

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of

AVISTA CORPORATION, d/b/a
AVISTA UTILITIES

Petitioner,

Seeking Exemption from the Provisions
of WAC 480-109-210(2)(a)(i)(B) and (E)
Relating to Renewable Portfolio Standard
Reporting Requirement use of the
Utility's Most Recent Integrated
Resource Plan Acknowledged by the
Commission.

DOCKET UE-240077

ORDER 01

GRANTING EXEMPTION FROM
RULE

BACKGROUND

- 1 On February 6, 2024, Avista Corporation d/b/a Avista Utilities (Avista or Company) filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting a five-year exemption from WAC 480-109-210(2)(a)(i)(B) and (E) (Petition).
- 2 WAC 480-109-210(2)(a)(i)(B) and (E) requires electric companies to utilize the most recent electric integrated resource plan (IRP) acknowledged by the Commission to identify the eligible resource capacity value and noneligible levelized capacity costs in renewable portfolio standard (RPS) reporting.
- 3 On July 25, 2023, in Dockets UE-200301, UE-200304, and UE-200420 the Commission issued a Notice of Change to Electric Integrated Resource Plan Process stating that the Commission would no longer be acknowledging electric IRPs.
- 4 In the Petition, Avista stated that because the Commission no longer regularly acknowledges electric IRPs, following the requirements of WAC 480-109-210(2)(a)(i)(B) and (E) will limit Avista's ability to provide the most up-to-date information in the annual RPS report.
- 5 Commission staff (Staff) reviewed the request and recommended granting Avista's Petition and the Company's request for exemption, with the understanding that it is in the

public interest to ensure that the Company is providing the most up-to-date information in their annual RPS report by calculating the eligible resource capacity value and noneligible levelized capacity cost based on the most recently filed electric IRP or the most recent IRP Progress Report.

DISCUSSION

6 We grant Avista’s request for an exemption from WAC 480-109-210(2)(a)(i)(B) and (E). Pursuant to WAC 480-07-110, the Commission may, in response to a request or on its own motion, grant an exemption from its own rules when “consistent with the public interest, the purposes underlying regulation, and applicable statutes.”¹ We agree with Staff that Avista’s request is reasonable to ensure that the Company is providing the most up-to-date information in their annual RPS report by calculating the eligible resource capacity value and noneligible levelized capacity cost based on the most recently filed electric IRP or the most recent IRP Progress Report. Accordingly, we find that granting the Company’s request for an exemption is in the public interest and consistent with both the purposes underlying the rule and applicable statutes.

FINDINGS AND CONCLUSIONS

- 7 (1) The Commission is an agency of the State of Washington vested by statute with the authority to regulate the rates, rules, regulations, practices, accounts, securities, transfers of property and affiliated interests of public service companies, including electric companies.
- 8 (2) Avista is engaged in the business of providing electric services within the state of Washington and is a public service company subject to Commission jurisdiction.
- 9 (3) Avista is subject to WAC 480-109-210(2)(a)(i)(B) and (E), which requires electric companies to utilize the most recent electric IRP acknowledged by the Commission to identify the eligible resource capacity value and noneligible levelized capacity costs in RPS reporting.
- 10 (4) Under WAC 480-109-030, the Commission may grant an exemption from the provisions of any rule in WAC 480-109, if consistent with the public interest, the purposes underlying regulation and applicable statutes. See also WAC 480-07-110.

¹ Accord WAC 480-109-030.

- 11 (5) This matter came before the Commission at its regularly scheduled meeting on May 23, 2024.
- 12 (6) After review of the Petition filed in Docket UE-240077 by Avista on February 6, 2024, and giving due consideration, the Commission finds that the exemption is in the public interest and is consistent with the purposes underlying the regulation and applicable statutes and should be granted.

ORDER

THE COMMISSION ORDERS:

- 13 (1) After the effective date of this Order, Avista Corporation d/b/a Avista Utilities is granted a five-year exemption from WAC 480-109-210(2)(a)(i)(B) and (E), in order to use the most recently filed electric Integrated Resource Plan or the most recent Integrated Resource Plan Progress Report for the basis of determining eligible and ineligible leveled capacity costs.
- 14 (2) The Commission retains jurisdiction over the subject matter and Avista Corporation d/b/a Avista Utilities to effectuate the provisions of this Order.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Secretary to enter this Order.

DATED at Lacey, Washington, and effective May 23, 2024.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFF KILLIP
Executive Director and Secretary