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UTIL. AND TRANSP.
COMMISSION

Comments by James Adcock on Docket UE-210183 Second Set of Draft Rules on 'Use'
Docket number of this proceeding: UE-210183
Commenting party's name: James Adcock, Electrical Engineer
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Comments Related to UE-210183 Second Set of Draft Rules on 'Use'
2/1/2022

In the UE-210183 Second Set of Draft Rules on 'Use' -- UTC retains the "Retained REC" idea, now calling that idea a "Retained NPA" and claims that contrary to the clear language of CETA restricting the use of RECs to 20%, somehow UTC is now permitted to allow utilities to use RECs to exceed that 20%. I continue to not understand how UTC can authorize something contrary to the plain language of CETA law.

Newly, UTC now states "but utilities cannot *plan* to use RECs for more than 20%." This clearly sets up a "Liar's Contest" where utilities will have incentive to create fake plans and models that claim that they do not intend to exceed the 20% -- but then, oopsie -- surprise, somehow, they always do.

The good news -- if any -- is that a utility which consistently claims in their models and plans that they do not *plan* to exceed the 20% -- but then somehow manages to always do so -- the plans and models of such a utility are clearly fraudulent and should be sanctioned by UTC for being so fraudulent.

But history has shown, year after year, decade after decade, at least one Utility, plan after plan exaggerates their future load growth, in order to cause ratepayers to pay for needlessly excessive new plant and equipment, but UTC never calls nor corrects them on this continuous decades-long behavior of *always* over-predicting load growth.

Further, UTC grants Washington State Utilities, and only Washington State Utilities, this magical "super-power" to create Retained RECs -- now called Retained NPAs -- and no other entity is allowed to make these Retained RECs. So then what will happen is that entities will be forced to sell at discount to Washington State Utilities "bundled" power simply so that the Washington State Utility can invoke their UTC-provided magical "super-powers" to strip the Retained REC off that bundled power, selling the unspecified power off cheap, most likely for Californian ratepayers to use. I don't understand where this magical super-power comes from that UTC is giving to Washington State Utilities, and only Washington State Utilities, and no other entity, and I don't understand why it would be good public policy to give such super-powers to only Washington State Utilities, and no other entities. And I don't understand how this "plays" properly into cross-state-border "Commerce Clause" concerns.

In addition, in proposed rules WAC 480-100-645 (2) (b) UTC proposes rules to pre-judge parties' comments always to the benefit of utilities. I suggest that this section (b) should be withdrawn as being unbecoming to the dignity of the UTC -- in that it veers so far from even any appearance of neutrality. Let me give an example current actual real case in point:

The Utility acknowledges to Stakeholders that their models clearly show to them that they ought to be building a lot of Wind.

But the Utility tells Stakeholders that the Utility will not be doing so -- even though their own models tell them that this is what they should be doing.

What pray tell are Stakeholders doing wrong then if they then tell the UTC that this Utility should stop their "foot-dragging" and should "accelerate" their efforts to build more Wind -- if that is what the Utilities own models are already telling the Utility that is what the Utility should be doing???

UTC now states to Stakeholders "Oh, but you haven't *proven* that the Utility can do so." But what is there to "prove" when the Utility's own models show that they should do so? Why, if a Utility refuses to even follow their own models, shouldn't the burden of proof then at least fall to the Utility?

In any case this seems to be an area of the regulations where certainly UTC has the ability to judge the situation based on the facts at hand as presented by both sides of the table -- rather than stating that the UTC will always pre-judge this issue to the benefit of the Utility. To do so demonstrates unbecoming bias.

Thank you for your consideration,

James Adcock, Electrical Engineer