

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PACIFICORP d/b/a PACIFIC POWER
& LIGHT COMPANY,

Respondent.

DOCKET UE-250460

ORDER 02

GRANTING PETITION FOR
PARTIAL WAIVER FROM WAC
480-107 AND APPROVING DRAFT
2025 RFP SUBJECT TO
CONDITIONS

BACKGROUND

- 1 On June 10, 2025, PacifiCorp d/b/a Pacific Power & Light Company (PacifiCorp or Company) filed a Petition for Partial Waiver of Washington Administrative Code (WAC) Chapter 480-107 and Approval of the Draft 2025 RFP (Petition) with the Washington Utilities and Transportation Commission (Commission). PacifiCorp's Petition requests the Commission waive certain competitive bidding requirements contained in WAC chapter 480-107 and approve the Company's Draft 2025 Request for Proposals (RFP) within seventy-five days of filing.
- 2 On June 12, 2025, the Commission issued a Notice of Opportunity to Comment in this docket.
- 3 On June 26, 2025, Commission staff (Staff) filed a Petition for Exemption from WAC 480-107-017(4) (Staff's Petition). Staff's Petition requested that the Commission grant an exemption from the requirement that the Commission approve, approve with conditions, or suspend RFP filings within seventy-five days, and set this matter to be heard at the August 28, 2025, open meeting.
- 4 Pursuant to WAC 480-107-017(4), the deadline for the Commission action on PacifiCorp's Draft 2025 RFP was August 25, 2025. In effect, Staff asked for a limited extension so that this matter could be heard at the second open meeting in August.

- 5 On July 3, 2025, the Commission issued Order 01 Granting Petition for Exemption from WAC 480-107-017(4) (Order 01), which exempted PacifiCorp from the requirement for Commission approval, approval with conditions, or suspension of its RFP filing within 75 days, permitting this matter to be heard during the August 28, 2025, open meeting.¹
- 6 On July 25, 2025, Staff filed written comments in this docket as did several other interested parties. Staff made nine recommendations for the Company to either revise the Petition, include supplemental information in the docket, or provide a written response to Staff. Specifically, Staff commented that “[a]fter the Company makes changes, provides additional information, and Staff can review other interested parties’ feedback, Staff will make final recommendations ahead of the Open Meeting.”²
- 7 On July 25, 2025, Renewable Northwest (RNW) filed a comment with six recommendations for the Company’s RFP. On the same date, Northwest & Intermountain Power Producers Coalition (NIPPC) filed a comment requesting that the Commission reject all material changes to the Company’s prior 2022 RFP and proposed several additional changes. Form Energy, Inc. (Form Energy) also filed a comment requesting PacifiCorp clarify a few items in its draft RFP surrounding how storage resources would be treated.
- 8 On August 18, 2025, the Company filed reply comments stating that it had amended its draft RFP to remove the deliverability requirement for the Washington region and had removed the transmission consulting study requirements among several other modifications in response to concerns raised by Staff and other interested parties.³
- 9 On August 27, 2025, NIPPC filed its final comments in response to PacifiCorp’s reply modifying its initial recommendations.⁴
- 10 The Company modified its draft RFP to consider Staff’s nine recommendations and the recommendations of other interested parties. Staff reviewed the changes made by

¹ *WUTC v. PacifiCorp d/b/a Pacific Power & Light Company*, Docket UE-250460 Order 01 (July 3, 2025).

² Docket UE-250460, Comments from Commission Staff regarding PacifiCorp’s Draft 2025 Washington Situs Request for Proposals for Resources at 14 (July 25, 2025).

³ Docket UE-250460 Comments on behalf of PacifiCorp d/b/a Pacific Power & Light Company at 2 (August 18, 2025).

⁴ Docket UE-250460, Final Comments from Northwest & Intermountain Power Producers Coalition (August 27, 2025). *See also* Attachment A, Issues Matrix.

PacifiCorp and does not believe the Company's modifications address all of Staff's concerns.

- 11 Staff notes that in its July 25, 2025, comments, it raised concerns that PacifiCorp was limiting the pool of potential bids that could be eligible for this RFP. The more the pool of bids is unnecessarily limited, the more the Company risks selecting resources that are not at the lowest reasonable cost, while also achieving the requirements of the Clean Energy Transformation Act (CETA). Staff believes PacifiCorp has agreed to amend the RFP in a few ways that would alleviate some of these concerns. However, there remain areas where Staff believes conditions may be necessary for Commission approval.
- 12 First, Staff recommends conditioning approval on PacifiCorp including demand response and unbundled renewable energy credits (RECs) in its RFP. While Staff notes the Company agreed to include unbundled RECs in its redline comments, Staff believes the first condition will ensure PacifiCorp complies with what is required by an all-source RFP pursuant to WAC 480-107-009(1) and (2).
- 13 Second, Staff recommends conditioning approval on PacifiCorp soliciting bids that use conditional-firm transmission service. PacifiCorp indicated it does not agree with this condition but will do so if the Commission orders the Company to do so. Staff asserts that not allowing conditional-firm transmission will unnecessarily restrict bids.
- 14 Third, Staff recommends requiring PacifiCorp to remove the eligibility requirement that a bid demonstrate deliverability to Washington load. PacifiCorp has agreed to use a revised approach modeling the actual capacity of any resource located in the Company's Eastern balancing authority to reach its Western balancing authority. Staff supports this amendment but recommends this condition to ensure adoption of the change.
- 15 Fourth and fifth, Staff recommend requiring PacifiCorp to add a scoring option for awarding partial points for each question in the non-price scorecard and requiring PacifiCorp to meet with Staff to discuss how it is evaluating non-price scoring after a final shortlist of bids is created. Even though PacifiCorp made changes to provide clarity on how scoring would occur, Staff remains concerned with how the non-price scorecard could leave room for unnecessary subjectivity of bidders and the Company.
- 16 This matter came before the Commission at its regularly scheduled open meeting on August 28, 2025. Molly Morgan provided comments on behalf of Staff explaining its recommendations discussed above. Tom Burns, Joe Dallas and Laura James provided comments on behalf of PacifiCorp. Robert Sykes provided comments on behalf of Public

Counsel. Katie Chamberlain provided comments on behalf of RNW. Irion Sanger and Harry Tilghman provided comments on behalf of NIPPC.

- 17 PacifiCorp explained that it would support all of Staff's recommended conditions except for the second one relating to bids that use conditional-firm transmission service and commented that it did not allow these bids in the bidding process because they are less reliable and involve more risk and cost that is transferred to customers due to transmission curtailments. PacifiCorp asked that if the Commission was inclined to adopt Staff's conditional-firm condition, it consider two changes: first, that the Commission instead impose a conditional-firm bridge condition; and second, that the Commission permit the company to issue the RFP on September 2, 2025, but allow for ten (10) business days to file an amendment to the IRP to define how resources will be scored for conditional-firm bridge transmission service⁵ in consultation with Staff and other interested parties.
- 18 Public Counsel agreed with Staff's recommendation about bids using conditional-firm transmission and expressed concern that not including these in the bidding process would artificially limit the number of bids the Company might receive, which would have negative impacts on CETA compliance.
- 19 RNW and NIPPC provided comments supporting an RFP process that is fair and competitive by not excluding bids that use conditional-firm transmission service. RNW also proposed running a second phase for the RFP in the Spring of 2026 so that PacifiCorp could incorporate its Transition Cluster Study results to expand the pool of participants. Alternatively, RNW proposed that the Commission direct PacifiCorp to relax the interconnection requirements in order to satisfy the resource needs and CETA deadlines.
- 20 NIPPC supported RNW's recommendations but also recommended that the Commission take the following actions:
- (1) Approve the Company's removal of the deliverability requirement and both requirements for Transmission Consulting Agreement Studies but reject the proposal to assign bids a zero-capacity contribution unless PacifiCorp's capacity contribution approach was fundamentally the same as in prior RFPs;

⁵ The service is also referred to as Bridge CFS in the Bonneville Power Administration's Transmission Business Practice manual as referenced in the Final Comments from NIPPC at 8, n.13.

- (2) Adopt PacifiCorp's proposal to require bidders to initially bid and price their project based on the pro forma contracts, but allow negotiations once selected on the final shortlist;
- (3) Require PacifiCorp to accept conditional firm transmission service instead of limiting bidders to long-term firm transmission service and consider bidders participating in its Transition Cluster study;
- (4) Produce a competing price score ranking bids by resource type solely based on bid type;
- (5) Remove broad limitations on liability language, including removing language from the draft RFP that would waive the company's liability for "any other reason relating to or arising out of this RFP;" and
- (6) Revise the pro forma contracts by adding a narrow change in law provision.⁶

21 NIPPC, RNW, and PacifiCorp each provided their respective interpretations of the Oregon Commission's oral ruling from its August 27, 2025, Open Public Meeting. NIPPC and RNW requested that the Commission consider the Oregon Commission's resolution of the Company's Oregon RFP when resolving similar issues in Washington.⁷

DISCUSSION AND DECISION

- 22 WAC 480-107-001 "establish[es] the requirements for various utility solicitations and procurements, including provisions governing competitive solicitations, all-source RFPs, targeted RFPs, independent evaluators and system emergencies."⁸
- 23 PacifiCorp has asked for a waiver of the requirement of WAC 480-107-009(2) that require RFPs to be "all-source RFPs,"⁹ and WAC 480-107-125, which requires a utility to "assess all reasonable interconnection and necessary system or network upgrade costs the utility incurs against a generating facility on a nondiscriminatory basis."¹⁰ The Company has requested this waiver so that it can solicit "electricity generation from

⁶ *Id.*

⁷ Docket UE-250460, Final Comments from Northwest & Intermountain Power Producers Coalition at 2 -4. See also Attachment B.

⁸ WAC 480-107-001(1).

⁹ WAC 480-107-009(2).

¹⁰ WAC 480-107-125(1); *WUTC v. PacifiCorp d/b/a Pacific Power & Light Company*, Docket UE-250460 Draft 2025 RFP Petition ¶ 2 (June 10, 2025).

wind, photovoltaic (PV) solar, wave, geothermal, hydroelectric, qualified biomass, or other non-emitting energy sources pursuant to [CETA].”¹¹ Further, the Company stated that it does not plan to solicit bids for “resources that emit greenhouse gases, demand response, conservation/efficiency programs, or unbundled [RECs].”¹²

- 24 In its comments, Staff recommends two conditions addressing PacifiCorp’s waiver request, in effect arguing that all interconnection or transmission options should be considered and all potential sources, including demand response and unbundled RECs should be included.
- 25 We agree with Staff that WAC 480-107-009(1) and (2) require a utility to issue an all-source RFP if its IRP demonstrates a resource need within four years. PacifiCorp’s Washington IRP demonstrates a need for additional resources. While PacifiCorp has agreed to make changes to include solicitation of bids for unbundled RECs, we agree with Staff that the Company should also include an opportunity to identify demand response resources. Accordingly, we condition approval of PacifiCorp’s RFP on Staff’s first condition, as further described below.
- 26 Next, we agree with Staff, NIPPC and RNW that bids should not be limited unnecessarily by excluding bids that do not include long-term firm transmission. As we have discussed in prior orders, PacifiCorp needs additional CETA compliant resources to meet Washington load and to shift away from what has long been characterized as an over-reliance on market resources to serve Washington. Further, expanding the number of eligible bids through adoption of Staff’s second condition is consistent with our treatment and approval with conditions of Avista’s most recent RFP. Accordingly, we adopt, as further described below, Staff’s second condition.
- 27 Third, we agree with PacifiCorp’s amendments to its deliverability requirement and therefore adopt Staff’s third condition to ensure the RFP reflects those changes. We appreciate PacifiCorp’s work to address Staff’s concerns related to non-price scoring. However, in the interest of ensuring there is not undue subjectivity, we adopt Staff’s fourth and fifth conditions.

¹¹ *WUTC v. PacifiCorp d/b/a Pacific Power & Light Company*, Docket UE-250460 Draft 2025 RFP Petition ¶ 10 (June 10, 2025).

¹² *Id.*

- 28 During the open meeting, we also considered amendments requested by NIPPC and
RNW, and as discussed below, further condition PacifiCorp's RFP based on those
discussions.
- 29 In sum, we approve in Docket UE-250460 PacifiCorp d/b/a Pacific Power & Light
Company's Petition for Partial Waiver of WAC Chapter 480-107, and PacifiCorp's Draft
2025 Washington Situs Request for Proposals filed on June 10, 2025, and revised in
comments filed on August 18, 2025, subject to the following conditions:

- (1) PacifiCorp will issue its revised RFP by Tuesday September 2, 2025.
- (2) PacifiCorp will include unbundled RECs in this RFP.
- (3) PacifiCorp will issue a Request For Information for demand response resources in
2025 and conduct a 2027 targeted Request for Proposal for demand resources.
- (4) PacifiCorp will solicit bids that use conditional-firm bridge transmission service,
amend the Request for Proposal and the contract before issuing it on September 2,
2025, work with all parties involved to resolve the scoring, and file a compliance
filing with the Commission to be considered at the September 11, 2025, open
meeting. PacifiCorp will also file a supplement to the RFP following the open
meeting.
- (5) PacifiCorp will remove the eligibility requirements for transmission study
agreements and that bids demonstrate deliverability to Washington load based on
Staff's memo analysis.
- (6) PacifiCorp will add an additional scoring option for awarding partial points for
each question in the non-price scorecard. Given that questions five and nine are
not yes/no answers, PacifiCorp will clearly document how these questions will be
scored and compared.
- (7) After PacifiCorp has created a final shortlist of bids, it will meet with
Commission Staff on how it is evaluating the non-price scoring elements for the
shortlist. This may include but is not limited to providing information to
Commission Staff about what supplemental information PacifiCorp has reviewed
in verifying each non-price scoring criteria, documenting how narrative responses
were considered, and demonstrating justification for how points and partial points
were awarded.

- (8) PacifiCorp will file a report with the Commission following the current RFP, no later than April 1, 2026, or as soon as the Company is aware of opportunities for additional transmission service, and such transmission service available, will file an RFP and timeline with the Commission as soon as possible, in which the RFP does not include demand response or unbundled RECs.
- (9) PacificCorp will remove from page 11 of the RFP the provision limiting liability against PacificCorp “or for any other reason relating to or arising from this RFP.”

FINDINGS AND CONCLUSIONS

- 30 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate rates, regulations, and practices of public service companies, including electric companies.
- 31 (2) PacifiCorp is an electric company and a public service company subject to Commission jurisdiction.
- 32 (3) PacifiCorp filed a Petition for Partial Waiver of WAC Chapter 480-107 and Approval of the Draft 2025 RFP on June 10, 2025.
- 33 (4) Pursuant to WAC 480-107-017(4), the Commission will approve, approve with conditions, or suspend an RFP filing.
- 34 (5) The Company’s 2025 IRP identified a resource need, and its RFP is required to be an all-source RFP.
- 35 (6) This matter came before the regularly scheduled open meeting on August 28, 2025.
- 36 (7) After reviewing PacifiCorp’s Petition for a partial waiver from WAC 480-107, and giving due consideration to all relevant matters and for good cause shown, the Commission finds that the Petition should be granted subject to the conditions listed in paragraph 29 of this Order.

ORDER

THE COMMISSION ORDERS:

- 37 (1) PacifiCorp d/b/a Pacific Power & Light Company’s Petition for Partial Waiver of WAC Chapter 480-107 and Approval of the Draft 2025 RFP, filed June 10, 2025,

is GRANTED subject to the following conditions, consistent with paragraph 29 of this Order:

1. PacifiCorp d/b/a Pacific Power & Light Company will issue its revised RFP by Tuesday September 2, 2025.
2. PacifiCorp d/b/a Pacific Power & Light Company will include unbundled renewable energy credits in this Request For Proposals;
3. PacifiCorp d/b/a Pacific Power & Light Company will issue a Request For Information for demand response resources in 2025 and conduct a 2027 targeted Request for Proposal for demand resources
4. PacifiCorp d/b/a Pacific Power & Light Company will solicit bids that use conditional-firm bridge transmission service, amending the Request for Proposal and the pro-forma contract before issuing it on September 2, 2025, work with all parties involved to resolve the scoring, and file a compliance filing with the Commission to be considered at the September 11, 2025, open meeting. PacifiCorp will also file a supplement to the RFP following the open meeting;
5. PacifiCorp d/b/a Pacific Power & Light Company will remove the eligibility requirements for transmission study agreements and that bids demonstrate deliverability to Washington load;
6. PacifiCorp d/b/a Pacific Power & Light Company will add an additional scoring option for awarding partial points for each question in the non-price scorecard. Given that questions 5 and 9 are not yes/no answers, PacifiCorp will clearly document how these questions will be scored and compared;
7. After PacifiCorp d/b/a Pacific Power & Light Company has created a final shortlist of bids, it will meet with Commission Staff on how it is evaluating the non-price scoring elements for the shortlist. This may include but is not limited to providing information to Commission Staff about what supplemental information PacifiCorp has reviewed in verifying each non-price scoring criteria, documenting how narrative responses were considered, and demonstrating justification for how points and partial points were awarded.
8. PacifiCorp d/b/a Pacific Power & Light Company will file a report with the Commission following the current request for proposals, no later than April 1, 2026, or as soon as PacifiCorp d/b/a Pacific Power & Light Company is aware

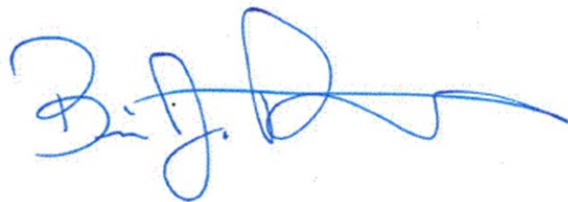
of opportunities for additional transmission service, and if available will file a request for proposals and timeline with the Commission as soon as possible, where the request for proposals is not focused on demand response or unbundled renewable energy credits, and

9. PacifiCorp d/b/a Pacific Power & Light Company will remove from the request for proposals this provision limiting liability against the Company: “or for any other reason relating to or arising from this RFP.”

- 38 (2) The Commission retains jurisdiction over this matter and PacifiCorp d/b/a Pacific Power & Light Company to effectuate the terms of this Order.

DATED at Lacey, Washington September 2, 2025.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION



BRIAN J. RYBARIK, Chair



ANN E. RENDAHL, Commissioner



MILTON H. DOUMIT, Commissioner