



UE-210829

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December 6, 2021

SENT VIA WEB PORTAL

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

Re: *In the Matter of PacifiCorp d/b/a Pacific Power and Light Company
for an Exemption from WAC 480-100-605*
Docket UE-210829, Comments of Public Counsel

Dear Director Maxwell:

The Public Counsel Unit of the Washington State Attorney General’s Office (“Public Counsel”) respectfully submits these comments in advance of the December 9, 2021, Open Meeting in response to the November 1, 2021, filing of PacifiCorp d/b/a Pacific Power and Light Company (“PacifiCorp” or “Company”). In its petition, PacifiCorp requests an exemption from WAC 480-100-605, which requires that the “alternative lowest cost and reasonably available portfolio” (baseline portfolio) include the social cost of greenhouse gases (SCGHG) “in the resource acquisition decision.”

The Commission previously found that the inclusion of the SCGHG in the baseline portfolio is required by statute, RCW 19.280.030.¹ The language of RCW 19.405.060(3)(a) requires the average incremental cost of compliance to include all costs necessary to meet the requirements of RCWs 19.405.040 and 19.405.050. Under the Commission’s analysis, RCW 19.280.030 would

¹ *In re: Adopting Rules Relating to Clean Energy Implementation Plans and Compliance with Clean Energy Transformation Act*, Dockets UE-191023 and UE-190698, General Order 601, ¶ 129 (Dec. 28, 2020) (“Under RCW 19.280.030(a)(i) and (iii), a utility is required to include the SCGHG as a cost adder when “selecting and evaluating” intermediate and long-term resource options, as well as conservation policies, programs, and targets.”).

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still be a statutory requirement even accounting for RCWs 19.405.040 and 19.405.050 and must therefore be included in the baseline portfolio.

While the Commission has the discretion to grant an exemption to its own rules,² it cannot exempt a utility from compliance with state law. If PacifiCorp disagrees with the Commission's interpretation of the statutory requirements of RCW 19.280.030 and its interaction with CEIPs, the appropriate vehicle for such a challenge should have been a petition for reconsideration of the Commission's General Order 601. As such, Public Counsel does not support PacifiCorp's petition for exemption.

Sincerely,



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NMS/SC

Enclosure

cc: Master Service List (via E-mail)

² WAC 480-07-110(1).