



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Washington Utilities and Transportation Commission

Subject of possible rule making: The subject of this inquiry is to develop proposed rules to implement the requirements of RCW 80.80.060 regarding electrical company compliance with the greenhouse gases emissions performance standard contained in RCW 80.80.040. The Commission is required in RCW 80.80.060(5), (7) to adopt rules addressing Commission review of electrical company applications requesting Commission determinations regarding whether long-term financial commitments for baseload generation comply with the greenhouse gases emissions performance standard.
Docket UE-080111

Statutes authorizing the agency to adopt rules on this subject: RCW 80.80.060 subsections (5), (8) and (9).

Reasons why rules on this subject may be needed and what they might accomplish: On May 3, 2007, the Governor signed Engrossed Senate Substitute Bill 6001, Chapter 307, Laws of 2007, with the title Climate Change – Mitigating Impacts. The law became effective July 22, 2007, and is codified at RCW 80.80. RCW 80.80.060 requires the Washington Utilities and Transportation Commission to adopt rules:

(a) To provide that the schedule for a proceeding under this subsection [5] takes into account both (a) the needs of the parties to the proposed resource acquisition or power purchase agreement for timely decisions that allow transactions to be completed; and (b) the procedural rights to be provided to parties in chapter [34.05](#) RCW (part IV), including intervention, discovery, briefing, and hearing (RCW 80.80.060(5)), and

(b) For the enforcement of this section [060] with respect to electrical companies and adopt procedural rules for approving costs incurred by an electrical company under subsection (4) of this section (RCW 80.80.060(8)).

RCW 80.80.060(9) requires that the Commission adopt its rules by December 31, 2008.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Department of Ecology and the Energy Facility Site Evaluation Council are required to adopt rules to implement and enforce the greenhouse gases performance standard by June 30, 2008. *RCW 80.80.040(10)*. The Commission has participated in these rulemaking processes.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) The Commission will ask for initial written comments, and may provide the opportunity for participation in workshop-style sessions as well as opportunities for additional comments.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: (List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)
Interested persons may file comments with the Executive Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, 98504-7250; Telephone (360) 664-1174; Fax (360) 586-1150, by 5:00 p.m., Monday, March 31, 2008. For specific information regarding opportunities for written comments and to ensure receipt of further information concerning this rulemaking, please see the attachment to this form.

DATE
February 5, 2008

NAME (TYPE OR PRINT)
Carole J. Washburn

SIGNATURE

TITLE
Executive Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 05, 2008
TIME: 12:03 PM

WSR 08-04-087

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET UE-080111

Interested persons may contact the Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1174 (Fax: 360-586-1150).

WRITTEN COMMENTS

Written comments may be submitted to the Commission at the address given above and should be filed with the Commission no later than **March 31, 2008**.

Electronic copies. The commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted by e-mail to the commission's Records Center at records@wutc.wa.gov. Please include:

- The docket number of this proceeding (UE-080111)
- The commenting party's name
- The title and date of the comment or comments

An alternative method for submitting comments may be by mailing/delivering an electronic copy on a 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The commission will post on the commission's Web site all comments that are provided in electronic format. The Web site is located at www.utc.wa.gov/080111. If you are unable to file your comments electronically or to submit them on a disk, the commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the commission's Web site as it becomes available. If you wish to receive further information on this rulemaking you may (1) call the Commission's Records Center at 360-664-1234, (2) e-mail the commission at <records@utc.wa.gov>, or (3) mail written comments to the address above to the attention of Carole J. Washburn, Secretary. When contacting the Commission, please refer to Docket UE-080111 to ensure that you are placed on the appropriate service list. Questions may be addressed to Dick Byers (360) 664-1209 or e-mail at dbyers@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING -- The commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. ANY PERSON WHO COMMENTS will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket UE-080111, and the words "Please keep me on the mailing list"; or (2) e-mail your name, address, telephone and fax numbers, referencing Docket UE-080111, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the commission's Internet Web site at <http://www.utc.wa.gov/080111>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**