## BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

In the Matter of the Petition of PUGET SOUND ENERGY,

Petitioner,

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For an Order Approving Proposed Request For Proposals

DOCKETS UE-200413 and UE-200414

Puget Sound Energy's Petition for Waiver of Certain Requirements Related to Requests for Proposals Contained in WAC 480-107 and Order 01

1. In accordance with WAC 480-107-002(3) and WAC 480-07-370(b), Puget Sound Energy ("PSE") submits this petition to the Washington Utilities and Transportation Commission (the "Commission") for a waiver of the requirement related to requests for proposals ("RFP") contained in WAC 480-107-015(3)(b) and in Order 01 in these dockets, in which the Commission stated that it would "consider PSE's draft RFPs at its August 13, 2020, open meeting, at which time the Commission will take action to approve or suspend them." *In the Matter of the Petition of Puget Sound Energy For an Order Approving Proposed Request For Proposals*, Dockets UE-200413 & UE-200414, Order 01 (Granting Petition for Exemption) at ¶ 6 (July 30, 2020).

## A. BACKGROUND

2. On May 4, 2020, PSE filed the Draft All-Source RFP and the Draft Demand Response RFP with the Commission in Docket UE-200414 and Docket UE-200413, respectively.

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Puget Sound Energy's Petition for Waiver of Certain Requirements Related to Requests for Proposals Perkins Coie LLP 10885 N.E. Fourth Street, Suite 700 Bellevue, WA 98004-5579

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- 3. On May 11, 2020, the Commission issued a Notice of Opportunity to Provide Written Comments and Notice of Open Meeting (the "Notice"). The Notice required interested persons to file written comments by July 6, 2020, and afforded stakeholders an opportunity to provide oral comments at the July 17, 2020, recessed open meeting.
- 4. On June 30, 2020, the Commission issued a Notice of Change to Scheduled Open Meeting, indicating that the recessed open meeting set for July 17, 2020, was rescheduled for July 30, 2020. The deadline for filing written comments remained unchanged.
- 5. The Commission received a total of 14 written comments in Dockets UE-200413 and UE-200414. Based on those comments and discussions with Commission staff ("Staff"), PSE submitted revised draft RFPs on July 22, 2020.
- 6. On July 23, 2020, PSE filed a Petition for Waiver from Certain Request for Proposals Requirements (the "Petition")), seeking additional time for the Commission to approve the Draft All-Source RFP and the Draft Demand Response RFP in Docket UE-200414 and Docket UE-200413, respectively.
- 7. On July 31, 2020, the Commission issued Order 01 in Dockets UE-200413 and UE-200414, in which the Commission granted PSE's petition for exemption. The Commission stated in Order 01 that it would consider the Draft All-Source RFP and the Draft Demand Response RFP the open meeting scheduled for August 13, 2020, at which time the Commission will take action to approve or suspend the draft RFPs.

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- 8. As part of PSE's 2021 Integrated Resource Planning ("IRP") process, PSE has recently developed an updated load forecast (the "Updated Load Forecast") that reflects the projected effects on PSE loads of the ongoing global pandemic of coronavirus disease 2019 (COVID-19), caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- 9. Based on preliminary results from the Updated Load Forecast, PSE's peak capacity need will likely be significantly lower than the load forecast reflected in the Draft All-Source RFP and the Draft Demand Response RFP in Docket UE-200414 and Docket UE-200413, respectively. Indeed, PSE needs additional time to determine whether a peak capacity need continues to exist and, if so, the extent to which the peak capacity need is lower than that projected at the time that PSE filed the RFPs in these dockets.
- 10. PSE will present the results of the Updated Load Forecast in a stakeholder webinar currently scheduled for September 1, 2020.

## **B.** PETITION FOR WAIVER

11. WAC 480-107-002(3) permits the Commission to grant exceptions to the rules governing request for proposals where such exceptions are consistent with the public interest, the purposes underlying regulation, and applicable statutes. In accordance with WAC 480-107-015(3)(b), PSE seeks a waiver from the deadline in Order 01 in which the Commission stated that it would "consider PSE's draft RFPs at its August 13, 2020, open meeting, at which time the Commission will take action to approve or suspend them."

Order 01 at ¶ 6. As previously discussed, the Updated Load Forecast suggests PSE's peak

capacity need will likely be significantly lower than the load forecast reflected in the Draft All-Source RFP and the Draft Demand Response RFP in Docket UE-200414 and Docket UE-200413, respectively. PSE will use the additional time to determine whether a peak capacity need continues to exist and, if so, the extent to which the peak capacity need is 5 lower than that projected at the time that PSE filed the RFPs in these dockets. 6

12. For this reason, PSE requests a limited waiver of WAC 480-107-015(3)(b) and Order 01 and further requests that the All-Source RFP and Demand Response RFP instead be taken up at the open meeting on September 10, 2020..

DATED: August 5, 2020 PERKINS COIE LLP

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