customer benefits included in RCW 19.405.040(8) is a reduction of burdens. Therefore, burdens are sufficiently covered by the existing definition.
	Resource need	Supports the definition as written.	No Staff response necessary.

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WAC 480-100-610 Clean Energy Transformation Standards

Party	Draft WAC	Summary of Comment	Staff Response
PP&L	610(2) and (3)	Suggests deletion of these two sections as duplicative with statute, and possibly confusing since they are not quoted word-for-word.	Staff disagrees. The purpose of Sec -610 is to identify and consolidate the statutory standards found in RCW 19.405, including the standards described in -610(2) and (3).
PSE	610(4)(c)	Supports overarching provisions from RCW 19.405.040(8).	No Staff response necessary.
Adcock	610(2)	Should explicitly include 80 percent nonemitting.	Staff disagrees. The 20 percent for alternative compliance options described in RCW 19.405.040(1)(b) pertains to compliance with the standard and does not describe the standard itself. The -040 standard is GHG neutral by 2030.
TEP	610(4)(c)	Supports overarching provisions from RCW 19.405.040(8).	No Staff response necessary.
WEC	610(4)(c)	Supports overarching provisions from RCW 19.405.040(8).	No Staff response necessary.

WAC 480-100-620 Content of an integrated resource plan

Party	Draft WAC	Summary of Comment	Staff Response
Avista	620(3)(a)	Remove statement encouraging utilities to engage in distributed energy resource planning process as unnecessary.	Staff disagrees. This recommendation is in line with statute and is beneficial to all customers. Distributed energy resources are rapidly transforming the relationships between electric utilities and their retail electric customers.
	620 (3)(b)(iii)	Strike “Energy assistance potential assessment – The IRP must include distributed energy programs and mechanisms identified pursuant to RCW 19.405.120, which pertains to energy assistance and progress toward meeting energy assistance need; and” Agrees that the required assessment may inform an IRP but argues that the assessment is better suited with the utility’s energy assistance advisory group.	Staff disagrees. As acknowledged by Avista, the assessment will inform the IRP and therefore should be included in the IRP. The rules properly require that the IRP include the results of the energy assessment potential assessment.

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620(4)	Strike “, including ancillary service technologies.”	Staff disagrees. Supply-side resource evaluations should consider all potential values, or benefits, of a resource including ancillary services. As renewable energy penetration increases, it will be more important for utilities to plan for the suite of ancillary services needed to balance supply and demand and maintain grid reliability, which includes consideration of, contribution toward, or consumption of ancillary services.
620(10)(c)	Strike “At least one sensitivity must be a maximum customer benefit scenario. This sensitivity should model the maximum amount of customer benefits described in RCW 19.405.040(8) prior to balancing against other goals.” Argues that it is unclear and not required by statute.	Staff disagrees. A utility’s resource portfolio reflects the lowest-reasonable cost portfolio that meets all operational and regulatory standards. Given the novel customer benefit requirements, the sensitivity in WAC 480-100-620(10)(c) will promote creative thinking and ensure broad consideration of customer benefit opportunities.
620(11)	Suggests clarifying edits, “The utility must integrate the demand forecasts and resource ‘valuations’ into a long-range integrated resource ‘planning’ solution describing the mix of resources that meet current and projected resource needs.”	Staff disagrees with these clarifying edits. Valuation is an estimation of worth, while evaluation is an assessment. Each IRP is comprised of a series of assessments based on resource valuations.
620(11)(b)	Recommends striking “net of any off-system sales,” and adding “sales” to, “Serve utility load, based on hourly data, with the output of the utility’s owned resources, market purchases <u>and sales</u> , and purchase power <u>and sale</u> agreements, net of any off-system sales of such resource;	Staff disagrees. The purpose of an IRP and CEAP is to identify projected <i>customer demand</i> , examine its load/resource balance, and identify the utility’s action plan to implement CETA for the next 10 years.
620(12)(c)(i)	Add “identified” before “benefits” and “burdens.”	Staff does not see a need to make these changes. Avista did not provide an explanation in its submitted comments.

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	620(12)(c)(ii)	Strike “such” before “benefits” and add “equitably” before reduced.	Staff does not see a need to make these changes in rule. The adoption order is anticipated to clarify that both the distribution of benefits and reduction of burdens must be equitable.
	620(13)	Strike “should” and “The utility may provide this content as an appendix.” Also suggests two space strikeouts between non energy and the IRP.	Staff disagrees with deleting “should” as it does not provide additional clarity. Staff agrees with the two spacing strikeouts for grammatical clarity. Staff disagrees with deleting the final sentence in this subsection as this language provides options for when and where the avoided costs are included in the IRP.
	620(15)	Strike entire subpart (15) “Information relating to purchases of electricity from qualifying facilities.”	Staff disagrees. Information regarding the methodology used to calculate avoided costs, including development of resource assumptions and market forecasts, is a necessary component of the IRP and will be used to inform filings under chapter 480-106 WAC.
	620(17)	Strike “The utility may include the summary as an appendix to the final IRP.” States a “may” directive is unnecessary in rules. Offers redlines.	Staff disagrees. Staff believes the word “may” identifies options for when and where the comment summary is included in the IRP.

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	620(11)(b)	Requests clarification that using “hourly data,” as is current practice by studying shorter periods of time on an hourly or sub-hourly basis, and then using those results as a component of its models in the IRP, will meet this requirement.	The IRP must show how the utility will serve utility load, based on hourly data or sub-hourly data. Staff recognizes there are many hundreds of thousands of hours in the IRP planning horizon, where hourly and sub-hourly data is a component of a utility’s analysis. Utilities have the obligation to discern and model critical seasonal, monthly, hourly, and sub-hourly load and resource performance to complete the portfolio analysis and develop a preferred portfolio. A utility may need to alter its current use of hourly and sub-hourly modeling to meet the requirements in the CEIP and IRP, for example, to model resource needs under CETA involving the capacity and energy output of renewables and the effects of global warming on loads and resources in specific seasons and hours. The rules are designed to require the utility to consider these changes and to respond accordingly with appropriate consideration of load and resource performance based on an hourly and sub-hourly granularity as necessary.
PP&L	620(2)-(8)	Requests clarification that its current practice meets requirements (2)-(8) Load Forecasting through Resource Adequacy. These topics are studied in the aggregate in the IRP, by adjusting the company’s models to consider their costs, benefits, and availability as appropriate.	The company should obtain such clarification by working with its advisory group and Staff to ensure that these elements of their IRP are meeting the rule requirements.

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PSE	620(9)	Cumulative impact analysis from Department of Health is not yet available.	RCW 19.280.030(1)(k) requires the utility’s assessment be informed by the cumulative impact analysis once that analysis is available. The utility’s assessment should include multiple data sources and the timeline of the cumulative impact analysis does not waive the required statutory assessment.
	620(10)(c)	No time to develop a maximum customer benefit scenario for the 2021 IRP. Asks for workshops on this issue in early 2021.	Staff will provide recommendations as part of the advisory group process for PSE’s 2021 IRP. Staff understands that PSE’s current sensitivities include a “maximum equity” sensitivity based on stakeholder feedback.
	620(11)(g)	Description of customer benefits in the IRP analysis will not be fully developed in the 2021 IRP cycle. Asks for more guidance on what will be required in 2021.	Staff will provide recommendations as part of the advisory group process for PSE’s 2021 IRP. Staff understands that PSE’s current sensitivities include a “maximum equity” sensitivity based on stakeholder feedback.
PC	620(3)(a)	Require, rather than strongly encourage, utilities to engage in the distributed energy resource planning process described in RCW 19.280.100.	Staff agrees that utilities should use the distributed resource planning guidance in RCW 19.280.100 but does not recommend requiring it at this time because the statute is permissive rather than directive.
Briggs, Robert	620(10)(b)	Recommends this scenario be changed to require the baseline be based on the best available science related to future climate change. Also, require at least one sensitivity representing more rapid than expected warming and attendant changes in precipitation patterns and one representing less rapid than expected climate changes.	Staff disagrees with including these additional requirements. The advisory group process created by these rules is the appropriate venue to address these kinds of specific suggestions.

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	620(11)(j) and 12(i)	Regarding social cost of carbon, clarify these two sections through the addition of “variable cost adder,” or by including an adequate definition of the term “cost adder.”	Staff disagrees with specifying how the utilities model the SCGHG in the IRP in these rules. It is important to retain flexibility in modeling the SCGHG so that utilities can best respond to changing conditions and new information. Too much specificity in the rule prevents the utility from developing new approaches to its analysis. The Commission should request that the utilities model the SCGHG both in and out of dispatch in the IRP for comparison.
	General	Regarding the treatment of upstream or life-cycle emissions, the rule should clarify that the requirement to account for the social cost of greenhouse gases applies to costs associated with direct CO2 emissions and the social cost of upstream fugitive CH4 emissions. The rule should require reporting of the assumptions used in IRP analyses for upstream emissions.	In terms of current practice, utilities are applying upstream emissions in IRP modeling. The rules focus on CETA directives; the public participation process created by these rules is the appropriate venue to address utility assumptions used in IRP analyses.
CS	General	Require consideration of upstream emissions for application of social cost of greenhouse gases to comply with the Clean Energy Transformation Act, which provides separate and distinct regulatory authority from the Clean Air Act, and provide clarity on the way to do so, including how to identify a methane leakage rate and other considerations. Suggests Commission adopt requirements similar to the Department of Ecology’s Greenhouse Gas Assessment for Projects (GAP) proceeding.	In terms of current practice, utilities are applying upstream emissions in IRP modeling. The rules focus on CETA directives; the public participation process created by these rules is the appropriate venue to address utility assumptions used in IRP analyses
	General	Concerned with the lack of guidance concerning setting a resource adequacy standard and disagrees with Staff’s assessment that the proposed rules provide sufficient direction.	Staff disagrees. The Commission’s goal is to ensure flexibility, allowing for continued evolution and development related to RA. Staff believe the rules provide adequate guideposts.

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CENSE	General	Require utilities to model a range of climate change futures, with “no climate change” recognized as the least likely outcome.	Staff disagrees with this level of specificity in the rule at this time. Climate change projections and impacts should be modeled in each IRP. The advisory group process created by these rules is the appropriate venue to address these kinds of specific suggestions.
		Require “variable cost” modeling in all calculations that relate to the Social Cost of Greenhouse Gases.	Staff disagrees with specifying how the utilities model the SCGHG in the IRP in these rules. It is important to retain flexibility in modeling the SCGHG so that utilities can best respond to changing conditions and new information. Too much specificity in the rule prevents the utility from developing new approaches to its analysis. Staff recommends the Commission request in the adoption order that utilities model the SCGHG both in and out of dispatch in the IRP for comparison.
FC	620(10)(c)	Supports maximum customer benefit scenario.	No Staff response required.
Invenergy	620(17)	Recommends redlines changing “The utility may include the summary...” to “must include” and adds “, as long as all comments are archived and available to the public on the utility’s website” to allow for consolidated summaries and responses.	Staff disagrees. Utilities may include the public comment summary if it makes sense for their filing. Staff also does not see the value of individually displaying multiple identical form letters on a utility website, for example, which could bury other comments and utility responses. Staff agrees utilities should archive all comments so they are available for Commission or Staff review as needed but does not believe the proposed rule needs to be revised to include this suggestion.

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	General	IRP rules should recognize the SCGHG as an incremental cost and how utilities should incorporate the SCGHG as a cost adder.	Staff disagrees with specifying how the utilities model the SCGHG in the IRP in these rules. Rather, Staff recommends the Commission request in the adoption order that utilities model the SCGHG both in and out of dispatch in the IRP for comparison and include the SCGHG in both portfolios of the incremental cost calculation.
Newcomb, Anne	General	If there are three climate weather scenarios in sensitivities, recommends all three reflect future climate impacts—not one.	Staff disagrees. Climate change projections and specific impacts should be modeled in each IRP. The advisory group process created by these rules is the appropriate venue to address these kinds of specific suggestions.
	General	Consider requiring variable cost modeling in all calculations and modeling that relate to the social cost of greenhouse gases.	Staff disagrees with specifying how the utilities model the SCGHG in the IRP in these rules. It is important to retain flexibility in modeling the SCGHG so that utilities can best respond to changing conditions and new information. Too much specificity in the rule prevents the utility from developing new approaches to its analysis. Staff recommends the Commission request in the adoption order that utilities model the SCGHG both in and out of dispatch in the IRP for comparison.
NWEC	620(1)	The appropriate planning horizon should be long enough to assess cost and market changes, and not be limited to the implementation period.	Staff agrees but believes the rule is clear that an appropriate planning horizon is not the same as the implementation or planning period.

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620(8)	Add in definition or explain in adoption order, that the resource adequacy requirement and measurement “evaluates energy, capacity, and flexibility values of generation, demand-side and storage resources, both separately and in combinations, to meet system, not just peak, needs.”	Staff agrees that these components are part of best utility practice for resource adequacy analysis. However, Staff does not believe it is necessary to add every item that constitutes good utility practice to a Commission rule.
620(10)(b)	Requests that the rule require all scenarios be informed by the best available future climate change predictions.	Staff believes that the utilities need to appropriately plan for the future and that means appropriately planning for climate change impacts. The advisory group process outlined in these rules is the appropriate venue to address how the utility models climate change in its IRP.
620(11)(b)	Clarifies purchase power agreements should be power purchase agreements.	Staff agrees and proposes that the Commission accept the edit.
620(11)(j) and (12)(i)	Clarify for the incorporation of social cost of greenhouse gas emissions as, “a variable cost adder including market purchases, ...”	Staff disagrees with specifying how the utilities model the SCGHG in the IRP in these rules. It is important to retain flexibility in modeling the SCGHG so that utilities can best respond to changing conditions and new information. Too much specificity in the rule prevents the utility from developing new approaches to its analysis. Staff recommends the Commission request in the adoption order that utilities model the SCGHG both in and out of dispatch in the IRP for comparison.
620(13)	Recommends adding “each supply- and demand-side resource including but not limited to” energy, capacity, etc., “including the SCGHG,” and offers redline edits.	Staff disagrees this level of detail is necessary in rule at this time.

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	620(17)	Recommends public comment summaries include a count of responses consolidated into one comment/response, stating that the volume of comments on a similar topic or issue could be useful information in addition to the single content summary and response. Offers redlines for rule or guidance in adoption order: "...along with the total number of comments consolidated into one comment."	Staff agrees this would be a useful element of comment summaries but disagrees with including a requirement in the proposed rule. Rather, Staff recommends the Commission include this guidance in this rulemaking's adoption order.
	General	Rules should include upstream emissions in the social cost of greenhouse gas cost adder in CETA, nothing in <i>Association of Washington Business v. Department of Ecology</i> , 195 Wn.2d 1 (2020), undermines this.	In terms of current practice, utilities are applying upstream emissions in IRP modeling. The rules should focus on CETA directives; the public participation process created by these rules is the appropriate venue to address utility assumptions used in IRP analyses.
RN	620(5)	Supports proposed rule.	No Staff response required.
	620	Proposes specific resource adequacy language agreed to by the Northwest Power Pool, also submitted to Commerce.	The specified elements identified for resource adequacy analysis are already best practice and therefore do not need to be included in rule. Staff does not support the proposed deadline for utilities filing a resource adequacy method and analysis. Staff believes that resource adequacy work will need to be continuously improved as utilities move toward meeting 80 percent of load with clean or non-emitting resources.
SC	General	Supports the inclusion of nonenergy benefits.	No Staff response required.

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		<p>Recommends social cost of greenhouse gases should be used in the IRP as a “variable cost” and not a “fixed cost” for all scenarios and modeling. If SCGHG is not included in the dispatch modeling, then will undermine true value of additional energy efficiency measures and distort if not treated as variable cost.</p>	<p>Staff disagrees with specifying how the utilities model the SCGHG in the IRP in these rules. It is important to retain flexibility in modeling the SCGHG so that utilities can best respond to changing conditions and new information. Too much specificity in the rule prevents the utility from developing new approaches to its analysis. Staff recommends the Commission request in the adoption order that utilities model the SCGHG both in and out of dispatch in the IRP for comparison.</p>
		<p>All scenarios should reflect climate change.</p>	<p>Staff believes that the utilities need to appropriately plan for the future and that means appropriately planning for climate change impacts. The advisory group process outlined in these rules is the appropriate venue to address how the utility models climate change in its IRP.</p>
TEP	General and 620(3) 620(9)	<p>Supports proposed rule. Proposes additional direct guidance or policy statement from the commission soon regarding nonenergy benefits and cost-effectiveness analyses.</p>	<p>Staff agrees that additional guidance is necessary and intends to explore revisions to its cost-effectiveness test to make it specific to Washington with stakeholders in 2021.</p>
WEC	General	<p>Supports proposed rule.</p>	<p>No Staff response required.</p>

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VCAG	General	Recommends the rules should require SCGHG be applied as a variable cost adder.	Staff disagrees with specifying how the utilities model the SCGHG in the IRP in these rules. It is important to retain flexibility in modeling the SCGHG so that utilities can best respond to changing conditions and new information. Too much specificity in the rule prevents the utility from developing new approaches to its analysis. Staff recommends the Commission request in the adoption order that utilities model the SCGHG both in and out of dispatch in the IRP for comparison.
WECM	General	Supports proposed rule.	No Staff response required.

WAC 480-100-625 Integrated resource plan development and timing

Party	Draft WAC	Summary of Comment	Staff Response
Avista	625(2)	Rules about contents on the utility website should be moved to its own subsection instead of a section describing a workplan, offers redlines.	Staff agrees and recommends the proposed changes in -625 to create a subsection (5) for publicly available information.
	625(2)(f)	Strike “managed by the utility and” because unnecessary. Strike “timely manner” because it’s not clear about what event would trigger an update. Offers redlines.	Staff disagrees but will take these recommendations under advisement if and when final rules are opened for refinement. Staff believes the meaning of “timely manner” clearly requires utilities to actively manage their websites and public information needs and also maintains utility discretion for prioritizing updates.
PP&L	625(2)	Seeks clarification of the meaning of “advisory group” and seeks clarification that existing stakeholder group would qualify. What does it mean to get advisory group input on a work plan? The definition of advisory group was deleted from the rules.	Staff disagrees with including a definition of advisory group in the proposed rule but recommends that the adoption order provide additional guidance regarding the makeup of an advisory group.

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PP&L	625(2)	Work plan filing date 15 months ahead is too long and will require multiple update filings.	Staff disagrees that filing a workplan for an IRP 15 months ahead of the IRP due date is unreasonable, given the extensive work that goes into these plans. IRPs will now include new evaluations and will lead to a CEIP, which means additional work on top of an already time-intensive planning process. At the same time, utilities will be filing full IRPs only every four years. Staff understands that planning efforts will solidify closer and further into the planning period and would accept these updates, as needed. Utilities and Staff should work together to manage these updates.
	625(3)	Strongly opposes draft IRP. Agrees with intent of using public and regulator feedback to develop a better final product and believes existing process offers ample opportunity for feedback. Additionally, argues that company cannot identify or provide analysis supporting a preferred portfolio until the final step of the IRP and therefore a draft IRP would be the final IRP. Similarly CEAP cannot be provided until a preferred portfolio is chosen, which is under development until immediately before an IRP is filed.	Staff disagrees. Provision of a draft is a critical part of successful public engagement, allowing stakeholders to respond to an entire picture rather than bits and pieces. Utilities may be clear in their filings or presentations about where analysis is not yet finished. Utilities may have an additional 2 months to incorporate any feedback from stakeholders before their final submission is due. This feedback may inform new model runs if time permits, additional narrative, or new action items.

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PSE	625(3)	Four months between the draft IRP and the final IRP is not enough time to make modeling changes.	Staff believes that it is important for the Commission and stakeholders to have a meaningful opportunity to provide feedback in a formal setting on a utility’s plan. If after the first cycle of IRPs the Commission determines that the amount of time between the draft and final IRPs was not sufficient, the Commission could re-evaluate the appropriate length of time.
	625(3)(a)	Concerned that stakeholders will not view the hearing on the draft IRP as a meaningful opportunity for public engagement, particularly if there is not enough time to make changes to the IRP based on the feedback.	Staff disagrees. Current practice of receiving formal stakeholder feedback only after the final IRP has been submitted is less meaningful than what is included in the proposed rules. To ensure stakeholders have meaningful opportunity to comment, it is incumbent upon the utility to foster meaningful engagement with its stakeholders in advance. Staff believes that the public comment hearing will contain few surprises in public opinion or stakeholder requests, particularly if utilities are engaging with their customers and stakeholders throughout plan development.
Lindley, Jane	625(2)(f)(iv)	Recommends redline adding “and public”	Staff disagrees but recommends the Commission offer additional guidance in the adoption order regarding how members of the public can participate in an advisory group, which are intended as spaces for the public to provide feedback on plan development.
Invenergy	625(1) or (4)	Asks commission to require a new IRP on Jan. 1, 2023. Concerned that the 4-year window for IRP filing is too long, particularly given the amount of acquisitions the companies will need to pursue to meet the requirements of CETA.	Staff disagrees. The Commission does not wish to increase administrative burden. If necessary, the Commission may require such a filing by order at any time.

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NWEC	625(3)	Draft IRP should include the alternative lowest reasonable cost and reasonably available portfolio.	Staff agrees but believes that this is currently a requirement of the rules and that no edits to the rules are necessary.
RN	625(2)	Prefers restoration of “public participation.” Or, add <u>“(x) A proposed list of parties and/or organizations constituting the utility’s resource planning advisory group and equity advisory group, for commission review and approval;”</u> States adding this rule language would give the Commission an opportunity to review the entities that will make up advisory groups and minimize utility bias in creating those groups.	Staff recommends that the Commission provide additional guidance on advisory groups in the adoption order or through policy statement as necessary. The Commission also should not put itself in the position of reviewing or approving the makeup of advisory groups as they are intended for reasonable general public access. The Commission can address issues of utility gatekeeping or bias if or as they occur.
VCAG	625	The rules do not include the process for acknowledgment of an IRP or two-year progress report. This should be restored.	Staff disagrees. The commission’s rules currently in effect (WAC 480-100-238) do not include this level of detail. Instead, they appropriately retain the Commission’s authority to decide how and whether to respond to an IRP. An IRP cannot be litigated and does not require any specific process by statute. Further, the CEIP that is developed based on the IRP can be litigated, and that is where the approval process is most important.
WEC	625	Supports proposed rule.	No Staff response needed.

WAC 480-100-630 Integrated resource planning advisory groups

Party	Draft WAC	Summary of Comment	Staff Response
Avista	630(1)	Strike reference to two-year progress report from -630; states two-year progress report does not call for a process with advisory groups as the update items will simply be updated.	Staff disagrees with this suggested edit and the premise that two-year progress reports will never call for a process with advisory groups, although Staff agrees that the need for advisory groups will be different and possibly less intensive for the two-year progress reports as compared with the full IRPs. Given the possibility that progress reports may capture changing conditions between the filing of IRPs, it is reasonable to expect utilities to update or consult with advisory groups on deviations in expectations. Staff agrees that meetings may be fewer and required modeling could be less. Staff believes it is reasonable to discuss updates in the two-year progress report in advisory groups, which also allows Staff to provide guidance on the two-year progress report.
	630(3)	Offers redline changing “advisory group member” to “the public.”	Staff disagrees. The subsection discussed in Avista’s proposed change would result in changes to the Commission intended clarification of the role of advisory groups in plan development. Staff recommends the Commission provide additional guidance regarding this clarification and its relevance to data disclosure in the adoption order.

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PSE	630/655 general	States concerns that current work to develop a more inclusive and participatory approach to utility planning is nascent and will mature through the equity advisory group process and other means, including Commission workshops on equity issues. Requests more workshops in early 2021 specifically focused on how to implement equity provisions in the rule, such as the development of indicators.	Staff understands this work is nascent for utilities and stakeholders alike and that it will take time for maturation. Staff anticipates future workshops and will provide notice as they are scheduled.
	630 general	Supports public participation in the IRP process, and notes that PSE already conducts an extensive public process in developing its IRP.	No Staff response necessary.
	630/655 general	Requests guidance regarding first cycle IRP/CEIPs given arguments related to time crunch and ability to meet all requirements in first cycle.	Staff recommends that the Commission provide additional guidance in the adoption order.
PC	General	Supports draft rules for IRP and CEIP public participation processes.	No Staff response necessary.
	General	States that establishing a clear process for active public participation requires accessibility and transparency.	Staff agrees and looks forward to being part of the conversation on how to achieve those goals.
	General	Supports maintaining requirements for communication and reporting.	No Staff response necessary.
Adcock, James	General	Claims that PSE's current IRP process does not meet required public participation and that IRP advisory group should be allowed to ask technical questions and have them answered.	Staff looks forward to working with the public and utilities in helping participation processes meet the Commission's expectations for public involvement. Staff agrees that advisory groups should be a place where technical questions are asked and answered.

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	General	Requests the commission fix the problems in the PSE IRP process.	Staff recommends that the Commission provide additional guidance in the rulemaking adoption order and believes that guidance, combined with the proposed rules, will go a long way in providing pathways for resolving advisory group challenges. However, Staff also acknowledges that fixing challenges will take time and the best efforts of utilities, as well as stakeholders and other members of the public.
Climate Solutions	General	Looks forward to further dialogue on advisory groups and stakeholder participation.	No Staff responses necessary.
CENSE	General	Concerned that IRP rules will limit organization’s participation in IRPs in the future. Requests that final rules preserve the public’s ability to understand and participate in significant discussions about energy future.	Staff disagrees. The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order addressing public participation.
	630(1)	Concerned that narrowing participation rules to advisory groups places limits on public participation in the sense that utilities’ control group membership. Offers example of gate-keeping group membership in previous IRP cycle. Additionally concerned about how utility agendas can hamstring ability of advisors to comment and offer feedback.	While utilities are inherently responsible for administering their groups, Staff recommends that the Commission provide additional guidance in the adoption order clarifying the Commission’s expectations to utilities and to stakeholders on these issues.
	General	Questions the recourse the general public would have if an issue of great significance to broader audience is of limited concern to advisors.	
	-630(3)	Concerned about data disclosure requirements that do not require information to be released in a comprehensible format and that “native” format requirements could flood advisory group members with too much data.	Staff agrees there is confusion around this piece and recommends adding “easily accessible format” after “advisory group review.” Staff anticipates additional guidance in the adoption order.
	General	Requests all parameters deemed relevant by advisory groups or the public be released in an “easily accessible format.”	

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	General	Notes companies could require non-disclosure agreements from advisory group to provide sensitive information.	Staff agrees companies may use non-disclosure agreements to provide sensitive information. Staff disagrees with requiring non-disclosure agreements in rule, as their inclusion as a requirement would contradict the confidentiality provisions of RCW 80.04.095 and current Commission rules.
FC	General	Supports upholding these public participation elements at minimum and requests further strengthening of opportunities and protection of public commenting outside of the advisory group process.	Staff recommends that the Commission provide additional guidance in the adoption order or policy statements as needed.
	General	Offers “Tools for Measuring Equity in 100% Renewable Energy Deployment: Literature Review” that includes suggestions for actions utilities may take to involve the public in planning and decision making.	Staff appreciates this information and will take the content under advisement as Staff, stakeholders, and utilities work to implement final rules.
Lindley, Jane	General	Requests reversions to previous draft language that is more inclusive for the wider public.	Staff disagrees. The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order.
	630(1)	Recommends redlines changing “advisory group” to “public” and “advisory group members” to “stakeholders”.	Staff disagrees with these redlines at this time but recommends that the Commission provide additional guidance in the adoption order regarding how the wider public and stakeholders may be involved in advisory groups.

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Lohr, Virginia	General	Believes language is unclear around make-up of an advisory group and potential gate-keeping to the group. Believes ability of general public to watch is clear, but it is not clear how members of the public may join an advisory group. Offers example of PSE IRP processes in 2017 and 2019: In 2017 group was open to anyone who wanted to join. In 2019 group was restricted to an application process that rejected some potential members. Believes current language allows this exclusionary practice to continue.	Staff believes the changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order regarding how the wider public and stakeholders may be involved in advisory groups.
	General	Requests that members of the public should be allowed to be on the advisory group and participate in meetings and that rule language make this clear.	
Newcomb, Anne	General	Requests guidance on how an advisory group would look and how it would be formed and if the divide between some utilities and public can be mended.	Staff recommends that the Commission provide additional guidance in the adoption order regarding how the wider public and stakeholders may be involved in advisory groups. Staff notes that while the Commission can offer guidance to mend relationships, utilities and stakeholders are responsible for working through that process.
	General	Recommends adding “in an easily accessible format” to all data disclosure locations.	

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	General	Recommends requiring non-disclosure agreements for confidential data considerations.	Staff disagrees with requiring non-disclosure agreements in rule, as their inclusion as a requirement would contradict the confidentiality provisions of RCW 80.04.095 and current Commission rules. Staff supports utilities in their voluntary use of non-disclosure agreements.
NWEC	General	Recommends revisiting data disclosures that reference “an easily accessible format” in -630(3), -650(1)(k), and -650(1)(g) and explaining difference in meaning, if language was intentional.	Staff agrees there is confusion around this piece and recommends adding “easily accessible format” after “advisory group review” in -630(3) and -655(1)(g) and to data requirements in -640 and -650. Staff additionally recommends removal of confusing cross references to -655 from -640 and -650. Staff anticipates additional guidance in the adoption order.
RN	General	Does not support changes between previous and current draft rules and expresses concern that targeted language around advisory groups could exclude valuable public comment from IRP development.	The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order addressing how the public may interact in advisory groups.
	General	Recommends setting guidelines in rule for the formation of an advisory group.	Staff disagrees with setting guidelines for forming advisory groups in rule at this time because this rulemaking has not considered such specific parameters. Staff recommends that the Commission provide additional guidance in the adoption order regarding how the wider public and stakeholders may be involved in advisory groups.

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SC	General	Recommends all sections on data disclosure reflect the words “in an easily accessible format” because native formats can be difficult to follow.	Staff agrees there is confusion around this piece and recommends adding “easily accessible format” after “advisory group review” in -630(3) and -655(1)(g) and to data requirements in -640 and -650. Staff additionally recommends removal of confusing cross references to -655 from -640 and -650. Staff anticipates additional guidance in the adoption order.
	General	Recommends full data disclosure should include all modeling software and programs.	Staff does not believe further changes to the rules are necessary. Proposed WAC 480-100-630(3) requires the utility to make all of its modeling software and programs available to the Commission.
	General	Recommends utilities require non-disclosure agreements for confidential information.	Staff disagrees with requiring non-disclosure agreements in rule, as their inclusion as a requirement would contradict the confidentiality provisions of RCW 80.04.095 and current commission rules. However, Staff supports utilities in their voluntary decision to use them.
	General	Recommends not limiting public participation to advisory groups and argues restricting public participation per the current rules enforces and maintains systemic policies that have led to disenfranchisement. Recommends restoring public participation language of previous rules and offering guidance relative to utility burden in subsequent policy statements.	Staff believes the changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order.

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	-625(2)(b), -630, and -655(1)(a)	Notes that which advisory groups are included is not clear in draft rules. Recommends all advisory groups are included in the development of IRPs and CEIPs.	Staff disagrees. Staff does not believe the rules should require utilities to pull in all other groups, such as conservation and low-income groups, for IRP planning given overlapping representation in these groups with current IRP groups, because IRP groups are open to stakeholders not currently participating, and because Staff believes stakeholders, utilities, and Staff will have proposals for streamlining and smoothing out inter-group interactions as final rules are implemented and any issues become apparent. The proposed rules state at -655(1)(a) that all advisory groups must be included in CEIP development, including the equity group. In -625(2)(b), the proposed rules state that IRP development must include a proposed schedule for meeting with resource planning advisory groups, <i>i.e.</i> , current IRP groups, and the equity group. Utilities may pull in other groups to IRP planning if and as they feel they are necessary.
TEP	General	Supports inclusion of public involvement in IRP and CEIP planning processes, including right to comment, advisory group participation, creation of an equity advisory group, specific involvement in development of indicators and activities, filed public participation plans, reporting of public participation, and availability of supporting data.	No Staff response required.
	General	Recommends restating in adoption order the existing IRP rule language of “Consultations with Commission Staff and public participation are essential to the development of an effective plan.”	Staff agrees and recommends the Commission include this type of direction in its adoption order.

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	630(2)	Recommends harmonizing requirements of advanced distribution of materials to advisory groups. Appears to be removed from CEIP process.	Staff recommends that the Commission address this issue in the adoption order.
	630(3)	Recommends harmonizing requirements of data input and files available to advisory groups.	Staff proposes rule changes to address this concern as well as comments from NWECC and others on confusion around data disclosure requirements.
VCAG	General	Concerned with limitation of public participation to advisory groups and argues restricting public participation per the current rules enforces and maintains systemic policies that have led to disenfranchisement. Asks how utility customers will have access to an advisory group or utility planning if they are not included in an advisory group and how disenfranchised customers will gain access to an advisory group.	Staff believes the changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order.
	General	Recommends restoring public participation language of previous rules and offering guidance relative to utility burden in subsequent policy statements.	Staff disagrees. The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order. Staff anticipates additional policy statements will come as needed.
	General	Supports inclusion of requiring explanations of rejection of public input.	No Staff response required.
WEC	General	Recommends restoring the public engagement provisions from previous drafts of the rule to undo barriers and create accessible public engagement opportunities needed to achieve an equitable transformation.	Staff disagrees. The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order.

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	General	Argues that utility advisory groups are topic-specific and less accessible than broader public engagement opportunities, and do not provide a way for a diversity of perspectives to be shared; notes utilities will require more than advisory groups to build and maintain community understanding and support.	Staff recommends that the Commission provide additional guidance in the adoption order and notes that the proposed rules require utilities to provide additional methods of building and maintaining community interaction through their public participation plans.
WECM	General	Approximately 282 WEC member letters requesting creation of more accessible opportunities for robust public engagement in Integrated Resource Planning and Clean Energy Implementation Planning that anticipate and break down barriers.	Staff recommends that the Commission provide additional guidance in the adoption order as well as future conversations relative to barriers to participation.
Weinstein, Elyette	General	Recommends restoration of the public participation language of the previous draft of the rules and argues that limitation of participation to advisory groups bars input from individuals who utilities normally don't hear from. States concerns about transparency and gate-keeping public input to insider members of hand-picked advisory groups.	Staff disagrees. The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order or future policy statement as needed.

WAC 480-100-640 Clean energy implementation plan

Party	Draft WAC	Summary of Comment	Staff Response
Avista	640(1)	Proposes later due date of Nov. 1 instead of Oct. 1 for the CEIP. Notes that Commerce is using January 1.	Staff disagrees. A CEIP from a consumer-owned utility filed with the Department of Commerce will have already been approved by the utility’s regulatory body – the city council or public utility district. For investor-owned utilities, the Commission must have a reasonable amount of time to approve the CEIP so that it can become effective on Jan. 1 as described in the statute. Based on Commission experience with similar plans, October 1 will give the Commission the bare minimum time required to approve such a complex set of documents by January 1. Staff also notes that if the plan is adjudicated, the Commission would not be able to comply with a January 1 date.
	640(5)	Delete “the” before specific actions. Also proposes specific actions meet ‘ <i>or be consistent with</i> ’ CETA. Concerned that it requires the utility to include all actions it will take, rather than just the actions the utility needs to take to make progress toward meeting the clean energy transformation standards.	Staff agrees with a clarifying edit and suggests adding “and be consistent with” CETA. Staff disagrees with deleting “the” as it is unnecessary. Utilities do not need to provide every single action it will take. Rather, utilities will need to identify material projects or programs and summarize their other actions.
	640(6)(f)(ii)	Clarifying edit: “A description of the utility's methodology for selecting the investments and expenses it plans to make over the next four years that are directly related to the utility's compliance with the clean energy transformation standards...”	Staff disagrees. The language in the proposed rules is clearer than the change the company suggests.

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	640(11)	Clarifying edit: Change "...of how the update will modify targets" to "when the update modifies targets".	Staff disagrees. The biennial CEIP update will include, at a minimum, a new biennial conservation plan (BCP). WAC 480-100-640(3)(a)(i) requires a specific energy efficiency target, which is included in the BCP. Therefore, by extension, Staff expects the biennial CEIP update will include a modification to at least one target (the energy efficiency target).
FC	640(4)(c)	Supports rule, but requests adding "reduction of risk" to the list of minimum required indicators. Each named element of the equity mandate requires at least one indicator. Notes that Commerce's rulemaking includes risk reduction language.	Staff agrees.
		Requests that the Commission commit to revisiting required indicators, frequently determine best practices, provide early guidance, review the rule's effectiveness, and revisiting the rulemaking process, as needed, to codify best practices and facilitate more uniform reporting.	Staff anticipates ongoing engagement on customer benefit indicator development through participation in utility planning processes. The Commission can provide additional guidance through policy statement, orders approving utility CEIPs, or changes to the rules as appropriate.
	650(5)(c) and 640(8)	Supports proposed rule.	No Staff response required.
Invenergy	640(1) or (11)	Asks for a new CEIP by October 1, 2023.	Staff disagrees. The Commission does not wish to increase administrative burden. If necessary, it may require such a filing by order at any time.
	General	CEIP rules should recognize the SCGHG as an incremental cost adder.	Staff disagrees with specifying how the utilities model the SCGHG in these rules. It is important to retain flexibility in modeling the SCGHG so that utilities can best respond to changing conditions and new information. Too much specificity in the rule prevents the utility from developing new approaches to its analysis.

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NWECC	640(3)(b)	Not clear why some subsections require disclosure in “native format” and others require disclosure in “native format and in an easily accessible format”. (Same comment as in -620(14)).	Staff agrees there is confusion around this piece and recommends adding “easily accessible format” after “advisory group review” in -630(3) and -655(1)(g) and to data requirements in -640 and -650. Staff additionally recommends removal of confusing cross references to -655 from -640 and -650. Staff anticipates additional guidance in the adoption order.
	640(8)	Add “along with the total number of comments consolidated into one comment” to end. (Same comment as in -620(17).)	Staff agrees this would be a useful element of comment summaries and recommends the Commission include this guidance in this rulemaking’s adoption order.
RN	640(4)(e) and (5)(b)	Resource adequacy requirements should refer back to the IRP.	Staff notes that there is no (4)(e), however, Staff believes RN is referencing (5)(b) and (6)(e). Staff disagrees that the edits are necessary as the rules are clear that these are referencing the RA metrics as established in -620(8).
	640(6)	Supports proposed rule.	No Staff response required.
Sierra Club	640(4)(c)	Add “reduction of risk” to the list of minimum required indicators. Each named element of the equity mandate requires at least one indicator. Notes that Commerce’s rulemaking includes risk reduction language.	Staff agrees.
		Requests that the Commission commit to revisiting required indicators frequently determine best practices, provide early guidance, review the rule’s effectiveness, and revisiting the rulemaking process, as needed, to codify best practices and facilitate more uniform reporting.	Staff anticipates ongoing engagement on customer benefit indicator development through participation in utility planning processes. The Commission can provide additional guidance through policy statement, orders approving utility CEIPs, or changes to the rules as appropriate.
TEP	640(4-6)	Supports required elements of CEIP, and inclusion of customer benefit indicators in 4(c).	No Staff response required.

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	640(6)(b)(i)	Replace “by location and population” with “changes in benefits and burdens since the last CEIP, including results of specific actions taken (in) the prior CEIP implementation period consistent with the requirements in WAC 480-100-640(4)(c)”. Would alleviate concerns over timing of submission CEIP compliance report from previous period and next CEIP.	Staff does not agree with removing the “by location and population” language as the assessment should include geographic and demographic information to support the Commission’s review of equitable distribution requirements. Staff anticipates that the CEIP process will be iterative. The Commission should carefully observe the first CEIP dockets and can modify the process as appropriate. Additional clarification will likely be provided in the adoption order.
	640(6)(f)(iii)	Recommends retaining business case as an example of the type of justification for specific actions. The commission is fully authorized to require such information.	Staff declines to recommend restoring this language as utilities bear the burden of demonstrating a proposed CEIP meets the statutory requirements and fully supporting any projects proposed in the CEIP.
	640(11)	Revise third sentence to add “or plans to meet equitable distribution requirements” at the end. This would clarify how equity requirements are impacted by the biennial CEIP update.	Staff anticipates that the CEIP process will be iterative. The Commission should carefully observe the first CEIP dockets and can modify the process as appropriate. Additional clarification will likely be provided in the adoption order.
WEC	640(4)(c)	Add “reduction of risk” to the list of minimum required indicators.	Staff agrees.
	640(5)	Supports proposed rule.	No Staff response required.

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WAC 480-100-645 Process for Review of CEIP and Updates

Party	Draft WAC	Summary of Comment	Staff Response
AWEC	645(2)	Reads the term “substantial interest” as having the same meaning as in WAC 480-07-355(3), and requests clarification in the adoption order on whether this reading is accurate. Also requests clarification regarding whether any information at all (more than demonstrating a “substantial interest”) is required when requesting adjudicative proceeding.	Staff disagrees that the requested clarification is necessary. The term “substantial interest” has the same meaning and requirements as under WAC 480-07-355(3).
	645(2)	The Administrative Procedures Act (APA) does not allow a “brief adjudicative proceeding” to consider a CEIP, and reference to such should be deleted from the rules. The APA provides four conditions under which a brief adjudicative hearing can be held; a CEIP does not fit into any of them. A CEIP is too big and consequential, affects too many stakeholders, and therefore warrants a full adjudicative proceeding.	Staff disagrees with AWEC’s interpretation. Staff generally envisions the Commission choosing to set a CEIP adjudication for a BAP rather than a full adjudication when only one or two narrow issues within a CEIP are contested. These circumstances could easily meet the other requirements of RCW 34.05.482, and the inclusion of BAP in this subsection of the rules is sufficient to meet RCW 34.05.482(1)(c).
TEP	645(2)	Supports proposed rule.	No Staff response necessary.
WEC	645	Supports proposed rule.	No Staff response necessary.

WAC 480-100-650 CEIP Reporting and compliance

Party	Draft WAC	Summary of Comment	Staff Response
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Avista	650	If the Commission’s rules are not the same as the rules adopted by Commerce, investor-owned utilities will have to comply with both sets of rules. Provides no recommendations for changes.	Staff acknowledges that there will be some overlapping reporting with the Department of Commerce. Similar to EIA requirements, compliance information will be reported to both Commerce and the Commission. The reports required at four-year intervals by Commerce (e.g., the interim performance report in 2026 and 2030, and the compliance report beginning in 2034) are appropriate to include within the clean energy compliance report outlined in WAC 650(1).
	650(1)(j)	Proposes removal of description of public participation opportunities from 4-year clean energy compliance report as redundant with subsection (e).	Staff disagrees that the requirements are redundant. Requirements in subsection (e) are limited to engagement on indicator development and use whereas (j) pulls in any other participatory elements.
	650(3)(e)	Proposes example list of uses for renewable energy credits instead of explicit list. (change i.e. to e.g.)	Staff agrees. The rule was intended to use a list of examples and the changes reflect grammatical corrections.
	650(3)(j)	Proposes <i>estimated</i> greenhouse gas emissions.	Staff disagrees with the addition of this word. While it is true that greenhouse gas emissions are estimated calculations, the estimation is included in the definition of the term and may cause confusion if it is added here.
PP&L	650	Points out significant duplication of filings and regulatory burden when considering the new WAC 480-100-650 against the existing backdrop of filing requirements from WAC 480-100-238 and WAC chapter 480-109.	Staff agrees. However, it is not apparent from the table provided by PP&L that the EIA filing requirements from WAC 480-109 are in effect now, while the first filing requirement under WAC 480-100-650(3) does not begin until 2022. Staff intends to significantly streamline reporting before the end of 2022.

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	650(1)(b)	Asks for flexibility in meeting the interim targets, since large acquisitions can sometimes be delayed by a few months, which may result from conditions beyond the utility’s control for which they should not be penalized.	Staff disagrees. Utilities can ask for penalty mitigation from the Commission, and the situation envisioned here would be a perfect example for making such a request.
	650(3)(a)	Asserts that the attestation goes beyond the CETA requirement to remove coal-fired resources from the allocation of electricity, which applies to ratemaking, not the use of power.	Staff disagrees with the substance and the suggested changes to the rule at this time. RCW 19.405.090(1) clearly penalizes the use of coal-fired resources to serve load, not only their inclusion in rates. Other sections of Chapter 19.405 RCW support this position, and Staff recommends further discussion of this issue in the adoption order. It will be helpful to wait for the completion of the rulemaking required in RCW 19.405.130. The attestation required by WAC 480-100-650(3)(a) must describe how the utility has ensured that the required costs associated with coal-fired resources owned or under contract for longer than one month have been removed from existing and ongoing rates, and affirm that the utility did not knowingly purchase any electricity from coal-fired resources.

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PSE	650(1)	Asks the commission to reconsider its treatment of interim targets as compliance obligations. Targets set by the utility can encourage gaming in setting targets low enough to ensure ease of compliance. The commission can already issue penalties to enforce its rules, without using the CETA penalty from statute. Commerce has treated interim targets as a demonstration of progress rather than compliance obligations. This may create an unfair advantage for consumer-owned utilities if the commission persists.	Staff disagrees. First, given that the Commission reviews and approves these targets, and can modify them if they are insufficient under RCW 19.405.060(1)(c), a utility will not be able to set insufficient interim targets to meet their statutory deadlines. Second, interim targets are included in the incremental cost alternative compliance pathway under RCW 19.405.060(3) but are not mentioned under RCW 19.405.090. This indicates that interim targets are intended as a compliance obligation enforced through Commission order. Finally, if unforeseen circumstances affect a utility’s ability to meet its interim targets, it can pursue compliance through the incremental cost pathway or request the Commission mitigate any proposed penalty.
PC	650(3)(a)	Supports attestation. Asks us to require verification, prefers a third-party audit. Recognizes there will be additional work on this issue.	Staff agrees with the substance but disagrees with the suggested changes to the rule. This issue will be addressed more fully during the rulemaking required in RCW 19.405.130, which will also address how to interpret a utility’s “use” of electricity to serve customers.

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AWEC	650(3)(a)	Asserts that the attestation goes beyond the CETA requirement to remove coal-fired resources from the allocation of electricity. Broad ratemaking implications for multi-state utilities.	Staff disagrees. RCW 19.405.090(1) clearly penalizes the use of coal-fired resources to serve load, not only their inclusion in rates. Other sections of Chapter 19.405 RCW support this position, and Staff recommends further discussion of this issue in the adoption order. It will be more helpful to wait for the completion of the rulemaking required in RCW 19.405.130. The attestation required by WAC 480-100-650(3)(a) must describe how the utility has ensured that the required costs associated with coal-fired resources owned or under contract for longer than one month have been removed from existing and ongoing rates, and affirm that the utility did not knowingly purchase any electricity from coal-fired resources.
BPA	650(3)(f)	Asks to change the end date for when power from BPA must have associated RECs from January 1, 2029, to January 1, 2030, to be consistent with Commerce.	Staff would prefer to keep the 2029 date, because if utilities are relying on BPA power, they must know ahead of time if they will be able to use it for CETA compliance after 2030. If BPA is still unable to provide RECs for its hydropower by 2029, utilities relying on such power should request a one-year rule waiver.
FC	650(1)(d) and (e)	Supports requirements for developing a minimum suite of equity performance indicators and robust reporting.	No Staff response necessary.

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Lindley, Jane	650(3)	Recommends redlines adding description of public participation to Annual Clean Energy Progress Report.	Staff disagrees. Staff supports streamlined reporting requirements and does not believe annual reporting in addition to the public participation plan and compliance reporting is necessary. Both current requirements would catch annual activities. The Commission may require additional reporting as needed in the future.
NWECC	650(1)(c)	We ask the commission to make clear that (c) refers to the individual specific actions as planned in 480-100-640 (5) and (6) or (11) and addresses the success of each specific action.	Staff disagrees as 650(1)(c) requires a demonstration that the utility has executed a lowest reasonable cost plan for making progress toward compliance. Lowest reasonable cost refers to a portfolio-level, collective set of actions, not individual actions viewed in isolation.
	650(1)(f)	The cost of compliance should address the cost of each action.	Staff disagrees. Although providing the costs of an individual action may be helpful, 660(1) is clear that the incremental cost of compliance is analyzed at the portfolio level.
	650(1)(d)(i)	Asks to restore language about the history of indicator changes because it will be more informative.	Staff disagrees as it adds administrative burdens. Companies will have to identify changes within the CEIPs when any changes are made.
	650(3)(a)	Add that the attestation is provided by an appropriate utility executive. Concerned that there is no responsible party.	Staff disagrees with the suggested changes to the rule at this time. Staff suggests that the adoption order should address how the Commission will treat this requirement moving forward. In general, additional specificity is not appropriate until more general issues are resolved. For example, it will be helpful to wait for the completion of the rulemaking required in RCW 19.405.130.

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	650(3)(e)	Use e.g. instead of i.e. in the list of examples.	Staff agrees.
	650(3)(f)	Please explain in the rulemaking order what it means to track the nonpower attributes of renewable energy through contract language. Who is responsible for this tracking? When does it occur, and to whom?	Staff expects that the utilities that choose to contract with BPA will ensure that their contracts with BPA address the tracking of nonpower attributes. In addition, the rulemaking required in RCW 19.405.130 may also address this issue.
	650(3)(new)	Asks to add description of progress on indicators to the annual report because if the progress is only included in the 4-year report, it will not be available in time to inform the next round of IRPs.	Staff anticipates that the CEIP process will be iterative. The Commission will carefully observe the first CEIP dockets and can modifying the process as appropriate. Additional clarification should be provided in the adoption order.
RN	650(3)(a)	Asks that the attestation be made by an appropriate company executive, and subject to commission review. The proposed rules do not address a loophole which allows a utility to rely on consecutive short-term contracts for unspecified resources.	Staff disagrees with the suggested changes to the rule at this time. Renewable Northwest raises important issues that should be considered. However, additional specificity is not appropriate until more general issues are resolved. It will be helpful to wait for the completion of the rulemaking required in RCW 19.405.130.

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	650(3)(a) (new)	Concerned that one interpretation of the definition that coal-fired resource does not include wholesale power purchases of one month or less would allow utilities to rely on serial transactions for unspecified electricity to sidestep the requirement to remove coal from rates before 2030. Suggests this language be added: A utility must not engage in a series or combination of short-term transactions for unspecified electricity for the purpose of avoiding the restrictions on use of coal-fired resources under RCW 19.405.030(1).	Staff disagrees with the addition of this language as inconsistent with the statute. Under the law, both before and after 2030, the utility may recover the costs associated with coal-fired resources under contracts of one month or less from customers. Further, they may also engage in contracts for unspecified electricity of any length and recover related costs from customers. However, if they do enter into such contracts, after 2030, they will be subject to the \$100 penalty for electricity that is not renewable or nonemitting, which will include both the unspecified electricity and the coal-fired electricity that is procured under contracts of one month or less.
	650(3)(f)	Add language prohibiting double-counting of nonpower attributes tracked through contract language prior to end date.	While Staff declines to make the suggested change, Staff points out that there is no allowance in CETA to use nonpower attributes more than once. Thus, we expect that when utilities negotiate contracts with BPA, they will address the necessary tracking to ensure compliance with the spirit of the law. This issue will likely be further addressed during the rulemaking under RCW 19.405.130.
TEP	650(3)(new)	Expresses concern about reporting on customer benefits in time to provide useful, informative information to support the next CEIP. Suggests changes to 480-100-640(6)(b)(i). Could also make changes here.	Staff anticipates that the CEIP process will be iterative. The Commission should carefully observe the first CEIP dockets and can modify the process as appropriate. Additional clarification will likely be provided in the adoption order.

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WPTF	650(3)(a)	Do not spend additional effort to develop rules to ensure that Washington utilities can document that every single megawatt-hour of unspecified power has not been sourced from a coal resource.	Staff disagrees. Under RCW 19.405.130, the Commission is required to adopt by June 30, 2022, rules concerning documentation of whether or not a utility has met the standards in RCW 19.405.030 through 19.405.050.
	650(3)(a)	Focus on the narrow question of how to ensure that the investor-owned utilities that currently own coal fully divest of it, and/or don't continue to use these resources to serve Washington customers.	Staff agrees and believes that the attestation requirement is adequate at this time. Staff recommends that the adoption order address how the Commission will treat this requirement moving forward Note however that the rules as currently written only address coal-fired resources as defined in the statute; those that are owned or under contracts of longer than one month.

WAC 480-100-655 Public participation in a CEIP

Party	Draft WAC	Summary of Comment	Staff Response
Avista	655(1)(a)	Believes this section doesn't need to call out equity group because section is applicable to all groups. Offers redlines striking specific call-out.	Staff disagrees with this proposed edit. As the equity group is the only newly formed group, Staff believes it is helpful to be clear about where that group interacts in the planning processes. Staff may recommend streamlining changes in the future as stakeholders and utilities become familiar with working with groups on equity issues.
	655(1)(e)	Strike portion stating "utility may convene and engage public advisory groups on other topics" because it is unnecessary and creates uncertainty around expectations. Offers redlines striking (e).	Staff disagrees with this proposed edit and believes the current proposed language is clear that proposed rules do not limit utilities in developing stakeholder processes for other issues.

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	655(g)	Offers redlines adding “used to develop its CEIP”.	Staff agrees and believes this proposed edit clarifies the rule’s intent. Staff additionally recommends the same clarification to - 630(3) for IRPs.
	655(1)(h)	Believes subsection (h) is redundant to other requirements in section (1). Offers redlines striking all of (h).	Staff disagrees this section is redundant. It describes the comment summary mentioned but not detailed in -640(8). Staff disagrees with making this suggested edit as it would remove the requirement for utilities to submit a summary.
	655(2)(f)	Offers redlines rewording (f) to say “The date by which the utility must file...”	Staff disagrees. The date by which utilities must file could be different from the dates by which they do file. Staff recognizes these will likely be the same date, particularly for initial plans. But in the event they are not the same, Staff prefers the planned date.
PSE	655(3)	Supports removal of required customer notice review in previous draft rules.	No Staff response required.
	General	States concerns that current work to develop a more inclusive and participatory approach to utility planning is nascent and will mature through the equity advisory group process and other means, including Commission workshops on equity issues. Requests more workshops in early 2021 specifically focused on low to implement equity provisions in the rule, such as the development of indicators.	Staff understands this work is nascent for utilities and stakeholders alike and that it will take time for maturation. Staff anticipates future workshops and will provide notice as they are scheduled.
PC	General	Appreciates continued inclusion of public participation in CEIP process.	No Staff response required.
	General	Supports continued discussion of funding for equity advisory group among stakeholders and a Commission policy statement to provide subsequent guidance.	Staff recommends that the Commission take this under advisement as any additional workshops and policy statements are planned. Staff agrees that this issue merits additional conversation and does not believe particular requirements around funding mechanisms are ripe for rule language.

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	General	Urges basic rule language in this docket requiring equity group funding.	Staff disagrees in light of the existing questions related to Commission authority to require this type of funding, remaining questions about funding administration and practicalities, the substantive nature of this rule change (and thus a required additional CR-102), and the statutory timeline for completing this rulemaking.
AWEC	General	Opposes stakeholder processes in the proposed rules, stating they will be costly and time consuming to participate in, undermine adjudicative proceedings, and hinder utilities' abilities to quickly respond to changing technologies and markets.	Staff disagrees that the stakeholder processes in this proposed rule, which are largely predicated on and inclusive of existing stakeholder processes, are more costly and time-consuming than are required by the additional planning needs created by the Clean Energy Transformation Act, as stakeholder participation is voluntary. Staff does not believe that advanced resolution of issues or a common understanding of needs between stakeholders undermines adjudicative proceedings. Staff is also not clear how <i>not</i> taking the voices and needs of customers and stakeholders into account would enable better decision-making in response to changing technologies and markets.
Climate Solutions	General	Looks forward to further dialogue on advisory groups and stakeholder participation.	No Staff response necessary.
CENSE	Data	Concerned about data disclosure requirements that do not require information to be released in a comprehensible format and that "native" format requirements could flood advisory group members with too much data.	Staff agrees there is confusion around this piece and recommends adding "easily accessible format" after "advisory group review." Staff anticipates additional

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	Data	Requests all parameters deemed relevant by advisory groups or the public be released in an “easily accessible format.” Notes companies could require non-disclosure agreements from advisory group to provide sensitive information.	guidance in the adoption order. Staff agrees companies may require non-disclosure agreements to provide sensitive information but declines to recommend requiring non-disclosure agreements in rule, as their inclusion as a requirement would contradict the confidentiality provisions of RCW 80.04.095 and current commission rules.
FC	General	Supports creation of equity advisory group.	No Staff response necessary.
	General	Supports provisions for meaningful public involvement and responses to public input.	
	General	Supports upholding these elements at minimum and requests further strengthening of opportunities and protection of public commenting outside of the advisory group process	Staff recommends that the Commission provide additional guidance in the adoption order or policy statements as needed.
	655(2)(a)(i)-(ii)	Supports development of indicators using public involvement	No Staff response needed.
Lindley, Jane	General	Requests reversions to previous draft language that is more inclusive for the wider public.	Staff disagrees. The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order.
	655(2)(g)(iii)	Requests changing rule to state “Information on how the public may participate in CEIP development, <u>including advisory group meetings</u> ; and”	Staff believes that how the public could participate in advisory group meetings is already included in this rule and would be an expected element of a public participation plan. Staff believes this language is unnecessary. Staff nevertheless recommends that the Commission provide additional broad guidance about public access to advisory groups in the adoption order.

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	655(1)	Recommends redlines moving section number from first paragraph and creating “Advisory groups” section starting at (a). Renumbers subsequent lines. Adds “public” and “stakeholders” throughout newly created intro paragraph.	Staff disagrees. The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order.
	655(2)	Recommends redlines adding “and stakeholders”	
Newcomb, Anne	General	Requests guidance on how an advisory group would look and how it would be formed and if the divide between some utilities and public can be mended.	Staff recommends that the Commission provide additional guidance in the adoption order regarding how the wider public and stakeholders may be involved in advisory groups. Staff notes that while the Commission can offer guidance to mend relationships, utilities and stakeholders are responsible for working through that process.
	General	Supports language about involving vulnerable communities.	No Staff response necessary.
	General	Recommends adding “in an easily accessible format” to all data disclosure locations.	Staff recommends proposed changes to these areas of the rule to clarify the Commission’s intent.
	General	Recommends requiring non-disclosure agreements for confidential data considerations.	Staff disagrees with requiring non-disclosure agreements in rule, as their inclusion as a requirement would contradict the confidentiality provisions of RCW 80.04.095 and current commission rules.

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RN	General	Reiterates similar concerns as discussed in IRP sections above and requests guidance on the formation of advisory group, which are necessary for CEIPs, and which parties or organizations should compose through groups. Recommends limiting utilities' ability to gate-keep group membership by requiring Commission review and approval.	Staff recommends that the Commission provide additional guidance on advisory groups in the adoption order or through policy statement as necessary. The Commission also should not put itself in the position of reviewing or approving the makeup of advisory groups as they are intended for reasonable general public access. The Commission can address issues of utility gatekeeping or bias if or as they occur.
SC	General	Recommends all sections on data disclosure reflect the words "in an easily accessible format" because native formats can be difficult to follow.	Staff agrees there is confusion around this piece and recommends adding "easily accessible format" after "advisory group review" in -630(3) and -655(1)(g) and to data requirements in -640 and -650. Staff additionally recommends removal of confusing cross references to -655 from -640 and -650. Staff anticipates additional guidance in the adoption order.
	General	Recommends full data disclosure should include all modeling software and programs.	Staff does not believe further changes to the rules are necessary. Proposed WAC 480-100-630(3) requires the utility to make information available to the Commission in native formats. Staff recommends the Commission provide additional guidance, if needed, in the Commission's adoption order
	General	Recommends utilities require non-disclosure agreements for confidential information.	Staff disagrees with requiring non-disclosure agreements in rule, as their inclusion as a requirement would contradict the confidentiality provisions of RCW 80.04.095 and current commission rules.

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	General	<p>Recommends not limiting public participation to advisory groups and argues restricting public participation per the current rules enforces and maintains systemic policies that have led to disenfranchisement. Recommends restoring public participation language of previous rules and offering guidance relative to utility burden in subsequent policy statements.</p>	<p>Staff believes the changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order.</p>
	General	<p>Notes that which advisory groups are included is not clear in draft rules. Recommends all advisory groups are included in the development of IRPs and CEIPs</p>	<p>Staff disagrees. Staff does not believe the rules should require utilities to pull in all other groups, such as conservation and low-income groups, for IRP planning given overlapping representation in these groups with current IRP groups, because IRP groups are open to stakeholders not currently participating, and because Staff believes stakeholders, utilities, and Staff will have proposals for streamlining and smoothing out inter-group interactions as final rules are implemented and any issues become apparent. The proposed rules state at -655(1)(a) that all advisory groups must be included in CEIP development, including the equity group. In -625(2)(b), the proposed rules state that IRP development must include a proposed schedule for meeting with resource planning advisory groups, <i>i.e.</i>, current IRP groups, and the equity group. Utilities may pull in other groups to IRP planning if and as they feel they are necessary.</p>

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TEP	General	Supports inclusion of public involvement in IRP and CEIP planning processes, including right to comment, advisory group participation, creation of an equity advisory group, specific involvement in development of indicators and activities, filed public participation plans, reporting of public participation, and availability of supporting data.	No Staff response necessary.
	655(2)/(3)	Recommends harmonizing requirements of advanced distribution of materials to advisory groups. Appears to be removed from CEIP process.	Staff recommends that the Commission address this issue in the adoption order.
	655(1)(g)	Recommends harmonizing requirements of data input and files available to advisory groups.	Staff proposes rule changes to address this concern as well as comments from NWECC and others on confusion around data disclosure requirements.
VCAG	General	Concerned with limitation of public participation to advisory groups and argues restricting public participation per the current rules enforces and maintains systemic policies that have led to disenfranchisement. Asks how utility customers will have access to an advisory group or utility planning if they are not included in an advisory group and how disenfranchised customers will gain access to an advisory group.	Staff believes the changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order.
	General	Recommends restoring public participation language of previous rules and offering guidance relative to utility burden in subsequent policy statements.	Staff disagrees. The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order. Staff anticipates that the Commission will issue additional policy statements as needed.
	General	Supports inclusion of requiring explanations of rejection of public input.	No Staff response required.

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	General	Supports requiring utilities to use the IAP2 “involve” level for all CEIP hearings.	Staff disagrees. “Hearings,” and “open meetings” are official forums for the Commission and have limited back and forth interaction between utilities and customers, serving instead as a mechanism for conducting official Commission business in compliance with open meeting laws. These official meetings give an opportunity for customers and the public to be heard by the Commission and for the Commission to ask questions of those present. In addition, the approval process for final CEIPs outlined in these proposed rules allows for CEIPs to be adjudicated. In these hearings, parties have the right to advocate in favor of their own positions. It is unclear what the IAP2 “involve” level would mean in this context.
WEC	General	Recommends restoring the public engagement provisions from previous drafts of the rule to undo barriers and create accessible public engagement opportunities needed to achieve an equitable transformation	Staff disagrees. The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order.
	General	Argues that utility advisory groups are topic-specific and less accessible than broader public engagement opportunities, and do not provide a way for a diversity of perspectives to be shared; notes utilities will require more than advisory groups to build and maintain community understanding and support.	Staff recommends that the Commission provide additional guidance in the adoption order and notes that the proposed rules require utilities to provide additional methods of building and maintaining community interaction through their public participation plans.

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WECM	General	Approximately 282 WEC member letters requesting creation of more accessible opportunities for robust public engagement in Integrated Resource Planning and Clean Energy Implementation Planning that anticipate and break down barriers.	Staff recommends that the Commission provide additional guidance in the adoption order as well as future conversations relative to barriers to participation.
Weinstein, Elyette	General	Recommends restoration of the public participation language of the previous draft of the rules and argues that limitation of participation to advisory groups bars input from individuals that utilities don't normally hear from. States concerns about transparency and gate-keeping public input to insider members of hand-picked advisory groups.	Staff disagrees. The changes to these rules clarify the role of the advisory group; they do not broadly limit public participation. Staff recommends that the Commission provide additional guidance in the adoption order.

WAC 480-100-660 Incremental cost of compliance

Party	Draft WAC	Summary of Comment	Staff Response
Avista	-660(6)	The Commission should determine whether the incremental cost cap has been met using a one-time estimate when the utility files its CEIP. This provides the utility with greater certainty as it will know exactly how much it needs to spend.	Staff disagrees. A forecast of compliance is not a reasonable substitution for a demonstration of compliance.
	-660(2)	The proposed calculation should be revised to result in a 2 percent annualized spending, rather than the 5 percent in the draft rule, for demonstrating compliance. This is more consistent with the Legislature's intent. The proposed calculation assumes that an actual incremental 2 percent in directly attributable costs will be spent each year of a CEIP, but that is unlikely to ever happen due to the nature of utility investments.	Staff disagrees. Staff believes that the intent of the statute is for the two percent calculation to increase each year over the CEIP period and that intent is evident in the phrase "two-percent increase...above the previous year."
	-660(2)	The determination of compliance should not be on the total dollars spent over a CEIP, but rather on the average rate increase per year during a CEIP period as specified in RCW 19.405.060(3)(a),	Staff agrees that the statute does not require a specific amount of spending in any given year, rather it allows spending to be averaged over the CEIP compliance period.
	-660(2)	Add the word "cumulative" before the mathematical formula.	Staff disagrees as the rules are sufficiently clear to capture the Commission's intent.

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PP&L	-660(2)	The incremental cost methodology presented does not capture the cost containment intent from the legislature. Current methodology would allow rate increases of 5 percent on average over a four-year compliance period for investments only associated with CETA. Actual rate increases could be larger due to costs incurred in the alternative portfolio that would not be captured in the incremental cost calculation.	Staff disagrees. Staff believes that the intent of the statute is for the two percent calculation to increase each year over the CEIP period. That intent is evident in the phrase “two-percent increase...above the previous year.”
	-660(2)	Recommendation to change “each” to “the” in draft WAC 480-100-660(2), and removal of the Annual Threshold Amount formula. The rule dilutes the intent and specificity of the statute by interpreting “previous year” as “each previous year” of the compliance period and not as “the single year immediately preceding the CEIP”. The incremental cost cap would not be known at the beginning of the CEIP period because revenues are not known to the company until months after the beginning of CEIP, making CEIP cost cap and incremental cost cap inconsistent.	Staff disagrees with this interpretation of the meaning of the statute. Staff expects a utility will rely on projections of revenue to estimate the incremental cost of compliance when it files its CEIP, and use actual weather-adjusted sales revenue when it reports its actual cost of compliance in the Clean Energy Compliance Report.
	-660(2)	The rule is flawed because it does not arrive at a result that captures the legislative intent of creating an “extremely strong” cost cap. The calculation does not derive the WASR from the CBR, but it establishes an inflated WASR baseline every year in the compliance period based on projections and inclusion of amounts related to CETA implementation costs from the previous years.	Staff disagrees. Although the utility will estimate its WASR for each year when it files the CEIP, the determination for when a utility may rely on the incremental cost of compliance pathway is made when the utility files its Clean Energy Compliance Report, after the completion of the CEIP. In that compliance report, the utility will use the actual WASR from each year of the CEIP and will not rely on projections of future revenue.

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	-660(1), (2)	Parties have not had a meaningful opportunity or sufficient time to comment on the incremental cost methodology and formulas.	Staff disagrees. The Commission conducted a workshop on March 17, 2020, focused on incremental cost. The Commission also issued notices for written comments on two sets of draft rules prior to the publication of the CR-102. The notice for the second draft specifically asked stakeholders for their comments on the appropriate calculation, including a formula that used a compounding calculation that was similar to the calculation in the proposed rules, as noted by PP&L on page 3 of its comments.
PSE	-660(1)	The process for comparing the costs of the actual portfolio to the alternative lowest reasonable cost and reasonably available portfolio is unclear. The requirement to update the baseline using the portfolio optimization model has numerous flaws, including requiring the Commission to make periodic and successive determinations of what the utility “would have implemented” absent CETA. Furthermore, the term “material” is not defined and creates uncertainty.	Staff disagrees. It is not uncommon for utilities to update a filing including one that is based on assumptions. Staff also notes that the standard is not what the utility would have implemented absent CETA, rather, it is what would the utility have implemented absent RCW 19.405.040 and RCW 19.405.050.
PC	-660(2)	CETA does not require compounding growth or costs increases to the threshold amount. The phrase “equals a two percent increase...” only applies a two percent increase to revenue from the prior year. The statute does not say that cost increases from one year must be allowed to carry over into the following years.	Staff disagrees. Staff believes that the intent of the statute is for the two percent calculation to increase each year over the CEIP period and that intent is evident in the phrase “two-percent increase...above the previous year.”
	-660(2)	Compounding cost increases across the four-year period assumes that all CETA-related cost increases in a given year remain unchanged in the subsequent years and that the new cost increases are simply added on top of the old in the calculation of the threshold amount. This may be true for large capital costs but not necessarily true of all costs.	Staff disagrees. The incremental cost is a calculation of the threshold for spending and is unrelated to specific costs, either large capital costs or small education expenses.

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	-660(2)	Compounding gives costs an inappropriate presumption of reasonableness.	Staff disagrees. The calculation is not tied to specific costs, rather it is a spending threshold unrelated to a utility’s specific actions in its CEIP.
	-660(2)	If the Commission allows the utilities to carry over the CETA-related cost increases from year to year, the formula should be corrected so that the threshold amount only reflects CETA-related costs increases or decreases from year to year and does not repetitively account for the base revenue.	Staff disagrees. Staff believes that the intent of the statute is for the two percent calculation to increase over the CEIP period and that intent is evident in the phrase “two-percent increase...above the previous year.”
AWEC	-660(2)	The proposed calculation artificially increases the incremental cost and is inconsistent with CETA’s requirements that the cost be identified in some way as two percent of weather-adjusted sales. The proposed calculation would result in annual 5 percent increases, which does not faithfully implement the statute.	Staff disagrees. Staff believes that the intent of the statute is for the two percent calculation to increase over the CEIP period and that intent is evident in the phrase “two-percent increase...above the previous year.”
	-660(6)	Utilities should be allowed to rely on a projection of incremental costs, which is consistent with existing Commission ratemaking structures used today. If the Commission continues to rely on a retrospective review, utilities should not be required to update their CEIP assumptions. A retrospective review of the mechanism guts the protections of the mechanism by increasing the utility’s risks that its assumptions do not materialize.	Staff disagrees that a retrospective review guts the protections of the statute. On the contrary, a retrospective review is aligned with common regulatory practices. Moreover, a retrospective review of utility actions is a much more common ratemaking principle than relying on projected forecasts of costs.
CS	-660(1)(c)	Does not support allowing an alternative methodology as it would allow utilities to select variable and inconsistent approaches. If the commission retains this option, the alternative approach must be compared to the method established in rule for comparison.	Staff disagrees. Although it may be preferable to have a consistent approach across all three utilities, it is reasonable for the commission to allow alternatives that satisfy the statutory requirements. Due to the complexity of calculating the incremental cost, it is also appropriate for the commission to offer some flexibility.
	-660(2)	Supports the incremental cost calculation as consistent with the statute. Notes that the proposed calculation is “more generous” than the calculation advocated for by CS. However, CS’s earlier proposal provides more rate impact certainty.	No Staff response necessary.

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NWEC	-660(1)(c)	Does not support allowing an alternative incremental cost methodology until possible alternatives are better understood. It is preferable to have a consistent approach across all three utilities for comparison.	Staff disagrees. Although it may be preferable to have a consistent approach across all three utilities, it is reasonable for the Commission to allow alternatives that satisfy the statutory requirements. Due to the complexity of the calculating the incremental cost, it is also appropriate for the Commission to offer some flexibility.
RN	-660(1)(c)	Strike the option for an alternative methodology. The benefit of including this option is unclear. The method should be uniform across the utilities. However, if the commission maintains this option, the utility should be required to calculate its incremental cost via its method and the method established in rule for comparison.	Staff disagrees. Although it may be preferable to have a consistent approach across all three utilities, it is reasonable for the Commission to allow alternatives that satisfy the statutory requirements. Due to the complexity of the calculating the incremental cost, it is also appropriate for the Commission to offer some flexibility.
	-660(2)	RN supports the calculation in its current form; however, its prior calculation proposal would be better. RN's proposal allows long-term investments to be incorporated into the calculation at once so that once a utility determines the 2% threshold for the compliance period, a long-term investment will not count against a future year's incremental cost. RN's formula creates a lightly lower cost threshold than the draft rules proposal.	Staff disagrees. Staff believes that the calculation included in the rule satisfies the statutory requirements and is aligned with the intent. Staff also believes that the calculation in rule is flexible and reasonably accounts for long-term investments.
WEC	-660(1)	The final rules should not allow companies to propose their own methodology but rather require consistent application of the incremental cost of compliance methodology across all utilities. The methodology should be adaptively managed and updated over time.	Staff disagrees. Although it may be preferable to have a consistent approach across all three utilities, it is reasonable for the Commission to allow alternatives that satisfy the statutory requirements. Due to the complexity of calculating the incremental cost, it is also appropriate for the Commission to offer some flexibility.

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WAC 480-100-665 Enforcement

Party	Draft WAC	Summary of Comment	Staff Response
FC	665	Support express restatement of the Commission’s enforcement powers, including compliance with the equity mandate.	No Staff response required.
WEC	665	Restore the full description of the commission’s authority to limit the extent to which utilities may recover return on investment, determine the prudence of a utility’s activities, and take action in response to violations not directly related to emissions.	Staff disagrees. The Commission does not need to restate its statutory authority to regulate utility rates in this rule, and the prior language is needlessly provocative.

Miscellaneous

Party	Draft WAC	Summary of Comment	Staff Response
CS	Resource Adequacy	Concerned with the lack of guidance for a resource adequacy standard. Resource adequacy (RA) is an off-ramp for CETA compliance, and the Commission’s current draft provides little guidance to ensure consistency or oversight of this provision.	Staff disagrees. Staff does not read -090(3) as an off-ramp based on the performance of an RA analysis but rather as an off-ramp in the face of imminent failure of the NERC operating standards. NERC operating standards are operational performance standards. In contrast, RA is a measurement and standard for use in long-term planning. In this rulemaking, multiple utilities have asked that the Commission not impose uniform RA standards in rule. Staff agrees the responsibility for an RA methodology should remain with a utility and it bears the risk to perform the RA analysis necessary to meet its load service obligations.
FC	-610(4)(c)(i)	Provides two attachments on metrics for equitable distribution and tools for measurement.	Staff appreciates the additional information and anticipates further engagement with utilities and stakeholders to refine how the information included in the attachments relates to the various elements of RCW 19.405.040(8) compliance.

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Invenergy	Repowering	IRP and CEIP rules should require including repowering decisions in utility resource planning processes. Utilities should evaluate major repowering of any existing generating resource on a consistent basis with new resource opportunities, including application of the same requirements under CETA. Further, the rules should not allow utilities to bias their IRP and CEIP evaluations to justify constructing or repowering GHG-emitting generating resources.	Staff disagrees this edit is necessary because repowering is addressed in WAC 480-100-620(7), Resource Evaluation, where each utility’s IRP must include a comparative evaluation of all ... potential changes to existing resources.
	Construction of new GHG-emitting resources	Provide more guidance in the rules to ensure that any construction of new GHG-emitting resources is based on a complete justification including the risks that such new resources will be cost-effective over a reduced lifespan.	Staff believes that the statute is clear: utilities must be greenhouse gas neutral by 2030 and 100 percent clean by 2045. All new builds should first be previewed in the CEAP before being included in the CEIP, where stakeholders and the Commission may delve into the benefits and risks of a project. Staff believes that the rules and existing Commission practices ensures that there is an opportunity to review the benefits and risks of all projects.
Adcock, James	RECs	Concerned that there is an opportunity for potential REC double-counting.	Staff points out that there is no allowance in CETA to use nonpower attributes or renewable energy credits more than once. This issue will likely be further addressed during the rulemaking under RCW 19.405.130.