



UE-210183

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February 9, 2022

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

Re: Comments Relating to Electricity Markets and Compliance with the Clean Energy Transformation Act, Docket UE-210183

Dear Director Maxwell:

Thank you for the opportunity to provide comments on the development of rules interpreting and implementing “use,” addressing the prohibition on double counting nonpower attributes, and addressing the treatment of energy storage for compliance with the requirements of the Clean Energy Transformation Act (CETA). As a statewide advocacy organization, the Washington Environmental Council works to develop, advocate, and defend policies that ensure environmental progress and justice by centering and amplifying the voices of the most impacted communities. We worked closely with the legislature to develop and pass CETA in 2019 and have actively participated in the law’s implementation over the last two and a half years, commenting on many occasions.

CETA mandates coal-free electricity by 2026, 100% greenhouse gas neutral electricity by 2030, and 100% nonemitting and renewable electricity by 2045. CETA’s strong, clear requirements to achieve a fossil fuel-free electricity grid provide the essential foundation for meeting our statewide GHG emissions limits. While the second draft rules contain improvements and important fixes relative to the first draft rules, we are concerned that they still fall short of ensuring that CETA will achieve its core mandates and request strengthening the rule in the following ways:

Restrict use of retained nonpower attributes

The second draft rule defines retained nonpower attributes (NPAs) as “*nonpower attributes of renewable electricity (represented by RECs) or the nonpower attributes of nonemitting electricity, from electricity owned or controlled by a utility where the associated electricity was sold by that utility in a wholesale sale as unspecified electricity.*” Allowing the use of retained NPAs for primary compliance under RCW 19.405.040 does not comply with statute, is unnecessary, and has the potential to undermine the law’s requirement for 100% GHG neutral electricity by 2030. Our primary concern is that retained NPAs could be used as alternative compliance actions for continued fossil fuel-based electricity generation. The use of retained NPAs as outlined in the second draft rule threatens one of CETA’s core mandates, and we therefore recommend that the rule language be modified to ensure that electricity serving customer load in Washington is GHG neutral and - at a minimum - generated from 80 percent nonemitting and renewable resources by 2030. Additionally, the rule must specify that retained NPAs cannot be used for compliance under any circumstance after December 31, 2044.



Enhance transparency, public participation, and accountability in planning

The second draft rule relies heavily on utilities' planning processes to determine compliance under CETA, but there is currently a lack of transparency in these planning processes that limits the ability of the public to provide necessary oversight. We urge the Commission to require that the information used as a basis for each utility's planning processes be shared not only with the commission and advisory committees but also be shared publicly and made readily available online. We also urge the commission to consider improvements to its own practices for public participation, including developing a clear and readily available rulemaking schedule (even if that schedule is subject to change), opening dockets earlier and allowing more time for public participation, and opting in to the environmental justice obligations established by the HEAL Act, using the process defined in RCW 70A.02.030.

Mandate real and accurate consideration of climate change impacts

Washington is already experiencing the impacts of a rapidly changing climate. As these impacts accelerate, utilities must plan accordingly. In describing requirements for utility IRPs, the draft rule language for WAC 480-100-620 (10) (b) requires that *"at least one scenario must be a future climate change scenario. This scenario should incorporate the best science available to analyze impacts including, but not limited to, changes in snowpack, streamflow, rainfall, heating and cooling degree days, and load changes resulting from climate change."* This requirement is insufficient to meet the enormous challenges and strain that a changing climate will impose. We urge the commission to require that the best available climate science inform every aspect of the utility planning process and be fully integrated into all rules governing utilities' planning requirements.

Thank you for your work to implement one of our state's foundational policies to curb greenhouse gas emissions and help provide a better future for all residents of our state. We remain committed to working with, and supporting, the Utilities and Transportation Commission and the Department of Commerce in ensuring the long-term success of this nationally recognized law.

Sincerely,

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