



**PREPROPOSAL STATEMENT OF INQUIRY**

**(RCW 34.05.310)**

**CR-101 (7/22/01)**

Do NOT use for expedited rule making

**Agency:** WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

**Subject of possible rule making:** Consider review of Chapter 480-107 WAC, "Electric Companies-purchases of electricity from qualifying facilities and independent power producers and purchases of electrical savings from conservation suppliers," for content and readability consistent with Executive Order 97-02, with attention to the rule's need; effectiveness and efficiency; clarity; intent and statutory authority; coordination; cost; and fairness. A review of Chapter 480-107 WAC may consider whether substantive changes or additions should be made to the existing rule.

Docket No. UE-030423

**(a) Statutes authorizing the agency to adopt rules on this subject:**

RCW 80.01.040 and RCW 80.04.160

**(b) Reasons why rules on this subject may be needed and what they might accomplish:**

Since 1997, the Washington Utilities and Transportation Commission has conducted a comprehensive review of the chapters of Title 480, Washington Administrative Code. At this time, the Commission intends to conduct the review Chapter 480-107 WAC. This review will examine whether the current rules provide the results that they were originally intended to achieve and whether the rules are consistent with laws, with appropriate and lawful policies, and with the advances in technology in the electric industry. Subjects included in this review may cover but are not limited to:

- conditions that trigger a Request for Proposals (RFP) process, such as a LCP filing or a "need for power" event,
- conditions to waive a RFP process,
- schedule for a RFP process,
- staff role in a RFP process,
- the need to clarify the beneficiary of competitive markets under regulated monopolies, specifically fairness for providers or reasonableness for consumers,
- the need to ensure that only non-interested parties are reviewers of the RFP and the bidding process,
- discussion of approval of acquisitions and projects prior to a general rate case,
- consistency with Chapter 480-146 WAC "Securities and Affiliated Interests," and
- consistency with the Energy Policy Act (EPACT) and FERC 888/889 for wheeling issues.

**(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** FERC

**(d) 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 will provide the opportunity for participation in workshop-style sessions as well as opportunities for additional comments.

**(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

Interested persons may contact the 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; Facsimile (360) 586-1150. Interested persons may file written comments on the CR-101 by **Friday, May 16, 2003**. For specific information regarding opportunities for written comment and to ensure receipt of further information concerning this rulemaking, please see the attachment to this form.

A stakeholder workshop will be held on **Friday, June 13, 2003**, in Room 206 at the Commission's headquarters, beginning at 9:30 a.m.

**CODE REVISER USE ONLY**

**Filed with the Code Reviser's Office  
April 15, 2003, 1:42 p.m.**

**WSR# 03-09-070**

**NAME (TYPE OR PRINT)**

CAROLE J. WASHBURN

**SIGNATURE**

**TITLE**

SECRETARY

**DATE**

April 15, 2003

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**  
**CR-101 - ATTACHMENT**  
**DOCKET NO. UE-030423**

(e) 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 AND STAKEHOLDER WORKSHOP**

Written comments may be submitted to the Commission at the address given above and should be filed with the Commission no later than **Friday, May 16, 2003**, for consideration at the **Friday, June 13, 2003, stakeholder workshop**.

**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 electronic mail to the Commission's Records Center at [records@wutc.wa.gov](mailto:records@wutc.wa.gov). Please include:

- The docket number of this proceeding (UE-030423)
- 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 <http://www.wutc.wa.gov/030423>. 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@wutc.wa.gov>](mailto:records@wutc.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 No. UE-030423 to ensure that you are placed on the appropriate service list. Questions may be addressed to Graciela Etchart (360) 664-1310 or e-mail at [<getchart@wutc.wa.gov>](mailto:getchart@wutc.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 No.UE-030423, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket No.UE-030423, and the words "Please keep me on the mailing list" to <[records@wutc.wa.gov](mailto:records@wutc.wa.gov)>. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <<http://www.wutc.wa.gov/030423>>. **THOSE PARTIES WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**