

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Cancellation of the
Community Solar Company
Registrations of

KING COUNTY HOUSING
AUTHORITY; OLYMPIA
COMMUNITY SOLAR; AND
SUSTAINABLE HOLDINGS, LLC

for Failure to File Annual Reports and
Pay Regulatory Fees

DOCKET US-220871

ORDER 01

CANCELING COMMUNITY SOLAR
REGISTRATIONS

BACKGROUND

- 1 Community solar companies regulated by the Washington Utilities and Transportation Commission (Commission) must file annual reports and pay regulatory fees annually pursuant to Revised Code of Washington (RCW) 80.04.080, RCW 80.24.010, and Washington Administrative Code (WAC) 480-103-030. Under the authority of RCW 80.04.080 and WAC 480-103-040, the Commission may cancel the registration of a community solar company for failure to file an annual report or pay a regulatory fee.
- 2 On December 8, 2022, the Commission served King County Housing Authority, Olympia Community Solar, and Sustainable Holdings, LLC, (collectively, the Companies; individually, Company) with a Notice of Intent to Cancel Registration as a Community Solar Company and Opportunity to Request a Hearing (Notice) for failure to file 2021 annual reports and/or pay 2021 regulatory fees.¹ The Notice informed the Companies that the Commission would cancel each Company’s registration without further notice unless the Company filed its delinquent annual report and paid its delinquent regulatory fee or requested a hearing to demonstrate why its registration should not be canceled within 30 days of the date the Notice was served.

¹ Under WAC 480-07-150(4), the Commission may serve documents electronically except where proof of service is required by law. The Commission’s Final Order adopting changes to WAC 480-07 accepted Staff’s position that electronic service is acceptable for commencing adjudicative proceedings against regulated companies. *See* General Order 588 – Final Adoption Order – WSR 17-06-051, Docket A-130355 ¶16 and Appendix A (March 2, 2017).

3 None of the Companies submitted a 2021 annual report or paid a 2022 regulatory fee to
the Commission, and the Commission did not receive a request for hearing from any of
the Companies.

DISCUSSION AND DECISION

4 The Commission exercises its discretion to cancel the Companies' community solar
company registrations. The Commission's ultimate goal in any enforcement action is to
ensure compliance with the laws and rules that the Commission administers. Pursuant to
RCW 80.04.080, RCW 80.24.010, and WAC 480-103-130, community solar companies
must submit annual reports and regulatory fees to the Commission by May 1 of each
year. The Companies did not make the requisite submissions. Accordingly, the
Commission notified the Companies that their registrations would be canceled unless the
Companies attained compliance or requested a hearing within 30 days. The Companies
did not come into compliance or otherwise respond.

5 We find that each Company's failure to file its annual report and pay its regulatory fee is
a willful violation of the laws and rules the Commission is charged with enforcing.
WAC 480-103-040 provides that the Commission may cancel the registration of a
community solar company, after notice and opportunity for a hearing, for good cause.
Under this rule, good cause includes the failure to file an annual report and the failure to
pay the annual regulatory fee. The failure of the Companies to file annual reports and pay
regulatory fees is good cause to cancel the Companies' registrations.

FINDINGS AND CONCLUSIONS

- 6 (1) The Commission is an agency of the State of Washington with the authority to
regulate community solar companies as defined in RCW 80.28.370.
- 7 (2) The Companies are public service companies as defined in RCW 80.04.010 and
are registered with the Commission as community solar companies.
- 8 (3) On December 8, 2022, the Commission notified the Companies that their
community solar company registrations would be canceled if the Companies
failed to file annual reports and pay regulatory fees within 30 days. The
Commission also notified the Companies that they could request a hearing to
contest cancelation of their registrations.
- 9 (4) The Companies have not filed annual reports or paid regulatory fees, which were
due May 1, 2022.
- 10 (5) The Commission provided notice and opportunity for a hearing, but the
Companies did not request a hearing.

- 11 (6) Under WAC 480-103-040, the Commission may cancel a community solar company's registration, after notice and opportunity for a hearing, for good cause. Good cause includes failure to file an annual report and failure to pay regulatory fees.
- 12 (8) The failure of the Companies to file the annual reports and pay the regulatory fees due May 1, 2022, constitutes good cause to cancel their registrations as community solar companies.

ORDER

THE COMMISSION ORDERS:

- 13 (1) The community solar company registrations of King County Housing Authority, Olympia Community Solar, and Sustainable Holdings, LLC, are canceled effective on the date this Order is served.
- 14 (2) King County Housing Authority, Olympia Community Solar, and Sustainable Holdings, LLC, are directed to **cease** all operations associated with their community solar company registrations.
- 16 The Commission has delegated authority to the Administrative Law Director, or an administrative law judge the Administrative Law Director delegates, to enter this Order under WAC 480-07-917(5).

DATED at Olympia, Washington, and effective February 2, 2023.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Rayne Pearson
RAYNE PEARSON
Administrative Law Director

NOTICE TO PARTIES: This is an order delegated to the Administrative Law Director for decision. As authorized in WAC 480-07-904(3), you must file any request for Commission review of this order no later than 14 days after the date the decision is posted on the Commission's website.