

Agenda Date: November 22, 2023
Item Number: A3

Docket: UE-230786
Company Name: PacifiCorp d/b/a Pacific Power & Light Company
Staff: Jaclynn Simmons, Regulatory Analyst

Recommendation

Staff makes the following three recommendations pertaining to statutory filing requirements and its petition filed on September 26, 2023.

- Approve the petition for an exemption from filing deadlines set forth in WAC 480-100-625(1-3) and temporarily extend the work plan, draft IRP, and Integrated Resource Plan (IRP) filing schedules by three months.
- Deny exemption from WAC 480-100-640(1) to extend the Clean Energy Implementation Plan (CEIP) filing schedule by three months.
- Deny the request for a permanent exemption and alternative filing schedule for the IRP and CEIP in Docket UE-230786.¹

Background

On September 26, 2023, Pacific Power & Light Company d/b/a PacifiCorp (PacifiCorp or Company) filed a petition for an exemption and alternative filing schedule relevant to their Integrated Resource Plan (IRP) and Clean Energy Implementation Plan (CEIP). The Company outlined that the petition is in the public interest because granting the petition would permit the Company to align planning across its six-state service territory.

Specifically, PacifiCorp is requesting an exemption from the filing deadlines in WAC 480-100-625 (1-3) and WAC 480-100-640 (1).² The Company also requests the Commission approve a

¹ [RCW 19.405.060](#) ; (1)(a) By January 1, 2022, and every four years thereafter, each investor-owned utility must develop and submit to the commission.

² [WAC 480-100-625](#): (1) Timing. Unless otherwise ordered by the Commission, each electric utility must file an integrated resource plan (IRP) with the Commission by January 1, 2021, and every four years thereafter.

[WAC 480-100-625](#): (2) IRP work plan. No later than 15 months prior to the due date of its, IRP, the utility must file a work plan that includes advisory group input and outlines the content of the IRP and expectations for the subsequent two-year progress report.

[WAC 480-100-625](#): (3) Draft IRP. No later than four months prior to the due date of the final IRP, the utility must file its draft IRP with the Commission.

permanent alternative filing schedule for its IRP, IRP work plan, IRP draft, and CEIP, as outlined in Requested Due Date column in Table 1 below.

Table 1: Request for Waiver to Rules

Plan	WAC³	Current Due Date	PacifiCorp Requested Due Date
IRP	480-100-625 (1)	January 1, 2025	April 1, 2025
IRP Work plan	480-100-625 (2)	October 1, 2023	January 1, 2024
IRP Draft	480-100-625 (3)	October 1, 2024	January 1, 2025
CEIP	480-100-640 (1)	October 1, 2025	January 1, 2026

On October 5, 2023, Commission staff (Staff) and PacifiCorp met to discuss the petition and how it would affect the filing schedule. PacifiCorp summarized that they are requesting to extend all filing dates by three months, and to repeat their proposed cycle every four years. PacifiCorp states that, as a large multi-state utility, it develops an IRP for its entire system, then submits the IRP to each applicable state regulatory commission. According to the Company, aligning filing submission across states would be in the public interest.

On October 23, 2023, Staff reached out to previous commentors in the IRP cycle for comments, including Public Counsel, Northwest Energy Coalition, and Washington Clean Energy Coalition. Public Counsel responded by email, on October 27, 2023, stating that they have reviewed the filing and have no opposition to both the short-term and long-term extensions to the filing timelines, and that they are hopeful that PacifiCorp will be able to meet their timelines instead of asking for extensions. No other commentors have responded at the time of finalization of this memo.

On the same date, Staff reached out to PacifiCorp for more information on how extension of the filing timeline would align with other state timelines, which the Company responded to on November 3, 2023, with the following information. In Docket D 08-05-029 California approved that multi-jurisdictional Companies could file their IRPs at the same time they file with other jurisdictions.⁴ In Docket D 03-07-011 California also granted the Company an exemption from long-term procurement plan requirements and allowed the Company to file off-cycle.⁵ In Utah, Docket OAR 860-027-0400 the Commission approved and accepted a filing date of March 31 for IRPs and in Order 30262 in Idaho they granted the Company to file future IRPs by the last business day of March beginning in 2009.⁶

[WAC 480-100-640](#): (1) Filing requirements- General. Unless otherwise ordered by the Commission, each utility must file with the Commission a CEIP by October 1, 2023, and every four years thereafter.

³ See footnote 1.

⁴ Public Utilities Commission of the State of California; Docket D08-05-029.

⁵ Public Utilities Commission of the State of California; Docket D03-07-011.

⁶ Public Service Commission of Utah; Docket 09-2035-01; Idaho Public Utilities Commission; Docket PAC-E-07-03

PacifiCorp also stated that since they are a multi-jurisdictional system, they would like to be able to hold an input process for all parties from all states. According to the Company, if granted, Washington interested persons will have the ability to benefit from the input/dialog received from other states, and vice versa. The Company asserts, by design, their resource model examines all options simultaneously to identify efficiency and diversity benefits and reduce costs for customers, and forcing the model to calculate three months ahead imposes a constraint that could lead to riskier, less efficient, and higher cost decisions. PacifiCorp is not requesting any waiver from the Commission's substantive planning requirements but rather a slight extension of time to align with the generally accepted filing deadlines across the Company's service territories.

On November 13, 2023, Staff and the Company discussed PacifiCorp's proposal in this petition. The Company agreed that more discussion is likely necessary regarding permanent alternative filing schedules, including the need to confer with all interested parties through advisory groups and public participation avenues.

Discussion

Staff reviewed the filing and found that a temporary extension of the filing timeline for the IRP would be in the public interest for the following reasons. First, the temporary extension gives PacifiCorp additional time to ensure the most current information, not behind other jurisdictions, is in the IRP. Second, aligning the filing schedule with other states will ensure a more efficient use of ratepayer and Company resources. Third, a three-month extension of the IRP timeline does not violate any statutory limitations per WAC 480-100-625 (1-3).

During the review process of this petition, Staff had concerns with the timing of the request for the approval of a permanent alternative filing schedule as there are already items due on October 1, 2023.

Staff does not at this time believe a temporary CEIP extension, as requested by the Company's petition for an exemption from WAC 480-100-640(1), is warranted, as finding that an exemption of CEIP filing requirements is in the public interest would require further conversations with the Company and CEIP-interested parties about, at minimum, the terms of settlement.⁷ Further, statutory timing and interdependencies between EIA requirements and CETA requirements should be considered.⁸ Even though this proposal does not appear to violate any statutory requirements per RCW 19.405.060, Staff requests the Company discuss potential implications of any permanent extensions widely within its various advisory groups and implications of interdependent planning timelines before submitting further energy planning petitions for exemption. Staff notes that unlike the IRP, a CEIP is a Washington-state specific planning requirement, and therefore the request to move that deadline back is not based on coordinating planning deadlines with other states.

⁷ *In the matter of PacifiCorp's 2021 Clean Energy Implementation Plan, Order 06 Final order approving and adopting settlement agreement in docket [UE-210829](#)*

⁸ Dockets UE-191023 and UE-190698 (Consolidated) GENERAL ORDER R-601 Par. 22

In sum, Staff recommends the Commission approve only the three-month extension on the current IRP schedule, per WAC 480-100-008, as outlined in Table 2.⁹ Staff further recommends denying the petition for a three-month extension on the current CEIP schedule and deny the petition for a permanent alternative filing schedule for both CEIP and IRP, as such a request requires further review with interested persons, Staff, and the Attorney General.

Table 2: Staff Recommendation - Waiver to Rules

Plan	WAC	Current Due Date	PacifiCorp Requested Due Date	Staff Recommendation
IRP	480-100-625 (1)	January 1, 2025	April 1, 2025	Approve
IRP Work plan	480-100-625 (2)	October 1, 2023	January 1, 2024	Approve
IRP Draft	480-100-625 (3)	October 1, 2024	January 1, 2025	Approve
CEIP	480-100-640 (1)	October 1, 2025	January 1, 2026	Deny

Customer Comments

As of November 13, 2023, there have not been any customer comments.

Conclusion

Acknowledging the Company's six-state system, Staff recommends approval of the exemption to temporarily extend the IRP filing dates by three months and deny the CEIP temporary exemption and alternative IRP and CEIP filing schedules. Staff looks forward to more in-depth conversations with all necessary persons to determine whether an alternative permanent CEIP and IRP filing schedule would be in the best interest of Washington ratepayers.

Recommendation

Approve the petition for an exemption from WAC 480-100-625(1-3), temporarily extending the related Integrated Resource Plan (IRP) filing schedules by three months; and deny the petition for an exemption from WAC 480-100-640(1) to extend the Clean Energy Implementation Plan (CEIP) filing schedule by three months; and deny the request for approval of a permanent alternative filing schedule for the IRP and CEIP in Docket UE-230786.

⁹ [WAC 480-100-008](#)-Exemptions from rules in chapter 480-100 WAC. The Commission may grant an exemption from the provisions of any rule in this chapter in the same manner and consistent with the standards and according to the procedures set forth in [WAC 480-07-110](#) (Exceptions from and modifications to rules in this chapter, special rules)