

# **WUTC v. Pacificorp d/b/a Pacific Power & Light Company**

**Docket No. UE-210829 - Volume IV**

**March 22, 2024**



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BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, Complainant, vs. PACIFICORP d/b/a PACIFIC POWER & LIGHT COMPANY, Respondent. ) DOCKET NO. UE-210829 ) PAGES 66 - 144

EXCERPT OF OPEN RECESSED MEETING - VOLUME IV March 22, 2024

Washington Utilities and Transportation Commission 621 Woodland Square Loop SE Lacey, Washington 98504

COMMISSION: CHAIR DAVID DANNER COMMISSIONER MILT DOUMIT COMMISSIONER ANN RENDAHL

TRANSCRIBED BY: Marjie Jackson, CET

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1 -o0o- 2 March 22, 2024

3 4 CHAIR DANNER: So with that, let's now move on to 5 Docket UE-210829, PacifiCorp.

6 And, Jaclynn Simmons, thank you for your patience 7 this morning.

8 MS. SIMMONS: Good morning. Good morning, Chair 9 Danner and Commissioners Rendhal and Doumit. Jaclynn 10 Simmons here with regulatory analysts for regulatory 11 services. I'm here today to present Item D(3) in Docket 12 UE-210829, PacifiCorp' 2023 Biennial Clean Energy 13 Implementation Plan Update or Biennial Update.

14 I will introduce the filing, then hand it over to 15 PacifiCorp to present their biennial update.

16 On November 1, 2023, PacifiCorp filed its 2023 17 biennial update. Staff filed responsive comments on the 18 biennial update on January 11, 2024. The comments detail 19 Staff's review of PacifiCorp' revised interim targets, 20 changes to its multi-state allocation methodology, 21 thermal resource projections, recent enactment of federal 22 legislation and an additional focus on PacifiCorp' public 23 participation plan.

24 There were a total of two comments filed in the 25 docket, one of which was filed jointly by three parties.

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1 All were filed on January 11, 2024. All comments  
 2 recommended conditions for approval of the biennial  
 3 update. The company proposed a reduction in the interim  
 4 targets in this biennial update.  
 5 For 2023, it was a 16 percent decrease. For 2024,  
 6 it was a 38 percent decrease. And for 2025, it's a 45  
 7 percent decrease. A total decrease proposed -- or,  
 8 sorry, total average decrease proposed is 28.3 percent  
 9 for a four-year compliance period.  
 10 The company cited several reasons for the decrease,  
 11 including thermal asset use, allocation methodology,  
 12 federal legislation and more. The company also updated  
 13 its energy efficiency specific target consistent with its  
 14 approved 2024/2025 Biennial Conservation Plan.  
 15 Staff filed comments relating to the 24/25 Biennial  
 16 Conservation Plan and its targets and programs in  
 17 Docket UE-230904.  
 18 The company also made some updates to its public  
 19 participation plan. For this biennial update to be  
 20 approved with the drastic changes into the interim  
 21 targets, Staff determined that, along with the 50  
 22 conditions that were approved in the company's 2021 CIP  
 23 settlement, there should be nine additional conditions.  
 24 Staff's understanding is that Public Council  
 25 Energy -- or, sorry, Northwest Energy Coalition Inlet;

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1 The Energy Project; Alliance for Western Energy  
 2 Consumers, AWEC; Renewable Northwest and Sierra Club are  
 3 all aware of the proposed nine conditions and either  
 4 support or take no issue with eight of the nine  
 5 conditions.  
 6 Staff recommends that the Commission either issue an  
 7 order in Docket UE-210829, accepting PacifiCorp's biennial  
 8 Clean Energy Implementation Plan filed on November 1,  
 9 2023, subject to conditions in attachment A, or initiate  
 10 adjudication of PacifiCorp' biennial Clean Energy  
 11 Implementation Plan update in Docket UE-210829.  
 12 Staff would prefer the first option. I'm available  
 13 for questions. And after this, we'll give it over to the  
 14 company to do their presentation.  
 15 CHAIR DANNER: All right. Thank you very much. Are  
 16 there questions for Jaclynn Simmons?  
 17 Commissioner Rendahl?  
 18 COMMISSIONER RENDAHL: So, Jaclynn, this is in part  
 19 a question for you and in part a question for counsel.  
 20 So is it Staff's recommendation -- or let me just say  
 21 this. If the Commission were to modify some of the  
 22 conditions -- and I will say my concern is particularly  
 23 to the level of penalties that exceed the statutory  
 24 amount -- if Staff were -- if the Commission were to  
 25 change those, would Staff prefer to go to option B?

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1 MS. SIMMONS: Give me one moment.  
 2 COMMISSIONER RENDAHL: And you can think about this  
 3 while I ask a question for counsel.  
 4 And so in conditions -- this is in Appendix A -- in  
 5 Condition 2 and Condition 9 to Staff's memo, there's a  
 6 proposal that the Commission would assess penalty amounts  
 7 that are different than the statutory amount for  
 8 failure to comply with an order. So that's in Condition  
 9 2.  
 10 And 80.04.380 sets \$1,000 a day limit, and Staff's  
 11 condition makes that penalty \$5,000 a day.  
 12 And in Condition 9, this is the -- sort of the  
 13 overall compliance by statute in CETA in 19.405.090 and  
 14 increases that penalty to \$10,000 per violation per day.  
 15 And so my concern is I'm not sure that we have the  
 16 authority to do that. And so I'm appreciating Counsel's  
 17 thoughts here. And then based on what Counsel says, I'll  
 18 go back to you, Jaclynn.  
 19 CHAIR DANNER: Nash Callaghan.  
 20 MR. CALLAGHAN: Thank you, Your Honor. So I was  
 21 going to address this after we heard from the company,  
 22 but -- so one thing to keep in mind is Staff was hoping  
 23 that we could take this opportunity today to -- after  
 24 we've heard from all the parties to have an open  
 25 discussion. And, you know, maybe after Staff has

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1 explained the reasoning behind their conditions, we were  
 2 hoping that we could open the discussion up and have a  
 3 negotiation today.  
 4 So in that case, you know, if we are able to come to  
 5 an agreement and settle that, then I think that these  
 6 terms are appropriate because it's essentially the  
 7 equivalent of a settlement.  
 8 Now, I can go through all of that now and sort of  
 9 explain Staff's reasoning. But, you know, our hope is  
 10 that we are able to, you know, open the discussion up  
 11 and, you know, have a discussion about how we can resolve  
 12 this matter short of an adjudication. And I can go into  
 13 further why that's -- we think that that's the best  
 14 option, but I can also just hold off for now if you'd  
 15 like.  
 16 COMMISSIONER RENDAHL: Okay. We can hold off for  
 17 now. I just want to signal my concern that the  
 18 Commission may be limited, and so that's my concern.  
 19 CHAIR DANNER: Yeah. Thank you.  
 20 And, Nash, I raised this in our briefing. My  
 21 question is: Short of a settlement, do we have authority  
 22 to, you know, have penalties of these numbers?  
 23 MR. CALLAGHAN: So I don't know if Jeff Roberson had  
 24 intended to address this, but I can certainly address  
 25 this if you'd like, but I just want to give him an

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1 opportunity to speak up.  
 2 CHAIR DANNER: Well, Jeff Roberson has just turned  
 3 his video on. Good morning, Jeff.  
 4 MR. ROBERSON: Good morning, Commissioners. I think  
 5 the simple answer is the Commission does not have the  
 6 power to impose penalties that exceed the statutory  
 7 maximums outside the context of a settlement where Pac  
 8 waiving kind of -- any kind of challenge to that  
 9 imposition.  
 10 CHAIR DANNER: All right. Thank you.  
 11 Commissioner Rendahl?  
 12 COMMISSIONER RENDAHL: So I appreciate that, Jeff  
 13 Roberson. That answers my question. So I guess I will  
 14 hold my question to Jaclynn until we have some discussion  
 15 on the record today. And so I had a good conversation  
 16 with Staff about all of the issues, in this update to  
 17 PacifiCorp's Biennial Conservation Plan, understand  
 18 Staff's recommendations, and so I don't have further  
 19 questions for Staff at this time.  
 20 CHAIR DANNER: Commissioner Doumit?  
 21 COMMISSIONER DOUMIT: No. Fully briefed by Staff  
 22 previously, and thanks for servicing the discussion on  
 23 the penalties. But for now, no further questions.  
 24 Thanks.  
 25 CHAIR DANNER: Okay. So let's hear from the

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1 company. And, Jaclynn, don't go far. And then we can  
 2 have a discussion.  
 3 Matt McVee, good morning.  
 4 MR. McVEE: Good morning. Can you hear me?  
 5 CHAIR DANNER: We can see you and hear you.  
 6 MR. McVEE: Okay, great. Well, Good morning,  
 7 Commissioner Danner -- I'm sorry, Chair Danner -- and  
 8 Commissioners Rendahl and Doumit. My name, for the  
 9 record, is Matt McVee, and I'm vice president of  
 10 regulatory policy and operations for PacifiCorp.  
 11 And so we wanted to walk through and do a short  
 12 presentation on our 2023 Biennial Clean Energy  
 13 Implementation Plan Update. I did want to take a moment  
 14 to just, you know, thank the commissioners and the  
 15 Commission from -- for having this discussion. It's very  
 16 helpful. I don't -- you know, PacifiCorp and Utilities  
 17 generally don't intervene in other utilities cases. And  
 18 this is -- this is a difficult task, as you discussed.  
 19 And so it's very good to hear the discussion that's going  
 20 on with each one of the utilities, because it will cross  
 21 over from one utility to another. There's definitely  
 22 different factual components that will be distinct among  
 23 the utilities.  
 24 PacifiCorp is very differently situated than the  
 25 other two utilities, Avista and Puget. But at the same

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1 time, a lot of -- as we're going through this and we're  
 2 seeing the same issue arise in Oregon with its clean  
 3 energy policy, it's hard to address all of this through,  
 4 say, rulemaking or policy dockets in advance. You have  
 5 to kind of muddle your way through with some facts.  
 6 So I appreciate that all of the utilities are  
 7 presenting now and we have that opportunity to listen to  
 8 each one.  
 9 So with that, if we could go to the next slide,  
 10 please. And this was briefly discussed by Staff. Also  
 11 just to, you know, by way of background, you know, we  
 12 filed our initial Clean Energy Implementation Plan in  
 13 2021. The biennial update was filed very shortly after  
 14 the Commission approved our initial CEIP.  
 15 You know, that initial CEIP, we did end up with a  
 16 significant amount of time to discuss the conditions with  
 17 the interested parties in that proceeding, and we were  
 18 very appreciative of the efforts and we thought we had  
 19 very thorough discussion on the conditions and were able  
 20 to explain some of the particular issues related to  
 21 PacifiCorp. And so we got our -- we were able to get a  
 22 settlement of that. And we do appreciate all the  
 23 parties' commitment to those discussions.  
 24 For the biennial update, as Staff stated, we updated  
 25 the interim targets. That was something that was one of

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1 the conditions. We raised that in the discussions on our  
 2 original CEIP, and that was addressed as one of the  
 3 settlement conditions.  
 4 And then we did some minor updates to the CBIs, some  
 5 additional information on our public engagement process.  
 6 We had a separate docket for the public participation  
 7 plan, which we filed. And then we revised the  
 8 incremental cost analysis. Those were fairly minor  
 9 revisions to that.  
 10 Next slide, please. And if I have control of the  
 11 dec, please just let me know.  
 12 So the updated interim and specific targets, we did  
 13 have several things -- and this is unique to PacifiCorp.  
 14 And as a six-state utility, we use the 2020 Pacific War  
 15 Interjurisdictional Allocation Protocol for allocating  
 16 costs and benefits of our system resources among all the  
 17 states.  
 18 And then there's a specific Washington, the WIJAM,  
 19 the Washington Interjurisdictional Allocation Methodology  
 20 that was attached to the 2020 protocol that addresses  
 21 some specific allocation components for Washington.  
 22 So as we were going through those negotiations, the  
 23 original 2020 protocol, of which both Packaging  
 24 Corporation of America and Staff had executed, and they  
 25 were part of those negotiations, contemplated moving

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1 towards a new allocation methodology that would start in  
 2 2024. And that methodology was originally contemplated  
 3 to provide a fixed share of resources rather than what we  
 4 have now, which is dynamic, so it changes based on the  
 5 proportion of load across our entire system.  
 6 And so the fixed allocation would also apply to  
 7 future resources, and so based on need. And with the  
 8 idea being that Oregon with its clean energy policy,  
 9 Washington with its clean energy policy, would get a  
 10 certain allocation of new, renewable or non-emitting  
 11 resources, and that would be fixed for their life.  
 12 Over the course of the discussions with parties,  
 13 several of the interested parties brought up concerns.  
 14 We heard it both from parties from Oregon, parties from  
 15 Utah. And some of our other interested parties took that  
 16 feedback and that discussion and came up with a new  
 17 proposal. And that new proposal was very similar, but it  
 18 would maintain dynamic for non-emitting. And so what it  
 19 would mean is that for Oregon and Washington, instead of  
 20 getting a fixed allocation of these new resources, they  
 21 would get just a very large dynamic allocation. And as  
 22 PacifiCorp, as a system, moved towards lowering all of  
 23 its emissions across the entire system, then the share of  
 24 those kind of original resources that would flow to  
 25 Oregon and Washington would decrease, but they would be

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1 replaced by new or non-emitting resources.  
 2 And so what that would allow is more of a sharing on  
 3 the system basis, which would allow states such as Utah  
 4 to still take advantage of some of these resources that  
 5 we get into early. One of the concerns that was raised  
 6 by some of the parties was if they don't get into these  
 7 early resources, then they're not the best resources, and  
 8 the later resources may be more expensive, less  
 9 productive. And so the idea was this allows us to share  
 10 across all of our six-state system.  
 11 And so we started exploring that. That led to an  
 12 extension of the 2020 protocol for an additional two  
 13 years because of the complications surrounding it.  
 14 But more importantly for the changes in our interim  
 15 targets, was the 2020 all source RFP. Due to supply  
 16 chain issues, due to the Covid-19 pandemic, we ended up  
 17 with a significant number of those resources repricing.  
 18 And it got to the point where we weren't comfortable that  
 19 we could show that they were -- we'd still be entering  
 20 into prudent agreements. And so we started to pull back  
 21 on that RFP.  
 22 In doing so, we still ended up with a couple  
 23 resources. We were able to work out some deals with, you  
 24 know, particular customers, that -- there was a customer  
 25 choice resource. They were interested in the RECs. We

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1 were able to purchase the RECs. And in that process, we  
 2 actually had some good lessons learned.  
 3 In that one particular agreement, an agreement for  
 4 RECs, we carved out a share that would go to Washington.  
 5 So it would still be a system resource, but while the  
 6 RECs were stripped, for the other states to go to this  
 7 customer, which brought down the price of the PPA. So it  
 8 made a non-immediate resource less expensive for our  
 9 customers.  
 10 We did carve it out so that we withheld some RECs in  
 11 order to make sure that we were still staying CETA  
 12 compliant when we brought that PPA to the Commission for  
 13 review.  
 14 Another issue that we -- through this process that  
 15 we learned was, in the EIM with the greenhouse gas  
 16 pricing for California, if we had that price adder, we  
 17 could have generation from certain resources deemed  
 18 delivered to California, which would then raise questions  
 19 about the non-energy attributes and where those went.  
 20 And so we've changed our practices there, also.  
 21 So Another one of the big factors, as you're well  
 22 aware, given that we've just received -- or the  
 23 Commission just issued the order in our JRC, was the rate  
 24 impacts from the high energy prices that we've seen in  
 25 the last few years. And so in that rate case, we did

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1 propose that while we depreciated the Colstrip coal  
 2 generation plant and the Jim Bridger coal generation  
 3 plant for 2023, we kept, as an option, using those  
 4 resources to serve Washington customers for an additional  
 5 two years, essentially to hedge against that kind of high  
 6 market price. And we unfortunately ran into those high  
 7 market prices, And so our proposal was to keep serving  
 8 those, which meant that we weren't going to go to the  
 9 market because we had sufficient capacity. And so that  
 10 changed where we started in 2021.  
 11 And then as was discussed by other utilities, And as  
 12 I think it ties to that discussion that the Commission  
 13 just had on Puget, we did start looking -- as we were  
 14 looking at modifying our interim targets, we were looking  
 15 at a bunch of different options. We're looking at  
 16 short-term contracts. We were looking at just REC  
 17 purchases, you know.  
 18 But the situation that we were concerned about is  
 19 exactly what the Commission was grappling with, you know,  
 20 what is unreasonably excessive as far as a cost to get to  
 21 compliance with interim targets prior to 2030? We viewed  
 22 the Clean Energy Implementation Plan as the incentive for  
 23 us to show that we're moving towards compliance in 2030  
 24 and then continuing towards 2045; not as much as  
 25 something where we would just go to the market to buy

1 RECs in order to meet a certain standard. We didn't see  
2 that that provided significant benefits for customers.  
3 We're looking at long-term resources.

4 Now, with all of that said, we are in a bit of a  
5 unique situation. We've received two ratings downgrades  
6 from two different rating agencies, and so we're in a  
7 situation where we have to be very mindful of our  
8 metrics. And so, you know, as far as going -- or for one  
9 of the recommendations from Staff, restarting an RFP, we  
10 are a little bit concerned with that as a direction  
11 because that could have greater impacts for our  
12 customers, and that runs into that same situation as to  
13 compliance at all costs.

14 It could run into situations where we're not really  
15 helping customers. And for PacifiCorp itself, we're  
16 really talking about a question of not only will a PPA  
17 price may be higher, depending, you know, whether we need  
18 to get letters of credit, et cetera, but if it adversely  
19 hurts our metrics and that leads to additional  
20 downgrades, then we have a higher cost of debt to get the  
21 capital we need for general service, and that could  
22 increase costs across the board and so -- beyond those  
23 PPAs.

24 And so we are somewhat uniquely situated. We did  
25 revise the biennial update, but, again, we are committed

1 With the CBI's, you know, in response to feedback  
2 and discussions with interested parties, we tried to  
3 improve some clarity, also in response to, the  
4 discussions that we had on our original CEIP. We added  
5 directionality to the CBIs, we clarified the metric  
6 units, and we updated the CBIs and metrics to identify  
7 three additional metrics that were inadvertently  
8 excluded. It was the additional outreach, energy  
9 efficiency expenditures and demand response expenditures.

10 Excellent. Thank you.

11 Energy equity and public participation. We are  
12 striving to incorporate energy equity into our  
13 decision-making. We've been working on those issues. We  
14 understand the importance from the Cascade order. A lot  
15 of our kind of current -- the investment decisions that  
16 are going into effect now, those decisions predated that  
17 order. And so we are working quickly to catch up with  
18 all of that. But we have been actively engaged in public  
19 participation. We both -- we have our energy advisory  
20 group.

21 In addition, our equity advisory group, but in  
22 addition to that, we also have a clean energy  
23 implementation plan engagement group. We are trying to  
24 be active in our community and provide multiple forums  
25 for discussions with interested parties. And in

1 to do this. We were -- you know, other things have  
2 changed with new legislation in some of our other states,  
3 and we're actively trying to address those situations and  
4 how we can meet each state's energy policy without  
5 adversely affecting the other. But we are also, you  
6 know, wanting to make sure that we do it as the least  
7 cost for all of our customers. And, you know, especially  
8 for our customers on the west side of our system in  
9 both -- well, in all of the states: California, Oregon  
10 and Washington. But especially Washington and  
11 California, we serve some of the lowest income areas for  
12 all of the IOUs.

13 So if you'd go to the next slide.

14 So the incremental energy efficiency. We did make  
15 some updates to the incremental energy efficiency, so the  
16 2022 to 2025 savings are now characterized by megawatt  
17 hour and year. You know, we were trying to be responsive  
18 to, you know, what we see in the market and to the  
19 feedback from stakeholders. This aligns with the EIA,  
20 the Energy Information Administration treatment.

21 We also updated based on our new biennial  
22 conservation plan. And then it includes distribution  
23 efficiency and production efficiency consistent with the  
24 compliance with EIA.

25 If we go to the next slide. Thank you.

1 particular, kind of beyond the public participation plan  
2 that we filed in Docket UE-210305, we've been taking  
3 steps to further develop our web page hub, which is the  
4 Energy Resource Center, and then conduct multicultural  
5 campaigns and then additional -- track feedback that  
6 we've been getting so that we can have that available for  
7 interested parties.

8 Now, for the incremental cost for the biennial  
9 update, we had some minimal changes to both modeled and  
10 non-modeled administrative costs and did an update to the  
11 estimate of the average incremental revenue requirement  
12 to 1.35 million per year. So it was a 0.4 percent  
13 increase. This was still less than the alternative  
14 compliance. And so we're still -- you know, still  
15 following investments, trying to move towards our  
16 targets.

17 And then next slide. Thank you.

18 And so, you know, based on this discussion, you  
19 know, PacifiCorp, we understand the concerns raised by  
20 Staff and other parties. You know, we -- again, like I  
21 said at the beginning, you know, we were very thankful  
22 for the level of engagement we had when we were -- had  
23 discussions, our original CEIP. You know, we would like  
24 to have more of that because we are very complex and  
25 we're in a very unique situation right now. The

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1 multi-state nature is one component, but also just, you  
 2 know, the situation with the downgrades leads to  
 3 additional complexity.  
 4 So our recommendation is that the Commission either  
 5 approve the biennial update and if -- you know, we're  
 6 open to guidance. Our original stipulation that was  
 7 approved by the Commission for the CEIP has a bunch of  
 8 conditions that we will incorporate into our 2025 CEIP,  
 9 our next version. And so additional guidance to help us  
 10 with that is -- would be welcome.  
 11 There are several of the issues -- I have a page  
 12 full of notes from the discussion on PSE, you know, that  
 13 is -- will be critical to us trying to identify the right  
 14 standards. You know, are they aspirational or are they  
 15 enforceable goals? You know, what is the best way to  
 16 approach that? You know, I was encouraged by the  
 17 discussion.  
 18 We are all looking at good faith compliance with the  
 19 statute. We have no interest in trying to avoid  
 20 compliance as long as we're maintaining reliability and  
 21 affordability. That is really our concern. We don't  
 22 want to have the risk that we don't have power available  
 23 because we don't have the offsetting, you know, the RECs  
 24 that -- we can't get them or they're going to be, you  
 25 know, unreasonably excessive prices. And, you know,

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1 further information, kind of guidance will develop as to  
 2 what that means, but it does leave the utilities in a bit  
 3 of a difficult position of trying to determine whether  
 4 there's a risk of disallowance because it was -- you  
 5 know, maybe it was -- the costs were excessive, or it's a  
 6 compliance risk with potential penalties.  
 7 And so, you know, approval of the plan is definitely  
 8 our preferred -- our preferred approach. But if not, we  
 9 would be fine with adjudication. It gives PacifiCorp,  
 10 because of our complexity, more time to discuss all of  
 11 those issues with the interested parties, with the  
 12 interveners in the proceeding, so that we can educate  
 13 them as to what we're actually dealing with and the risks  
 14 that we're trying to avoid or mitigate against to help  
 15 our customers.  
 16 So as far as adopting Staff's recommendation in this  
 17 proceeding, we do have some concerns about that. We do  
 18 think it would be inappropriate without that further  
 19 consideration, without a more full record, especially --  
 20 I mean, the Commissioner has pointed out some of the  
 21 concerns about the level of penalties that we would have  
 22 to agree to, which, you know, I am definitely not  
 23 authorized to agree to a penalty higher than what's in  
 24 the statute. And then Staff's proposal regarding public  
 25 engagement, we believe that that's better addressed in

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1 the public participation plan, but we are always open to  
 2 improving that process. We want more public engagement.  
 3 You know, more education as to the utility business is  
 4 better. Better informed customers is better.  
 5 And then we do see that the penalties, as I  
 6 mentioned before, put us in a tough position. The  
 7 Commission has already addressed this with Puget. You  
 8 know, how far do we comply? Do we purchase RECs in order  
 9 to get compliance on the interim, or should we really be  
 10 focusing on resources, long term BPAs or other assets?  
 11 So with that, I'm open to questions.  
 12 CHAIR DANNER: All right. Any questions for Matt  
 13 McVee?  
 14 You want to start, Mr. Doumit?  
 15 COMMISSIONER DOUMIT: Maybe it's a rhetorical  
 16 question, Matt. I'm not sure. Maybe not. No, it's not.  
 17 So you just heard us tie ourselves in knots, basically,  
 18 over a request to reduce the 2025 interim target for PSE  
 19 by 5 percent.  
 20 MR. McVEE: Yeah.  
 21 COMMISSIONER DOUMIT: Okay. Your '25 target is  
 22 would ask for a reduction of 45 percent.  
 23 MR. McVEE: Yes.  
 24 COMMISSIONER DOUMIT: And over the four-year  
 25 compliance period, as I calculated, 38 percent reduction

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1 on average over the compliance period.  
 2 MR. McVEE: Correct.  
 3 COMMISSIONER DOUMIT: How would you give us any kind  
 4 of confidence that that is going to -- that that would  
 5 lead to compliance in 2030?  
 6 MR. McVEE: Well, I think that there are several  
 7 things that are changing right now. And we're kind of on  
 8 the cusp of being able to present those or at least being  
 9 able to come up with a plan that we can then go to the  
 10 Commissions.  
 11 I mean, we are definitely differently situated than  
 12 Puget. Puget is a single-state utility. You know, they  
 13 have good access to a longer term contracts for -- you  
 14 know, from, you know, hydro marketers.  
 15 PacifiCorp, as a six-state utility, we're trying to  
 16 balance the needs. And historically what we've done --  
 17 and we believe that it's been able to keep our rates very  
 18 low for our customers -- is to essentially use the low  
 19 diversity, the resource diversity, the geographic  
 20 diversity across our system and then dispatch on the  
 21 least cost basis.  
 22 You know, it's somewhat akin to a market except for  
 23 there's not multiple sellers, it is just PacifiCorp, but  
 24 that low diversity, you know, helps a lot. And for us to  
 25 be able to put resources in the best place. I mean, the

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1 reason why, you know, we have coal resources, they were  
 2 built at a time when coal resources were the preferred  
 3 generation resource. And they were -- they were located  
 4 next to mines, so we didn't have big transportation  
 5 costs. And so we were able to bring, you know, that  
 6 energy to all of our system.  
 7 And we're doing a transition. But those -- you  
 8 know, that benefit still applies. Wind from Wyoming is  
 9 some of the highest capacity wind that we can get in the  
 10 country. Solar from southern Utah can be very helpful  
 11 and potentially have higher capacity factors than other  
 12 areas, especially the Northwest in the middle of winter.  
 13 And so, you know, there is some benefit to all of  
 14 that, but with that came a process that we've used for --  
 15 I mean, you know, frankly, our multi-state process has  
 16 been around since 2005, but we've had allocation  
 17 methodology discussions long before that. In fact, prior  
 18 to the merger with Utah Power, PacifiCorp still served  
 19 five states, and so we had an allocation methodology for  
 20 those five states, which included Washington.  
 21 So we're in the process, and we've been in  
 22 negotiations kind of under the guise of the 2020 protocol  
 23 and getting to that next allocation methodology, where  
 24 we're starting to really look at: Well, what can we do?  
 25 Also, there's been -- the 2023 IRP is out, and we're

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1 producing a 2023 IRP update for other states. Other  
 2 states are on a two-year cycle for their IRPs, unlike  
 3 Washington. And, you know, part of that and part of the  
 4 discussions in our discussion -- our allocation  
 5 discussions is: Is there a different way that we plan?  
 6 And if there's a different way that we plan, can we  
 7 start -- you know, is there an opportunity for more situs  
 8 resources?  
 9 Now, those have -- because we've built our system  
 10 around this system dispatch, there's ramifications for  
 11 each one of those. And so we have to look at each one of  
 12 those and determine what consequences there are. So if  
 13 we have a significant number of situs resources to meet  
 14 the need to serve just Washington, how do we dispatch?  
 15 Does that create competition between Oregon and  
 16 Washington as far as what those resources are? How do we  
 17 deal with customer choice?  
 18 We've been working through all of those for the past  
 19 several years and very intense over the last year, to try  
 20 to figure out those issues. But we're getting to that  
 21 point where I think situs, especially with new  
 22 legislation in Wyoming and Utah, that developing  
 23 resources just for particular states is probably where we  
 24 have to go, and there's some benefit to that.  
 25 What that does mean is instead of Washington taking

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1 8 percent of a resource, a solar resource, say, a 200  
 2 megawatt solar resource, it might take 100 percent or  
 3 split it with Oregon, but take larger shares. That gives  
 4 us incremental improvement, much more than we would have  
 5 as just a system development. So that is one of the  
 6 components that we're looking at.  
 7 The other issue for us is we do have to get past our  
 8 financial kind of considerations right now. Further  
 9 downgrade is going to be more expensive for everyone.  
 10 And so one of the issues that was pointed out is, you  
 11 know, we believe, yes, we absolutely have a requirement  
 12 for good faith pursuit, but we have to be very careful  
 13 about increasing costs across the board. I mean, access  
 14 to capital is the key for this industry. We have to get  
 15 capital so that we can build the lines, so we can  
 16 interconnect customers, so we can get the transmission,  
 17 so we can get the generation. And we're concerned that  
 18 if we start going for, you know, expansion for one state  
 19 for the entire system at the wrong time, that could  
 20 adversely affect our costs for all of our customers for  
 21 all of our operations.  
 22 And so we're trying to work through those issues,  
 23 too. That means, as there's a period of time when -- and  
 24 that's what's reflected in these revised -- the revised  
 25 targets for our first CEIP, so we believe we can meet

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1 those targets. If they're accelerated, then we're going  
 2 to start to be worried about issues.  
 3 Now in our discussions with Staff on this, Staff did  
 4 raise the potential or the statutory language about  
 5 getting a return on BPAs. That is something that we're  
 6 also looking at. We've been playing around with  
 7 different options for dealing with that, but for that to  
 8 actually work to potentially help so it doesn't adversely  
 9 affect our metrics -- because BPAs, we get imputed --  
 10 somewhere between 20 and 25 percent of the BPA is imputed  
 11 as debt, which then swings our financial metrics.  
 12 But if we can develop something and then work that  
 13 out with Staff, interested parties, then we would take  
 14 that to the rating agencies and see if that would be  
 15 something that they would accept to at least lower and  
 16 maybe remove that imputation. That could then provide a  
 17 different avenue where we could start really accelerating  
 18 compliance for Washington.  
 19 COMMISSIONER DOUMIT: So just a couple of follow-ups  
 20 then. So BPAs, what would your solution be? Rate of  
 21 return on BPAs is a possible solution? Is that what --  
 22 to hedge or --  
 23 MR. McVEE: Yeah. I mean, we haven't -- I have to  
 24 be very careful. We haven't talked to any of the rating  
 25 agencies about this. We haven't developed a plan for



1 that. You know, there's -- I don't know that that is the  
2 only option. I think there might be some other options  
3 out there. But it is -- you know, it is something  
4 that -- as Staff pointed out, it's in the statute and  
5 it's one of the tools that we could potentially use. But  
6 that's one of those things that it is going to take a  
7 little bit more time to develop, given our current  
8 situation, for us to kind of work that through to see  
9 what would work.

10 We want to make sure that we're going through  
11 stakeholder engagement, you know, to get a better  
12 understanding, to increase the education about it. And  
13 then we would have to go to rating agencies and see  
14 what's happening.

15 COMMISSIONER DOUMIT: So back to the original  
16 question, how in the world do you expect to make it at  
17 2030? It sounds like -- you're really saying, I think,  
18 you know: We don't know at this point. Because of --  
19 you've got these new policies in Wyoming and Utah, you  
20 know, self-sufficient, you know, energy states; and then  
21 you've got wind in Utah -- and wind in Wyoming, solar in  
22 Utah that now apparently you're determining, you know,  
23 will stay there. And that leaves us as the big question  
24 mark, it sounds like, given our policy. So I mean, at  
25 this point you don't -- it sounds to me like -- and I

1 endeavor, right? Which is good to be thinking about.

2 Let me just ask this last question.

3 MR. McVEE: Okay.

4 COMMISSIONER DOUMIT: I know my colleagues have  
5 questions as well.

6 An adjudication, that doesn't resolve the  
7 fundamental issues. That gets us into more facts, where  
8 I think, you know, is -- we need to, you know, understand  
9 the facts here, but is that just more time or what -- I  
10 mean, what is the -- what is the benefit of bringing  
11 adjudication?

12 MR. McVEE: Well, I mean, at this point, I mean, I  
13 tend to agree, our preferred approach would be, you know,  
14 the direction to help us move towards that 2015 CEIP .  
15 Adjudication, you know, in my mind, it can be adversarial  
16 or it can be -- you know, we can end up in discussions  
17 where we have that opportunity. And I feel like in the  
18 CEIP, once we got to have some conversations on the  
19 actual CEIP, those were very productive because we were  
20 able to discuss through issues, talk about what was  
21 specific towards our utility versus Puget versus Avista,  
22 where we had some differences.

23 You know, those -- and I, you know, I think that --  
24 the fact that we're able to get a stipulation on the  
25 majority of the issues in our rate case and a stipulation

1 don't mean this in a negative way -- you just don't  
2 really have a good answer in terms of how you're going to  
3 get there in 2030.

4 MR. McVEE: Yeah. I mean, I -- you know, I believe  
5 we have to be fairly transparent. I mean, we don't have  
6 a smooth path. I mean, right now when we're in  
7 discussions about allocations, I mean, it's very  
8 complicated. And we have -- you know, there's some  
9 individuals that, you know, outside the company that are  
10 very engaged, you know, really trying to help. And then  
11 there's a lot of interested parties that, you know,  
12 they're as overwhelmed as we are, or more so, because  
13 it's -- how difficult it is.

14 Now, I do think that there's some opportunities.  
15 And, again, you know, this -- I'm not part of our IRP  
16 team, I would have to defer to them. But some of the  
17 things that we've been discussing might allow more of  
18 those situs resources. Now, if we can figure out how to  
19 fit those into market, how to operate with them as far as  
20 dispatch so that we're being fair to all customers, that  
21 allows a real incremental step, because instead of 8  
22 percent of any new wind, solar renewable project  
23 essentially being allocated to Washington, it's closer to  
24 100 percent.

25 COMMISSIONER DOUMIT: That's a long-term, you know,

1 in the CEIP. And it goes towards the fact that, you  
2 know, it shows parties are willing to listen to us and  
3 we're able to have those conversations.

4 Given the timing, I mean, I think -- I mean, our --  
5 of course, our preferred approach would be approve the  
6 biennial update. And then with -- I think it would be  
7 reasonable to say directions regarding some of the --  
8 some of the conditions that are raised by Staff. I mean,  
9 I think the -- you know, again, to be, you know, very  
10 transparent, the next CEIP is going to cover four years  
11 going towards 2029.

12 You know, as far as setting standards, where, you  
13 know, we could be exposed to penalties, we have to be  
14 very careful about that. But at the same time, we can't  
15 be at zero. We can't stay at, you know, 20 percent  
16 through that time period. And so we're working hard to  
17 figure out a way so that we can show that incremental  
18 improvement of long-term resources, long-term BPAs so  
19 that we can meet compliance.

20 So I think, of those two, we prefer kind of more  
21 discussion and some direction from the Commission without  
22 adjudication, but we understand adjudication provides  
23 some opportunities for us.

24 COMMISSIONER DOUMIT: I may have more, but that's  
25 all for now. Thanks.

1 CHAIR DANNER: All right. Thank you.  
 2 Commissioner Rendahl?  
 3 COMMISSIONER RENDAHL: Okay. Well, thank you, Matt.  
 4 And keeping on that on that theme, obviously, you know,  
 5 having the Staff and the company negotiate during an open  
 6 meeting is a different thing for the Commission, so I'm  
 7 not sure that we're going to get there today. But I  
 8 appreciate the fact that Staff and the company have had  
 9 some good conversations and work through these issues.  
 10 This is a process, very much so. I understand, you know,  
 11 PacifiCorp's CEIP was approved, and then you had to turn  
 12 around within less than a week and file the, you know,  
 13 biennial. So I know there's still issues that are really  
 14 being worked out. So timing is different for PacifiCorp  
 15 than the other companies.  
 16 On some of the specific issues where I think there  
 17 may be some disagreement, I've wanted to ask, it seems  
 18 that the company is concerned about including conditions  
 19 on what should be included, not just in future CEIPs,  
 20 which we did do for PSE, but also the IRP process.  
 21 And so from my view, and just letting you know, the  
 22 IRP under the current statutory scheme informs the CEIP.  
 23 And if there's no way to make changes to the IRP process,  
 24 then how do we make sure they flow into the CEIP?  
 25 So I don't have legal concerns, as I did about the

1 We can run those sensitivities. Our real problem  
 2 comes when we're supposed to run that in a preferred  
 3 portfolio that may be a system preferred portfolio. And  
 4 as I mentioned before, we're working on ways where we can  
 5 kind of run, you know, potentially state specific, and  
 6 then we'd come up with that, and then look for  
 7 efficiencies.  
 8 If we can get that done -- because, again, it's very  
 9 complicated over a six-state system. You're talking  
 10 about essentially the same level of planning that you  
 11 would get in an organized market because of what we have  
 12 to deal with. And that's hard. I mean, organized  
 13 markets are -- you know, they struggle with that and they  
 14 try to simplify it as much as they can.  
 15 But, yes, of course, the Commission gave us  
 16 direction on the IRP. The IRP informs the CEIP. We  
 17 understand that relationship and the Commission's  
 18 authority there.  
 19 COMMISSIONER RENDAHL: Okay. And I sympathize with  
 20 the markets, having been involved in a lot of the  
 21 discussions this year. So in terms of the timing -- and  
 22 if you -- the timing of the multi-state allocation, I  
 23 have not been engaged in that. In prior years I've been  
 24 pretty engaged in that. So, what is the -- if you can  
 25 just be really succinct, what is the current status of

1 penalties, about the Commission ordering direction to the  
 2 IRP, but I want to know what the company's position is.  
 3 Is that a hard position? Is it just you prefer not to  
 4 have it there? What's the -- what's the concern?  
 5 MR. McVEE: I think the -- we understand, you know,  
 6 the issues with the IRP and the CEIP. The IRP, we've  
 7 traditionally treated as a single system, and that's  
 8 where it gets complicated. And we were able to work  
 9 through, you know, the complaint case after we originally  
 10 filed the CEIP, and get resolution of that so that we  
 11 could run and provide the data that Staff wanted.  
 12 You know, the issue that we ran into is, you know,  
 13 social cost of greenhouse gas. You know, incorporating  
 14 that, especially for -- that would change dispatch on a  
 15 system basis for resources that are not used to serve  
 16 Washington customers that are not in Washington  
 17 customers' rates. But we were able to accommodate it and  
 18 do those runs.  
 19 We still believe that that's probably not very  
 20 beneficial information when you're talking about the  
 21 CEIP. And so, I mean, as far as guidance with the IRP,  
 22 you know, what we would -- you know, of course, the  
 23 Commission has authority. I mean, we have an IRP  
 24 requirement in Washington. The Commission can tell us  
 25 what to do in the IRP.

1 that process? And is there actual likelihood that it  
 2 could result in this state-preferred, you know, situs  
 3 option.  
 4 MR. McVEE: Well, we do have -- the current 2020  
 5 protocol does include an idea of state-specific  
 6 initiatives and resources associated with those, so we do  
 7 have an avenue that we could use now. It really gets to  
 8 a question of operations if you take it beyond a few  
 9 resources, so community solar, some of the early  
 10 community solar projects. And in Oregon, we're an  
 11 example of things that we treated as situs to Oregon.  
 12 And then what we did -- sorry, you said concise -- but we  
 13 had a way of treating that so that the energy is still  
 14 going on and everyone's essentially paying as if it was  
 15 market.  
 16 So we have that kind of opportunity to do that, but  
 17 we did get an extension in four of our six states.  
 18 Washington had the WIJAM. The WIJAM was designed not to  
 19 need an extension; it would continue. And then we reach  
 20 out to the signatories and discuss options.  
 21 California, essentially, that's -- they take the  
 22 2020 protocol. They just approved that earlier this  
 23 year, and that will run until we bring the next one to  
 24 them.  
 25 For, Wyoming, Utah, Idaho and Oregon, we got an

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1 extension, and so we're continuing to have those  
 2 discussions. Now, as far as the timing goes, I mean,  
 3 unfortunately, we are at the mercy of the kind of greater  
 4 environment, the political environment. And so  
 5 legislation that is recently passed and signed into law  
 6 in Utah, pending legislation in Wyoming, all of those are  
 7 unfortunately -- you know, they're complicating  
 8 discussions. And so I don't have a time frame for it,  
 9 but we are working -- we are working hard to try to move  
 10 forward and figure out a way to address it.  
 11 COMMISSIONER RENDAHL: Okay.  
 12 MR. McVEE: You know, that is -- that's on my list.  
 13 That is one of my tasks that I'm assigned, is working  
 14 through the MSP. We are working diligently to try to  
 15 figure that out, but it is -- like everything, it's a  
 16 journey. We're trying -- that is a -- it's a change in  
 17 the way that we have to address, plan, allocate, operate  
 18 our system, and so we're working through those. But with  
 19 the market approaching, we see that as a huge benefit for  
 20 us because that essentially gives that same footprint,  
 21 broad footprint, load diversity, geographic diversity.  
 22 It allows that same -- all of those benefits to flow  
 23 through via the market. And so we're seeing a lot of  
 24 opportunities right now. You know, it's just engagement.  
 25 I mean, we've got to get all of the stakeholders really

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1 moving. And we're getting -- you know, I personally  
 2 believe that I've been doing that -- our multi-state  
 3 process since 2015, and I'm seeing more engagement now  
 4 than I've seen for, you know, the first five to seven  
 5 years of that project.  
 6 COMMISSIONER RENDAHL: Okay. Thank you.  
 7 CHAIR DANNER: So, Matt, could you remind us what  
 8 the Utah legislation was and what the Wyoming legislation  
 9 is?  
 10 MR. McVEE: Wyoming, I'm a little more sketchy on  
 11 the Wyoming. But there -- I know that there's a lot of  
 12 bills that are floating around, and they can be fairly  
 13 aggressive as far as their preference for dispatchable  
 14 resources.  
 15 Utah, the one that they just passed, sets a state  
 16 policy that preferences dispatchable resources and would  
 17 allow, Utah -- the Utah Commission, the Public Service  
 18 Commission, to approve a greater allocation of emitting  
 19 resources, I believe that are located in Utah that are  
 20 just -- that qualify as dispatchable.  
 21 And so that kind of sets up a situation where -- I  
 22 mean, really what they're -- I mean, they're looking at  
 23 the economic impacts. I mean, Wyoming, if you look at --  
 24 you know, Wyoming, how its state budget is set, a lot of  
 25 it is based on excise tax. And so, you know, they're

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1 really trying to kind of protect some of the local  
 2 economic hits, which -- and that's their state. They can  
 3 set their state policy, and if that's important to them.  
 4 You know, as a utility that serves multiple states, we  
 5 always strive to meet every state's policy.  
 6 And so they could take additional shares of  
 7 resources as other states exit, essentially. So, Hunter  
 8 and Huntington, you know, those units are not used to  
 9 serve Washington customers. They're not in Washington  
 10 rates, but there's an extra 8 percent because of the  
 11 system allocation calculation that is unrecovered. The  
 12 utility, PacifiCorp, does not get recovery for that 8  
 13 percent, which would be Washington's share. And so,  
 14 essentially, there's that 8 percent that could be picked  
 15 up by Utah.  
 16 CHAIR DANNER: Okay. Well, along the lines of  
 17 respecting every state's policies and complying with  
 18 that -- I mean, obviously, our state's laws are that you  
 19 will be carbon neutral by 2030 and carbon free by 2045.  
 20 And like Commissioner Doumit, I'm looking at these  
 21 numbers and I'm just -- I mean, I'm not confident, given  
 22 these numbers, that you would achieve what CETA is asking  
 23 for. And when he asked you directly, I think you kind of  
 24 said, we can meet these if -- you know, if it's not going  
 25 to raise costs.

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1 Give me some -- you know, can you give me on a scale  
 2 of 1 to 10, how confident are you that you're going to  
 3 meet CETA's obligations?  
 4 MR. McVEE: By 2030?  
 5 CHAIR DANNER: Yes.  
 6 MR. McVEE: By 2030, you know, again, I'm not part  
 7 of the IRP team. And we've got our update, which is  
 8 going to be -- it is definitely a different approach.  
 9 We've -- you know, we were moving towards 2050 as a  
 10 system kind of prior to kind of the stay of the ozone  
 11 transport rule, and so we were looking at kind of a full  
 12 system decarbonization. Now we've got some complications  
 13 there.  
 14 As -- you know, we will strive. Can we get, you  
 15 know, all the way there by 2030? I think we can strive  
 16 to get there. I think, you know, we -- you know, with  
 17 the proper participation, you know, getting into a  
 18 market, getting the resources. I think where we start to  
 19 run into complications is also meeting resource adequacy.  
 20 And so, you know, kind of one of our concerns is,  
 21 you know -- one of the conditions was to also set up  
 22 resource adequacy. And so getting -- the technology  
 23 isn't really there to meet all -- or potentially not  
 24 there to meet the resource adequacy. We'd have to have a  
 25 ton of batteries. And batteries, you got four or six,

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1 eight hours. But then charging those, are you charging  
 2 them with, you know, clean energy or you charging them  
 3 with system energy? You know, what's coming off the  
 4 market?  
 5 So I think I'm -- in my discussions with the IRP  
 6 team -- and they can they can jump in to correct me --  
 7 but, you know, the idea is by 2030, reasonably close and  
 8 potentially could get there. It may be a little more  
 9 expensive than what we would prefer, but you know,  
 10 potentially get there.  
 11 Actually, I'm getting some -- I think Randy Baker  
 12 might be able to jump in, but I think the -- you know,  
 13 2030 is an attainable goal. You know, noncompliance by  
 14 2030 is something that we will, you know, strive to get  
 15 there. We understand the statutory risk, the risk of  
 16 penalties on that.  
 17 2045, you know, that's technology dependent. We've  
 18 said that, I think, in all of our filings. And so it's  
 19 kind of this time period. So 2030, we'll get there with  
 20 resources. New allocation might make it easier to get  
 21 there. We may be able to get there faster, but we really  
 22 have to look at the allocation methodology and then get  
 23 that updated plan.  
 24 So I don't know if Randy Baker would -- is on the  
 25 line. He can talk a little bit more about what they're

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1 seeing in the IRP.  
 2 CHAIR DANNER: So, yeah. Randy Baker.  
 3 What I heard was not a commitment that you're going  
 4 to meet CETA's statutory obligations.  
 5 Is that -- is that correct?  
 6 MR. McVEE: Well, let me clarify. I'm a lawyer by  
 7 training, so I can't -- it's hard for me to get rid of  
 8 that.  
 9 CHAIR DANNER: Well, okay. Yeah, what I -- what I  
 10 heard was a lot of caveats, that, boy, you're striving to  
 11 get there; you have no confidence that you will; you hope  
 12 you will. And I'm a lawyer, too, but that was the way I  
 13 synthesized what you said. So -- and that -- that is  
 14 very concerning to me.  
 15 You know, we're not talking about 1 or 2 percentage  
 16 points in 2025. We're talking pretty significant  
 17 decreases in your update here. And it's very concerning  
 18 to me.  
 19 So, Randy Baker, are you there?  
 20 MR. BAKER: Yes. Can you hear me?  
 21 CHAIR DANNER: Yes. We can't see you, but we can  
 22 hear you.  
 23 MR. BAKER: Oh, sorry. I actually turned my camera  
 24 on, and evidently it's not picking up, even though it  
 25 worked when I tested it. Anyway, apologies --

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1 CHAIR DANNER: Don't worry about that. Don't worry  
 2 about that.  
 3 MR. BAKER: Yeah, apologies for that. Speaking from  
 4 the perspective of the Integrated Resource Planning  
 5 Group, and as the director of Integrated Resource  
 6 planning, you know, we are fully committed to hitting the  
 7 2030 mark and I think, not to get out over my ski tips,  
 8 but speaking at a high level, my conception of it is  
 9 this: Circumstances on the ground and in the environment  
 10 change significantly, you know, causing us to shift our  
 11 view in terms of the prudence of an immediate or more  
 12 immediate acquisition of resources. You know, the  
 13 procurements that are necessary and the actions that are  
 14 necessary to hit the 2030 target, I'm still fully  
 15 confident that we're going to be able to do those things.  
 16 I suspect that a lot more of it is going to occur in the  
 17 second CEIP cycle, as opposed to what we had anticipated  
 18 for the first.  
 19 And I'll also point out -- and I see that Tom wants  
 20 to chime in, so maybe I'll just stop there and let him  
 21 speak, as well.  
 22 CHAIR DANNER: All right.  
 23 Go ahead, Tom.  
 24 MR. BURNS: Yes. This is this is Tom Burns. I'm  
 25 the vice president of resource planning and acquisitions

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1 at PacifiCorp.  
 2 Can everyone hear me okay?  
 3 CHAIR DANNER: It's a little shaky, but we can hear  
 4 you enough.  
 5 MR. BURNS: Okay.  
 6 CHAIR DANNER: That's better.  
 7 MR. BURNS: Given the landscape that we had as we  
 8 were preparing our 2023 IRP and we were moving through  
 9 our 2022, also our RFP, there were several things that  
 10 had all of our states on a parallel path towards  
 11 procuring resources, namely the ozone transport rule.  
 12 When that ozone transport rule received a stay, it  
 13 changed the economic landscape for part of our system.  
 14 And so that caused us to take a pause, pause our  
 15 procurement because, for a portion of our system, it was  
 16 no longer prudent for us to be moving in that direction  
 17 for procuring resources and constraining, you know,  
 18 resources that no longer had a NOx constraint applied  
 19 against them.  
 20 So in our approach with our '23 IRP update, you  
 21 know, we're taking significant strides towards having a  
 22 more individualized view of each state's IRP and resource  
 23 procurement path, and we're going to be able to meet the  
 24 2030 targets, but now we have to do an extra level of  
 25 diligence because each state is not procuring at the same

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1 level because those economic drivers are not aligning all  
 2 six states simultaneously.  
 3 Does that help shine some light on it?  
 4 CHAIR DANNER: Yeah. I mean, that's consistent with  
 5 what Randy said. I think that, you know, I haven't dived  
 6 into it. The stay of the ozone rule is just a stay. I  
 7 mean, are you seeing this as a permanent repeal? What  
 8 happens if you make procurement decisions and that rule  
 9 is -- the stay is lifted?  
 10 MR. BURNS: So that is something to be considered.  
 11 And it's not so much procurement decisions. Well, it is  
 12 procurement decisions; it's a decision to not procure.  
 13 CHAIR DANNER: Mm-hmm.  
 14 MR. BURNS: Right now, though, if you look at  
 15 things -- and this is all publicly available so I'm not  
 16 putting anything out there that's, you know, soon to be  
 17 filed on the 1st of April -- but the in-roll forward  
 18 price curve is declining, so we see minimal risk with  
 19 waiting until a prudent time to procure.  
 20 So there was, as a result of the ozone transport  
 21 rule, I would say, a bump in prices from developers that  
 22 were, you know, anticipating strong need up front.  
 23 So, you know, the pause, in my opinion, is going to  
 24 be beneficial for everyone because it will give the  
 25 marketplace and developers time to -- you know, one, the

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1 supply chain issues will work themselves out, and, two,  
 2 it'll have a more measured and prudent approach towards  
 3 procurement rather than everybody trying to get through  
 4 the doorway at once in regards to build-out of  
 5 non-emitting resources.  
 6 CHAIR DANNER: Mm-hmm. But in the meantime we have  
 7 continued reliance on Jim Bridger more than we originally  
 8 had, so there are things like that that obviously are  
 9 concerning to me.  
 10 MR. BURNS: (Inaudible) 2025.  
 11 CHAIR DANNER: Yeah.  
 12 MR. McVEE: Sorry. Chair Danner, if I may. I mean,  
 13 I think the other thing to keep in mind is the scale,  
 14 too. I mean, Washington is, you know, it's 8 percent of  
 15 our load. So we're really looking at a few hundred  
 16 megawatts. So I think, you know, if it's --  
 17 CHAIR DANNER: Yeah, I understand that. I  
 18 appreciate your raising that. Thank you.  
 19 MR. McVEE: Yeah.  
 20 CHAIR DANNER: So Staff has proposed nine  
 21 conditions. Okay. Before we get into that, Nash  
 22 Callaghan, do you want to --  
 23 MR. CALLAGHAN: Thank you, Your Honor. Yes, I  
 24 wanted to just briefly address two things. These are  
 25 different topics so this may be a little jarring, but

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1 first I wanted to say, you know, Staff, if -- it sounds  
 2 like the company doesn't have authority to agree to  
 3 anything if it's similar to condition 9. That's really  
 4 unfortunate because one of the things I'm going to talk  
 5 about is, you know, why adjudication is actually a very  
 6 bad option here. And we might inevitably get there, but,  
 7 you know, I do want to make sure that everyone knows  
 8 before we pursue that option what that could look like  
 9 and what that means. So let's just, you know, talk about  
 10 what it would look like to adjudicate this case.  
 11 So it's currently end of March, 2024. If we set  
 12 this for an adjudication, it would get resolved probably  
 13 in 8 to 10 months. So what we're looking at there is  
 14 late 2024, early 2025, probably. And of course, one of  
 15 the issues there would be the interim targets, as we've  
 16 been talking about.  
 17 So that creates a lot of risk and uncertainty for  
 18 everyone involved. I mean, for the company, the  
 19 currently approved interim targets is 40 percent for this  
 20 year and 60 percent for 2025. So it's unclear how the  
 21 Commission would deal with that. Let's say, for example,  
 22 that after the adjudication, the Commission decides to  
 23 set interim targets that aren't what the company  
 24 proposes. Probably not going to be 40 and 60 percent,  
 25 but they could be higher than what the company is

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1 proposing today. So that could create a lot of risk.  
 2 It's unclear how we would be able to deal with that.  
 3 The other problem that this creates is, even if  
 4 we're not talking about just 2024, if the Commission sets  
 5 different interim targets for 2025, how's the company  
 6 going to be able to transition and change that? So I  
 7 think it's unfortunate if we do set for an adjudication,  
 8 but I do think that it's in everyone's best interest to  
 9 try and reach some kind of acceptable set of conditions  
 10 today.  
 11 If we can't do that, we could still try and  
 12 negotiate a settlement after an adjudication is set, but  
 13 I just want everyone to be aware that, you know, fully  
 14 litigating this might create some really thorny issues  
 15 for the Commission to deal with later on, so I hope that  
 16 we're all trying to work to avoid that.  
 17 The second issue that I want to address relates to  
 18 condition 9. It's something that we've been talking  
 19 about and you all are clearly concerned with. And I  
 20 think as I talk about this, if you have it with you, if  
 21 you look on the biennial update on page 8 and figure 1.1,  
 22 this would be helpful.  
 23 So the interim targets that PacifiCorp is  
 24 proposing --  
 25 COMMISSIONER RENDAHL: I'm sorry, Nash. Which page

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1 are you talking about?  
 2 MR. CALLAGHAN: Sorry. Page 8, figure 1.1.  
 3 COMMISSIONER RENDAHL: Thank you.  
 4 MR. CALLAGHAN: Yeah. So the biennial update that  
 5 the -- the interim targets that the company is proposing,  
 6 they are concerning not just because they're reducing the  
 7 targets themselves by quite a bit, but also because they  
 8 are essentially flat. Over a four-year period, what  
 9 we're looking at is about a 2 percent increase, so half a  
 10 percent a year.  
 11 Now, that does raise some legal and policy questions  
 12 about whether that's sufficient under CETA. And, you  
 13 know, the interim targets and the specific actions that  
 14 underlie them are meant to show progress, And there's a  
 15 real question of whether or not that actually is  
 16 progress.  
 17 So pragmatically speaking, though, it presents  
 18 another issue, which is, if these targets are approved,  
 19 then looking at figure 1.1, it becomes really crucial for  
 20 the company to ramp up in the next compliance period,  
 21 because we only have one compliance period prior to 2030,  
 22 So that makes it really crucial that the company sets  
 23 interim targets in the 2026 to 2029 compliance period  
 24 that are significant and that they meet those targets.  
 25 So what Staff's concern here? Well, what if the

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1 company doesn't meet those targets in 2026 to 2029? What  
 2 if there's a significant shortfall for whatever reason?  
 3 Well, if they're not even close to 80 percent by  
 4 2030, then they're going to have to rely on the  
 5 alternative compliance pathway in order to meet the  
 6 statutory requirements, And that could really  
 7 significantly delay the transition to clean energy.  
 8 So the question then is: What can we do now to  
 9 prevent that from happening? So Staff was looking at  
 10 condition 9 -- and the specifics of condition 9 aren't  
 11 really important. The important part is we needed a  
 12 condition that guaranteed or assured us that, in the next  
 13 compliance period, the company is going to be properly  
 14 motivated to meet those goals, to get close within that  
 15 compliance period to the 80 percent obligation.  
 16 So if there's an alternative to condition 9 that the  
 17 company would be willing to agree with, Staff is open to  
 18 having a conversation about that, but we do think that  
 19 the overall goal and the purpose of condition 9 needs to  
 20 be met and, otherwise, the Staff would ask to adjudicate.  
 21 Thank you.  
 22 CHAIR DANNER: All right. Thank you.  
 23 Commissioners, do you have questions for Nash?  
 24 (No audible reply).  
 25 CHAIR DANNER: All right. Thank you.

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1 MR. McVEE: If I may, Chair Danner --  
 2 CHAIR DANNER: Yeah.  
 3 MR. McVEE: -- and I don't know if I need to prolong  
 4 this, but, you know, our concern is -- and as I stated at  
 5 the beginning, yes, we understand the whole point is to  
 6 be making progress. We just -- we do not agree with, you  
 7 know, putting in numbers when, one, there isn't an  
 8 adequate record, and that are getting ahead of, like, a  
 9 proper, planning process, proper cost evaluation.  
 10 We know that there's -- the next CEIP is going to  
 11 have higher targets. But a response where it's a  
 12 directive for certain amounts when we don't know -- we  
 13 don't know when that ramp may be. You know, if it's over  
 14 a four-year average that -- you know, that's one thing.  
 15 If we're looking at each year, that's another thing.  
 16 These are all issues that, you know, the Commission is  
 17 grappling with. And these are these are hard issues to  
 18 look at and to determine.  
 19 But we think that, you know, this has to be based on  
 20 modeling and an analysis. We shouldn't be setting kind  
 21 of arbitrary standards in this proceeding. And, you  
 22 know, I -- this is -- I don't believe this is the right  
 23 forum for negotiating a solution. And I think that's why  
 24 we included that second alternative recommendation is  
 25 that, if we really want to talk about it, then we need to

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1 have discussions.  
 2 Staff put in their memo that, you know, we had one  
 3 meeting. They presented us with some conditions. We  
 4 responded to the conditions, and then that was it, it was  
 5 over. Staff talked to other parties, not the company,  
 6 until we reached out. And so to kind of have that  
 7 situation, you know, the situation that's being requested  
 8 where we start negotiating in this forum, we don't think  
 9 is appropriate.  
 10 CHAIR DANNER: So if we adjudicated, that would  
 11 provide you that forum?  
 12 MR. McVEE: I think -- yes, I think so. I mean, I  
 13 think that's an opportunity to -- I mean, that is the  
 14 process. So we're okay with the process. I mean, we're  
 15 accustomed to that. If we need more time to go to go  
 16 through it and, you know, talk to parties and talk about  
 17 where we're at, we'll have the advantages. As Tom Burns  
 18 mentioned, you know, we'll have, an IRP update that's  
 19 filed at the end of April. You know, we'll have more  
 20 facts. So, yeah, that is -- we included that as an  
 21 option for that particular reason.  
 22 So, again, our preferred is, you know, let's -- we  
 23 understand, we hear you loud and clear. It is not lost  
 24 on us that we have to make progress to get towards 2030.  
 25 So if -- our preferred approach, of course, is approval

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1 with direction. We have to show -- we have to show data,  
 2 we have to be transparent, and we have to show progress  
 3 in the next CEIP. We would be fine with that.  
 4 But we also understand the process. We understand  
 5 where parties are coming from. You know, we did address  
 6 this. This was addressed in the stipulation for, you  
 7 know, the original filing. Now we're having this  
 8 discussion again. So we understand we may have to have  
 9 more of that discussion. And adjudication is -- it's  
 10 part of the process, and we will go through it.  
 11 CHAIR DANNER: All right. Thank you.  
 12 Commissioner Doumit?  
 13 COMMISSIONER DOUMIT: Yeah, I'm just throwing this  
 14 out. Maybe it wouldn't be acceptable, because I -- what  
 15 I'm hearing because, as Commissioner Rendahl pointed out,  
 16 we're sort of here, I guess, overseeing, you know, what  
 17 was perhaps thought to be a negotiation. A bit odd,  
 18 right? So then I take these numbers that you presented,  
 19 you know, here as, as a starting point, you know. Would  
 20 it be valuable, short of adjudication, to have more time  
 21 to attempt to negotiate this or not? Just a question. I  
 22 don't know whether it's feasible or not. Sorry.  
 23 COMMISSIONER RENDAHL: So I guess the question is,  
 24 and this is maybe for Nash: Do we have a statutory  
 25 deadline to do this today, or is there -- short of

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1 adjudication, is there any benefit to moving this to  
 2 another open meeting for resolution, or we adjudicate it  
 3 and the parties negotiate? Those are the two options in  
 4 my mind, because I don't think we're -- I don't think  
 5 we're making progress here today. I don't think that's  
 6 going to happen.  
 7 So I guess I would ask either Jaclynn or Nash their  
 8 preference here, and also the company's preference as to  
 9 which way we go. And I don't know if there's a legal  
 10 requirement to do this today.  
 11 MR. CALLAGHAN: Thank you, Your Honor. First, no,  
 12 there's no legal requirement to do this today. I don't  
 13 think that a continuance would be helpful. One of the  
 14 reasons why Staff did reach out to the parties and to the  
 15 company, but once it became clear that we were too far  
 16 apart, we asked for this to be set for an open meeting,  
 17 is we don't want to have this drag out.  
 18 I mean, on a practical level, there is a timeline  
 19 where a decision on a biennial update is -- doesn't  
 20 become valuable anymore because we -- too much time has  
 21 passed. So I do think that setting for a adjudication  
 22 and, you know, of course, the company and the parties can  
 23 negotiate in that context, as well, would be the  
 24 preferred option from Staff.  
 25 COMMISSIONER RENDAHL: Jaclynn, do you have anything

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1 to add?  
 2 MS. SIMMONS: No, ma'am.  
 3 COMMISSIONER RENDAHL: Okay. Thank you.  
 4 CHAIR DANNER: And I agree, we're not -- I don't  
 5 think we're making much progress today. You know, this  
 6 has been frustrating. I know that, you know, we've had  
 7 some delays here. We're not required to approve a CEIP  
 8 update anyway, right? I mean, we could walk away today  
 9 and just leave the original CEIP targets in place and  
 10 enforce against those if necessary.  
 11 I'm just trying to figure out the best course of  
 12 action here. Well, I will turn to my colleagues for any  
 13 ideas.  
 14 COMMISSIONER RENDAHL: I'm thinking unless -- and we  
 15 haven't heard from other commenters, which we need to  
 16 give them an opportunity.  
 17 CHAIR DANNER: Yes.  
 18 COMMISSIONER RENDAHL: And so I'd like to think  
 19 about this, but I don't know that we have a choice unless  
 20 it's, as you said, unless -- if there's not a legal  
 21 obligation to approve this or reject this, I don't --  
 22 unless there's, you know, it was in the Commission's  
 23 order and if it's not complied with, then we have that  
 24 compliance issue.  
 25 So maybe a quick response from Nash and then go to

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1 the folks who have comments.  
 2 CHAIR DANNER: Nash Callaghan, do you want to  
 3 respond to Commissioner Rendahl?  
 4 MR. CALLAGHAN: Yes. Sorry, Your Honor, I was -- so  
 5 the Commission's rules -- so the biennial update is not  
 6 in statute. It's something that the Commission created  
 7 as part of the rule making. The Commission's rules do  
 8 state that if a -- once a biennial update or a CEIP is  
 9 put on an open meeting, if a party requests adjudication,  
 10 then the Commission will set it for an adjudication.  
 11 So I think that, unless the Commission is going to  
 12 make an exemption to the rule, that it would -- it would  
 13 need to be set for an adjudication, unfortunately.  
 14 CHAIR DANNER: All right. Thank you.  
 15 All right. Matt McVee, did you have any further  
 16 slides there? Anything else that you had as part of your  
 17 presentation?  
 18 MR. McVEE: No, that was it, Chair Danner.  
 19 CHAIR DANNER: All right. Thank you very much.  
 20 Let me ask then -- turn to others who wish to  
 21 comment on this docket.  
 22 Yochi Zakai, you had signed up to testify on this.  
 23 MR. ZAKAI: Hello. Excuse me. Hello again. Thank  
 24 you for the opportunity to comment on PacifiCorp's CEIP  
 25 biennial update. The Energy Project believes that, in

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1 the long term, PacifiCorp should design its programs so  
 2 that proportionally more benefits can flow to customers  
 3 in names [sic] community -- excuse me -- customers in  
 4 named communities. Staff's conditions 6 and 7 represent  
 5 a good starting place for that minimum designation.  
 6 The Energy Project looks forward to working with the  
 7 company to improve its approach for identifying and  
 8 tracking customers in vulnerable populations. In our  
 9 original CEIP settlement, we envisioned workshops  
 10 starting no later than July for that refinement to occur.  
 11 Those workshops haven't happened yet, but I just wanted  
 12 to point out that we're very much looking forward to  
 13 participating in that and helping, you know, the company  
 14 refine its process for tracking customers in vulnerable  
 15 populations.  
 16 So all of that first part that I said was to say  
 17 that, you know, we support Staff's conditions and are  
 18 particularly supportive of conditions 6 and 7 concerning  
 19 the minimum designations.  
 20 It was very concerning to hear in the discussion  
 21 just preceding this that the company was unable to make a  
 22 clear commitment to comply with Washington state law.  
 23 And I just wanted to say that that's very concerning to  
 24 The Energy Project.  
 25 Next, I'd like to address the issue of an

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1 adjudication. The Energy Project would prefer not to  
 2 have an adjudication and would prefer to have the  
 3 Commission decide what conditions are appropriate to  
 4 impose on PacifiCorp's 2023 biennial update today at this  
 5 meeting.  
 6 And I think that concludes my comments. Thank you.  
 7 And, of course, I'm available for questions should you  
 8 have any.  
 9 CHAIR DANNER: Thank you very much.  
 10 Commissioners, do you have any questions for Yochi?  
 11 (No audible reply).  
 12 CHAIR DANNER: All right. Thank you so much.  
 13 Was there anyone else on the line who...  
 14 COMMISSIONER RENDAHL: Summer Moser.  
 15 CHAIR DANNER: All right. Summer Moser, are you  
 16 there? I see him. Yeah, I got him.  
 17 MS. MOSER: I am there. Can you hear me okay?  
 18 CHAIR DANNER: I can. Thank you. We can see you,  
 19 as well.  
 20 MS. MOSER: Okay, great. Well, I'll just start with  
 21 saying that this has been a lot to absorb from a  
 22 stakeholder perspective. I at least was pretty surprised  
 23 to hear that this forum could be used as sort of a  
 24 negotiation for, conditions that may be acceptable. I  
 25 think that's problematic from a stakeholder perspective.

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1 I don't think it gives us time to think about things, to  
 2 talk about things internally.  
 3 So I guess, in my mind, the decision I would hope  
 4 the Commission is considering is between, you know,  
 5 approval as filed or setting things for an adjudication.  
 6 From a process standpoint, I don't think that just  
 7 because this would be set for an adjudication, it means  
 8 that we would have to have, you know, sort of a long  
 9 drawn-out, eight-month-long process. I think it's  
 10 something that could be addressed more quickly than that.  
 11 But I will say -- I'll just start with kind of the --  
 12 AWEC's larger concern, condition 9 is deeply concerning  
 13 for AWEC as a condition to PacifiCorp'S CEIP update. It  
 14 creates a scenario where Pacifica will be incented to  
 15 avoid penalties and procure resources, even if that's not  
 16 the most cost effective, you know, considering risk, way  
 17 to meet CETA compliance -- or to meet CETA's  
 18 requirements.  
 19 And we are just as interested in PacifiCorp meeting  
 20 CETA requirements as anyone else. I worry about the  
 21 implications of finding that they're not doing so.  
 22 However, you know, it was a little concerning to me, as  
 23 well, to hear that part of the motivation for Staff  
 24 proposing this condition is in hearing that PacifiCorp  
 25 could rely on alternative compliance for meeting its CETA

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1 requirements.  
 2 And, you know, I don't think we need to get into a  
 3 back-and-forth about that for purposes of this meeting.  
 4 What I will say is that wrapped up in this condition are  
 5 a lot of legal and policy implications that I think  
 6 deserve the exploration, and this benefit -- would really  
 7 benefit from the development of a full record if the  
 8 Commission is considering moving forward with  
 9 condition 9, which, you know, I think it's also an option  
 10 to just remove that condition.  
 11 And then just briefly on conditions 6 and 7, it was  
 12 just a little concerned -- there was a lot of back and  
 13 forth about this condition, at least in the stakeholder  
 14 process, with Staff and other non-company parties. And I  
 15 appreciate the discussion that happened there and the  
 16 explanation for what's gone on with PSE and, you know,  
 17 for parties kind of hearing AWEC's concerns.  
 18 I think, you know, we still have a concern that the  
 19 15 percent minimum designation may be arbitrary. It may  
 20 be the right number, but it doesn't seem like it came  
 21 from a place where there was a lot of analysis behind  
 22 that. So our preference would be that, you know, the  
 23 Commission directs PacifiCorp to come back in a future  
 24 CEIP filing with a proposal for minimum designations that  
 25 is both evidence-based and rational. We just think it's



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1 premature to make that determination here.  
 2 And I understand the motivation or the -- how we got  
 3 here. I know it's trying to leverage on a lot of the  
 4 work that's been done with PSE, but I think, as we also  
 5 heard in the PSC discussion, there's a lot of work to be  
 6 done there. And it's not clear to me that PacifiCorp is  
 7 in the same place as PSE. Frankly, I'm not sure that  
 8 they are as far down the line. And so I worry that this  
 9 is just kind of putting an arbitrary condition in the  
 10 CEIP that could be problematic later.  
 11 And I also wanted to just point out, sort of  
 12 relatedly, more related to condition 7, we appreciated  
 13 the inclusion of language that cost recovery would be  
 14 determined in a separate commission proceeding. You  
 15 know, AWEC isn't a part of the advisory committees that  
 16 develop these programs and sort of the scope of the  
 17 programs, the acquisitions that will be made pursuant to  
 18 these programs. We're not asking to be, but it does  
 19 create a problem where if you have something that's  
 20 decided in an advisory group and you have a fully baked  
 21 program that then comes to the Commission perhaps at an  
 22 open meeting to, do we really have a fair shake? Do we  
 23 really have the ability to review that program, to make  
 24 proposals to address cost allocation issues, or is it,  
 25 you know, sort of seen as, well, this was decided in an

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1 advisory group, and so we're not going to kind of mess  
 2 with what was -- what was determined there. And so I'm  
 3 raising it as a process question. I think that the edit  
 4 that's there addresses that concern in condition 7, but I  
 5 did just want to highlight or provide some context around  
 6 why that's, in particular, important for AWEC.  
 7 Happy to answer any questions that you may have.  
 8 CHAIR DANNER: All right. Thank you very much.  
 9 Commissioners.  
 10 Do you have any questions for AWEC?  
 11 (No audible reply).  
 12 CHAIR DANNER: Okay. Thank you very much.  
 13 Let me now turn to Stephanie Chase from Public  
 14 Counsel Unit.  
 15 MS. CHASE: Good morning. Can you hear me, Chair  
 16 Danner?  
 17 CHAIR DANNER: Yes. Good afternoon actually.  
 18 MS. CHASE: Or good afternoon. Yes, it is well into  
 19 the afternoon now.  
 20 CHAIR DANNER: Yes, it is.  
 21 MS. CHASE: Okay. Well, good afternoon, Chair  
 22 Danner and Commissioner Rendahl and Doumit. I'm  
 23 Stephanie Chase, regulatory analyst with the Public  
 24 Counsel Unit of the Washington State Attorney General's  
 25 office. And I have some very limited comments this

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1 morning, but just wanted to offer Public Counsel support  
 2 of the Staff condition 1, which would require the company  
 3 to provide an update about their all-source RFP.  
 4 As has been part of the discussion today, we  
 5 continue to be concerned about the company's ability to  
 6 meet their targets, and I really want to encourage  
 7 forward motion on that. And that's all I have for you  
 8 today, but have appreciated the discussion and I'm open  
 9 for any questions.  
 10 CHAIR DANNER: All right. Thank you very much.  
 11 Commissioners, any questions then for Public  
 12 Counsel?  
 13 (No audible reply).  
 14 CHAIR DANNER: All right. Thank you.  
 15 MS. CHASE: Thank you.  
 16 CHAIR DANNER: Rose Monahan from Sierra Club.  
 17 MS. MONAHAN: Good afternoon, Chair Danner and  
 18 Commissioners. My name is Rose Monahan for Sierra Club,  
 19 for the record. Thank you for the opportunity to provide  
 20 a comment today. This has been quite an interesting  
 21 discussion this afternoon. And I just want to put on the  
 22 record that it is Sierra Club's preference to resolve  
 23 PacifiCorp's CEIP update without an adjudication. We do  
 24 have concerns about a delay, and I think that there's  
 25 important guidance that the Commission can give to

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1 PacifiCorp to make sure that they are on track to meet  
 2 CETA'S targets.  
 3 We heard today that IRP is obviously very important  
 4 to the CEIP. And I just want to underscore that the 2025  
 5 IRP is being developed right now. That modeling is --  
 6 there are stakeholder meetings. The modeling is starting  
 7 to be developed, and we know that once the modeling is  
 8 done, it's very difficult to make adjustments. And so I  
 9 do want to underscore that moving into an adjudication  
 10 and pushing out when there might be an order from the  
 11 Commission, even by a few months really could have a  
 12 significant impact.  
 13 And the other thing I wanted to lift up,  
 14 particularly from Staff's conditions, is condition 3,  
 15 which is analyzing IRA and IJA incentives. I'm  
 16 highlighting this because I think it's an example of one  
 17 of the important guidances that the Commission could  
 18 provide right now. We heard today about how it will be  
 19 much easier to meet CETA's requirements if PacifiCorp's  
 20 entire system moves towards decarbonization. And to  
 21 date, I just do not believe that we've seen from  
 22 PacifiCorp a really thorough analysis of federal  
 23 incentives that can make that decarbonization cost  
 24 effective, not only in Washington, but also in Utah and  
 25 Wyoming and in all their states.

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1 So I wanted to lift that up as an example of  
 2 something that the Commission could act on right now. So  
 3 in sum, there are a lot of concerns about PacifiCorp's  
 4 ability to meet CETA targets, and I would encourage the  
 5 Commission to provide near-term guidance as in Staff's  
 6 Conditions. And I'm happy to answer any questions.  
 7 Thank you.  
 8 CHAIR DANNER: Thank you very much.  
 9 Commissioners, so you have any questions for Sierra  
 10 Club?  
 11 (No audible reply).  
 12 CHAIR DANNER: All right. I'm hearing none. Thank  
 13 you very much for your comments.  
 14 Katie Ware?  
 15 THE WITNESS: Thanks, Chair Danner and the rest of  
 16 the commissioners for the opportunity to.  
 17 First, I want to thank the Commission staff -- I'm  
 18 not seeing my video, I don't know why that's not  
 19 working -- thank Commission staff for all --  
 20 COMMISSIONER RENDAHL: We can see you.  
 21 MS. WARE: Okay.  
 22 -- all the collaboration in developing the proposed  
 23 conditions. And also because, given the uncertainty of  
 24 where this is headed, I just also wanted to add to what  
 25 Rose was saying about the ongoing development of the 2025

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1 IRP and mention that Renewable Northwest and comments  
 2 submitted jointly with NWECC and Sierra Club recommended  
 3 an additional condition to what you are seeing -- these  
 4 nine conditions -- an additional condition which  
 5 addresses a cost adder that PacifiCorp has added to  
 6 renewable resources in year 2024 and beyond.  
 7 I won't get into the details, given all of what  
 8 we're discussing today, but I would like to continue  
 9 discussion with Staff and the Commission on including a  
 10 condition which would address this cost escalation, as  
 11 that is something the Oregon PUC has addressed in their  
 12 recent order regarding the IRP in that setting. And I  
 13 can include a link in the chat if that's helpful, to the  
 14 to the order and the exact language included that guides  
 15 the company on how to address this transparency issue  
 16 moving forward for the 2025 IRP. But that is the most  
 17 notable thing I wanted to mention today for the record.  
 18 Thank you.  
 19 CHAIR DANNER: All right. Thank you.  
 20 Are there questions for Katie Ware?  
 21 (No audible reply).  
 22 CHAIR DANNER: No? Okay.  
 23 Thank you very much.  
 24 All right. Matt McVee, we're back to you.  
 25 MR. McVEE: Yes. Thank you, Chair Danner,

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1 Commissioners Rendahl and Doumit. You know, I just  
 2 wanted to -- I wanted to follow up with clarification,  
 3 you know, that was mentioned by TEP, about a failure to  
 4 commit. You know, I have to defer to my -- the IRP team,  
 5 the planning and procurement team. You know, Tom Burns  
 6 stated equivocally that, you know, we do expect to meet  
 7 the 2030 date. You know, that is something that we're  
 8 striving for, so I just want to make sure that that's  
 9 clear.  
 10 And then in response to the IRA/IIJA, you know, I  
 11 think that that's -- It is something that we can  
 12 consider. I think where our struggle has been is  
 13 imposing that in an IRP essentially says that we're going  
 14 to assume project specific savings in proxy resources,  
 15 which we generally use that to flow through kind of the  
 16 IRP -- or the RFP process so that we can get the most  
 17 cost effective resources. But I think we understand kind  
 18 of that interest in seeing, you know, how that may  
 19 relate.  
 20 But if there's additional questions on that relative  
 21 to the IRP, you know, Mr. Burns and Mr. Baker are  
 22 available.  
 23 CHAIR DANNER: All right. Thank you. Is there  
 24 anyone else on the call or in the hearing room who wishes  
 25 to speak to this docket item?

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1 (No audible reply).  
 2 CHAIR DANNER: All right. I'm hearing nothing.  
 3 Commissioners, how do we begin? I mean, I'm feeling  
 4 I don't have good choices here. And adjudication is very  
 5 Time and resource intensive.  
 6 I am concerned -- I'm very concerned that the  
 7 company is really unable to commit to even meeting its  
 8 CETA goals. I don't feel that we can simply say, oh,  
 9 they're facing the same things that the other utilities  
 10 are. We didn't really go through the conditions one by  
 11 one, and I didn't -- I didn't believe there was value in  
 12 doing that. I'm just not sure how to proceed and whether  
 13 we even need to make a decision today or we come back and  
 14 revisit this on a later date. Just wondering if either  
 15 of you have some thoughts on how we should proceed.  
 16 COMMISSIONER RENDAHL: So I have a thought sort of  
 17 along those same lines. I think I agree with what  
 18 everybody has said. Given the interests involved, it's  
 19 better to resolve this at an open meeting than it is  
 20 through adjudication. We have a lot of adjudications  
 21 already on the plate. I'm looking at our ALD director  
 22 right now. And I don't think this moves everyone forward  
 23 to where we need to be. And so I'm going to ask  
 24 counsel -- whether this is Jeff Roberson or Nash  
 25 Callaghan -- whether -- one option -- and, again, this

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1 could be my -- I've been sitting here a long time and I  
 2 don't know whether this is helpful or not. A number of  
 3 the conditions I support, I'm one -- you know, with the  
 4 exception, as I mentioned earlier, the additional penalty  
 5 amounts in number 2. I have a lot of concerns with  
 6 number 9. I'm happy to go forward, particularly with the  
 7 direction in the IRP and do sort of a partial direction,  
 8 partial order now and reset the rest for another open  
 9 meeting, and hopefully that gives the company direction  
 10 that we do want them to meet these and we do want them to  
 11 work with Staff and the parties to come to some  
 12 agreement.  
 13 Really, I think the interim target issue for me is a  
 14 very important thing, and it either has to be litigated  
 15 or we simply find the company not in compliance with the  
 16 direction to do what they're doing. So I'm okay with  
 17 conditions 1 through 8 with the exception of the language  
 18 on the additional penalty amount in No. 2, that's kind of  
 19 where I am.  
 20 So it's either we go for adjudication or we do some  
 21 sort of partial and let the company continue to negotiate  
 22 with the parties on the interim targets issue. That's  
 23 kind of where I am.  
 24 CHAIR DANNER: All right. Thank you for that.  
 25 Josephine Strauss, you have your hand up?

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1 MS. STRAUSS: Yes, Commissioners. Thank you so  
 2 much. If the commissioners are thinking about  
 3 essentially this continuance to a next open meeting,  
 4 Staff would ask that the Commission order PacifiCorp to  
 5 submit new conditions to the docket that display some  
 6 level of responsibility for meeting these requirements.  
 7 Staff is just very concerned that, given the last offer  
 8 that PacifiCorp provided, that we're not going to be able  
 9 to get anywhere with those discussions.  
 10 COMMISSIONER RENDAHL: I understand that, which is  
 11 why I'm not sure that there's merit to that. And so if  
 12 Staff doesn't believe there's merit, then I think our  
 13 only option is adjudication, which is not a happy place  
 14 for me. Because it, you know -- there is work that the  
 15 company needs to do here for Washington, not just for its  
 16 six-state system. And it's frustrating to lose the  
 17 opportunity to really get direction for the IRP that  
 18 supports the rest of the CEIP, let alone meet the targets  
 19 or identify an alternative for how they're going to meet  
 20 the targets.  
 21 I see Jeff Roberson has his camera on.  
 22 Sorry, Chair Danner, I should let you do that.  
 23 CHAIR DANNER: It's all right.  
 24 Jeff, go ahead.  
 25 MR. ROBERSON: So, Commissioner Rendahl, you'd asked

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1 kind of about the procedural path forward. I believe, as  
 2 Mr. Callaghan said earlier, the rules state that these  
 3 filings will either proceed through the open meeting or  
 4 if a party asks for an adjudication, the Commission will  
 5 initiate an adjudication. There's no provision for a  
 6 continuance. There's also no provision for a partial  
 7 order accepting. But the Commission has kind of control  
 8 over the procedural matters in front of it. If you  
 9 wanted to issue a partial order providing some guidance  
 10 and accepting some of the conditions and setting the  
 11 other stuff aside, theoretically you could do that.  
 12 You could also just set everything -- just continue  
 13 this to another open meeting and give the parties to  
 14 discuss everything. Those are two options.  
 15 The third option is just to set this for an  
 16 adjudication, and that would just depend on what the  
 17 parties, Staff included, continue to ask for.  
 18 CHAIR DANNER: Well, just so I'm clear, if we were  
 19 to decide to approve conditions 1 through 8 with the  
 20 exceptions that Commissioner Rendahl mentioned, do we  
 21 still -- does that still require an adjudication as to  
 22 the interim targets?  
 23 MR. ROBERSON: To the extent that Staff wants to  
 24 adjudicate those, yes, I believe that that would be  
 25 required.

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1 CHAIR DANNER: All right. Thank you.  
 2 And, Commissioner Rendahl, how does that inform your  
 3 recommendation? Because -- I mean, I --  
 4 COMMISSIONER RENDAHL: I kind of feel like it's not  
 5 worth it to do that, but I'm kind of sending my direction  
 6 as to where I think this needs to end up. So I'm happy  
 7 to just make a motion to adjudicate. I'm not sure we're  
 8 getting anywhere here today, and I'm not sure what the  
 9 value is of holding this over for another open meeting if  
 10 that doesn't give people enough time. So I -- that's  
 11 kind of where I am.  
 12 CHAIR DANNER: I'm with you 100 percent. I'm just  
 13 wondering if we were to take your suggestion, let's  
 14 approve Conditions 1 through 8 with the changes that you  
 15 recommended --  
 16 COMMISSIONER RENDAHL: And set the rest for --  
 17 CHAIR DANNER: And set the rest for adjudication.  
 18 COMMISSIONER RENDAHL: Does that -- Nash Callaghan  
 19 and Jaclynn, does that help? Would you prefer to set the  
 20 entire thing for adjudication?  
 21 MS. SIMMONS: Hi. So sorry about that,  
 22 Commissioners. Nash --  
 23 COMMISSIONER RENDAHL: I'm sorry.  
 24 MS. SIMMONS: No worries. Staff would be okay with  
 25 setting 1 through 8 -- approving 1 through 8 and setting

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1 the rest for adjudication.  
 2 COMMISSIONER RENDAHL: Okay. I think that maybe --  
 3 Commissioner Doumit, where are you on this?  
 4 COMMISSIONER DOUMIT: I mean, I'm there. I guess  
 5 that that includes the condition of starting --  
 6 restarting the RFP no later than April 1, 2024. Correct?  
 7 COMMISSIONER RENDAHL: Or the alternative for the  
 8 company to explain.  
 9 CHAIR DANNER: Yeah, to explain.  
 10 All right. Zach Rogala? Good afternoon.  
 11 Zach Rogala, you're muted. We can't hear you.  
 12 MR. ROGALA: Commissioners, can you hear me okay?  
 13 CHAIR DANNER: There we go. Yes.  
 14 MR. ROGALA: Great. Okay, great. Okay. For  
 15 judicial review purposes, I think I need to lay my  
 16 objection to any open meeting process that requires my  
 17 client to agree to conditions 1 through 8, frankly, any  
 18 conditions that we don't agree to. Unfortunately, I  
 19 don't think that's the place for open meeting processes.  
 20 An open meeting process is meant to provide a quick  
 21 resolution of uncontested issues of fact or law and  
 22 streamline and economize commission resources.  
 23 CHAIR DANNER: Just so I get that straight, what  
 24 you're saying is that no item can be resolved at an open  
 25 meeting That is not a consensus item among all the

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1 interested parties?  
 2 MR. ROGALA: That's my position here where we have  
 3 strong objections to the recommendations here because  
 4 we've raised factual concerns. So for example, with  
 5 condition 9, where Staff is recommending we adopt  
 6 specific interim targets that do not have any modeling  
 7 support.  
 8 CHAIR DANNER: And we were not -- we were not  
 9 planning to include condition 9 in our list of  
 10 conditions.  
 11 MR. ROGALA: And thank you, Commissioner Danner. We  
 12 have the same concerns with conditions 6 and 7 for that  
 13 15 percent figure has not been backed up by any specific  
 14 analyses.  
 15 And we also have questions about the penalty  
 16 concerns that raise, I think, some questionable  
 17 incentives, given the ability for CETA to allow for  
 18 alternative compliance mechanisms and application of the  
 19 cost cap.  
 20 So I just want to stop there and preserve my  
 21 objection on both issues of law and the factual issues.  
 22 I'm happy to respond to any questions.  
 23 CHAIR DANNER: All right. Thank you.  
 24 Questions for Zach Rogala?  
 25 COMMISSIONER RENDAHL: So I just want to be clear

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1 that my proposal would not include any of the additional  
 2 penalties that Staff proposes, but just rely on the  
 3 statute -- the penalties -- at least for number 2 would  
 4 remove the language about additional penalties. And not  
 5 include number 9, which also includes the issue about  
 6 penalties. But I guess I -- there are plenty of times  
 7 when we address controversial issues at the open meeting  
 8 and enter an order. And I do believe that the Washington  
 9 Administrative Procedure Act does allow -- there is an  
 10 option for judicial review of -- it's my understanding,  
 11 for other agency action. That's been the case before.  
 12 So I guess I would disagree with your conclusion  
 13 that we can't address contentious issues at the open  
 14 meeting. But regardless, I think this just proves the  
 15 point that further adjudication is going to be resulting  
 16 from whatever we do today. And I think it might just be  
 17 cleaner just to set the whole thing for hearing, which is  
 18 disappointing to me. I don't believe the company is  
 19 really demonstrating an interest in trying to resolve  
 20 this. I understand this is a unusual process. Like you,  
 21 I've not seen the open meeting be used for negotiation  
 22 previously. But, clearly, there needs to be some  
 23 negotiation, and I would suggest it needs to happen  
 24 sooner rather than later. And so at this point, I'm  
 25 ready to move for adjudication.

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1 CHAIR DANNER: All right. I wanted to give Jeff  
 2 Roberson an opportunity to respond.  
 3 MR. ROBERSON: I think Commissioner Rendahl just  
 4 mooted what I was going to say.  
 5 CHAIR DANNER: Okay. Okay. So you are adopting her  
 6 statement by reference. Is that correct? All right.  
 7 Thank you.  
 8 Yeah, I have to say, I'm disappointed, as well. I  
 9 think that, yeah, I'm not looking forward to an  
 10 adjudication at a time when we have a very heavy  
 11 workload. I think that I'm -- I understand the  
 12 challenges that PacifiCorp faces, but I also understand  
 13 that -- I mean, I want to just emphasize that we have a  
 14 state law that requires this company to be carbon neutral  
 15 by 2030, and I'm not seeing them going in the right  
 16 direction. I'm seeing just the opposite, that they're  
 17 going in the wrong direction. And I don't think it's --  
 18 I mean, honestly, it almost sounds disingenuous for them  
 19 to compare themselves to the other utilities in our state  
 20 and -- that I think are making very good progress.  
 21 So I'm very, very disappointed in that, but I  
 22 will -- I think if we are going to adjudicate this, I  
 23 want that to be an opportunity for further discussions  
 24 among the parties to see if they can reach a resolution  
 25 to bring to us.

1 I also want to say that, I agree with Commissioner  
2 Rendahl's interpretation of the Administrative Procedures  
3 Act in the state of Washington.

4 So, with that, Commissioner Doumit, your thoughts?  
5 COMMISSIONER DOUMIT: Yeah, I'm -- that's where I am  
6 too, at the end of the day. And I don't want -- I don't  
7 want this to be seen as precedent for us not being able  
8 to take issues off the table and focus in adjudication.

9 In this case, you know, it sounds like we're going to  
10 have, you know, all these issues adjudicated, and maybe  
11 that provides leverage. I don't know, you know, in terms  
12 of, subsequent negotiations, but it seems like for  
13 purposes of, you know, judicial economy, we ought to be  
14 able to -- and I think we are able to narrow the focus if  
15 we want to. In this case, it's such a -- such a -- it's  
16 difficult. And so I concur, for purposes of this, that  
17 we just throw the whole thing into an adjudication.

18 COMMISSIONER RENDAHL: All right. And in the  
19 interest of time, I'm ready to make a motion. But first,  
20 I want to apologize for taking over Counsel's job and  
21 opining on the legal issues here.

22 But -- so I move in Docket UE-210829 that the  
23 Commission issue an order initiating an adjudication of  
24 PacifiCorp's biennial clean energy implementation plan  
25 update. Period.

1 CERTIFICATE  
2 STATE OF WASHINGTON )  
3 )  
4 COUNTY OF KING )

5 I, the undersigned, do hereby certify under penalty  
6 of perjury that the foregoing court proceedings or legal  
7 recordings were transcribed under my direction as a certified  
8 transcriptionist; and that the transcript is true and accurate  
9 to the best of my knowledge and ability, including changes, if  
10 any, made by the trial judge reviewing the transcript; that I  
11 received the electronic recording in the proprietary court  
12 format; that I am not a relative or employee of any attorney or  
13 counsel employed by the parties hereto, nor financially  
14 interested in its outcome.

15 IN WITNESS WHEREOF, I have hereunto set my hand  
16 this 28th day of May, 2024.

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*Marjorie Jackson*



s/ Marjorie Jackson, CET

1 COMMISSIONER DOUMIT: Second the motion.

2 CHAIR DANNER: And the motion carries. All right,  
3 that brings us to the end of today's open meeting. Thank  
4 you all for being here. We will be taking this matter  
5 up, obviously, later, and thank you. Have a good weekend  
6 and have a good rest of your day. We're adjourned.

7 (Conclusion of open meeting)

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